COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Thursday, May 24, 2012	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1223-12, Ricardo Alegria and Landria Toogood Alegria, Owners, Richard A. Diment, Esq., Agent, request to rezone 1.36 acres from R-70 to R-20 to bring a single-family dwelling lot into compliance. This property is located in Land Lot 74 of the 7th District, fronts on Ellison Road and Tyrone Road, and being Lot 2 of Ramonaland Subdivision.

Background/History/Details:

Staff has recommended approval of Petition Number 1223-12 to rezone 1.36 acres from R-70 to R-20 in order to develop a Single-Family Dwelling Lot, with one recommended condition.

The Planning Commission has also unanimously (5-0) recommended approval of Petition Number 1223-12 with one condition. The Planning Commission cited that the reason for their recommendation was because the request is in compliance with the Fayette County Comprehensive Plan.

The recommended condition from both staff and the Planning Commission is:

That the applicant brings the residential structure into compliance with the R-20 zoning district prior to the revision of the Final Plat. This can be achieved either by adding square footage to the residential structure to bring it into compliance or through a variance, approved by the Zoning Board of Appeals, to reduce the square footage requirement. If the variance is denied, square footage shall be added to the residential structure prior to the revision of the Final Plat. (This requirement is required for compliance with the Zoning Ordinance,)

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1223-12, Ricardo Alegria and Landria Toogood Alegria, Owners, Richard A. Diment, Esq., Agent, request to rezone 1.36 acres from R-70 to R-20 to bring a Single-Family Dwelling Lot into compliance. This property is located in Land Lot 74 of the 7th District, fronts on Ellison Road and Tyrone Road, and being Lot 2 of Ramonaland Subdivision.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1223-12

APPLICANT: Ricardo Alegria and Landria Toogood Alegria
279 Ellison Road, Tyrone, Georgia 30290

STAFF RECOMMENDATION: **APPROVE WITH ONE (1) RECOMMENDED CONDITION**

PLANNING COMMISSION HEARING: May 3, 2012

PLANNING COMMISSION RECOMMENDATION: **APPROVE WITH ONE (1) RECOMMENDED CONDITION 5-0**

BOARD OF COMMISSIONERS HEARING: May 24, 2012

COMMISSION DECISION: _____

REQUEST: Request to rezone 1.36 acres from R-70 to R-20 to develop a Single-Family Dwelling Lot.

PARCEL SIZE: 1.36 acres

EXISTING USE: Single-Family Dwelling Lot

PROPOSED USE: Single-Family Dwelling Lot

LOCATION: Land Lot 74 of the 7th District and fronts on Ellison Road and Tyrone Road

ZONING OF SURROUNDING PROPERTY: R-70 and R-40

LAND USE PATTERN: Low Density Residential (1 unit/1 to 2 acres)

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Al Gilbert made a motion to approve the rezoning petition subject to one (1) recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-20 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That the applicant brings the residential structure into compliance with the R-20 zoning district prior to the revision of the Final Plat. This can be achieved either by adding square footage to the residential structure to bring it into compliance or through a variance, approved by the Zoning Board of Appeals, to reduce the square footage requirement. If the variance is denied, square footage shall be added to the residential structure prior to the revision of the Final Plat. *(This requirement is required for compliance with the Zoning Ordinance.)*

The applicants agreed to the one (1) recommended condition. The PC recommended approval subject to the one (1) recommended condition 5-0.

PLANNING COMMISSION RECOMMENDATION

DATE: May 3, 2012

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1223-12, the application of Ricardo Alegria and Landria Toogood Alegria to rezone 1.36 acres from R-70 to R-20, be:

5-0

__✓__ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

TIM THOMS, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

JIM GRAW

DOUGLAS POWELL

Remarks:

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: May 24, 2012

Subject: Board of Commissioners Public Hearing, May 24, 2012

The attached report is submitted for your consideration and contains the Staff's and the Planning Commission's Recommendations on the rezoning application scheduled for public hearing on May 24, 2012.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	1223-12	Ellison Road and Tyrone Road/One Single-family Dwelling Lot.	**APPROVE WITH ONE (1) RECOMMENDED CONDITION**	**APPROVE WITH ONE (1) RECOMMENDED CONDITION**

DSD/rsw

cc: Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Peter A. Frisina, Division Director of Community Development
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

REQUESTED ACTION: R-70 (Single-Family Dwelling Lot) to R-20 (Single-Family Dwelling Lot)

PROPOSED USE: Single-Family Dwelling Lot

EXISTING USE: Single-Family Dwelling Lot

LOCATION: Ellison Road and Tyrone Road

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 74

OWNER: Ricardo Alegria and Landria Toogood Alegria

APPLICANT: Richard A. Diment, Esq.

PLANNING COMMISSION PUBLIC HEARING: May 3, 2012

BOARD OF COMMISSIONERS PUBLIC HEARING: May 24, 2012

APPLICANT'S INTENT

Applicant proposes to rezone 1.36 acres from R-70 to R-20 to bring Lot 2 of Ramonaland Subdivision, a Single-Family Dwelling Lot, into compliance.

STAFF RECOMMENDATION

APPROVE WITH ONE (1) RECOMMENDED CONDITION

INVESTIGATION

A. PROPERTY SITE

The subject property is a 1.36 acre tract fronting on Ellison Road and Tyrone Road in Land Lot(s) 74 of the 7th District. Ellison Road is classified as a Collector road and Tyrone Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The subject property contains a single-family dwelling and one (1) accessory structure and is currently zoned R-70.

History:

The Final Plat for Ramonaland Subdivision was approved by the County and recorded on October 22, 1993 (see attached). Ramonaland consists of two (2) lots. The two (2) lots were reconfigured in 1997, without going through the Revised Final Plat procedure. As a result, both lots were made nonconforming. Lot 1 lacked 100 feet of road frontage that was maintained to the body of the lot and Lot 2 was reduced to 1.36 acres which does not meet the two (2) acre minimum lot size of the R-70 zoning district. None of the present property owners were involved in the reconfiguration of the lots and they are working together to bring both lots into compliance.

B. SURROUNDING ZONING AND USES

The general situation is a 1.36 acre tract that is zoned R-70. In the vicinity of the subject property is land which is zoned R-70 and R-40. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North and East Lot 1 Ramonaland	3.64	R-70	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
South	2.70	R-70	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
West Across Ellison Road	50.10	R-70	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)
West Across Tyrone Road	3.60	R-40	Single-Family Dwelling	Low Density Residential (1 unit/1 to 2 acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 unit/1 to 2 acres.) This request conforms to the proposed density for this area as indicated in the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-70 to R-20 for the purpose of bringing a Single-Family Dwelling Lot into compliance. Lot 2 does not currently meet the two (2) acre minimum lot size for the R-70 zoning district.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
R-20 (proposed zoning district)	F - 60' Arterial F - 60' Collector F - 40' Minor S - 15' R - 30'	1 Acre* 1.5 Acre**	1,200 sq ft	150' Arterial 150' Collector 125' Minor	N/A
R-70 (existing zoning district)	F - 75' Arterial F - 75' Collector F - 50' Minor S - 25' Side R - 50" Rear	2 Acres	1,500 sq ft	175' Arterial 175' Collector 150' Minor	N/A

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

Fayette County tax records indicate that the single-family dwelling is 1,097 square feet in size and the applicant's concept plan indicates 1,100 square feet. The R-20 zoning district requires a floor area of 1,200 square feet. Floor Area is defined in the zoning ordinance as follows:

> *Floor Area, Principal Structure.* The area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Section 7-2 of the Zoning Ordinance states:

> A property that is improved with an existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.

Staff is recommending a condition that the applicant bring the residential structure into compliance with the R-20 zoning district prior to the revision of the Final Plat. This can be achieved either by adding square footage to the residential structure to bring it into compliance or through a variance, approved by the Zoning Board of Appeals, to reduce the square footage requirement. If the variance is denied, square footage shall be added to the residential structure prior to the revision of the Final Plat.

The Concept Plan indicates several accessory structures on the subject property and the adjacent property which is Lot 1 in the Ramonaland Subdivision. All accessory structures must meet all applicable zoning requirements and this will be addressed at the time of the submittal of the revised Final Plat. The property owners have the option of applying for a variance, as applicable, for accessory structures which do not comply with zoning requirements prior to the submittal of the revised Final Plat.

Platting

As previously mentioned, the subject property is Lot 2 of Ramonaland Subdivision. A revised Final Plat for the Ramonaland Subdivision must be submitted to the Planning and Zoning Department, approved by all applicable county departments, and recorded into public record.

Right-of-Way Requirements

The Public Works Department did not submit any right–of–way requirements for this petition.

Access

The Concept Plan submitted indicates one (1) access from Ellison Road.

E. TRAFFIC AND TRIP GENERATION

The subject property is an existing lot containing a single-family dwelling; therefore, there will be no increase in the amount of traffic currently being generated.

F. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Revised Final Plat.

G. DEPARTMENTAL COMMENTS

Water System

Water is available. (Tony Parrott)

Stormwater (Bryan Keller)

Floodplain: Per FEMA Firm panel 13113C0083, the property does not contain floodplain.

Wetlands: The property does not contain wetlands per the US Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection: Per the Fayette County GIS and site visits, there are no water bodies subject to the County Watershed Protection Ordinance.

Groundwater Recharge Area: The property is within the groundwater recharge area, per the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Environmental Health Department

The department may require the individual sewage disposal system serving this property be demonstrated in compliance if any improvements are planned for the existing structure. Tax records indicate the structure was constructed in 1968. A brief review of the files and an existing sewage system evaluation report dated March 9, 2006, would appear to indicate no individual sewage disposal system inspection record representing this property on file. (Jeff Kilgore)

Fire and EMS

The Bureau of Fire Prevention will neither approve nor deny requests that fall outside the scope of Fire Prevention Code requirements. (Jimmy Hall)

Public Works

No comments. (Phil Mallon)

Engineering

No comments. (Phil Mallon)

Board of Education

No comments returned.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-70 to R-20 for the purpose of developing Single-Family Dwelling Lot. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 unit/1 to 2 acres.) This request conforms to the proposed density for this area as indicated in the Fayette County Comprehensive Plan.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVE WITH ONE (1) RECOMMENDED CONDITION.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-20 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That the applicant brings the residential structure into compliance with the R-20 zoning district prior to the revision of the Final Plat. This can be achieved either by adding square footage to the residential structure to bring it into compliance or through a variance, approved by the Zoning Board of Appeals, to reduce the square footage requirement. If the variance is denied, square footage shall be added to the residential structure prior to the revision of the Final Plat. *(This requirement is required for compliance with the Zoning Ordinance.)*

The applicants agreed to the one (1) recommended condition. The PC recommended approval subject to the one (1) recommended condition 5-0.

REVISED FINAL PLAT OF RAMONALAND SUBDIVISION

LOCATION MAP
NOT TO SCALE

Legend:

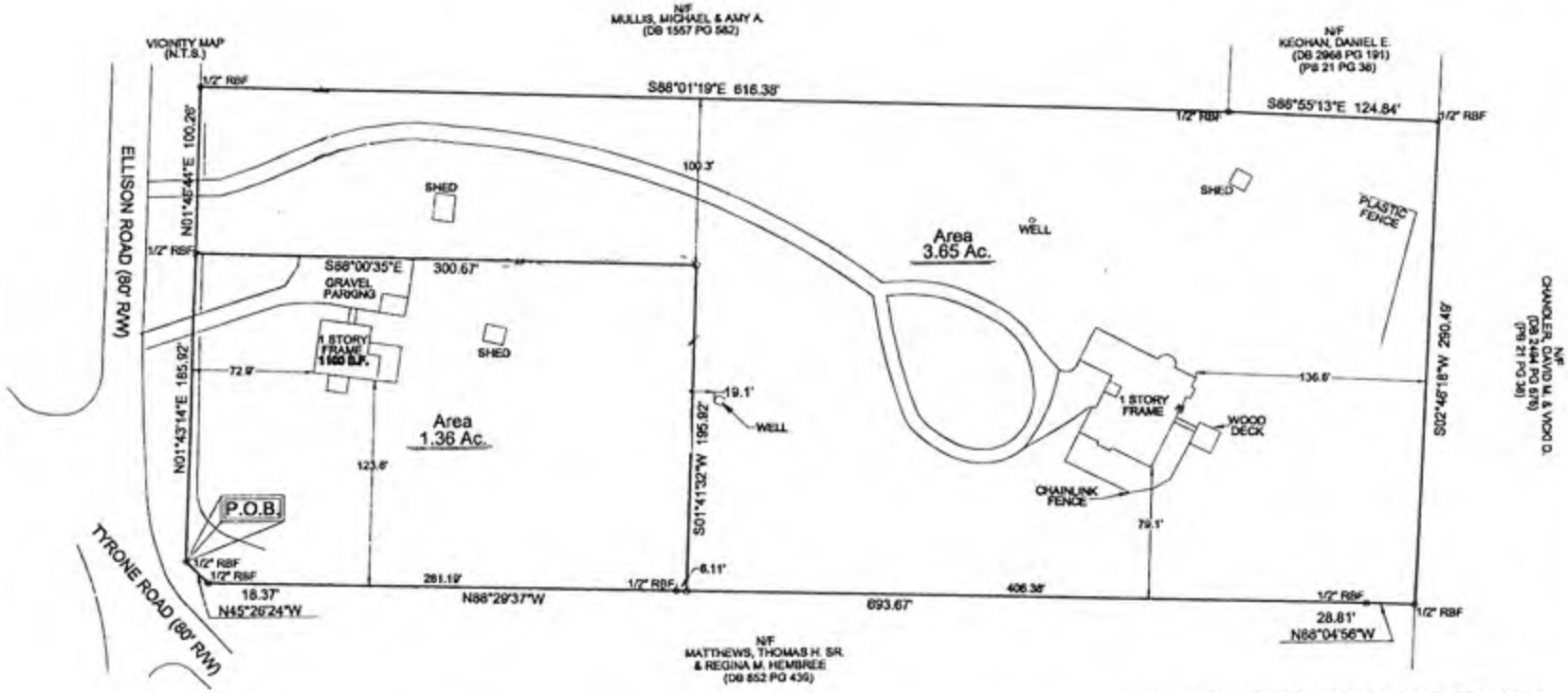
L.L.	Land Lot
L.L.L.	Land Lot Line
N/F	Now or Formerly
OT	Open Top Found
-P-	Overhead Utility Lines
P/P	Utility Poles
RBF	Reinforcement Bar Found
RBS	Reinforcement Bar Set
F.W.P.D.	Field Work Performed Date
WV	Water Valve
WM	Water Meter
FH	Fire Hydrant
B.T.B.	Back to Back
C.M.P.	Corrugated Metal Pipe
P.T.	Point of Tangent
P.C.	Point of Curvature
(21)	House Number

EQUIPMENT UTILIZED –
ANGULAR – TOPCON GTS-8
LINEAR – TOPCON GTS-3 EDM

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.



OWNER/DEVELOPER: RICARDO ALEGRIA & EDWARD KIRK
279 ELLISON ROAD
TYRONE, GA 30290
770-487-0382

ENGINEER/SURVEYOR: DELTA SURVEYORS, INC.
P.O. BOX 871
FAYETTEVILLE, GA 30214

UTILITIES PROTECTION CENTER
Call 811
IN METRO ATLANTA
404-346-
THROUGHOUT GEORGIA
1-800-282-7411
THREE WORKING DAYS BEFORE YOU DIG

GENERAL NOTES:

1. SEWER SERVICE PROVIDED BY ON-SITE SEWAGE DISPOSAL SYSTEM.
2. WATER SERVICE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
3. ALL EXISTING BUILDINGS AND STRUCTURES SHOWN HEREON TO REMAIN.
4. LANDSCAPING TO BE DONE IN ACCORDANCE WITH FAYETTE COUNTY REGULATIONS.
5. EXISTING LAKE TO BE USED AS STORMWATER DETENTION.
6. NO EASEMENTS FOUND ON RECORD AFFECTING THIS PROPERTY.
7. LAKE LONGBOAT DAM SHALL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND IT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS TO MAINTAIN THE DAM IN ACCORDANCE WITH THE GEORGIA SAFE DAM PROGRAM.
8. WATER QUALITY CRITERIA FOR STORMWATER TO THIS SITE WILL BE SATISFIED BY DETAINMENT IN LONGBOAT LAKE.
9. NO ACCESS WILL BE ALLOWED TO S.R. 54.
10. THIS PROPERTY DOES NOT LIE IN A FEMA 100 YEAR FLOOD HAZARD AREA ACCORDING TO MAP PANEL #13113C0061 E DATED 9-26-08.
11. THE WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE OF THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
12. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR LACK OF ONE, INDICATED BY THIS PLAT.
13. FAYETTE COUNTY DOES NOT ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF SIDEWALKS
14. PRELIMINARY PLAT APPROVED ON 10/19/06.
15. ONE HALF INCH RE-BARS SET ON ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED
16. NO DRAIN FIELDS TO BE LOCATED INSIDE WATERSHED BUFFERS.
17. EASEMENTS SHOWN ON PLAT ARE FOR MAINTENANCE, DRAINAGE, AND/OR ACCESS.
18. COMMON AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (SIGNS SHALL BE PLACED IN THESE AREAS).
19. ACREAGE ON LOTS NUMBERED 11,12,13,14,15,16,17,18, AND 125 DOCK DOCK ALLEY (AMENITY AREA LOT) MAY VARY DUE TO DAM MODIFICATION AND/OR SEDIMENT EROSION.

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GEORGIA.
DATE_____ SIGNED_____
ENVIRONMENTAL HEALTH SPECIALIST

FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY. ALL AS-BUILT CONSTRUCTION PLANS HAVE BEEN APPROVED.
DATE_____ SIGNED_____
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION
DATE_____ SIGNED_____
SECRETARY.

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.
DATE_____ SIGNED_____
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHALL. ALL FIRE HYDRANT(S) LOCATED AS SHOWN.
DATE_____ SIGNED_____
FIRE MARSHALL

50 0 50 100 150 Feet
Graphic Scale: 1" = 50'

S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
660 Poplar Drive Brooks, Ga. 30205
770-460-6342

JOHN 3:16

Property Location
Land Lot 74 Of The 7th Land District
Fayette County, Georgia

Prepared For
LANDRIA ALEGRIA
279 ELLISON ROAD
TYRONE, GA 30290

Job No. SA12-0022

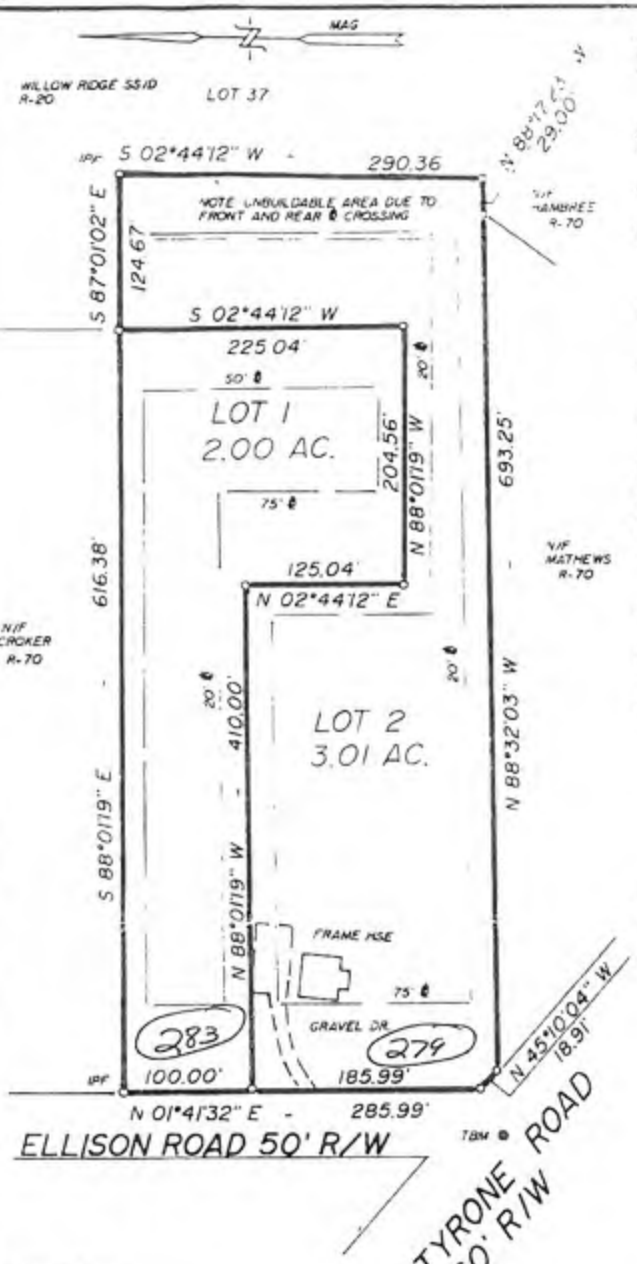
Drawn By:	Reviewed By:
R.D.G.	S.A.G.

Issue Date: 03/27/12

F.W.P.D.: 02/27/12

Revisions	
Date	Description

330275



FINAL PLAT APPROVED BY FAYETTE COUNTY ENGINEER as-built construction plans on file

Date: 10-7-93 Signed: [signature] for County Engineer

APPROVED BY _____ FAYETTE COUNTY PLANNING COMMISSION

Date: 10-22-93 Signed: Robyn S Moore Secretary

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GA.

This plat has been reviewed by a representative of the fayette county health dept. and based on percolation test results, lay of the land, soil information, etc. this land appears to be suitable for the installation of septic tanks and drain fields however, each lot will have to be inspected to determine location of house, style of house, etc. before final approval can be issued.

Date: 10/22/93 Signed: [signature] County Sanitarian

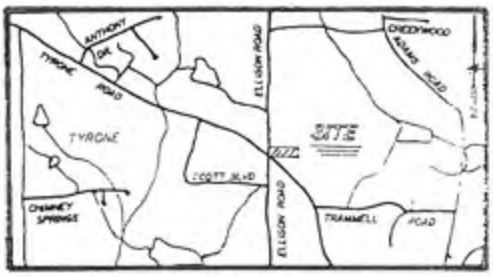
SURVEYORS ACKNOWLEDGEMENT

I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision, that monument locations are correctly shown; and, that the property will drain as shown, monuments are shown by [illegible]

[signature]
GEORGIA REGISTERED LAND SURVEYOR
No. 2333

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

DATE 10-7-93 SIGNED: [signature]



LOCATION MAP
N.T.S.

building setbacks
F- 75'
S-20'
R-50'

PRESENT ZONING - R-70
TOTAL AREA 5.01 AC

LEGEND
IPF = IRON PIN FOUND
IPS = IRON PIN SET
R/W = RIGHT OF WAY
MAG. = MAGNETIC
P.O.B. = POINT OF BEGINNING
℄ = BUILDING LINE
D.E. = DRAINAGE EASEMENT
N/F = NOW OR FORMERLY

GRAPHIC SCALE
0 50 0 100

T.B.M. = CENTERLINE INTERSECTION OF ELLISON ROAD AND TYRONE ROAD
ELEV. = 974.00

CLOSURE DATA

FIELD CLOSURE = 1' IN 10,000+
ANGLE POINT ERROR = ± 20"
EQUIPMENT USED = EDM & THEODOLITE
ADJUSTMENT METHOD = COMPASS
PLAT CLOSURE = 1' IN 100,000+

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN, BEING ZONE C, ACCORDING TO THE LATEST F.I.R.M. FLOOD PLAIN MAP

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 22 day
of Oct, 1993 4:15 P M
Book 84 Page 75
[signature] Clerk

Original
30290

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

FINAL PLAT FOR:

RAMONALAND

SUBDIVISION:			
LOT:	LAND LOT 74	DATE 10/04/93	
BLOCK:	DISTRICT 7	REV	
SCALE 1" = 100'	COUNTY FAYETTE, GA.	JOB NO. 93-0402	

DELTA SURVEYORS, INC.
230 INDUSTRIAL WAY, SUITE B, FAYETTEVILLE, GA. 30214

Pattie and Edward Kirk
283 Ellison Road
Tyrone, Georgia 30290

April 7, 2012

Landria and Ricky Alegria
279 Ellison Road
Tyrone,Georgia 30290

AUTOTEXTLIST Dear Mr. and Mrs. Alegria:

We thank you for your efforts and diligence to bring our lots in compliance with Fayette County zoning and subdivision regulations. In reference to the rezoning of your lot we have no objections. We offer our approval and acceptance.

Sincerely,

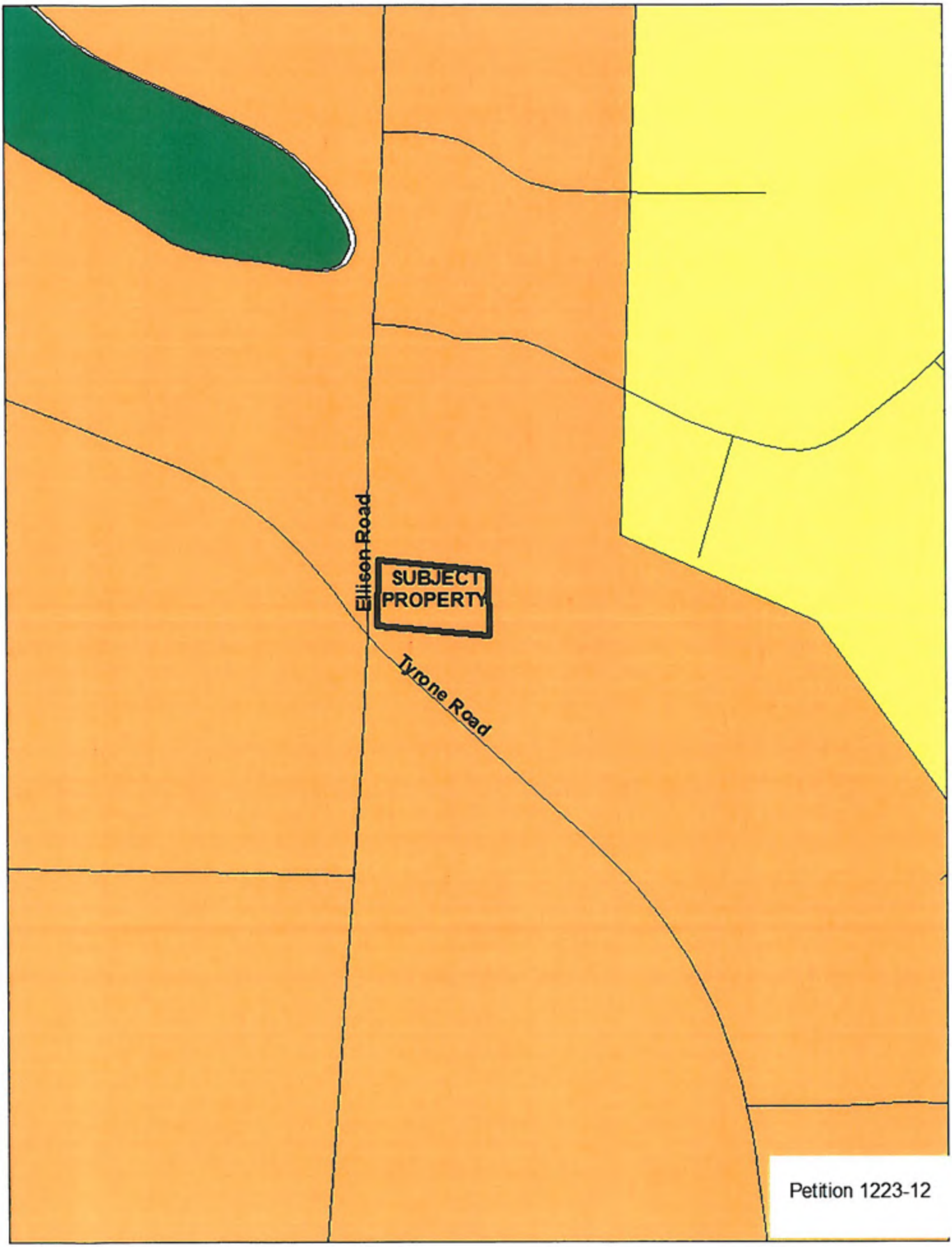
Pattie and Edward Kirk

Petition 1223-12

Petition 1223-12

LAND USE

- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres, 5 Acre Min.)
- RURAL RESIDENTIAL (1 Unit/2 to 3 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 to 2 Acres)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/1 Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/1 Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/1 Acre)
- MOBILE HOME PARK
- OFFICE
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTIONAL
- CONSERVATION AREAS
- PARKS AND RECREATION
- TRANS., UTIL., & COMMUNICATIONS



Petition 1223-12

LEGEND

- Streams
- NWI Wetlands
- Ground Water Recharge Areas
- 500 Year Storm
- 100 Year Storm Zone A
- 100 Year Storm Zone AE
- 100 Year Storm Zone AE (Floodway)

Fayette County GEORGIA

1 inch = [illegible] feet

THE FOLLOWING WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 3, 2012, AND BY THE BOARD OF COMMISSIONERS ON MAY 24, 2012.

2. Consideration of Petition No. 1223-12, Ricardo Alegria and Landria Toogood Alegria, Owners, Richard A. Diment, Esq., Agent, request to rezone 1.36 acres from R-70 to R-20 to bring a single-family dwelling lot into compliance. This property is located in Land Lot 74 of the 7th District, fronts on Ellison Road and Tyrone Road, and being Lot 2 of Ramonaland Subdivision.

Attorney Richard Diment said this rezoning is an attempt to undo some mistakes made by prior property owners going back 20 years ago. He noted the house was built in 1968, on a five (5) acre tract; however, the Alegrias have only owned the property for a few years. He pointed out the property was subdivided in 1993, and a Final Plat was recorded consisting of a two (2) acre tract containing a house and a three (3) acre vacant tract. He added a house was built on the three (3) acre tract shortly after the property was subdivided. He reported the lots were reconfigured by the prior owners back in the 1990's without approval of a Revised Final Plat which made both lots noncompliant with the R-70 Zoning District. He confirmed the Alegrias have worked out a land swap with the adjacent lot owners, the Kirks, to bring the Kirks property in compliance with the minimum road frontage. He added the Kirks had prepared a letter in favor of the rezoning petition. He said the Planning and Zoning staff have recommended approval of the rezoning petition with one (1) recommended condition regarding either compliance with the minimum square footage for the R-20 Zoning District (1,200 square feet) or approval of a Variance to reduce the square footage requirement. He noted the square footage of the house lacks approximately 100 square feet to comply with the R-20 Zoning District.

Ricardo Alegria advised getting to this point had taken six (6) years. He commented this was his and his wife's first house together. He reported his wife filed for a business license and the nonconforming lot was discovered. He said he and his wife had learned more about zoning than they thought they would ever know and this had been a lesson learned. He thanked the Planning and Zoning staff for their assistance.

Chairman Thoms asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Al Gilbert read the recommended condition aloud and confirmed the petitioners agreed to the recommended condition.

The Alegrias concurred with the recommended condition.

Al Gilbert made a motion to approve the rezoning petition subject to one (1) recommended condition. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, Jim Graw, and Doug Powell.

APPLICATION TO AMEND
FAYETTE COUNTY ZONING ORDINANCE

PROPERTY OWNERS: Ricardo Alegria and Landria Alegria fka Landria J. Toogood

MAILING ADDRESS: 279 Ellison Road, Tyrone, GA 30290

PHONE: 770-487-0392 **FAX:** _____

AGENT FOR OWNERS: Richard A. Diment, Esq.

MAILING ADDRESS: Diment Carroll, LLP 412 Adamson Square, Carrollton, GA 30117

PHONE: 770-838-0100 **FAX:** 770-838-1198

PROPERTY LOCATION: **LAND LOT** 74 **LAND DISTRICT** 7 **PARCEL** 072100 8
LAND LOT _____ **LAND DISTRICT** _____ **PARCEL** _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1.36

EXISTING ZONING DISTRICT: R70 **PROPOSED ZONING DISTRICT:** R20

ZONING OF SURROUNDING PROPERTIES: R70

PRESENT USE OF SUBJECT PROPERTY: Single Family Residential

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residential

LAND USE PLAN DESIGNATION: Single Family Residential Low Density Residential 1 unit/1 to 2 acres

NAME AND TYPE OF ACCESS ROAD: Ellison Road/collector; Tyrone Road/arterial

LOCATION OF NEAREST WATER LINE: Ellison Road and Tyrone Road

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** 1223-12

[ ] **Application Insufficient due to lack of:** _____

by Staff: _____ **Date:** _____

[ ] **Application and all required supporting documentation is Sufficient and Complete**

by Staff: _____ **Date:** _____

DATE OF PLANNING COMMISSION HEARING: 5-3-12

DATE OF COUNTY COMMISSIONERS HEARING: 5-24-12

Received from Diment Carroll LLP **a check in the amount of $** 250.00 **for application filing fee, and $** 20.00 **for deposit on frame for public hearing sign(s).**

Date Paid: 4.2.12 **Receipt Number:** _____

✓ 7627 - $20.00 - 3246319
✓ 7627 - $250.00 - 3246316
✓ - $20.00 -

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

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

Ricardo Alegria; Landria J. Toogood Alegria

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0721 008

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 70 **of the** 7th **District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).**

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

Signature of Property Owner 1	Signature of Notary Public
279 Ellison Road Address	4 2 12 Date
Signature of Property Owner 2	Signature of Notary Public
279 Ellison Road Address	4 2 12 Date
Signature of Property Owner 3	Signature of Notary Public
Address	Date
Signature of Authorized Agent	Signature of Notary Public
412 Adamson Square Address Carrollton, GA 30117	4-2-12 Date

ROBYN S WILSON NOTARY PUBLIC COMMISSION EXPIRES FEBRUARY 4, 2013 COWETA COUNTY, GEORGIA

ROBYN S WILSON NOTARY PUBLIC COMMISSION EXPIRES FEBRUARY 4, 2013 COWETA COUNTY, GEORGIA

BARBARA K. MCKINNEY NOTARY PUBLIC EXPIRES GEORGIA 10/25/2014 CARROLL COUNTY

NAME: Ricardo Alegria and Landria Alegria PETITION NUMBER: _____

ADDRESS: 279 Ellison Road, Tyrone, GA 30290

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

Richardo Alegria and Landria Alegria **affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n)** R-70 **Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $**250.00 **to cover all expenses of public hearing. He/She petitions the above named to change its classification to** R-20**.**

This property includes: (check one of the following)

[ ] See attached legal description on recorded Warranty Deed for subject property or

[X] Legal description for subject property is as follows:

ALL THAT TRACT or parcel of land lying and being in Land Lot 74 of the 7th District of Fayette County, Georgia, being 1.36 acres shown on that certain Revised Final Plat of Ramonaland Subdivision, dated March 27, 2012, prepared by S.A. Gaskins & Associates, LLC being submitted to County Engineer of Fayette County, Georgia for approval and being more particularly described as follows:

Commencing at a point where the North Right of Way line of Tyrone Road (80' R/W) and the East Right of Way of Ellison Road (80' R/W) intersect; thence running North 01 degrees 43 minutes 14 seconds East along the Right of Way of Ellison Road a distance of 185.92 feet to an iron pin found; thence running South 88 degrees 00 minutes 35 seconds East a distance 300.67 feet to a point; thence running South 01 degrees 41 minutes 32 seconds West a distance of 195.92 feet to a point; thence running North 88 degrees 29 minutes 37 seconds West a distance of 6.11 feet to an iron pin found; thence running North 88 degrees 29 minutes 37 seconds West a distance of 281.19 feet to an iron pin found; thence running North 45 degrees 26 minutes 24 seconds West a distance of 18.37 to an iron pin found at the Foint of Beginning.

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 3rd **day of** May**, 20**12 **at 7:00 P.M.**

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 24th **day of** May**, 20**12 **at 7:00 P.M.**

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd **DAY OF** April**, 20**12

Robyn S Wilson

NOTARY PUBLIC

ROBYN S WILSON
MY COMMISSION EXPIRES
NOTARY PUBLIC
FEBRUARY 4, 2013
COWETA COUNTY, GEORGIA

APPLICANT'S SIGNATURE

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.

B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.

C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".

[X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .

[ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 2nd day of April, 2012.

APPLICANT=S SIGNATURE

REVISED FINAL PLAT OF RAMONALAND SUBDIVISION

LOCATION MAP
NOT TO SCALE

Legend:

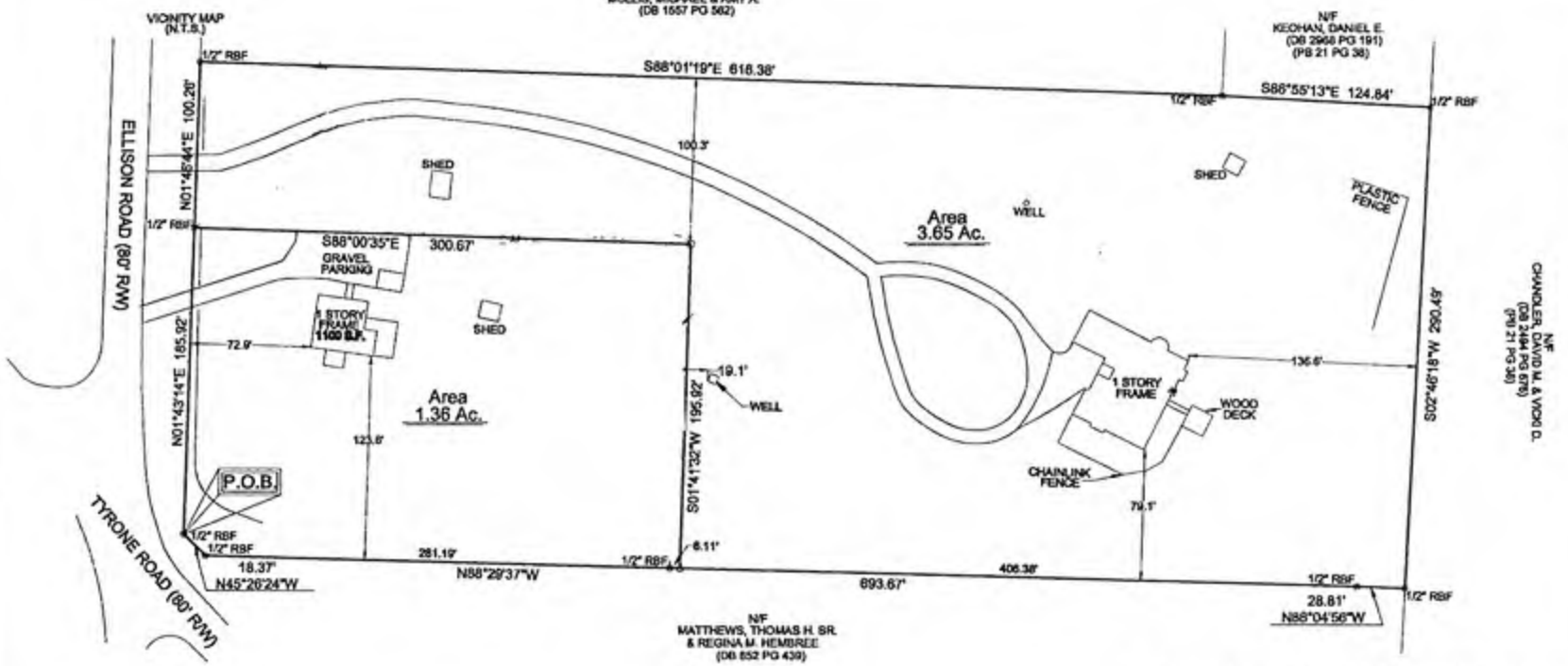
L.L.	Land Lot
L.L.L.	Land Lot Line
N/F	Now or Formerly
OT	Open Top Found
-X-	Overhead Utility Lines
PP	Utility Poles
RBF	Reinforcement Bar Found
RBS	Reinforcement Bar Set
F.W.P.D.	Field Work Performed Date
WV	Water Valve
WM	Water Meter
FH	Fire Hydrant
B.T.B.	Back to Back
C.M.P.	Corrugated Metal Pipe
P.T.	Point of Tangent
P.C.	Point of Curvature
(#130)	House Number

EQUIPMENT UTILIZED –
ANGULAR – TOPCON GTS-9
LINEAR – TOPCON GTS-3 EDM

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00" 00'02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.



OWNER/DEVELOPER: RICARDO ALEGRIA & EDWARD KIRK
279 ELLISON ROAD
TYRONE, GA 30290
770-487-0392

ENGINEER/SURVEYOR: DELTA SURVEYORS, INC.
P.O. BOX 871
FAYETTEVILLE, GA 30214

UTILITIES PROTECTION CENTER
CALL FREE
IN METRO ATLANTA
525-5000
THROUGHOUT GEORGIA
1-800-282-7411
THREE WORKING DAYS BEFORE YOU DIG

GENERAL NOTES:

1. SEWER SERVICE PROVIDED BY ON-SITE SEWAGE DISPOSAL SYSTEM.
2. WATER SERVICE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
3. ALL EXISTING BUILDINGS AND STRUCTERS SHOWN HEREON TO REMAIN.
4. LANDSCAPING TO BE DONE IN ACCORDANCE WITH FAYETTE COUNTY REGULATIONS.
5. EXISTING LAKE TO BE USED AS STORMWATER DETENTION.
6. NO EASEMENTS FOUND ON RECORD AFFECTING THIS PROPERTY.
7. LAKE LONGBOAT DAM SHALL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND IT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS TO MAINTAIN THE DAM IN ACCORDANCE WITH THE GEORGIA SAFE DAM PROGRAM.
8. WATER QUALITY CRITERIA FOR STORMWATER TO THIS SITE WILL BE SATISFIED BY DETAINMENT IN LONGBOAT LAKE.
9. NO ACCESS WILL BE ALLOWED TO S.R. 54.
10. THIS PROPERTY DOES NOT LIE IN A FEMA 100 YEAR FLOOD HAZARD AREA ACCORDING TO MAP PANEL #13113C0091 E DATED 9-26-08.
11. THE WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE OF THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
12. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT ON OVERALL DRAINAGE PLAN, OR LACK OF ONE, INDICATED BY THIS PLAT.
13. FAYETTE COUNTY DOES NOT ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF SIDEWALKS
14. PRELEMINARY PLAT APPROVED ON 10/19/06.
15. ONE HALF INCH RE-BARS SET ON ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED
16. NO DRAIN FIELDS TO BE LOCATED INSIDE WATERSHED BUFFERS.
17. EASEMENTS SHOWN ON PLAT ARE FOR MAINTENANCE, DRAINAGE, AND/OR ACCESS.
18. COMMON AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (SIGNS SHALL BE PLACED IN THESE AREAS).
19. ACREAGE ON LOTS NUMBERED 11,12,13,14,15,16,17,18, AND 126 DOCK DOCK ALLEY (AMENITY AREA LOT) MAY VARY DUE TO DAM MODIFICATION AND/OR SEDIMENT EROSION.

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GEORGIA.
DATE_____ SIGNED_____
ENVIRONMENTAL HEALTH SPECIALIST

FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY. ALL AS-BUILT CONSTRUCTION PLANS HAVE BEEN APPROVED.
DATE_____ SIGNED_____
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION
DATE_____ SIGNED_____
SECRETARY.

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.
DATE_____ SIGNED_____
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHALL. ALL FIRE HYDRANT(S) LOCATED AS SHOWN.
DATE_____ SIGNED_____
FIRE MARSHALL

50 0 50 100 150 Feet
Graphic Scale: 1" = 50'

S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
660 Poplar Drive Brooks, Ga. 30205
770-460-9342

JOHN 3:16

Property Location
Land Lot 74 Of The 7th Land District
Fayette County, Georgia

Prepared For:
LANDRIA ALEGRIA
279 ELLISON ROAD
TYRONE, GA 30290

Job No. SA12-0022

Drawn By:	Reviewed By:
R.D.G.	S.A.G.

Issue Date: 03/27/12

F.W.P.D.: 02/27/12

Revisions	
Date	Description