

BOARD OF APPEALS

Bill Beckwith, Chairman
Marsha A. Hopkins, Vice-Chair
Therol Brown
John Tate
Tom Waller

STAFF

Pete Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Chakevia Jones, Planning and Zoning Coordinator

AGENDA
Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
November 27, 2017
7:00 P.M.

1. Consideration of the Minutes of the Meeting held on October 23, 2017.

PUBLIC HEARING

2. Petition No. A-659-17, Richard E. Carne, Owner, requests the following: Variance to Sec. 110-79. Accessory structures and uses. (c) (1) (c) to allow the construction of a detached garage with a footprint of 3,600 square feet on a lot with less than two (2) acres of contiguous area. The subject property is located in Land Lot 167 of the 4th District and fronts on Stable Creek Road.
3. Petition No. A-670-17, Alison Equities, Owner, requests the following: (1) A continuance of a legal nonconforming use of the property under Section 110-170. (k) Continuance of a legal nonconforming use, to re-establish the legal non-conforming use of the property. (2) A change of the legal nonconforming use of a structure under Section 110-170. (i) Request for change of the legal nonconforming use of a structure, to establish a metal fabrication shop. The subject property is located in Land Lot 198 of the 5th District and fronts on Longview Road.
4. Petition No. A-671-17, Jeff and Deborah Kilgore, Owners, request the following: Variance to Section 110-127. EST. (g) (6) to reduce side yard setback from 25 feet to 13 feet to maintain an existing accessory structure (well house). The subject property is located in Land Lot(s) 140 & 141 of the 4th District and fronts on Lace Court.
5. Petition No. A-672-17, cannot be heard this month due to the signage being incorrectly placed and the public notice requirement could not be met.
6. Petition No. A-673-17, Carlino Construction, Owners, request the following: Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 39 feet to allow the construction of an accessory structure. The subject property is located in Land Lot 223 of the 4th District and fronts on Bernhard Road.
7. Petition No. A-674-17, Ronald & Loren Reid, Owners, request the following: Variance to Section 110-137 R-40 (d) (5) to reduce rear yard setback from 30 feet to 15 feet to allow the construction of a swimming pool. The subject property is located in Land Lot 159 of the 4th District and fronts on Burkwood Court.
8. Petition No. A-675-17, Thomas & Melanie Lewis, Owners, request the following: (1) Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce front yard setback from 100 feet to 45 feet to allow the construction of an addition (with a length of up to 60 feet) to an existing home. (2) Variance to Section 110-79. - Accessory structures and uses (d) to allow an existing accessory structure to remain located in the front yard. (3) Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce the

front yard setback from 100 feet to five (5) feet to allow an existing accessory to remain. The subject property is located in Land Lot 221 of the 4th District and fronts on Stolen Hours Lane.

PETITION NO. A-659-17
Richard E. Carne
170 Stable Creek Road
Fayetteville, GA 30215

Public Hearing Date June 26, 2017

The subject property is located at 170 Stable Creek Road and is 5.74 acres in size. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79. Accessory structures and uses. (c) (1) (c) to allow the construction of a detached garage with a footprint of 3,600 square feet on a lot with less than two (2) acres of contiguous area.

Sec. 110-79. Accessory structures and uses. (c) (1) (c):

One accessory structure, per individual lot with a **minimum of five acres and a minimum contiguous area of two acres** clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind, footprint not to exceed 3,600 square feet. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure. Under this option, an accessory structure shall be located only to the rear of the principal structure.

History: The Final Plat of Bay Chappelle Farms (Phase One) was approved by the County in 1989 and recorded on October 3, 1989 in Book 20 Page 193. The subject property was platted as a 5.09 acre lot. The Revise Final Plat of Bay Chappelle Farms (Phase One) was approved by the County in 1992 and recorded on August 24, 1992. The subject property was platted as a 5.74 acre lot. In 1996 a variance (A-416-17) was approved for a reduction in the side yard setback (20 feet to seven (7) feet for an existing house and a reduction in the watershed setback (50 feet to 30 feet) for the placement of a driveway.

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

The subject property consists of a total of some 5.745 acres, but is traversed on the rear portion of the property by a creek which meanders from the north-western (or center right) front of the rear portion of the property (as viewed from the street), then laterally to the east (left), and then at a slight south-easterly angle back to the extreme southeast corner of the property. From the rear southeast corner to the opposing rear southwest corner measures some three hundred (300) feet across, thus rendering the proposed intended site for this auxiliary or "accessory structure" to be in excess of roughly two-hundred (200) feet from the approximate area/point where the creek exits this property on the opposite rear corner. However, given the accompanying setbacks from the creek bed, those setbacks impinge upon the requirement imposed under Sec. 100-79 to have a minimum of two (2) contiguous acres clear of any zoning setbacks, watershed protection buffers ... or 100-year floodplain area, despite the fact that the proposed site is at a substantially higher topographical elevation, and those surrounding lands not affected by these constraints are just short of the required two (2) acre minimum. These conditions thereby warrant the review and hopeful approval of this variance request by the Zoning Board of Appeals.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

Notwithstanding that the primary subject property consist of a total of some 5.745 acres, the review and approval of a variance to those provisions cited in Section 110-242(b) are nonetheless required because there is not a "minimum contiguous area of two acres clear of ... watershed protection buffers and setbacks ... [or] 100-year floodplain area" that separates a creek on the subject property, from a proposed building site for an anticipated "accessory structure".

- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

Given the current restrictions affecting the subject property, and without an approved variance, the property owner/ applicant will be unable to construct an appropriately sized garage to house several antique and classic automobiles and related grounds maintenance equipment. Although there is in excess of well over 1.5 acres of unrestricted grounds surrounding the proposed building site as defined by Section 110-242, there is something just short of the required two-acre minimum contemplated by this section, thereby necessitating formal approval of this request in order to accommodate the construction of a facility sufficient in size to house these vehicles and equipment.

- 3. Such conditions are peculiar to the particular piece of property involved; and,**

Because of the existence of the creek running along the opposite side of the subject property, and those corresponding setbacks and buffers required in such instances under current cited Code

Sections, formal approval of a variance request is required. This request is therefore unique, since the absence of this waterway would otherwise render moot any need to petition for this variance.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

The intended building site for the proposed structure is targeted to be constructed at a minimum of three hundred (300) feet from the road on the southwestern corner of the subject property. The proposed design is not only in keeping with the primary residence situated on this land tract, but is likewise aesthetically pleasing and in keeping with other area residences. Construction of these premises would therefore not cause any substantial detriment to the public good or otherwise impair the purposes and intent of the noted regulations. Similarly, approval of the requested variance would not constitute any improper land use, building, or structure as contemplated by these referenced Code Sections.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

A literal interpretation of this Ordinance would deprive the Applicant of those rights that others in the same zoning district have, since most other potential Applicants would not otherwise be constrained because they typically would not have a creek or waterway running through their property.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance.

ENVIRONMENTAL MANAGEMENT: Floodplain is on the property. Structure must be 3 feet above the base flood elevation as defined in the 2013 Fay County Flood Study. If structure built in floodplain, all Floodplain Management Regulation requirements must be adhered to.

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: RICHARD E. CARNE
MAILING ADDRESS: 170 STABLE CREEK ROAD, FAYETTEVILLE, GA. 30215
PHONE: 770-719-1188 E-MAIL: dickcarne@gmail.com
AGENT FOR OWNERS: N/A
MAILING ADDRESS: _____
PHONE: _____ E-MAIL: _____
PROPERTY LOCATION: LAND LOT 187 LAND DISTRICT 4th PARCEL 043402017
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.745
ZONING DISTRICT: R-72
ZONING OF SURROUNDING PROPERTIES: R-72, A-R
PRESENT USE OF SUBJECT PROPERTY: Residential
PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF). PETITION NUMBER: A-659-17

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: COB Date: 5/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: June 26, 2017

Received from Richard E. Carne a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: 5/14/2017 Receipt Number: _____

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 deed for the subject property:

RICHARD E. CARNE

Please Print Names

Property Tax Identification Number(s) of Subject Property: 04-3402-017

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the _____ 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 _____ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval 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]
Signature of Property Owner 1

Address

[Signature]
Signature of Notary Public

5-19-17
Date

Signature of Property Owner 2

Address

Signature of Notary Public

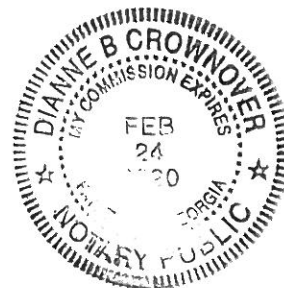
Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date



VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
110-75 (2) (1) 2.	1,000 sq ft	3,000 sq ft	1,800 sq ft

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

3. Such conditions are peculiar to the particular piece of property involved.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Justification of Request

1.

The subject property consist of a total of some 5.745 acres, but is traversed on the rear portion of the property by a creek which meanders from the north-western (or center right) front of the rear portion of the property (as viewed from the street), then laterally to the east (left), and then at a slight south-easterly angle back to the extreme southeast corner of the property. From the rear southeast corner to the opposing rear southwest corner measures some three hundred (300) feet across, thus rendering the proposed intended site for this auxiliary or "accessory structure" to be in excess of roughly two-hundred (200) feet from the approximate area/point where the creek exits this property on the opposite rear corner. However, given the accompanying setbacks from the creek bed, those setbacks impinge upon the requirement imposed under Sec. 100-79 to have a minimum of two (2) contiguous acres clear of any zoning setbacks, watershed protection buffers ... or 100-year floodplain area, despite the fact that the proposed site is at a substantially higher topographical elevation, and those surrounding lands not affected by these constraints are just short of the required two (2) acre minimum. These conditions thereby warrant the review and hopeful approval of this variance request by the Zoning Board of Appeals.

Notwithstanding that the primary subject property consist of a total of some 5.745 acres, the review and approval of a variance to those provisions cited in Section 110-242(b) are nonetheless required because there is not a "minimum contiguous area of two acres clear of ... watershed protection buffers and setbacks ... [or] 100-year floodplain area" that separates a creek on the subject property, from a proposed building site for an anticipated "accessory structure".

2.

Given the current restrictions affecting the subject property, and without an approved variance, the property owner/applicant will be unable to construct an appropriately sized garage to house several antique and classic automobiles and related grounds maintenance equipment. Although there is in excess of well over 1.5 acres of unrestricted grounds surrounding the proposed building site as defined by Section 110-242, there is something just short of the required two-acre minimum contemplated by this section, thereby necessitating formal approval of this request in order to accommodate the construction of a facility sufficient in size to house these vehicles and equipment.

3.

Because of the existence of the creek running along the opposite side of the subject property, and those corresponding setbacks and buffers required in such instances under current cited Code Sections, formal approval of a variance request is required. This request is therefore unique, since the absence of this waterway would otherwise render moot any need to petition for this variance.

4.

The intended building site for the proposed structure is targeted to be constructed at a minimum of three hundred (300) feet from the road on the southwestern corner of the subject property. The proposed design is not only in keeping with the primary residence situated on this land tract, but is likewise aesthetically pleasing and in keeping with other area residences. Construction of these premises would therefore not cause any substantial detriment to the public good or otherwise impair the purposes and intent of the noted regulations. Similarly, approval of the requested variance would not constitute any improper land use, building, or structure as contemplated by these referenced Code Sections.

5.

A literal interpretation of this Ordinance would deprive the Applicant of those rights that others in the same zoning district have, since most other potential Applicants would not otherwise be constrained because they typically would not have a creek or waterway running through their property.

A-659-17

Stable Creek Road

**SUBJECT
PROPERTY**





PETITION NO. A-670-17
Alison Equities
105 Longview Road
Fayetteville, GA 30214

Public Hearing Date November 27, 2017

The subject property is located at 105 Longview Road, Fayetteville, GA 30214 and is zoned R-20. The applicant is requesting the following:

1. The applicant requests a continuance of a legal nonconforming use of the property under Section 110-170. (k) Continuance of a legal nonconforming use to re-establish the legal nonconforming use of the property

Section 110-170 Nonconformance. (k), Continuance of a legal nonconforming use. The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:

- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.

and

2. The applicant requests *a change of the legal nonconforming use of a structure* under Section 110-170. (i) Request for change of the legal nonconforming use of a structure to establish a metal fabrication shop.

Section 110-170 Nonconformance. (i), Request for change of the legal nonconforming use of a structure. The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.

The applicant is proposing a metal fabrication shop.

History: The subject property is .26 acres and is zoned R-20. This zoning was put in place on November 13, 1980 when the Board of Commissioners blanket zoned the entire County with the establishment of a new zoning ordinance. However, there has been confusion of the zoning of the subject property in the past (see attached Memo from Pete Frisina to County Manager, Jack Krakeel dated May 19, 2011.) However, at the previous public hearing for this property a local resident that lives on Longview Road stated that this property was originally a hydraulic shop which contradicts some of the findings in the aforementioned Memo.

On February 22, 2016 the ZBA denied a request (A-629-16) for a continuance of a legal nonconforming use under Section 110-170. (k). The applicant was proposing the continuance of a facility for auto repair and storage prior to going to auction.

The applicant provides the following information:

(1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;

The property is zoned residential, however the structure located on the property is a cement open block building with one room suitable as an office, a bathroom and an open garage type area. It has been utilized for various businesses since 1975 and is not suited as a residential property

(2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;

Undue hardship to the property owner would result in not granting a change of non-conforming use of the property. The property is only viable in its current condition if a property owner cannot operate a business at this location.

(3) Adjacent property would not be unduly damaged by such continuance; and

Adjacent property would not be unduly damaged by the operation of a business at this property. The type of business proposed (metal fabrication shop) would operate only during normal business hours with no more than 3 persons. Also, this business would not create a large amount of vehicles or traffic at the location.

(4) The use is to be identical to the prior legal nonconforming use.

The use is not to be identical to the prior legal non-conforming use. We are requesting a change of non-conforming use of the property for a metal fabrication shop.

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We are requesting that the property remain its grandfathers status because it is and has always been a commercial building. Please see summary below:

The specific type of business that will be operating at the property location is a metal fabrication shop. (See attached letter also)

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

This piece of property is a cement open block warehouse which has always been used as an auto repair and tire shop since 1975.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and**

The property cannot be a residential piece of property. It does not meet any residential characteristics.

3. **Such conditions are peculiar to the particular piece of property involved; and**

No bedrooms, no full bathrooms, cement floors. My purchaser wants to use this as a metal fabrication shop.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

It would cause no detriment.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

Yes it would because this has always been an auto shop.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: Environmental Health Comments for Variance (nonconforming use) at 105 Longview Road : This department has no objections to the proposed variance to continue nonconforming use at this location. This department has partial historical records of an existing septic system (dated 11/2/10). No reports of malfunction have been received by this department since previous comments. This department has no objection to the continued use of the original septic system provided it remains functioning in a sanitary manner. Any malfunction

of the septic system will may result in this department requiring the system to be repaired or replaced in compliance with current septic system regulations.

ENVIRONMENTAL MANAGEMENT: There were no comments.

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

PUBLIC WORKS/ENGINEERING: A comment for the ZBA's consideration is for the owner/operator to keep vehicles and other operational activities associated with the property outside the County and State right-of-way. Encroaching into the right-of-way is not something that should be "grandfathered".

WATER SYSTEM: No conflict.

To: Jack Krakeel
From: Pete Frisina
Date: May 19, 2011
Subject: Parcel 05-44-111 Longview Road and SR 314

The purpose of this memo is to respond to your request for zoning information on parcel 05-44-111 at the intersection of Longview Road and SR 314. The subject property currently contains a used car lot/repair on approximately .30 acres. The widening of SR 314 in the 1990's took a portion of the subject property. The subject property is zoned R-20 and is considered a legal nonconforming lot containing a legal nonconforming structure which has and is housing legal nonconforming uses as all were in place prior to the adoption of the Zoning Ordinance on November 13, 1980. There are no records in the Planning and Zoning Department we can find concerning the subject property. There is no building permit records for the property as all records prior to 1982 were destroyed in the courthouse fire. I did find notations in the Tax Assessor's files indicating a list of uses including Garage, Service Garage, Comm. Shop, and Plumbing with an establishment date of 1975. Since 1990, there have been a variety of non-residential uses located on the subject property including auto repair, building contractors, a sign company and an antique/junk shop.

I spoke to several past Fayette County officials which served in the 1970's including Huie Bray (Planning Commission), Charlie Phillips (BOC), Chip Conner (BOC) and Joe Bray (BOC). All remember a tire/repair shop run by Carlton Holt, Sr. at this location. The property was however owned by James Beckham. Joe Bray was the only one that could state that the building was already being used in a non-residential manner when he ran for the Commission in 1975. Aerials from the late 1970's indicate the building and parking lot in place at that time (see attached).

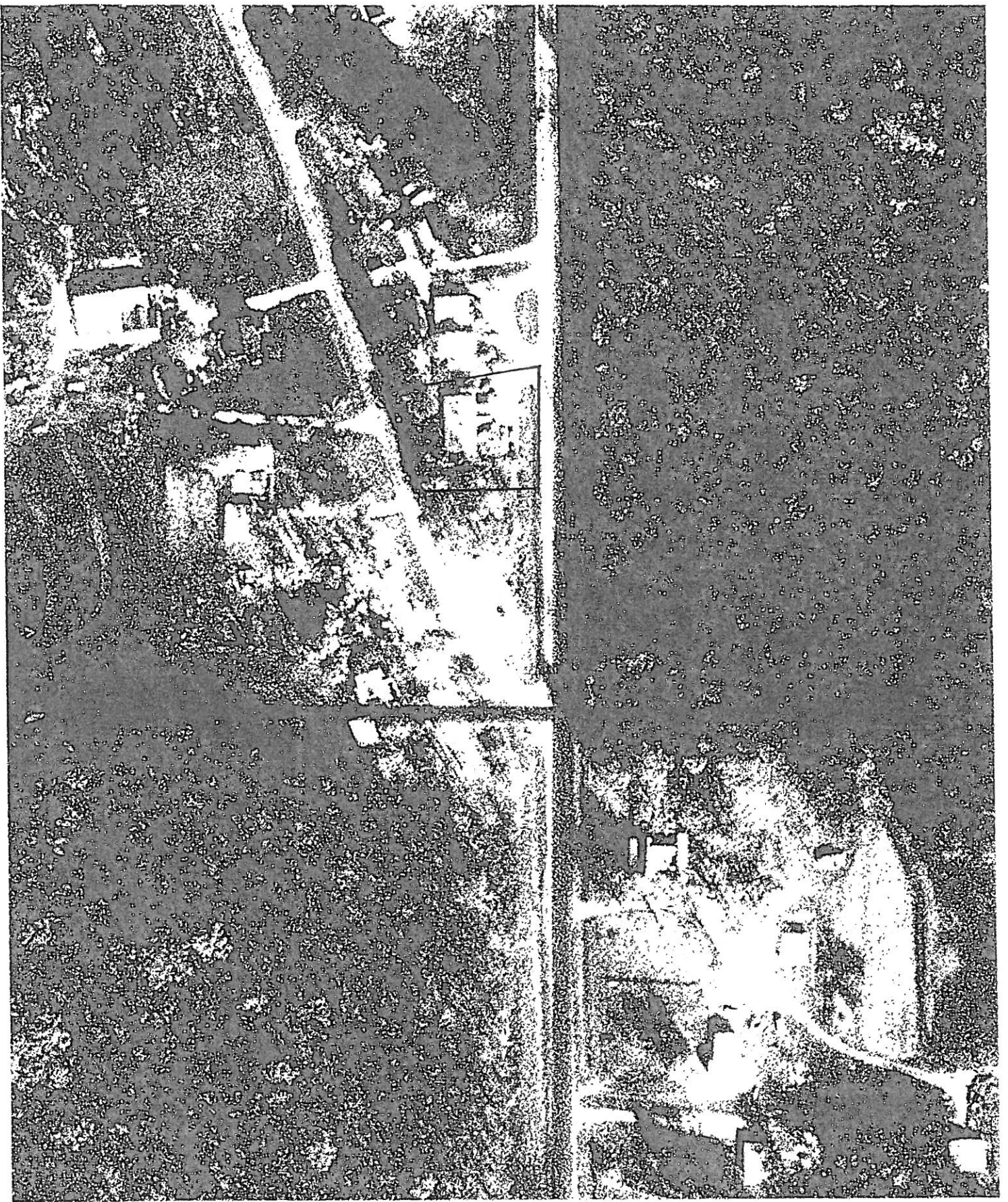
There has been confusion that the property is actually zoned C-H (Commercial Highway). In my review of the Official Zoning Map it appears that the zoning boundaries have not been accurately depicted as far back as 1979 (see attached zoning maps). The actual northern boundary of the C-H zoning does not reach as far north as depicted. The official zoning maps are depicted on hard copy tax parcel maps where the parcels are hand drawn. It is sometimes difficult to establish the true relationship to the location of something on the ground and the way it is hand drawn on these maps. Another factor which may have led to this confusion is that a parcel owned by Carlton Holt, which abuts the subject property to the south, was rezoned to C-H in 1979 for a front end alignment shop (see attached Planning Commission and Board of Commissioners minutes). It is possible that Holt's property to the south was used in conjunction with the subject property; however this property was taken with the widening of SR 314 and the realignment of the intersection of Longview Road.

Given that the subject property is actually zoned R-20 instead of C-H, any changes in the use of the subject property should have gone before the Zoning Board of Appeals for approval prior to the establishment of the new use. Zoning Board of Appeals records do not indicate any occurrence of public hearings for the subject property. Staff is still in the process of revising the

Zoning Ordinance and will recommend amendments to the section which addresses the Zoning of Appeals' authority to place conditions on the approval of new uses. These conditions could include such items as upgrades to the parking lot, landscaping, screening, level on intensity, etc.

The County has received several complaints concerning the subject property from residents along Longview Road. One of the complaints has been the parking of vehicles along Longview Road outside to the fenced area in the right-of-way. The Marshals have written citations for this violation when they occur. Another recent violation involved the location of a trash dumpster causing trash trucks to drive over the curb leaving large ruts. This dumpster has since been moved. The County needs to stay attentive in regard to these violations when they occur. The Marshals do respond to complaints when they are received.

I realize that some of the aforementioned zoning history is anecdotal. However, if you need any additional information please let me know.



255

260

150

C-H

#377-79

1±Ac

250.3

33215.8

199

187

186

255'

HOUSE

167'

1 AC

APT.

1 AC

103

COMM. SHOP

→ C-H

377-79

1.5A

440

199

104

The Fayette County Planning Commission met Saturday, April 7, 1979 at 9:00 a.m. in the courtroom of the Fayette County Courthouse with the following members present: Chairman Jack Thaxton, James Scholze, James Davis, Travis Hardy, Glen Turner, Tom Harris and Virgil Smith. Chairman Thaxton presided.

It was moved by Mr. Thaxton, seconded by Mr. Hardy and unanimously voted to approve as received the minutes of the March Planning Commission meeting.

~~PETITION #377 OF C.W. HOLT, SR., TO REZONE FROM A-R TO C-H:~~ Mr. Holt presented a site plan on approximately 2/3 of an acre at the intersection of Longview Road and Highway 314 in Land Lot 198 of the 5th Land District. Mr. Holt proposed to build an auto alignment shop and presented a picture of the type of building he wished to build. There was no public opposition to this petition.

PETITION #378 OF L.E. WIDNEY TO REZONE FROM R-40 TO DR-15: Mr. Joe Davis stated that he and Mr. Widney would like to build 3 duplexes on 3 acres at the corner of Highway 54 and Woodvalley Drive in Land Lot 39 of the 7th District. He presented pictures of the type of duplex he would build.

Mr. Davis was informed that he would only be able to build on the property, according to the zoning laws.

Mr. Jim Jones, a resident of Woodvalley Drive, presented a petition to the Planning Commission with names of area residents who opposed the rezoning request for the following reasons:

1. Rental property would be bad for neighborhood.
2. Children would be endangered by Highway 54.
3. Applicant knew property was zoned for single-family when purchased.
4. Such zoning change would devalue adjacent property.

After hearing statements of opposition Mr. Davis withdrew his application stating that he was a resident of Fayette County not want to disgruntle his fellow Fayette countians.

PETITIONS #379 & 380 OF GEOFFERY SLADE: These 2 applications compile a request for a Planned Unit Development. The proposed PUD would contain single-family dwellings, townhouses, and multi-family dwellings along with some commercial use. Previously applications had been filed in the name of Randolph Boyd but withdrawn so the proposed site plan could be redrawn.

Tony Schoor of Canger-Schoor Associates, Inc., made a presentation of the proposed planned unit development with pictures, a site plan and a feasibility report. In addition to the residential and light

could handle the traffic.

Elaine Bryant of the Burch's Deep Forest Homeowners' Association stated their 2 main opposition were:

1. Additional burden on school system.
2. Residents moved here to escape commercialization.

Tom Mahon of Quail Hollow opposed the proposed project because:

1. Too much acreage to develop at one time.
2. Corporation not based in Fayette County.
3. Too many new residents flowing in at one time.
4. Damaging to investments in area residents' home.

Pauline Eagen of Coventry Estates which lies south of the proposed PUD opposed because of the environmental impact it would have on the land developed and also the land downstream. She requested that the request be tabled until an environmental impact study could be made.

Robert McAlister of Old Norton Road opposed.

Mary Ellen Stone, and adjacent property owners with 25 acres, opposed the applications.

Charles Ballard, attorney for the applicant, spoke in rebuttal of some of the points of opposition.

He stated he would verify the figures supplied in the feasibility report.

Mr. Ballard affirmed that, of course, any additional development of adjacent properties would require their own rezoning applications. He said further that each phase would be bonded to alleviate any question of compliance with the zoning ordinance. He felt that a PUD would be a better development than lot-by-lot houses and would provide amenities not available to standard zoning and development.

Finally, Mr. Ballard said he felt the developers should be shown the courtesy of being told where they had failed.

Mr. Val Mazur, the developer, stated that he was not a "northerner" as he had been referred to as and that he would fight all opposed to his development. He said further that he did intend to reside in the project.

The Planning Commission took the following action on the applications:

*PETITION #377 OF C.W. HOLT: It was moved by Mr. Harris, seconded by Mr. Scholze and unanimously voted to recommend approval of this application provided that the front end alignment shop be built as depicted by the photo submitted by Mr. Holt and provided the entrance to the shop be from Longview Road.

PETITION #379 AND #380 OF GEOFFERTY SLADE: Tom Harris made a motion that the Planning Commission recommend to the County Commission denial of Rezoning Petitions No. 379 and 380 for reason which include:

1. Inadequate water supply per letter of John Davidson, Manager, Fayette County Water System.

The BOARD OF COMMISSIONERS OF FAYETTE COUNTY met in "Regular Session on Thursday evening, May 10, 1979, at 7:30 p.m. in the Fayette County Courtroom.

COMMISSION MEMBERS PRESENT: Joe Bray, Chairman
James K. Conner
Rose Marie Harper
Raymon Johnson
John L. Maddock, Sr.

OTHERS PRESENT: Carol Berry, County Clerk
Bill McNally, County Attorney

INVOCATION: Invocation was given by Commissioner Harper.

Mr. Harold Goza, a resident of Whitewater Acres, spoke on several items. Firstly, he apologized for anything he may have said in the past that was offensive to the Commission.

Mr. Goza asked that the problems surrounding the mobile homes on Goza Road be settled tonight and said that he would like to do anything he could to help resolve the situation.

Mr. Goza stated he understood that thanks to Chairman Bray, the County had earned \$100,000.00 in interest on money which had been invested. He recommended that \$50,000.00 of this money be used to hire 2 new deputies and to bring the salaries of the present Sheriff's Department employee's up to a liveable status.

Mr. Bray responded to this request by saying that to set the record straight, the County had invested only \$600,000.00 which had earned about \$30,000.00.

Mr. Bray also stated that the trailer inhabited by Mr. Claudie Mask on Goza Road was there before he ever became a Commissioner.

APPROVAL OF MINUTES: It was moved by Mrs. Harper, seconded by Mr. Maddock and passed unanimously to approve the minutes of the April 19 regular meeting and the May 2 special meeting as received.

* REZONING PETITION NO. 377 OF C.W. HOLT, SR. TO REZONE FROM R-20 TO C-H: This request involved approximately 1 acre at the intersection of Highway 314 and Longview Road for a front-end alignment shop. The Planning Commission had recommended approval provided the entrance be off Longview Road instead of Highway 314.

There was some discussion of the type of building Mr. Holt would use and the buffer as required by the Zoning Ordinance.

It was moved by Mrs. Harper, seconded by Mr. Maddock and passed unanimously to approve Petition #377 to rezone from R-20 to C-H. (A copy of petition and Ordinance #377 follow the minutes and are made a part hereof.)

An ordinance to amend the Zoning Ordinance for Fayette County of 1971

by augmenting the C-H Zoning District of Fayette County, as shown by the Zoning Map and master plan of Fayette County.

BE IT RESOLVED AND ORDAINED by the Fayette County Board of Commissioners:

Section 1: That the Zoning Ordinance for Fayette County, Georgia, of 1971, and the same is hereby, changed and amended so as to include within the C-H Zoning District of Fayette County, as defined by said ordinance and as shown on the official map and master plan of Fayette County, the following described realty:

All that tract or parcel of land of the above-shown applicant or his principal lying and being in Land Lot(s) 198 of the 5th Land District of Fayette County, Georgia, and more particularly described on Exhibit "A" hereto attached and incorporated, being initialled by the Zoning Administrator of Fayette County.

Section 2: That so much of said Zoning Ordinance for Fayette County, Georgia, of 1971 and the Zoning Map and official master plan designating said realty as included within the R-20 Zoning District of Fayette County, and all other parts of said ordinance in conflict herewith be, and the same are hereby repealed.

Section 3: That the Zoning Administrator of Fayette County, Georgia, be, and he hereby is, directed within reasonable time from date hereof, to amend the Zoning Map and master plan of Fayette County in conformity herewith.

Section 4: That this ordinance be of full force and effect from the date of its passage.

DULY ADOPTED by the Board of Commissioners of Fayette County regularly convened this 10th day of May, 1979.

For: James K. Conner Against: _____

For: G. J. Bray Against: _____

For: Rose Marie Harper Against: _____

For: Raymond Johnson Against: _____

For: John P. Maddox Against: _____

Attest: Carol Cherry

Clerk, Fayette County Board of Commissioners

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 198 of the 5th Land District of Fayette County, Georgia, as shown by plat of Lee Engineering Company entitled "Property of Carlton Holt", dated February 8, 1979, and in accordance with said plat being more particularly described as follows:

BEGINNING at a point located 202.2 feet northwardly, as measured along the westerly margin of the right-of-way of Georgia Highway 314 from the south line of Land Lot 198 aforesaid; running thence south, 22 degrees 31 minutes west, 11 feet to a point on the northeasterly margin of the right-of-way of an improved public road known as Longview Road; thence northwestwardly, as measured along the northeasterly margin of the right-of-way of said Longview Road, for the respective courses and distances shown on the aforesaid plat, an aggregate distance of 250.9 feet to a point; thence north 89 degrees 0 minutes east 108.4 feet to a point on the westerly margin of the right-of-way of said Georgia Highway 314; thence south 2 degrees 18 minutes east, as measured along the westerly margin of the right-of-way of said Georgia Highway 314, a distance of 215.8 feet back to the POINT OF BEGINNING.

NAME C. W. Holt, Sr.ADDRESS Rte. 5 Fayetteville, Georgia 30214~~PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.~~

Mr. C. W. Holt, Sr. affirms that he is the owner or the specifically authorized agent of the property below described. Said property is located in a R-20 Zoning District. He/She respectfully petitions the Fayette County Planning Commission and the Board of Commissioners of Fayette County to rezone the property from its present classification and tenders herewith the sum of \$ 200.00 to cover all expenses of public hearing. He petitions the above-named to change its classification to C-H.

The property includes:

All that tract or parcel of land lying and being in Land Lot 198 of the 5th Land District of Fayette County, Georgia, as shown by plat of Lee Engineering Company entitled "Property of Carlton Holt", dated February 8, 1979, and in accordance with said plat being more particularly described as follows:

BEGINNING at a point located 202.2 feet northwardly, as measured along the westerly margin of the right-of-way of Georgia Highway 314 from the south line of Land Lot 198 aforesaid; running thence south, 22 degrees 31 minutes west, 11 feet to a point on the northeasterly margin of the right-of-way of an improved public road known as Longview Road; thence northwestwardly, as measured along the northeasterly margin of the right-of-way of said Longview Road, for the respective courses and distances shown on the aforesaid plat, an aggregate distance of 250.9 feet to a point; thence north 89 degrees 0 minutes east 108.4 feet to a point on the westerly margin of the right-of-way of said Georgia Highway 314; thence south 2 degrees 18 minutes east, as measured along the westerly margin of the right-of-way of said Georgia Highway 314, a distance of 215.8 feet back to the POINT OF BEGINNING.

The adjacent property owners are: Byron E. Thompson, Sr., Perry Padgett, James D. Beckham, Larry C. Lee and Hugh Thompson, Jr.

PUBLIC HEARING to be held by the Fayette County Planning Commission on the 7th day of April, 1979, at 9:00 a.m. and by the Board of Commissioners of Fayette County on the 12th day of April, 1978 between the hours of 7:30 p. m. and 9:30 p. m.

Sworn to and subscribed before me this 9th day of March, 1979 :

Carol Cherry
Notary Public

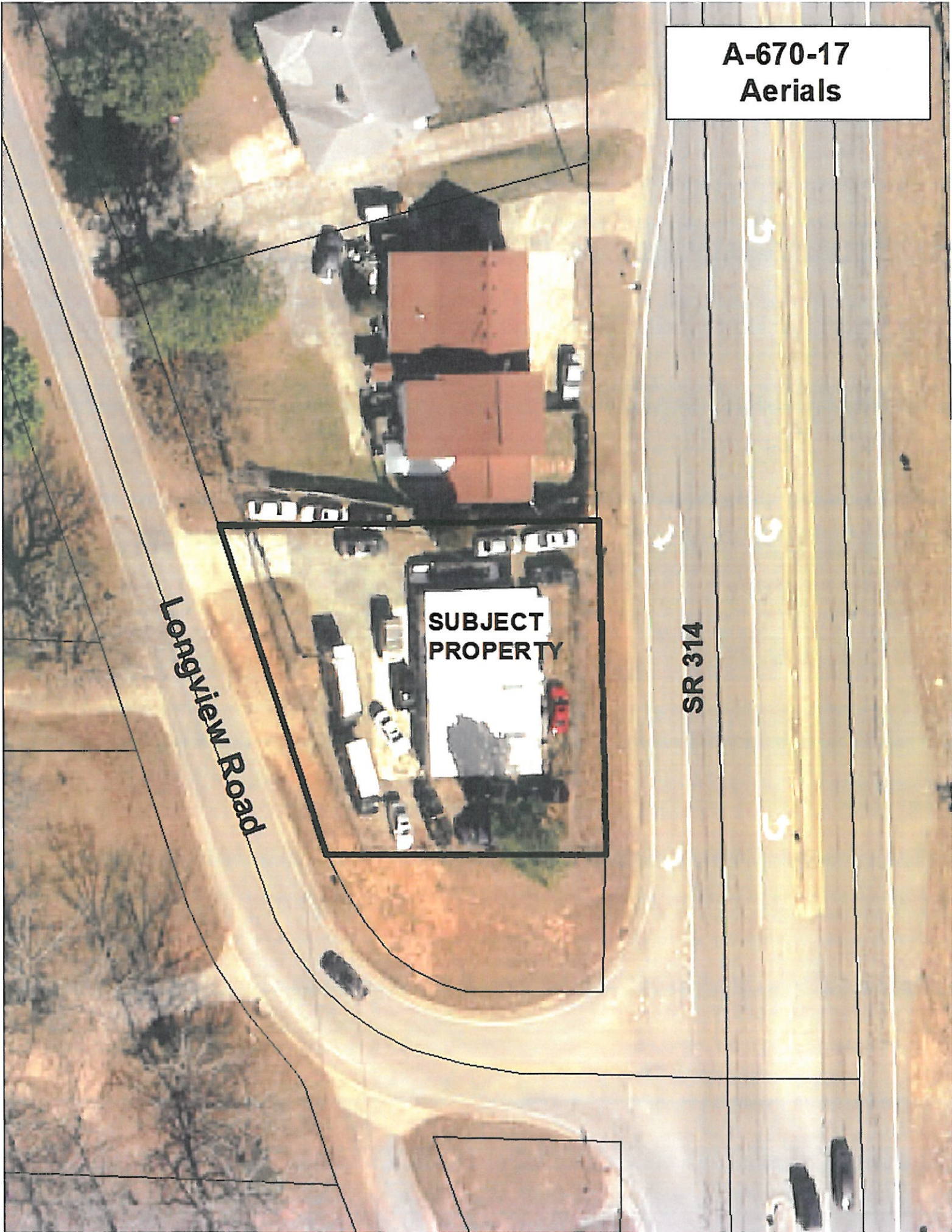
Carlton G. Holt, Sr.
Petitioner

**A-670-17
Aerials**

Longview Road

**SUBJECT
PROPERTY**

SR 314



ALLISON EQUITIES, INC.
P.O. Box 76457
ATLANTA, GA 30358
(404) 303-8777

TO: Chanelle Blaine
Planning & Zoning Coordinator
Fayette County

From: Arlene Tauber

RE: Variance Application to the Zoning Board of Appeals
105 Longview Road

This is in response to your request for the specific type of business that will be operating at the property location. We are in negotiation with a buyer for the property who intends to operate a metal fabrication shop at the location. We are requesting a change of non-conforming use of the property for a metal fabrication shop.

Should you have any questions or need more information, feel free to contact me.

Thank you for your assistance in this matter.

A handwritten signature in cursive script, appearing to read "Arlene Tauber".

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Allison Equities

MAILING ADDRESS: PO Box 76457 Atlanta GA 30358

PHONE: 404-312-7769 FAX: email arlene 280@gmail.com

AGENT FOR OWNERS: Arlene Tauber

MAILING ADDRESS: PO Box 76457 Atlanta GA 30358

PHONE: 404-312-7769 FAX: _____

PROPERTY LOCATION: LAND LOT 198 LAND DISTRICT 05 PARCEL 0544111

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: .28

ZONING DISTRICT: (C-CH Commercial) R-20

ZONING OF SURROUNDING PROPERTIES: commercial and residential CH & R-20

PRESENT USE OF SUBJECT PROPERTY: Commercial

PROPOSED USE OF SUBJECT PROPERTY: Commercial — Metal Fabrication Shop

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-670-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: C. B. Date: October 13, 2017

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2017

Received from Allison Equities Inc. a check in the amount of \$ _____

for application filing fee, and \$ 175.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: September 20, 2017 Receipt Number: 5951236 - sign
5951230 - Application

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 deed for the subject property:

Allison Equities

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0544111

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 19805 District, and (if applicable to more than one land district) Land Lot(s) 198 of the District, and said property consists of a total of .28 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Arlene Tauber to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval 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.

Arlene P. Tauber

Signature of Property Owner 1

120 Grosvenor Place
Address Atlanta, GA 30328

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Signature of Notary Public

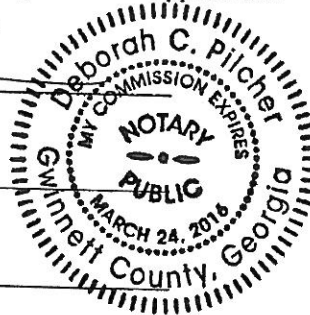
1-12-14
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-170. - Nonconformances. (k) Continuance of a legal nonconforming use.		Re-establish the nonconforming use of the property.	
Sec. 110-170. - Nonconformances. (i) Request for change of the legal nonconforming use of a structure.		Change the legal nonconforming use of a structure.	

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We are requesting that the property remain its grandfather status because it is and has always been a commercial building.

Please see summary below:

The specific type of business that will be operating at the property location is a metal fabrication shop.
(See attached letter also)

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

This piece of property is a cement open block warehouse which has always been used as an auto repair & tire shop since 1975.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The property can not be a residential piece of property. It does not meet any residential characteristics.

3. Such conditions are peculiar to the particular piece of property involved.

~~It is an auto shop.~~ No bedrooms,
No full bathrooms, cement floors.
My purchaser wants to use this
as a metal fabrication shop.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

It would cause no detriment

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Yes it would because this has always been an auto shop.

Chanelle Blaine

From: Arlene Tauber <arlene280@gmail.com>
Sent: Friday, October 27, 2017 6:03 PM
To: Chanelle Blaine
Subject: Re: New applicaton for Variance

Here is the answers:

1. The property is zoned residential, however the structure located on the property is a cement open block building with one room suitable as an office, a bathroom and an open garage type area. It has been utilized for various businesses since 1975 and is not suited as a residential property
2. Undue hardship to the property owner would result in not granting a change of non-conforming use of the property. The property is only viable in its current condition if a property owner cannot operate a business at this location.
3. Adjacent property would not be unduly damaged by the operation of a business at this property. The type of business proposed (metal fabrication shop) would operate only during normal business hours with no more than 3 persons. Also, this business would not create a large amount of vehicles or traffic at the location.
4. The use is not to be identical to the prior legal non-conforming use. We are requesting a change of non-conforming use of the property for a metal fabrication shop.

Thank you so much for all your assistance.
Arlene Tauber

On Wed, Oct 25, 2017 at 4:21 PM, Chanelle Blaine <cblaine@fayettecountyga.gov> wrote:

Good afternoon Ms. Tauber,

You were given the wrong application. Please answer the following questions:

- 1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.

You can email the answers to me. I will copy and paste them into the report.

Exhibit A

105 Longview Road Fayetteville, GA 30214

All that tract or parcel of land lying and being in Land Lot 198 of the 5th District of Fayette County, Georgia, containing 0.26 acres, as shown on a plat of survey entitled "Property survey for James Beckham and Maxine L. Beckham", prepared by Conkle-Lane & Associates, dated May 15, 1997 and recorded at Plat Book 29, page 64-A, Fayette County records, which plat is incorporated herein by reference for a more complete description; being improved property known as 105 Longview Road, Fayetteville, Georgia 30214, according to the present system of numbering in Fayette County, Georgia (the "Land").

Foreclosure History and Sales and/or Rental Going Forward

Foreclosed on 4/2/2013

Filed for writ of possession on 4/2/2013

Writ of possession granted on 4/19/2013

Sheriff executed writ and we took possession on 4/30/2013

Purchased insurance 4/30/2013

Property was then cleaned up and repairs made to secure it in May 2013

Ordered Appraisal 5/10/2013

Appraisal obtained from The Hannibal Group 5/20/2013

Placed a person on site to watch the property for the month of May

Ordered Ackerman security system 6/10/2013

May 2013

Obtained two commercial realtors located in Fayetteville GA to give us an estimated sales price.

Mike Amos (770-294-7084) gave us a list price of \$75,000 to \$95,000 due to a major downward turn in the local market and new zoning restrictions in our area.

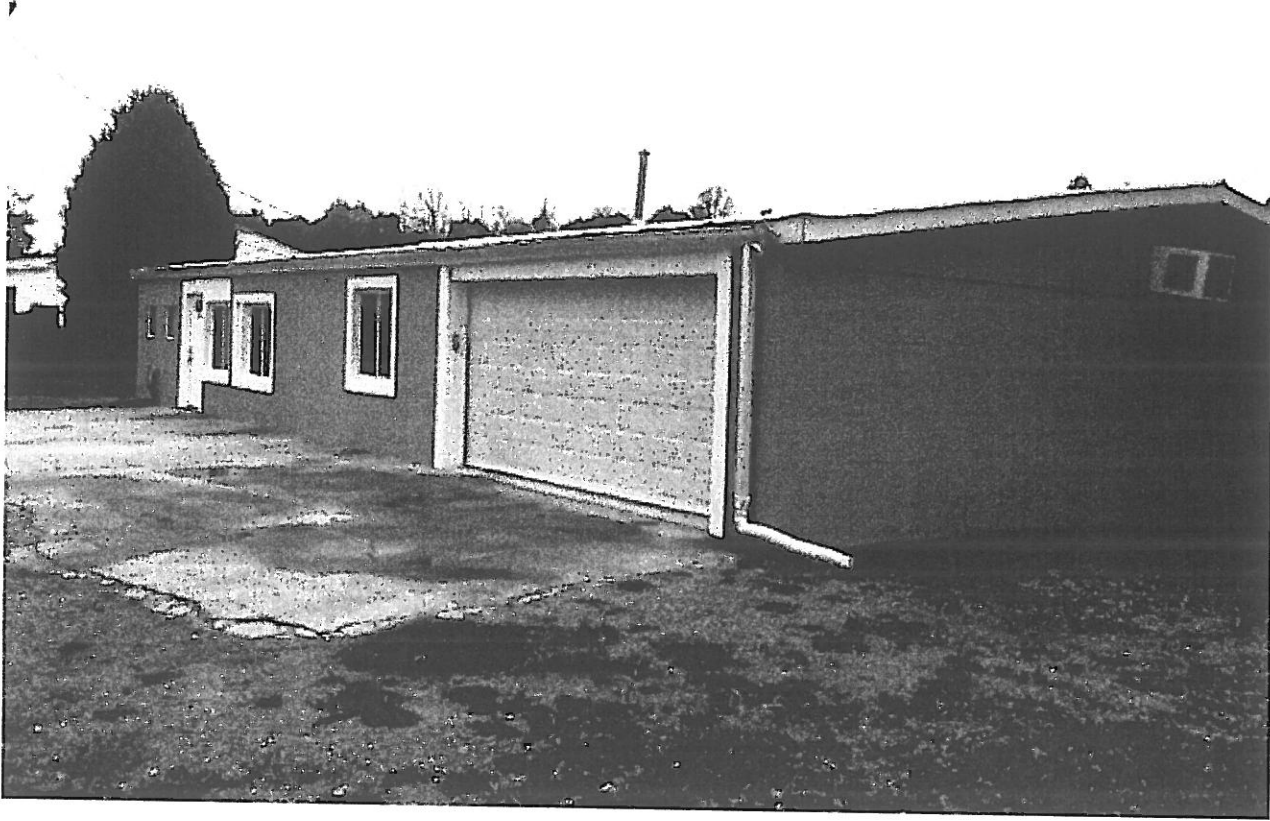
James Clark (770-389-9100) gave us a list price of \$40,000 to \$50,000 with the same issues as above.

Both realtors declined the listing all together based on the time and difficulty to find a buyer in that current market.

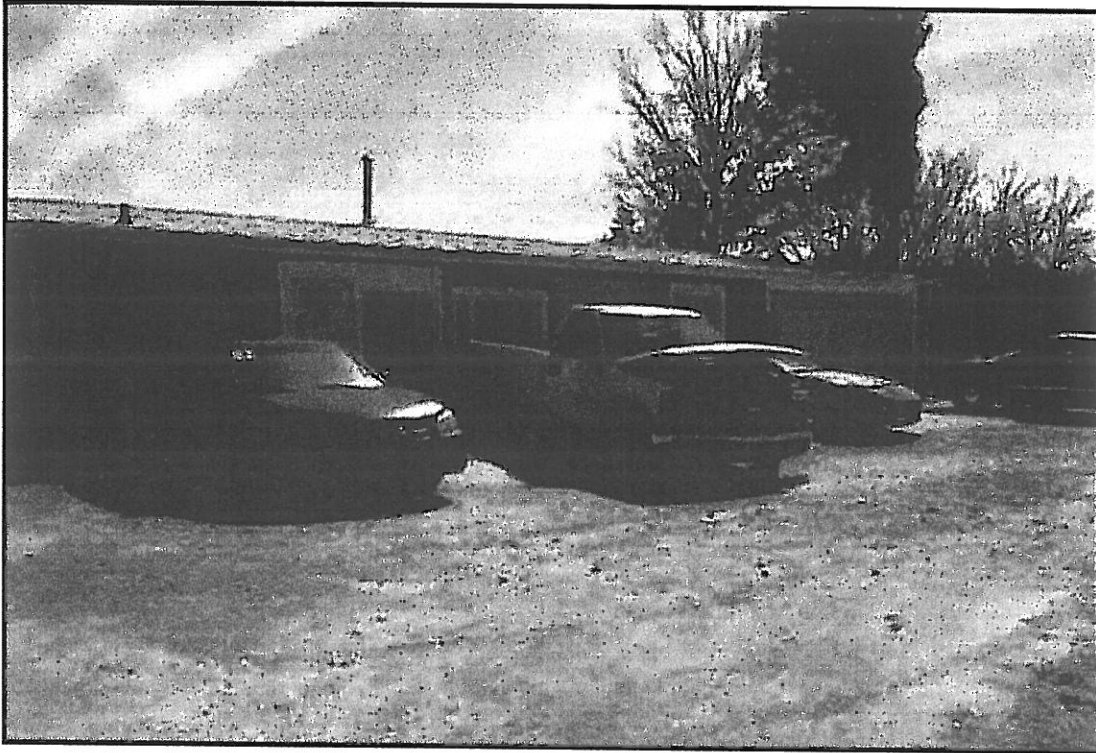
Both realtors agreed the rent price for the building would be between \$600 and \$800 per month.

Current appraised value given the condition of the property, local market and zoning restrictions is \$81,600.00.

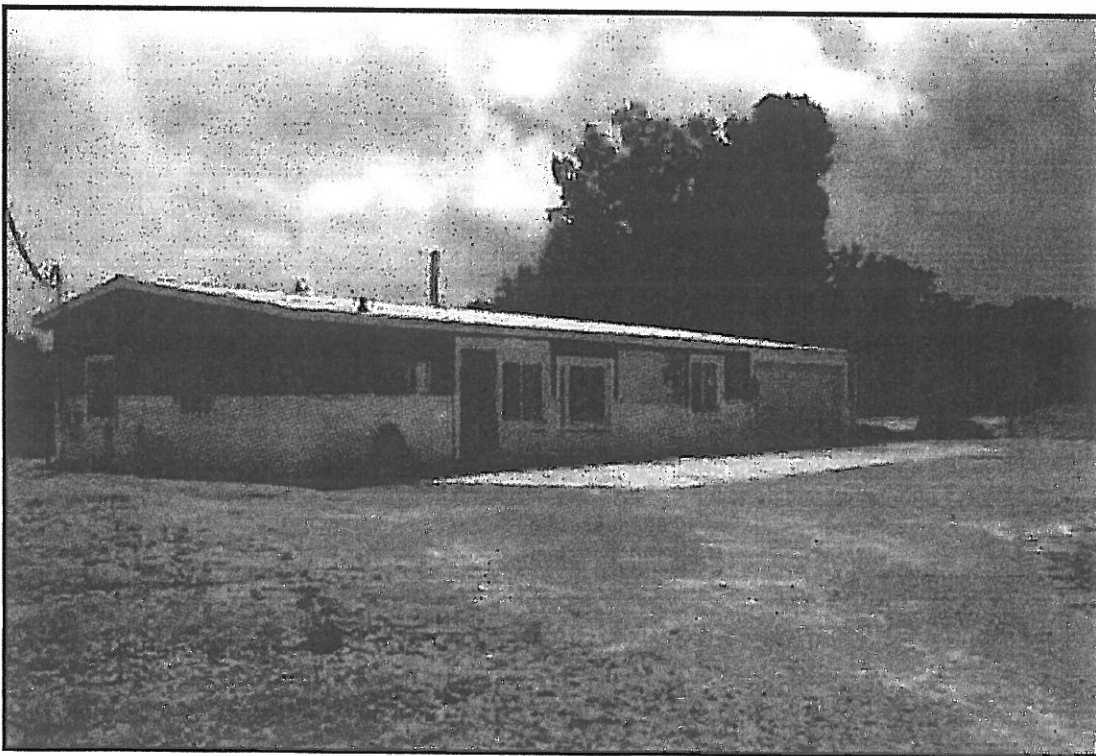
If property sits vacant for more than 6 months, it will automatically lose its current grandfathered commercial zoning thus decreasing the value substantially. The date to have a business operating out of the building is no later than October 25, 2013.



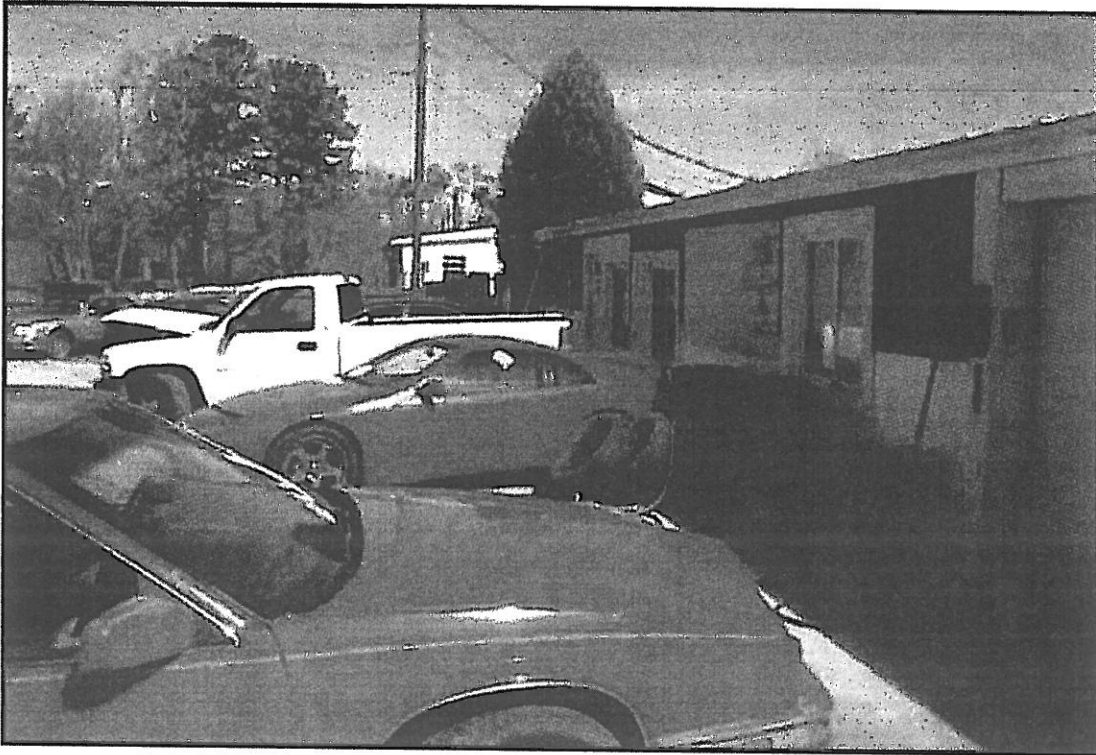
BEFORE



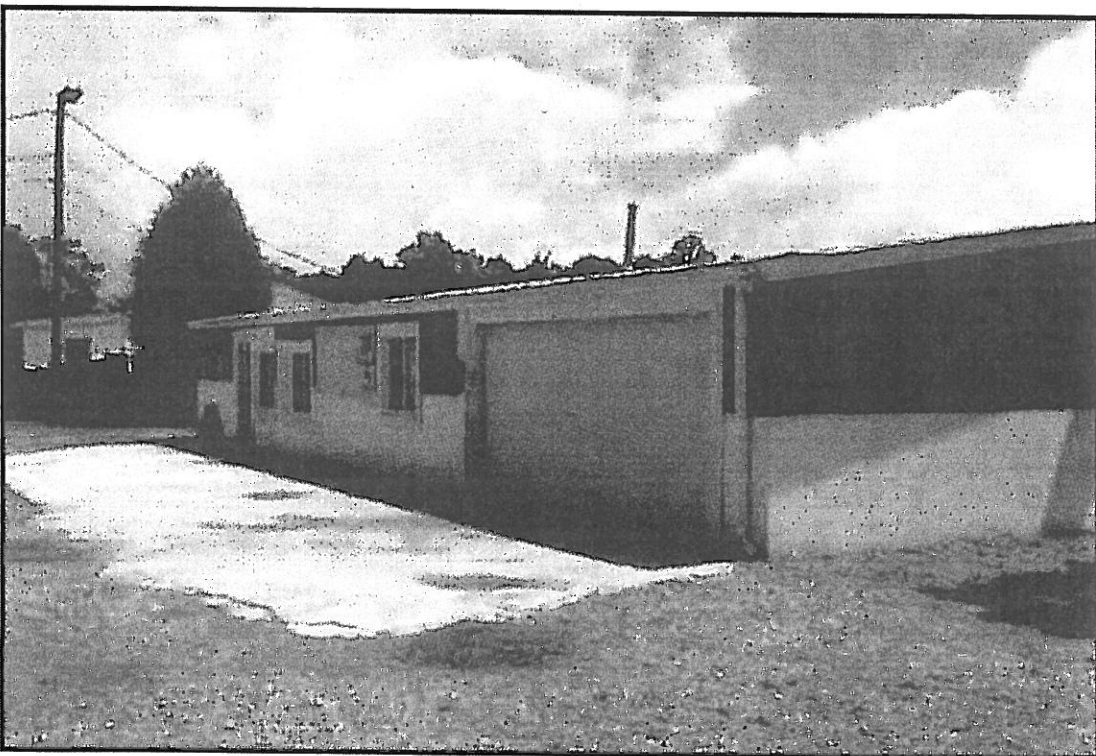
AFTER



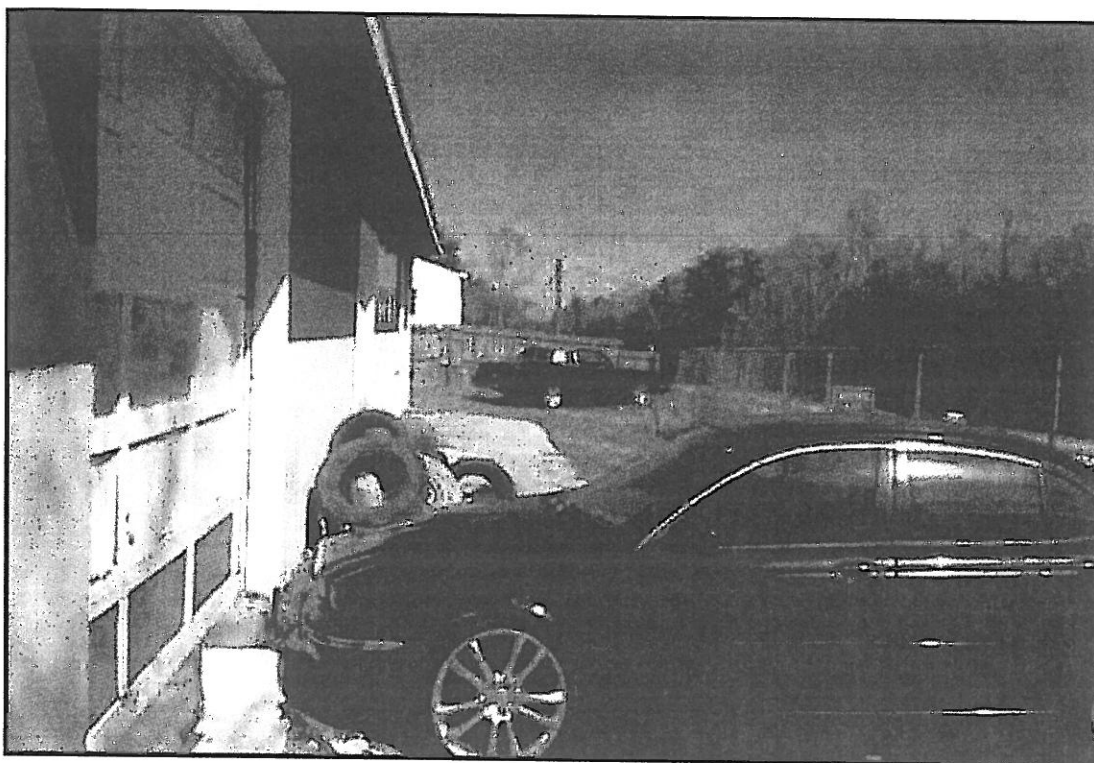
BEFORE



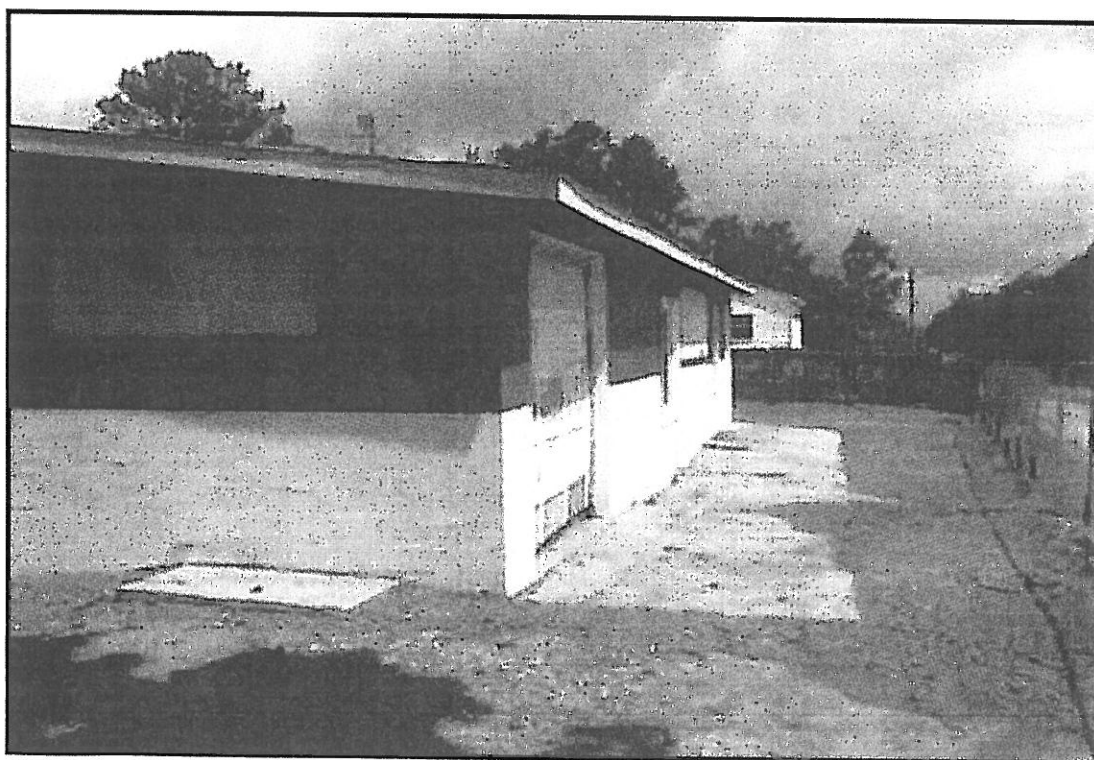
AFTER



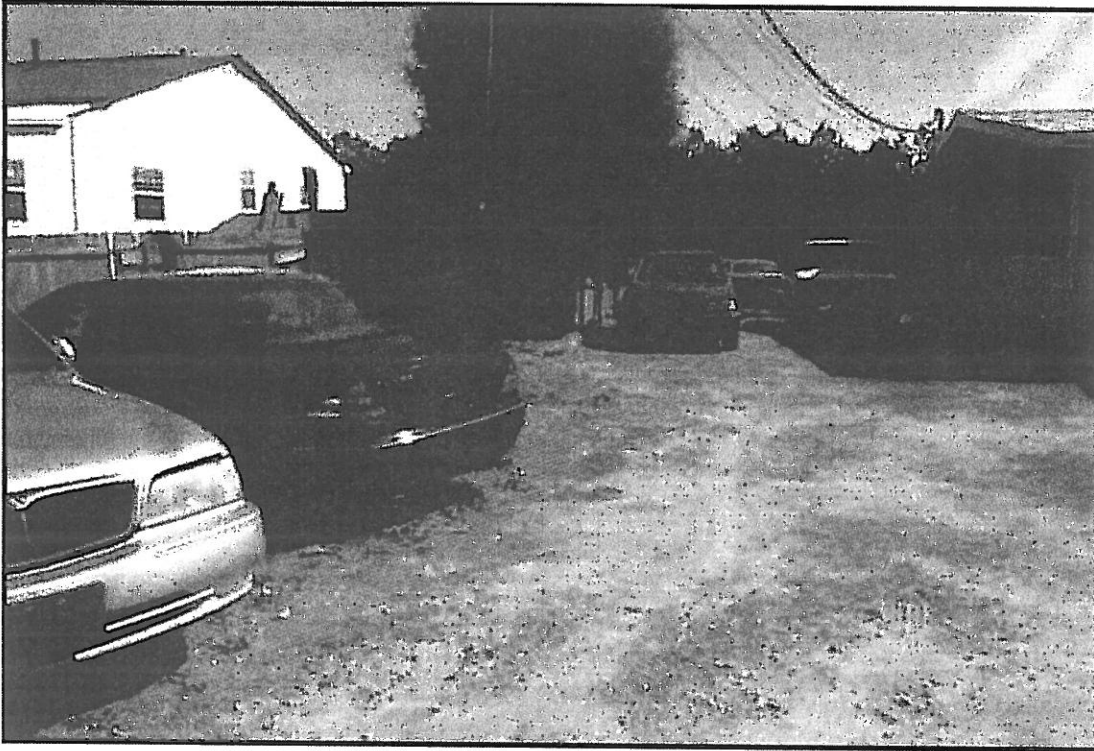
BEFORE



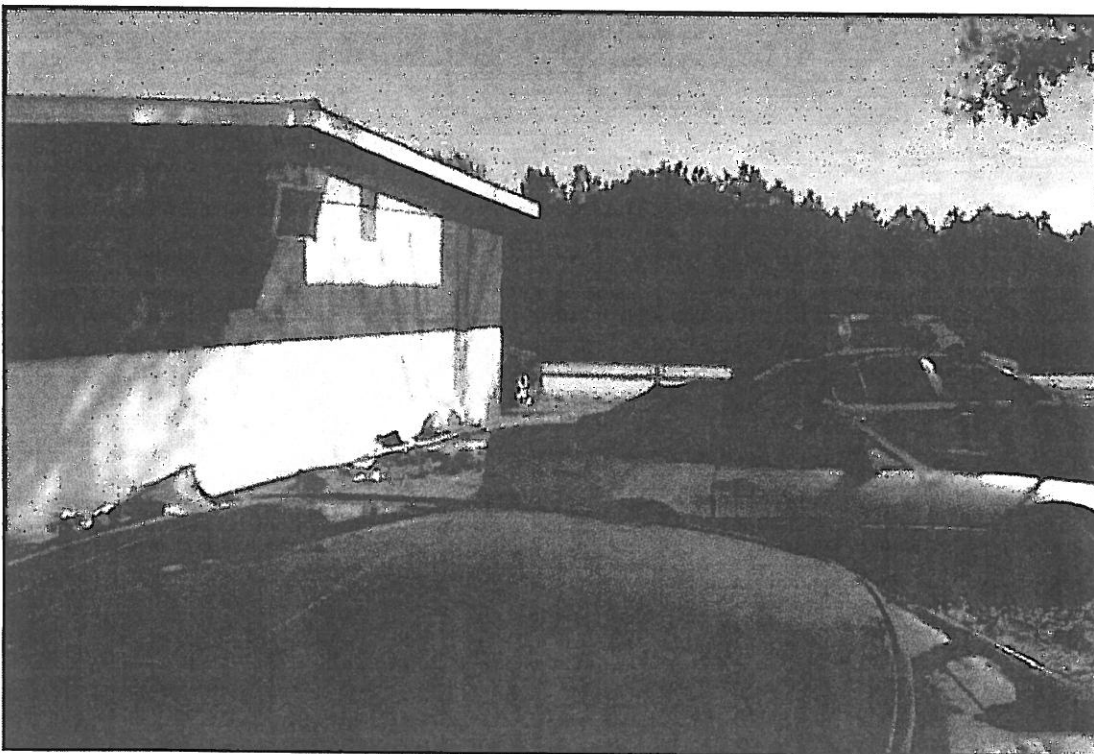
AFTER



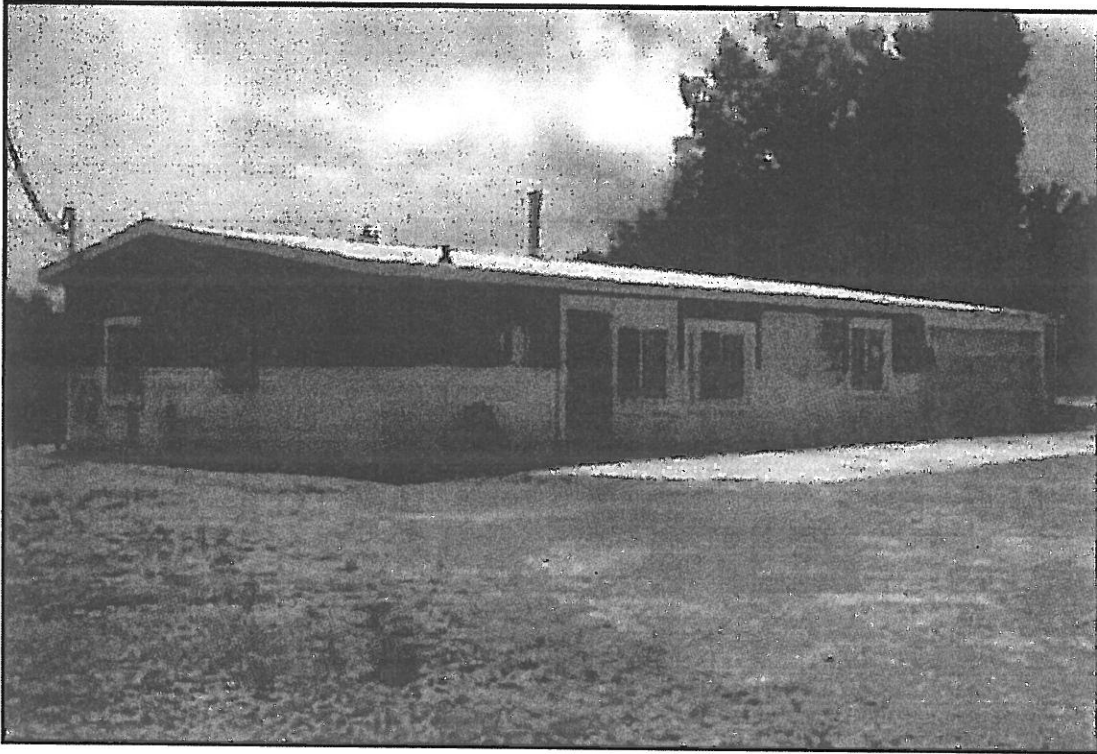
BEFORE



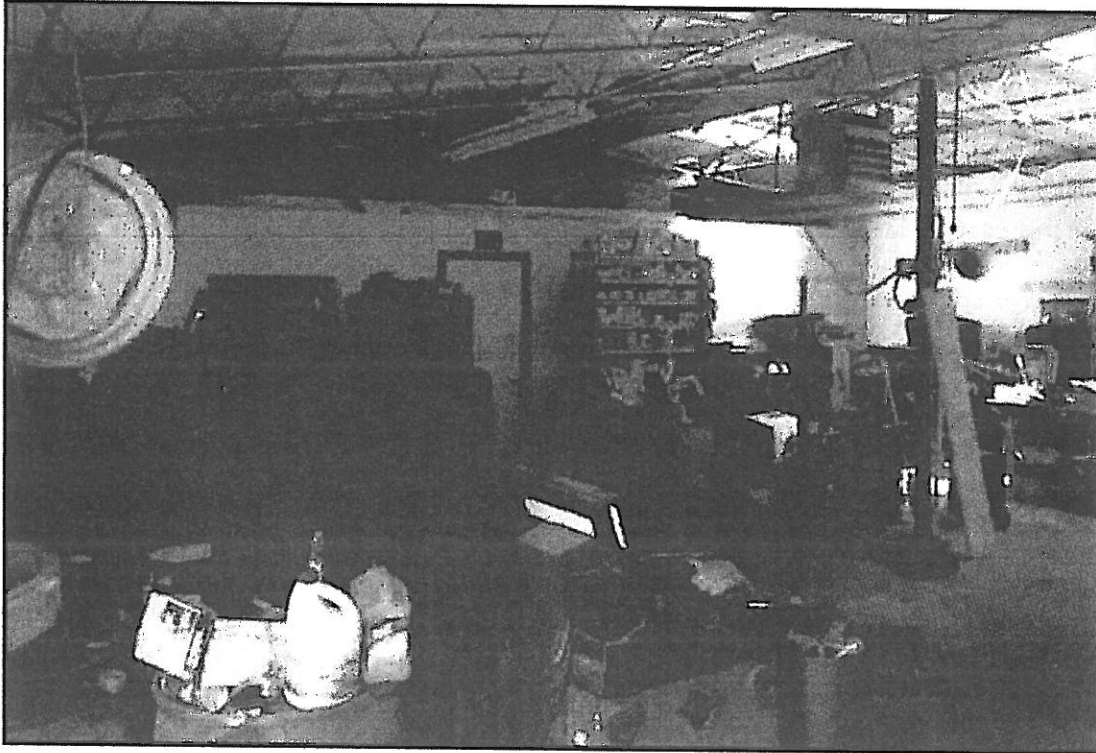
BEFORE



AFTER



BEFORE



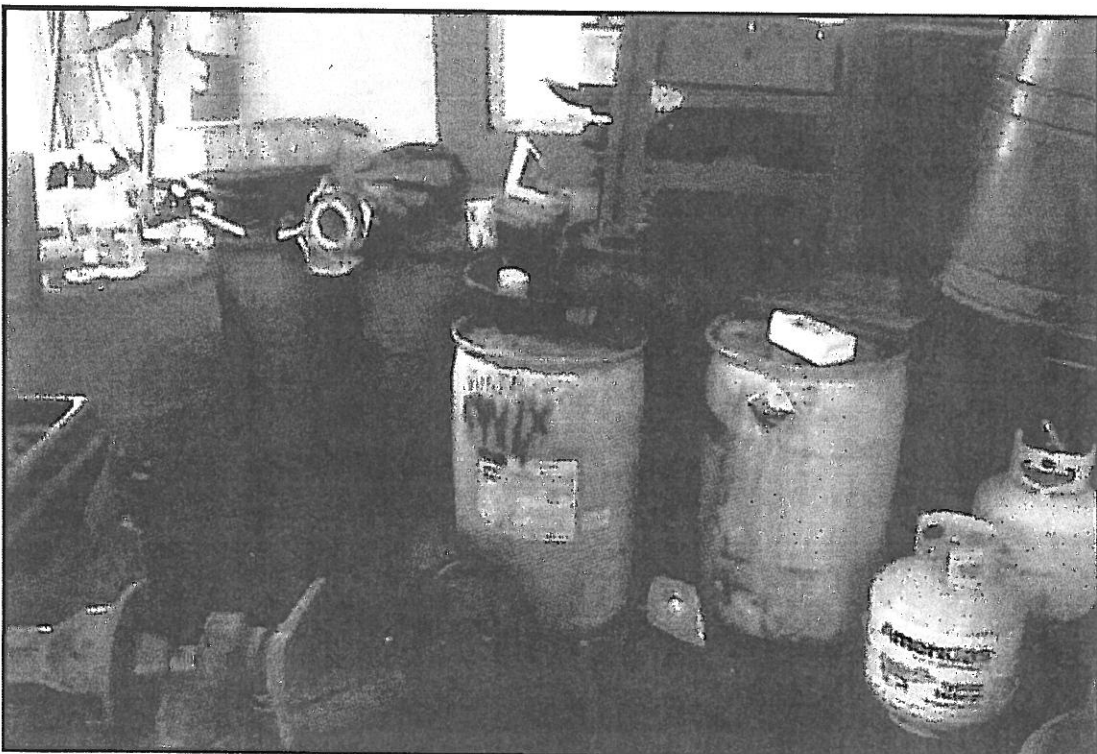
BEFORE



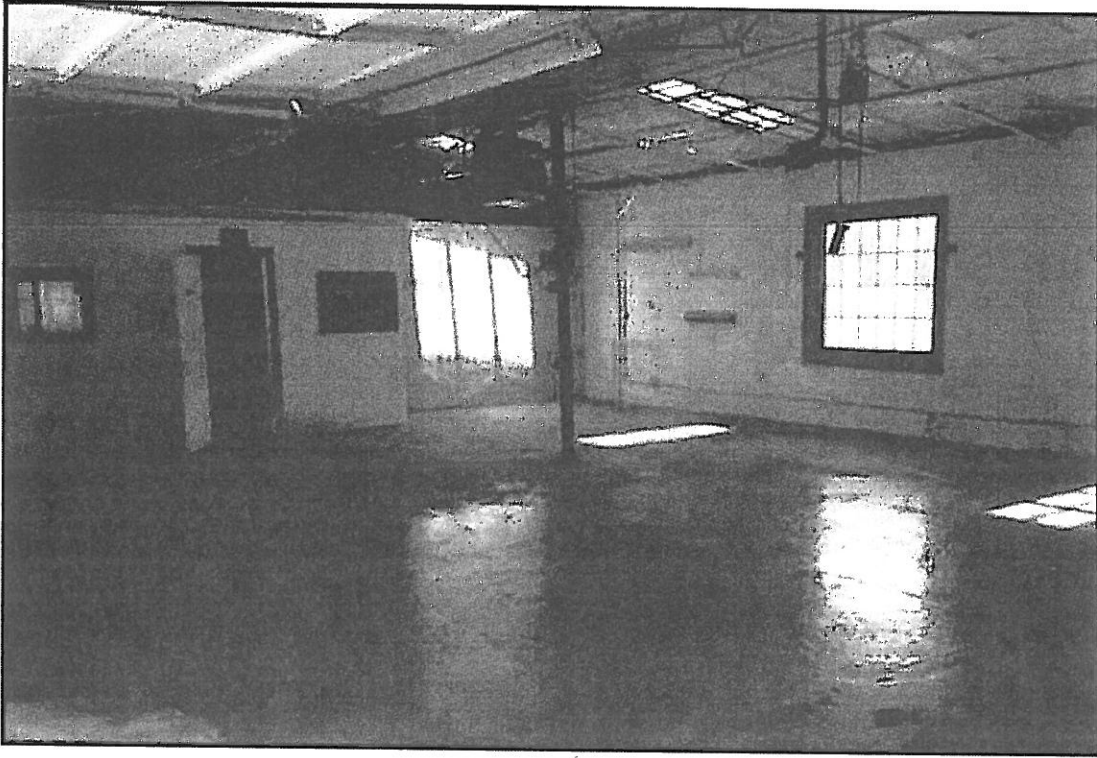
BEFORE



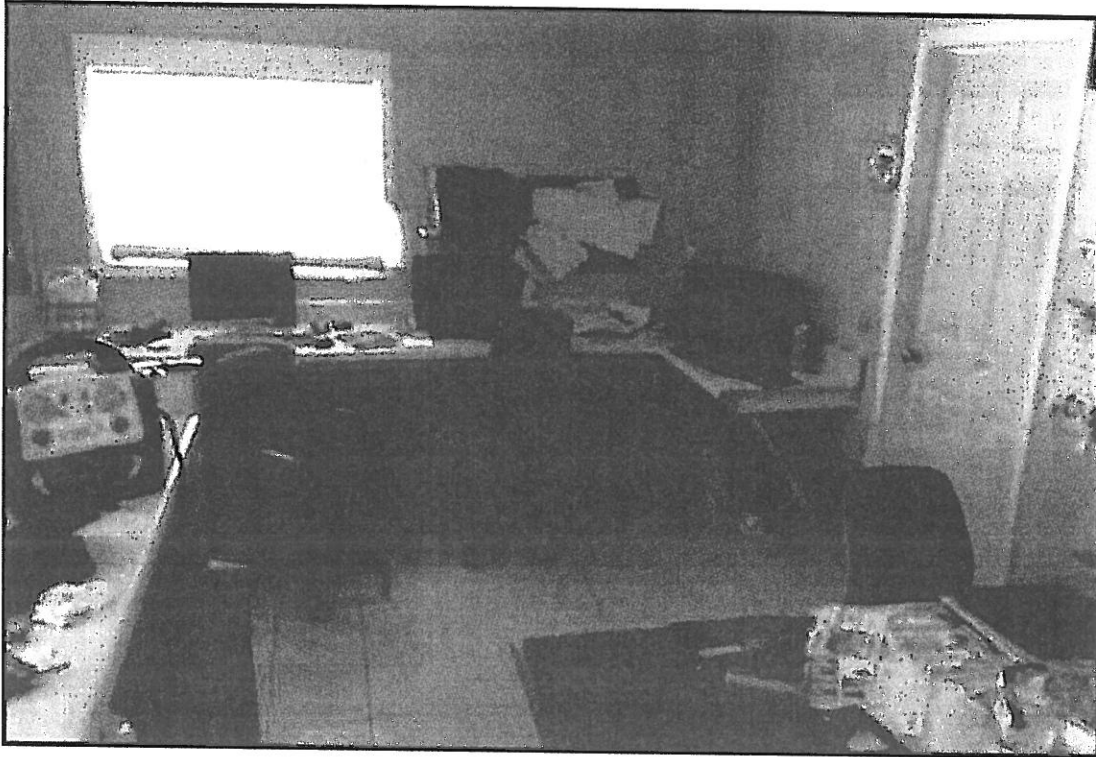
BEFORE



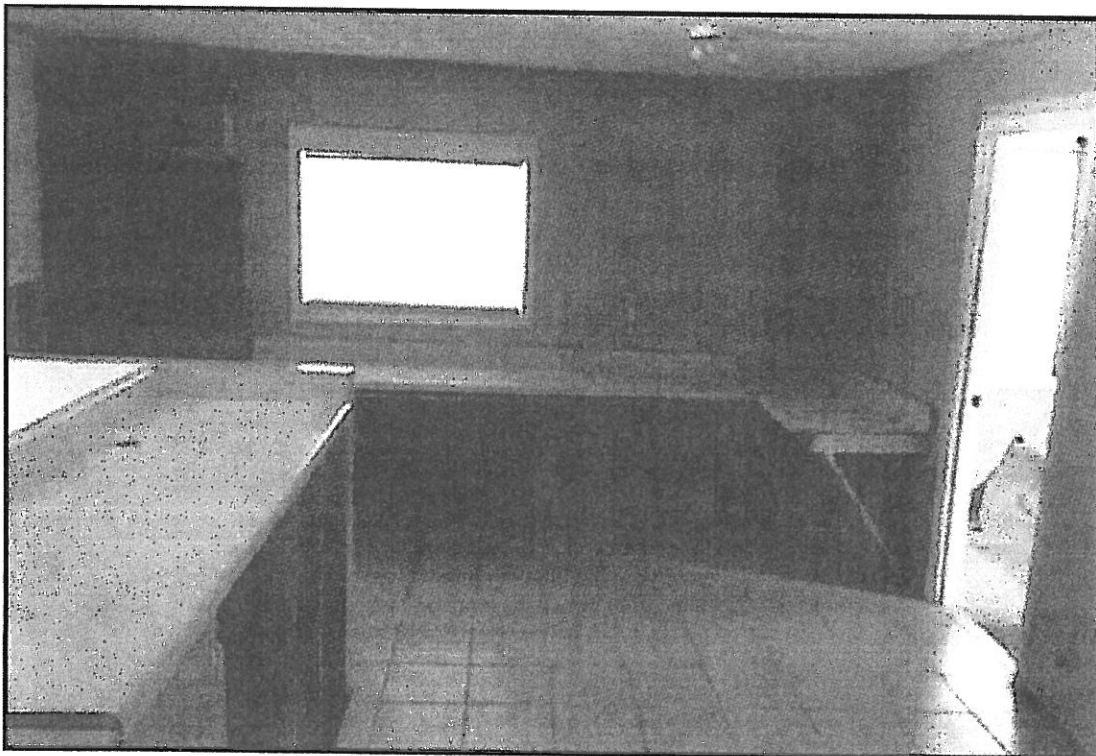
AFTER



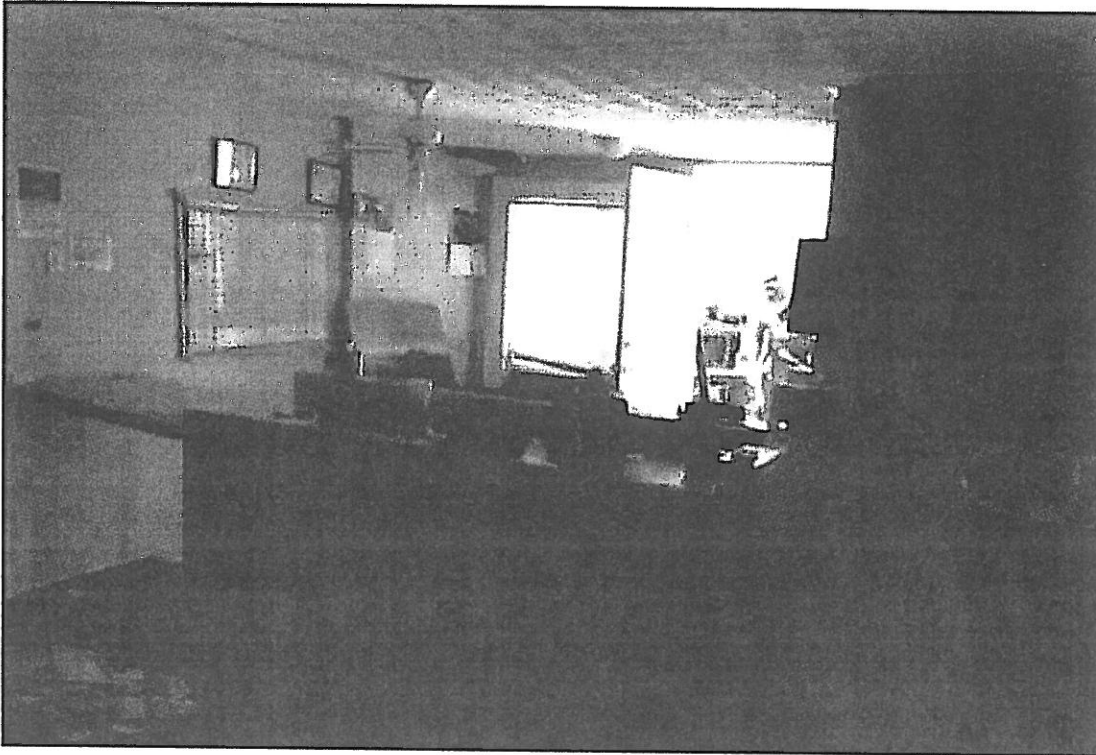
BEFORE



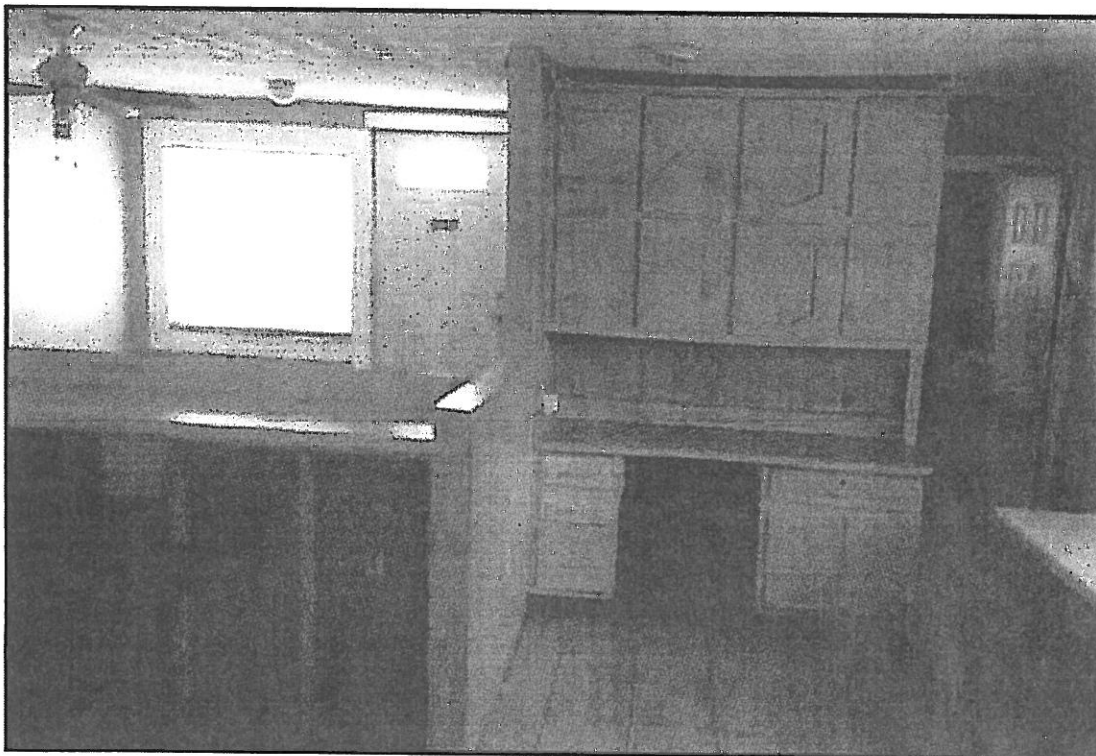
AFTER



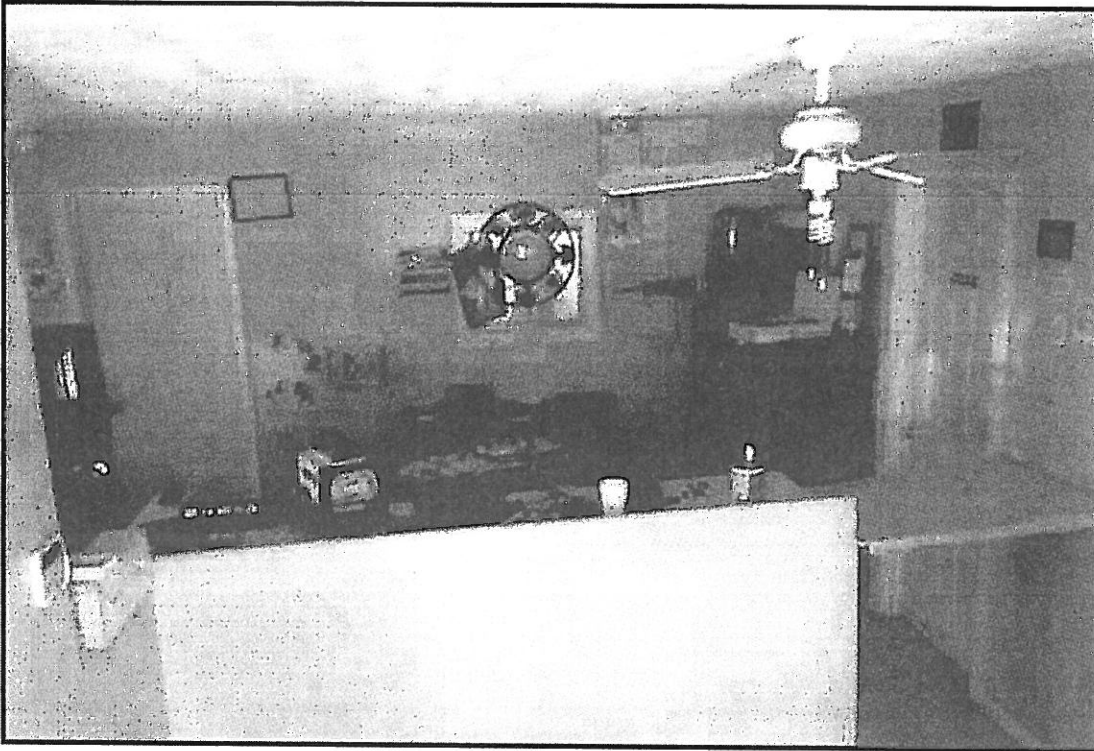
BEFORE



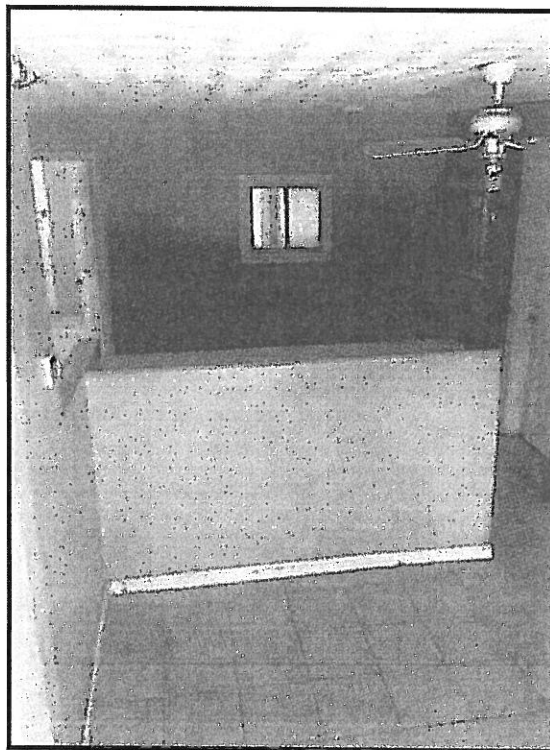
AFTER



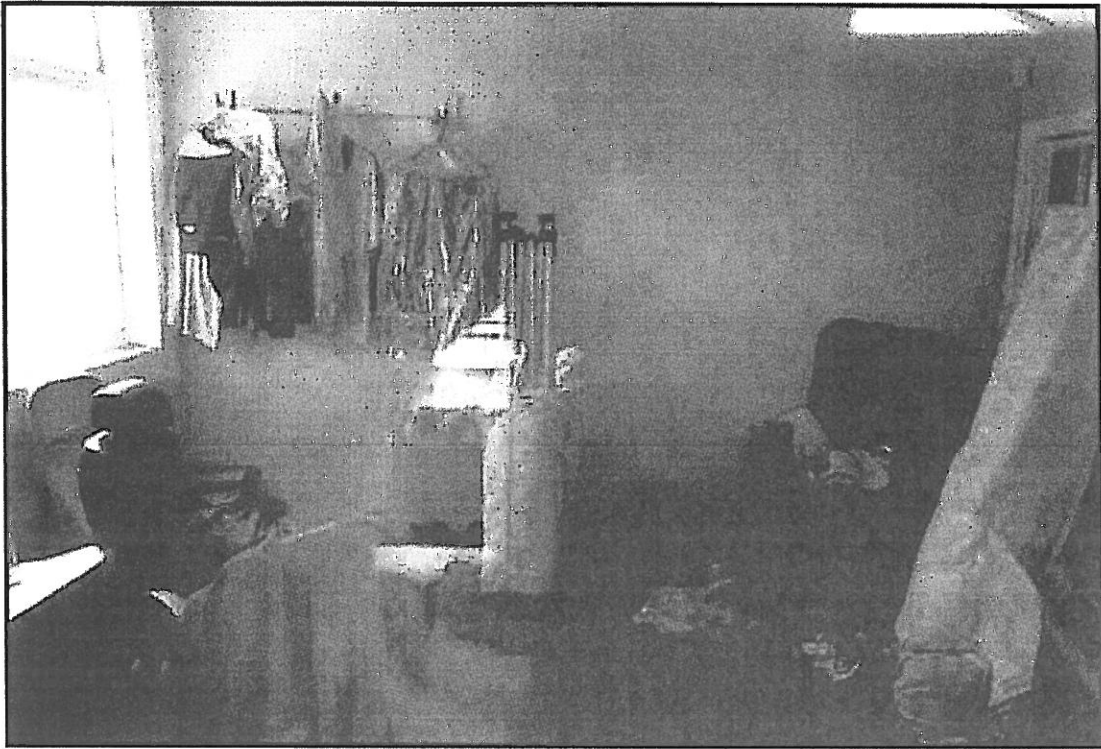
BEFORE



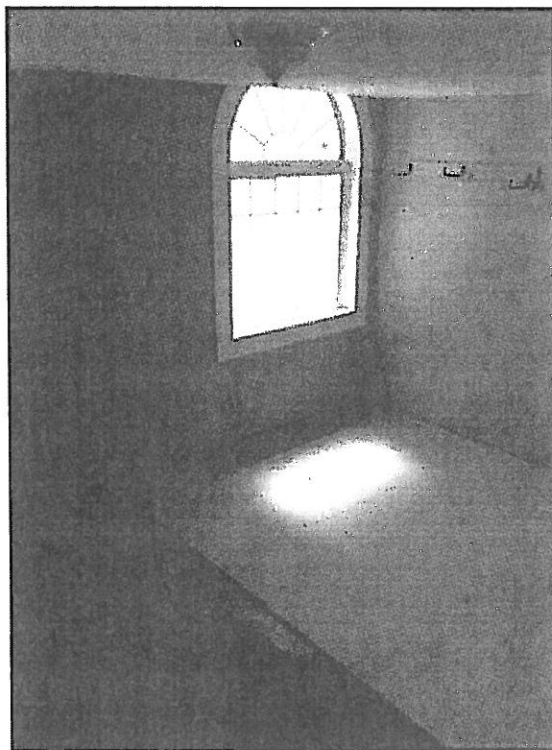
AFTER



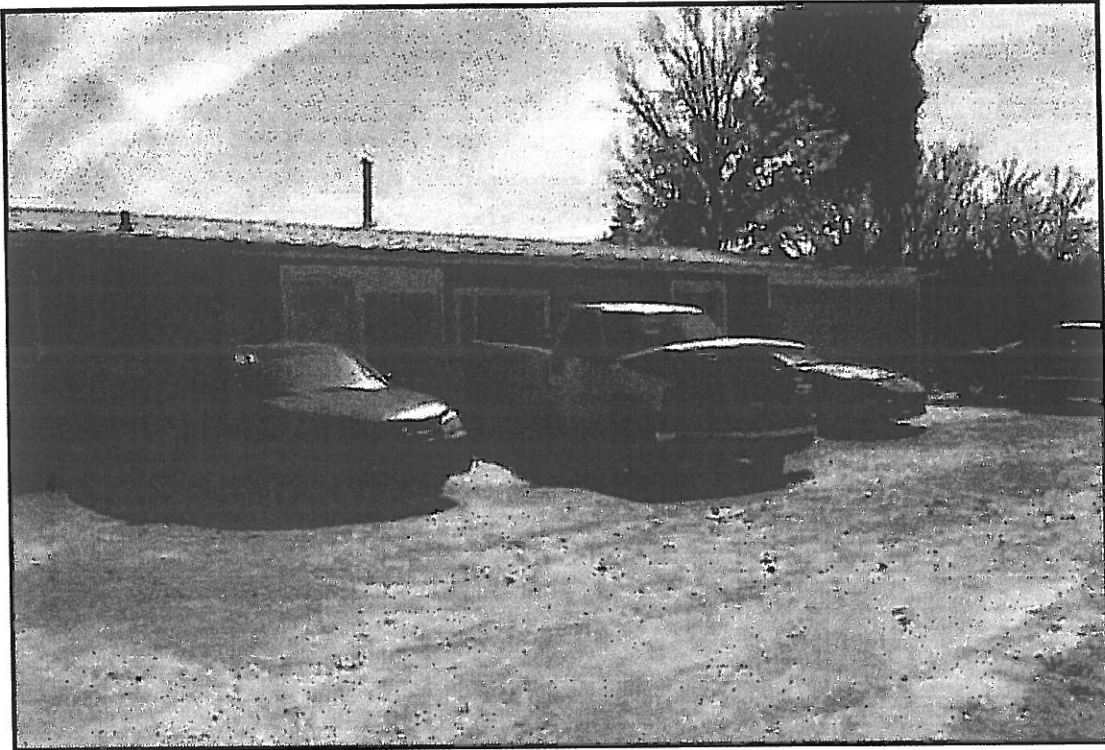
BEFORE



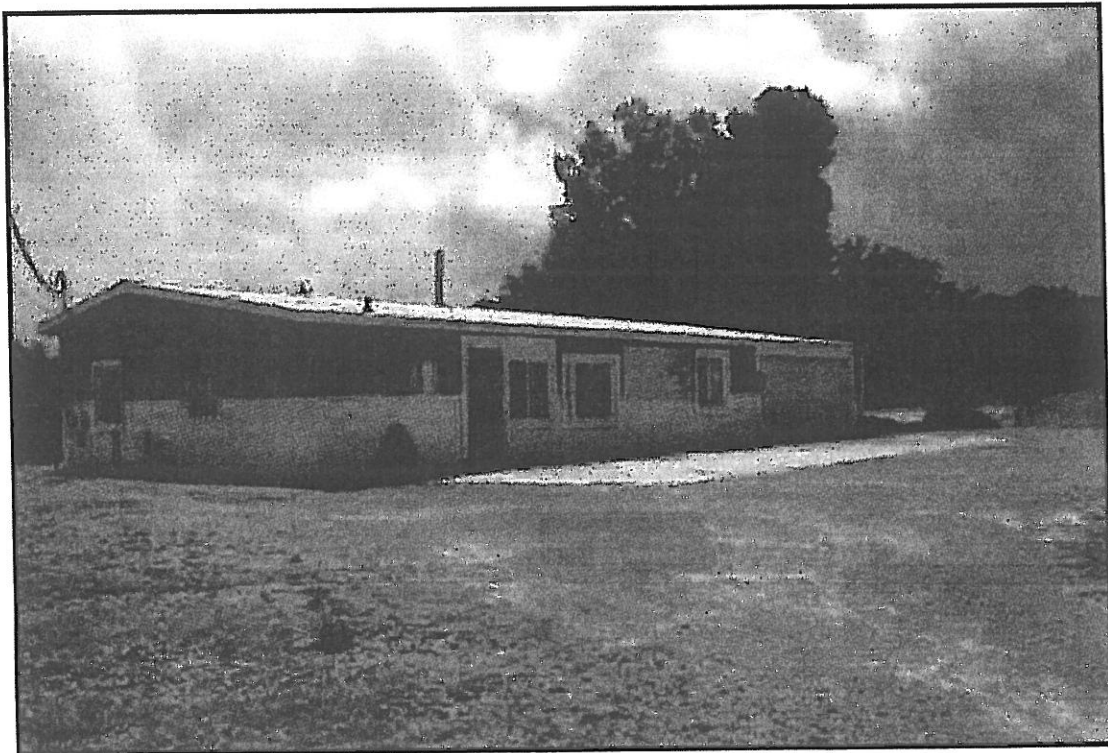
AFTER



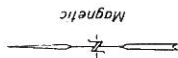
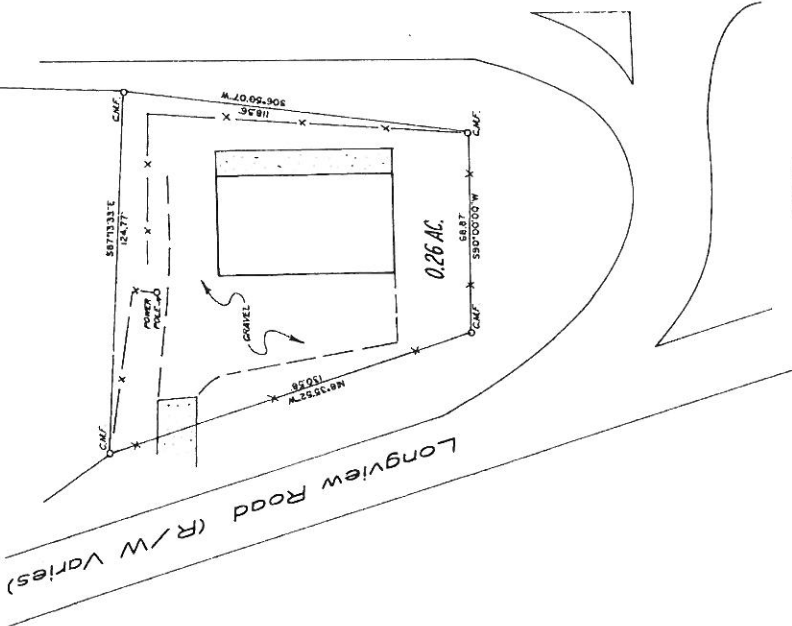
BEFORE



AFTER



Ga. State Route No. 314
(R/W Varies)



prepared by

conkle-lane & associates

planning consultants - land surveyors
p.o. box 845 - griffin, georgia

770-228-9400



It is my solemn duty as a licensed professional surveyor to see that the survey is made in accordance with the minimum requirements of the Georgia Surveying Act of 1967, and to see that the survey is made in accordance with the minimum requirements of the Georgia Surveying Act of 1967.

J. T. Conkle
Old Reg. Land Surveyor No. 201

GEORGIA, FAYETTE COUNTY
Find and Record this
of May 15, 1997
Book 29, Page 64
W. L. Conkle, Clerk

PROPERTY SURVEY FOR

JAMES BECKHAM &

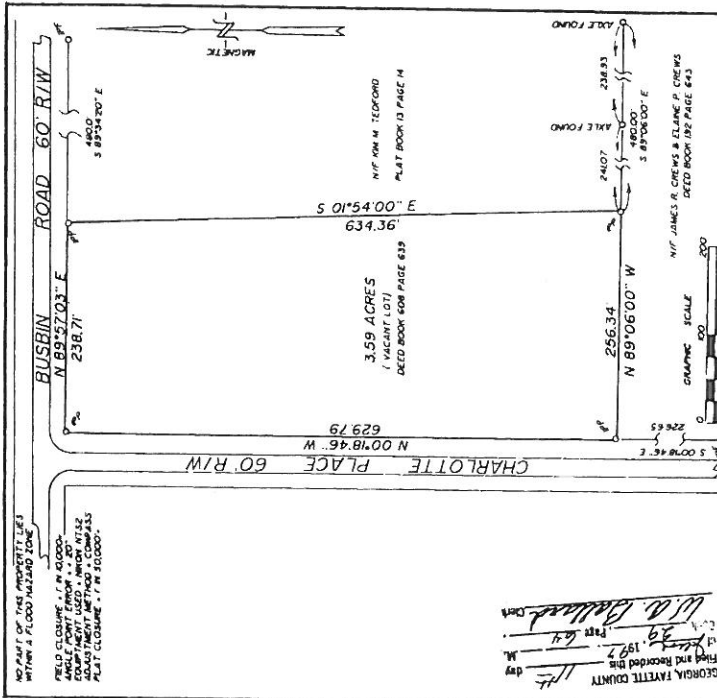
MAXINE L. BECKHAM

LOCATED IN LAND LOT 198

OF THE 5TH LAND DISTRICT

FAYETTE COUNTY, GEORGIA

SCALE: 1" = 30' -- MAY 15, 1997



GEORGIA, FAYETTE COUNTY
Find and Record this
of May 15, 1997
Book 29, Page 64
W. L. Conkle, Clerk

SWINSON A. GASKINS, SR.
1000 W. GASKINS DRIVE
MARIETTA, GEORGIA 30066
PHONE 404-577-7948
FAX 404-509-0966



It is my solemn duty as a licensed professional surveyor to see that the survey is made in accordance with the minimum requirements of the Georgia Surveying Act of 1967, and to see that the survey is made in accordance with the minimum requirements of the Georgia Surveying Act of 1967.

J. T. Conkle
Old Reg. Land Surveyor No. 201

SURVEY FOR

NOEL J. HARMSEN &

KAREN A. HARMSEN

LAND LOT: 227	SCALE: 1" = 100'
DISTRICT: 4 TH	DATE: APRIL 22, 1993
SECTION: 34	DRAWN BY: SAG
COUNTY: FAYETTE	CHECKED BY: MG
STATE: GEORGIA	JOB NO.



Doc ID: 009074790003 Type: FCD
Recorded: 04/02/2013 at 01:45:00 PM
Fee Amt: \$22.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **4033** PG **227-229**

After Recording Return to:
Lynn M. Wilson
Morris, Manning & Martin, LLP
990 Hammond Drive
Suite 300
Atlanta, GA 30328
File No.: FC121

STATE OF GEORGIA)
)
COUNTY OF FAYETTE)

Cross Reference:
Deed Book 3429, page 175
Deed Book 3429, page 196
Deed Book 3486, page 643
Deed Book 3579, page 75

Fayette County, records

DEED UNDER POWER OF SALE

This instrument made and executed as of the 2nd day of April, 2013.

WITNESSETH:

THAT WHEREAS, on the 2nd day of April, 2013, during the legal hours of sale, Allison Mortgage Loan Servicing Corporation, as assigned to Allison Equities II Inc., ("Lender"), as attorney-in-fact for BLANCHFORD E. BALTIMORE AND NORMAN SAMUEL, (the "Grantor"), in that certain Deed to Secure Debt and Security Agreement from Blanchford E. Baltimore and Norman Samuel to Allison Mortgage Loan Servicing Corporation, filed and recorded in Deed Book 3429, page 175, Fayette County records, in the amount of \$198,000.00; and as transferred by Transfer and Assignment from Allison Mortgage Loan Servicing Corporation to Allison Equities II Inc., dated July 29, 2008, filed and recorded August 5, 2008 in Deed Book 3429, page 196, aforesaid records; and as re-recorded August 25, 2009 in Deed Book 3565, page 189, aforesaid records; and as assigned by Collateral Assignment of Security Instrument from Allison Equities II, Inc. to Rakuman Holding, LLC, dated August 18, 2008, filed and recorded February 26, 2009 in Deed Book 3486, page 643, aforesaid records; and as further assigned by Collateral Assignment of Security Instrument from Allison Equities II, Inc. to John A. Tailor Money Purchase Pension Plan & Trust, dated August 11, 2008, filed and recorded October 9, 2009 in Deed Book 3579, page 75, aforesaid records, did expose for sale at public outcry, to the highest bidder for cash, before the courthouse door in Fayette County, Georgia, the Premises (hereinafter defined) at which sale Allison Mortgage Loan Servicing

Corporation, as assigned to Allison Equities II Inc., and Servicer for Rakuman Holding, LLC and as further assigned to John A. Tailor Money Purchase Pension Plan & Trust ("Purchaser") was the highest and best bidder at and for TWO HUNDRED THIRTEEN ONE HUNDRED SIXTY EIGHT THOUSAND DOLLARS AND 96/100THS (\$213,168.96) (the "Purchase Price"), and the Premises were then and there knocked off to Purchaser. The sale was made under and by virtue of the power and authority granted to Lender in that certain Deed to Secure Debt and Security Agreement from Blanchford E. Baltimore and Norman Samuel to Allison Mortgage Loan Servicing Corporation, filed and recorded in Deed Book 3429, page 175, Fayette County records, in the amount of \$198,000.00; and as transferred by Transfer and Assignment from Allison Mortgage Loan Servicing Corporation to Allison Equities II Inc., dated July 29, 2008, filed and recorded August 5, 2008 in Deed Book 3429, page 196, aforesaid records; and as re-recorded August 25, 2009 in Deed Book 3565, page 189, aforesaid records; and as assigned by Collateral Assignment of Security Instrument from Allison Equities II, Inc. to Rakuman Holding, LLC, dated August 18, 2008, filed and recorded February 26, 2009 in Deed Book 3486, page 643, aforesaid records; and as further assigned by Collateral Assignment of Security Instrument from Allison Equities II, Inc. to John A. Tailor Money Purchase Pension Plan & Trust, dated August 11, 2008, filed and recorded October 9, 2009 in Deed Book 3579, page 75, aforesaid records. The sale was made after advertising the time, place and terms thereof in The Fayette News having general circulation in Fayette County, Georgia and being the publication in which Sheriff's advertisements for the county are published, once a week for four (4) weeks prior to the sale. The advertisement complied in all respects with the requirements of the power of sale contained in the Security Deed. Notice to Grantor, in compliance with O.C.G.A. Section 44-14-162.2, was given. The sale was made for the purpose of paying the indebtedness due to Lender, secured by the Security Deed, and the expenses of the sale, all of which was mature and payable because of default of Grantor in the payment of that certain Promissory Note from Grantor, to and in favor of Lender dated September 12, 2008, in the original principal amount ONE HUNDRED NINETY ONE THOUSAND NINE HUNDRED THIRTY TWO DOLLARS AND 18/100's (\$191,932.18) (the "Note"), secured by the Security Deed; to wit:

All that tract or parcel of land lying and being in Land Lot 198 of the 5th District of Fayette County, Georgia, containing 0.26 acres, as shown on a plat of survey entitled "Property survey for James Beckham and Maxine L. Beckham", prepared by Conkle-Lane & Associates, dated May 15, 1997 and recorded at Plat Book 29, page 64-A, Fayette County records, which plat is incorporated herein by reference for a more complete description; being improved property known as 105 Longview Road, Fayetteville, Georgia 30214, according to the present system of numbering in Fayette County, Georgia All that tract or parcel of land, lying, being and situate in the State of Georgia, County. Reference being made to said plat for a more complete and accurate description as to metes, bounds, courses, locations and distances of said property.

Blanchford E. Baltimore and Norman Samuel received title to the property from Tamika S. Lott-Williams by Warranty Deed dated July 29, 2008 and recorded August 5, 2008 in said Clerk's Office of Fayette County in Deed Book 3429 at page 174.

NOW, THEREFORE, Lender, acting under and by virtue of the power of sale contained in the Security Deed and in consideration of the Purchase Price paid for the Premises by virtue of the public sale aforesaid, and in consideration of the facts hereinbefore recited, has bargained, sold

and conveyed and does hereby bargain, sell and convey unto Purchaser, having an address of P.O. Box 76457, Atlanta, GA 30358, its successors and assigns the following described land, improvements, fixtures and appurtenances, to wit (collectively, the "Premises"):

TO HAVE AND TO HOLD the Premises unto Purchaser, its successors and assigns, in fee simple. It is the purpose and intent of this instrument to convey all of the right, title, equity, and interest of Grantor, its legal representatives, heirs and assigns and all persons whosoever claiming under them, in and to the Premises.

This Deed is made subject to all unpaid city, county, and state ad valorem property taxes and assessments relating to the Premises and all restrictions, easements and other matters of record, if any, affecting the Premises prior to the Security Deed and to which the Security Deed is subject.

IN WITNESS WHEREOF, the Lender, as attorney-in-fact for Grantor, has hereunto executed this Deed and affixed its seal and delivered this instrument as of the day and year first above written.

BLANCHFORD E. BALTIMORE AND NORMAN SAMUEL (Borrowers)

By: ALLISON EQUITIES II, INC., as servicer for John A. Tailor Money Purchase Pension Plan & Trust, and as servicer for Rakuman Holding, LLC
As Attorney-in-Fact for
BLANCHFORD E. BALTIMORE AND NORMAN SAMUEL

Allison P. Tailor

By:

Name: *Arlyne T. Tailor*

Title: *Pres.*

Signed, sealed and delivered in the presence of:

Bob [Signature]

Witness

[Signature]
Notary Public

My Commission Expires:

[NOTARIAL SEAL OR



NOTICE OF SALE UNDER POWER

STATE OF GEORGIA

COUNTY OF FAYETTE

Under and by virtue of the power of sale contained in that certain Deed to Secure Debt for Georgia from BLANCHFORD E. BALTIMORE AND NORMAN SAMUEL (the "Grantor") in favor of Allison Mortgage Loan Servicing Corporation, dated July 29, 2008, filed August 5, 2008, recorded in Deed Book 3429, page 175, Fayette County records (collectively, the "Security Deed"), securing that certain Promissory Note from BLANCHFORD E. BALTIMORE AND NORMAN SAMUEL to and in favor of Allison Mortgage Loan Servicing Corporation, and as transferred by Transfer and Assignment from Allison Mortgage Loan Servicing Corporation to Allison Equities II Inc., dated July 29, 2008, filed and recorded August 5, 2008 in Deed Book 3429, page 196, Fayette County records; and as re-recorded August 25, 2009 in Deed Book 3565, page 189, aforesaid records; and as assigned by Collateral Assignment of Security Instrument from Allison Equities II, Inc. to Rakuman Holding, LLC, dated August 18, 2008, filed and recorded February 26, 2009 in Deed Book 3486, page 643, aforesaid records; and as assigned by Collateral Assignment of Security Instrument from Allison Equities II, Inc. to John A. Tailor Money Purchase Pension Plan & Trust, dated August 11, 2008, filed and recorded October 9, 2009 in Deed Book 3579, page 75, aforesaid records, in the original principal amount of ONE HUNDRED NINETY-EIGHT THOUSAND AND 00/100 DOLLARS (\$198,000.00) ("Note"); there will be sold at public outcry by Holder as attorney-in-fact of Grantor to the highest bidder for cash between the legal hours for sale before the Courthouse door in Fayette County, Georgia, on the first Tuesday in April, 2013, the following described land, improvements and appurtenances (hereinafter collectively referred to as the "Premises") to wit:

All that tract or parcel of land lying and being in Land Lot 198 of the 5th District of Fayette County, Georgia, containing 0.26 acres, as shown on a plat of survey entitled "Property survey for James Beckham and Maxine L. Beckham", prepared by Conkle-Lane & Associates, dated May 15, 1997 and recorded at Plat Book 29, page 64-A, Fayette County records, which plat is incorporated herein by reference for a more complete description; being improved property known as 105 Longview Road, Fayetteville, Georgia 30214, according to the present system of numbering in Fayette County, Georgia (the "Land").

Said properties are also subject to all utility easements and any valid enforceable easements, restrictions, and right of way of record.

Together with all buildings, structures, improvements of every nature whatsoever now or hereafter situated on the property described hereinabove, and all fixtures, machinery, equipment, furniture, furnishings, inventory and personal property of every nature whatsoever now or hereafter owned by Borrower and located in on, or used or intended to be used in connection with or with the operation of said property, buildings, structures or other improvements, betterments, renewals, and replacements to any of the foregoing. All building materials, equipment, fixtures, fittings, and personal property of every kind or character now or hereafter acquired by the Borrower for the purpose of being used or useful in connection with the improvements located or to be located on the property described hereinabove, whether such materials, equipment, fixtures, fittings and personal property are actually located on or adjacent to said property or not, and whether in storage or otherwise, whosoever the same may be located, including, but without limitation, all lumber, lumber products, bricks, building stones, and building blocks, sand and cement, roofing material paint, doors, window, hardware, nails, wires and wiring, plumbing and plumbing fixtures, heating and air condition equipment and appliances, electrical and gas equipment and appliances, pipes and piping, ornamental and

decorative fixtures, furniture, ranges, refrigerators, dishwashers, disposals, and in general all building materials and equipment of every kind and character used or useful in connection with said improvements.

Together with all easements, rights of way, gores of land, streets, ways, alleys, passages, sewer rights, waters, water courses, water rights and powers, and all estates, rights, titles, interests, privileges, liberties, tenements, hereditaments, and appurtenances whatsoever, in any way belong, relate or be appurtenant thereto, whether now owned or hereafter acquired by the Borrower, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, property, possession, claim, and demand whatsoever at law, as well as in equity, of the Borrower of, in and to the same, including but not limited to: (a) all rents, profits, issues and revenues of the Mortgaged Property from time to time accruing, whether under leases or tenancies now existing or hereafter created, reserving to Borrower, however, so long as no Event of Default exists hereunder or under any of the Loan Documents, the right to receive and retain the rents, issues, and profits thereof; and (b) all judgments, awards of damages, and settlements hereafter made resulting from condemnation proceedings or the taking of the Mortgaged Property or any part thereof under the power of eminent domain, or for any damage (whether caused by such taking or otherwise) to the Mortgaged Property or any part thereof, or to any rights, appurtenant thereto, including any award for change of grade or streets.

The indebtedness evidenced by the Note is due and payable and remains unpaid. The Security Deed therefore has become and is now foreclosable according to its terms. Accordingly, the Premises will be sold at public outcry pursuant to the terms of the power of sale provided in the Security Deed.

The Premises will be sold on an "as is, where is" basis without recourse against Lender and without representation or warranty of any kind or nature whatsoever by Lender with respect thereto.

The proceeds of the sale are to be applied first to the expenses of the sale and all proceedings in connection therewith, including attorneys' fees (notice of intention to collect attorneys' fees having been given), then to the payment of all sums secured by the Security Deed, and the remainder, if any, will be paid to the person or persons legally entitled thereto, all as provided in the Note and Security Deed. The Premises shall be sold as the property of Grantor, subject to all restrictions, easements and other matters of record that are prior to the Security Deed and to which the Security Deed is subject and to any unpaid city, county and state ad valorem taxes or assessments relating to the Premises.

To the best of the undersigned's knowledge and belief, the owner of the Premises is the Grantor and the party or parties in possession of the Premises is the Grantor or tenants of the Grantor.

**ALLISON EQUITIES II, INC., as servicer for John A. Tailor
Money Purchase Pension Plan & Trust
As Attorney-in-Fact for
BLANCHFORD E. BALTIMORE AND NORMAN SAMUEL**

Lynn M. Wilson
Attorney at Law
Morris, Manning & Martin, LLP
990 Hammond Drive
Suite 300
Atlanta, GA 30328
404 255- 6900

MMM File: FC-121

ANNUAL NOTICE OF ASSESSMENT

Fayette County Board of Assessors

140 Stonewall Ave West, Suite 108

Fayetteville, GA 30214

(770)305-5402

38162 1 AB 0.403 **<65>**1/1**G50**AUTO**ALL FOR AADC 303
ALLISON EQUITIES II, INC.
PO BOX 76457
ATLANTA GA 30358-1457



PT-306 (revised Jan 2016)

Official Tax Matter - 2017 Tax Year

This correspondence constitutes an official notice of ad valorem assessment for the tax year shown above.

Annual Assessment Notice Date: **05/08/2017**

Last date to file a written appeal: **06/22/2017**

This is not a tax bill - Do not send payment

County property records are available online at:
maps.fayettecountyga.gov

The amount of your ad valorem tax bill for the year shown above will be based on the Appraised (100%) and Assessed (40%) values specified in BOX 'B' of this notice. You have the right to submit an appeal regarding this assessment to the County Board of Tax Assessors. If you wish to file an appeal, you must do so in writing no later than 45 days after the date of this notice. If you do not file an appeal by this date, your right to file an appeal will be lost. Appeal forms which may be used are available at <http://dor.georgia.gov/documents/property-tax-appeal-assessment-form>.

At the time of filing your appeal you must select one of the following appeal methods:

- (1) County Board of Equalization (value, uniformity, denial of exemption, or taxability)
- (2) Arbitration (value)
- (3) County Hearing Officer (value or uniformity, on non-homestead real property or wireless personal property valued, in excess of \$750,000)

All documents and records used to determine the current value are available upon request. For further information regarding this assessment and filing an appeal, you may contact the county Board of Tax Assessors which is located at 140 Stonewall Ave West, Suite 108 Fayetteville, GA 30214 and which may be contacted by telephone at: (770)305-5402. Your staff contact is Sonya B. Kennedy.

Additional information on the appeal process may be obtained at <http://dor.georgia.gov/property-tax-real-and-personal-property>

Account Number	Property ID Number	Acreage	Tax Dist	Covenant Year	Homestead
	05-44 -111	.26	01 Unincorporated		NO
Property Description	C1 - Commercial Improvement NBHD - 01				
Property Address	105 LONGVIEW RD				
	Taxpayer Returned Value	Previous Year Fair Market Value	Current Year Fair Market Value	Current Year Other Value	
100% Appraised Value		102,950	111,210		
40% Assessed Value		41,180	44,484		

Reasons for Assessment Notice

Revaluation of Property

The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's net millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.

Taxing Authority	Other Exempt	Homestead Exempt	Net Taxable Value	Previous Millage	Estimated Tax
Fayette Oper			44,484	.004917	218.73
BOE Oper			44,484	.019750	878.56
BOE Bond			44,484	.001350	60.05
Fire Oper			44,484	.003070	136.57
EMS Oper			44,484	.000456	20.28
E911 Services			44,484	.000210	9.34
Total County Tax					1,323.53
Georgia Oper			44,484	.000000	.00
Total Estimated Tax					1,323.53



ANNUAL NOTICE OF ASSESSMENT

Fayette County Board of Assessors

140 Stonewall Ave West, Suite 108

Fayetteville, GA 30214

(770)305-5402

38162 1 AB 0.403 **<65>**1/1**G50**AUTO**ALL FOR AADC 303
ALLISON EQUITIES II, INC.
PO BOX 76457
ATLANTA GA 30358-1457



PT-306 (revised Jan 2016)

Official Tax Matter - 2017 Tax Year

This correspondence constitutes an official notice of ad valorem assessment for the tax year shown above.

Annual Assessment Notice Date: **05/08/2017**

Last date to file a written appeal: **06/22/2017**

This is not a tax bill - Do not send payment

County property records are available online at:
maps.fayettecountyga.gov

The amount of your ad valorem tax bill for the year shown above will be based on the Appraised (100%) and Assessed (40%) values specified in BOX 'B' of this notice. You have the right to submit an appeal regarding this assessment to the County Board of Tax Assessors. If you wish to file an appeal, you must do so in writing no later than 45 days after the date of this notice. If you do not file an appeal by this date, your right to file an appeal will be lost. Appeal forms which may be used are available at <http://dor.georgia.gov/documents/property-tax-appeal-assessment-form>.

At the time of filing your appeal you must select one of the following appeal methods:

- (1) County Board of Equalization (value, uniformity, denial of exemption, or taxability)
- (2) Arbitration (value)
- (3) County Hearing Officer (value or uniformity, on non-homestead real property or wireless personal property valued, in excess of \$750,000)

All documents and records used to determine the current value are available upon request. For further information regarding this assessment and filing an appeal, you may contact the county Board of Tax Assessors which is located at 140 Stonewall Ave West, Suite 108 Fayetteville, GA 30214 and which may be contacted by telephone at: (770)305-5402. Your staff contact is Sonya B. Kennedy.

Additional information on the appeal process may be obtained at <http://dor.georgia.gov/property-tax-real-and-personal-property>

Account Number	Property ID Number	Acreage	Tax Dist	Covenant Year	Homestead
	05-44 -111	.26	01 Unincorporated		NO
Property Description	C1 - Commercial Improvement NBHD - 01				
Property Address	105 LONGVIEW RD				
	Taxpayer Returned Value	Previous Year Fair Market Value	Current Year Fair Market Value	Current Year Other Value	
100% Appraised Value		102,950	111,210		
40% Assessed Value		41,180	44,484		

Reasons for Assessment Notice

Revaluation of Property

The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's net millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.

Taxing Authority	Other Exempt	Homestead Exempt	Net Taxable Value	Previous Millage	Estimated Tax
Fayette Oper			44,484	.004917	218.73
BOE Oper			44,484	.019750	878.56
BOE Bond			44,484	.001350	60.05
Fire Oper			44,484	.003070	136.57
EMS Oper			44,484	.000456	20.28
E911 Services			44,484	.000210	9.34
Total County Tax					1,323.53
Georgia Oper			44,484	.000000	.00
Total Estimated Tax					1,323.53



105 Longview Rd

The cement block garage building was built in 1975 and used as a tire and auto repair shop for decades. The property was zoned C-CH. When Hwy 314 was widened, it took the parking lot area along Hwy 314 and changed the property entrance to Longview Rd. The property use was grand fathered in.

11/17-
last time
bus. here

→ On 11/15/2006 Allison Equities II was the lender and provided a mortgage for the purchase of the property. The property was zoned C-CH Commercial at the time. (See Appraisal from Kenny & Associates) Attached.
The property was owned and occupied as a auto repair shop by Tamika Lott Williams.

On 5/11/2007 Allison Equities II Refinanced the property.
The owner fell behind on payments in early 2008 and leased the property to a tenant. Blanchford Baltimore and Norman Samuel. These tenants used the property as an auto repair and car storage facility. After a short time the owners decided to sell to the tenants.

On 7/29/2008 Allison Equities II was the lender and provided a mortgage for the new purchaser of the property Blanchford Baltimore & Norman Samuels. They were already occupying the property as a tenants so it never went empty.

→ On 4/2/2013 Allison Equities II had to foreclose on the above loan and became the owner of the property.
4/2/2013 Allison Equities II filed for writ of possession.

4/19/2013 Writ of possession granted.

4/30/2013 The Sheriff executed writ and Allison Equities II took possession.

5/1/2013 to 6/1/2013 The property was then emptied, cleaned up and repairs made to secure it.

6/1/2013 the property was then put up for sale.

Allison Equities II as the lender was forced to take back the property due to non payment of debt. They never had any intention of running a business out of the property.

After not selling, the property was leased to Michael Walker in June of 2014. Mr. Walker used it as an auto work shop for repair and storage of cars before they go to auction.

In August of 2015 the property was leased to Roderick Dawkins for a period of 2 years. Mr. Dawkins is also using the property to repair and store cars before they go to auction.

**PETITION NO. A-671-17
Deborah & Jeff Kilgore
285 Lace Court
Fayetteville, GA 30215**

Public Hearing Date November 27, 2017

The subject property is located at 285 Lace Court, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-127 (g) (6) to reduce side yard setback from 25 feet to 13 feet to maintain an existing accessory structure.

History: The Final Plat of Chantilly was recorded on June 19, 2007 in Book 44 and Page 77-84. Tax Assessor's records indicate that the house was built in 2013 and according to the deed the applicant purchased the property in 2015.

As part of the permitting process for a garage, a survey is required. Through the survey staff discovered the violation. The survey given for the garage permit shows the accessory structure (i.e. well house) 13 feet from the property line.

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

It has come to our attention our accessory structure (~8' wide and ~10' long) encroaches upon the building line parallel to the right property line. The structure existed on our property prior to our purchase on 4/17/15. The structure is on a slab with a concrete ramp access and was framed on site (not mobile). Our neighbor (Daniel Tillirson- 275 Lace Ct.) for whom we share the property (right) line in question is aware of the encroachment. He has no objection to the encroachment and has assisted me in establishing the location of the property line (not marked) and distance from the property line to the structure.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

There are no extraordinary and exceptional conditions pertaining to the property in question.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

The structure existed on our property prior to our purchase. The structure cannot be moved and whole need to be demolished if variance is not granted.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

There are no conditions that are peculiar to the property in question.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

The structure is approximately 216' from the right-of-way and is buffered from view by trees from the neighbor's house.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

The majority of properties within the development are served by an accessory structure of the size consistent to the one in question, or by a detached garage or by both.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and has no comments.

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Jeff A. + Deborah S. Kilgore
MAILING ADDRESS: 285 Lace Ct., Fayetteville, Ga. 30215
PHONE: 770-461-1863/770-314-9823 E-MAIL: jd.kilgore@bellsouth.net
AGENT FOR OWNERS: NA

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 140+141 LAND DISTRICT 4 PARCEL 042904006

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.50 Acres

ZONING DISTRICT: EST

ZONING OF SURROUNDING PROPERTIES: EST + AR

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-671-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 9/25/2017

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2017

Received from Jeff Kilgore a check in the amount of \$ 195⁰⁰

for application filing fee, and \$ 175⁰⁰ for deposit on frame for public hearing sign(s). 20⁰⁰

Date Paid: 9/22/2017 Receipt Number: 5953307 - Sign

5953297 - App

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 deed for the subject property:

Jeff A. Kilgore Deborah S. Kilgore
Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the _____ 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 _____ to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval 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]
Signature of Property Owner 1

285 Larc Ct., Fayetteville, Ga 30215
Address

[Signature]
Signature of Notary Public

22ND SEPTEMBER 2017
Date

My Commission Expires
January 29, 2018

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-127 EST. (g)(4)	25 feet	13	12

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

It has come to our attention our accessory structure (~8' wide and ~10' long) encroaches upon the building line parallel to the right property line. The structure existed on our property prior to our purchase on 4/17/15. The structure is on a slab with a concrete ramp access and was framed on site (not mobile). Our neighbor (Daniel Tillison - 275 Lacey Ct.) for whom we share the property (right) line in question is aware of the encroachment. He has no objection to the encroachment and has assisted me in establishing the location of the property line (not marked) and distance from the property line to the structure.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

There are no extraordinary and exceptional conditions pertaining to the property in question.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The structure existed on our property prior to our purchase. The structure can not be moved and would need to be demolished if variance is not granted.

3. Such conditions are peculiar to the particular piece of property involved.

There are no conditions that are peculiar to the property in question

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

The structure is approximately 216' from the right-of-way and is buffered from view by trees from the neighbor's house,

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

The majority of properties within the development are served by an accessory structure of the size consistent to the one in question, or by a detached garage or by both.

Doc ID: 009633460002 Type: WD
 Recorded: 04/22/2015 at 01:00:00 PM
 Fee Amt: \$331.50 Page 1 of 2
 Transfer Tax: \$319.50
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4306 PG 330-331

Record and Return to:
 Weissman, Nowack, Curry & Wilco, P.C.
 One Alliance Center, 3500 Lenox Road, 4th Floor
 Atlanta, GA 30326

File No.: PC135-15-0200-RC

LIMITED WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made this 17th day of April, 2015 by and between **Stephen E. Boswell and Annette D. Boswell**, of the County of Stephens, and the State of Georgia as party or parties of the first part, hereinafter called Grantor, and **Jeff A. Kilgore and Deborah S. Kilgore**, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP and not as tenants in common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lots 140 and 149 of the 4th District, Fayette County, Georgia, being Lot 20, Chantilly Subdivision, as per plat recorded in Plat Book 44, Pages 77-84, Fayette County, Georgia, records, which plat is incorporated herein by reference and made a part of this description. Said property being known as 285 Lace Court, according to the present system of numbering property in Fayette County, Georgia.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through, or under Grantor herein.

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

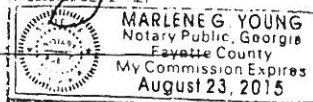
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.

Signed, sealed and delivered
in the presence of:

Patty Tower
Unofficial Witness

Marlene Young
Notary Public

My Commission Expires:

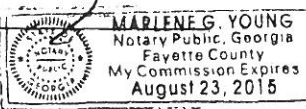


Signed, sealed and delivered
in the presence of:

Patty Tower
Unofficial Witness

Marlene Young
Notary Public

My Commission Expires:



Stephen E. Boswell (Seal)
Stephen E. Boswell

Annette D. Boswell (Seal)
Annette D. Boswell

MISCELLANEOUS PAYMENT RECPT#: 5953307
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/25/17 TIME: 10:47
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-671-17 SIGN
CHG:
ZS-Z A-671-17 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: DEBORAH & JEFF KILGO
PAYMENT METH: CHECK
8060

REFERENCE:

AMT TENDERED: 20.00
AMT APPLIED: 20.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 5953297
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/25/17 TIME: 10:45
CLERK: 9597cbla DEPT:
CUSTOMER#: 0

COMMENT: A-671-17 APP

CHG:
ZA-Z A-671-17 APP 175.00

AMOUNT PAID: 175.00

PAID BY: DEBORAH & JEFF KILGO
PAYMENT METH: CHECK
8060

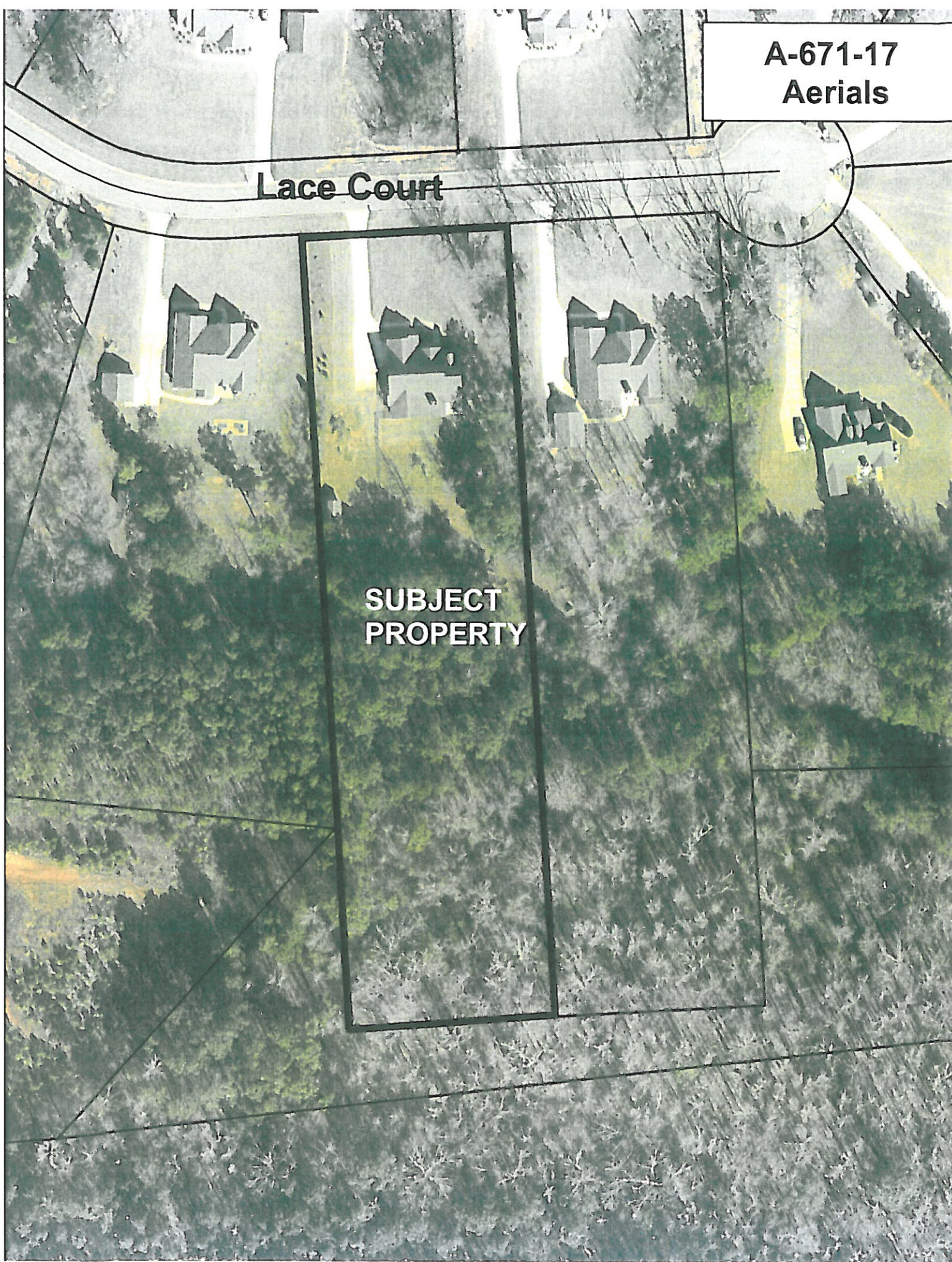
REFERENCE:

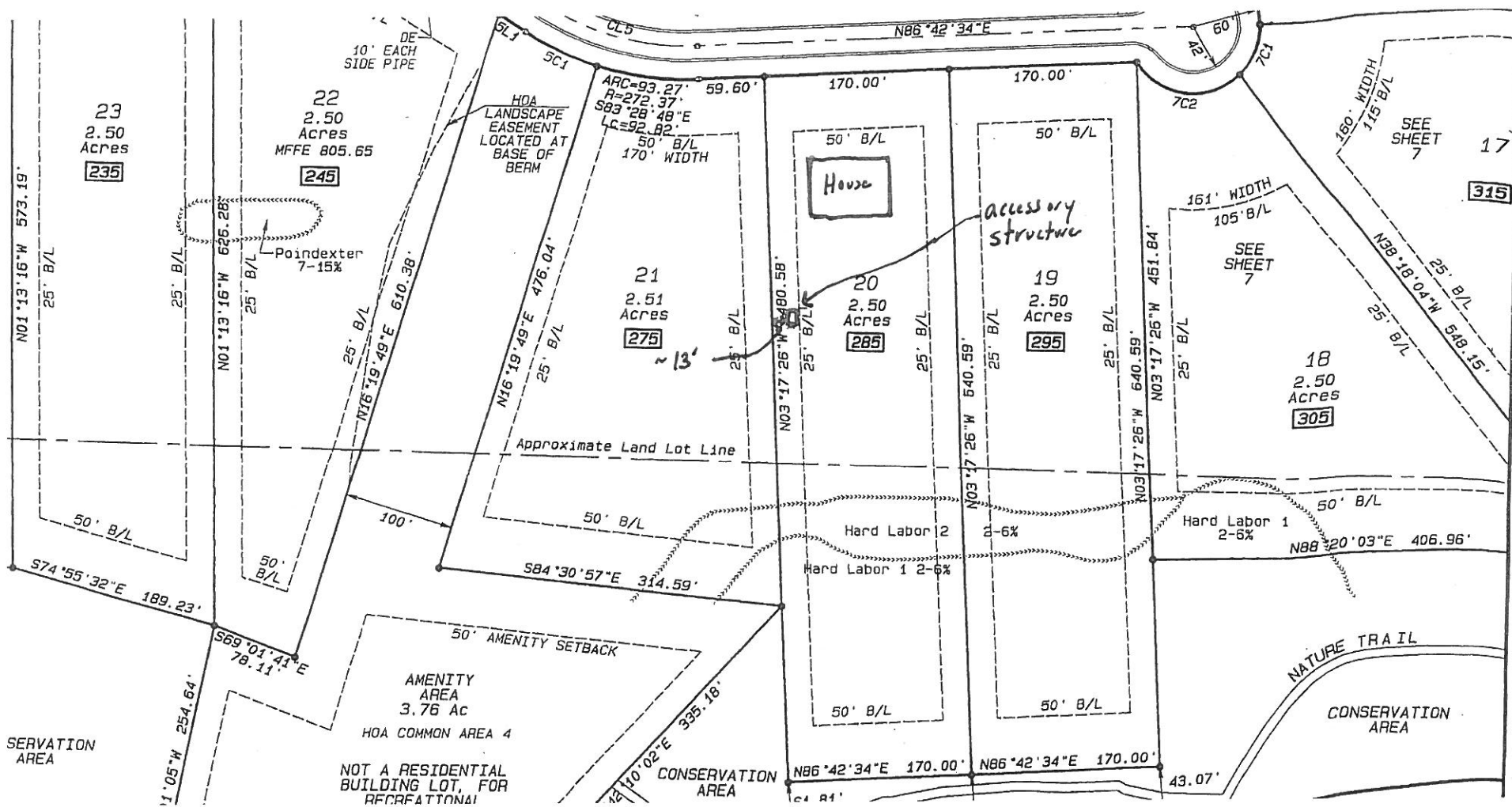
AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

A-671-17
Aerials

Lace Court

**SUBJECT
PROPERTY**





PETITION NO. A-673-17
Carlino Construction
290 Industrial Way, Suite C
Fayetteville, GA 30215
Public Hearing Date May 22, 2017

The subject property is located on Bernhard Road, Fayetteville, GA 30215 and is zoned Agricultural-Residential (A-R) which requires a five (5) acre minimum. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 39 feet to allow the construction of an accessory structure.

History: The subject property is a non-conforming lot of record. A survey of the subject property was recorded on November 7, 1972. The subject property is 1.03 acres in size. On June 26, 2017 the Fayette County Zoning Board of Appeals approved the following variances:

Variance to Sec. 110-125. A-R, (d) (6) to reduce east side yard setback from 50 feet to 41 feet and west side yard setback from 50 feet to 39 feet to allow *the construction of a single family residence.*

As part of the permitting process for a garage, a survey is required. Through the survey staff discovered the violation. The survey given shows the garage detached from the single family residence 39 feet from the property line.

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Need the right side setback looking at said property from the road to be 39 feet.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

This is a 1 acre lot and the setbacks are designed for a 5 acre lot.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

This is a 1 acre lot and the setbacks are designed for a 5 acre lot which does not allow enough room to build in.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

Right side setback needs to be adjusted to allow for detached garage to go with the house variance that was already approved.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

No there would not be very detrimental to the public good.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

Yes there are two homes next door with the same condition. Setbacks for a 1 acre lot should not be the same as a 5 acre lot even when zoned A-R.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance

ENVIRONMENTAL MANAGEMENT: EMD has no comments

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Carlino Construction

MAILING ADDRESS: PO Box 106 Brooks GA 30205

PHONE: 404-402-3874 E-MAIL: john@carlinconstruction.com

AGENT FOR OWNERS: John Carlino

MAILING ADDRESS: Same

PHONE: Same E-MAIL: Same

PROPERTY LOCATION: LAND LOT 223 LAND DISTRICT 4th PARCEL 0438 043

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: Single family Residence

PROPOSED USE OF SUBJECT PROPERTY: Single family Residence with Detached Garage

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-673-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 10/18/2017

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2017

Received from Carlino Construction a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: 10/18/2017 Receipt Number: 5988036 5988 035-9pp

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 deed for the subject property:

Carlino Construction

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0438 043

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 223 of the District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to John Carlino to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval 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]
Signature of Property Owner 1

PO Box 166 Brooks GA 30205
Address

[Signature]
Signature of Notary Public

10-18-17
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
AR	50'	39'	11'

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Need the Right side setback looking at said property from the road to be 39'.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

This is a 1 acre lot and the setbacks are designed for a 5 acre lot

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

This is a 1 acre lot and the setbacks are designed for a 5 acre lot which does not allow enough room to build in

3. Such conditions are peculiar to the particular piece of property involved.

Right Side setback needs to be adjusted to allow for detached garage to go with the house Variance that was already approved

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

No there would not be any detriment to the public good.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Yes there are two homes next door with the same condition. Set backs for a 1 acre lot should not be the same as a 5 acre lot even when zoned AR.

Please return to:
 Lawson & Beck, LLC
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 17-LAW-0879

Doc ID: 010127280002 Type: WD
 Recorded: 04/20/2017 at 10:40:00 AM
 Fee Amt: \$40.00 Page 1 of 2
 Transfer Tax: \$28.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
BK 4595 pg 633-634

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 14th day of April, 2017 between

Clara Price Lamar and The Estate of Herbert Lamar

as party or parties of the first part, hereinafter called Grantor, and

Carlino Construction, L.L.C.

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 223 of the 4th District of Fayette County, Georgia, and by plat of David Soper dated August 3, 1972 entitled "Survey for Mrs. Clara Jonett" recorded in Plat Book 7, Page 65, records of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin located 1850 feet westerly, as measured along and following the curvature of the southerly side of the right-of-way 80 feet in width for Bernhard Road, from the East line of Land Lot 223 aforesaid (which line is also the West line of Land Lot 222 of said State, County and District); running thence South 0 degrees and 14 minutes West, 348.2 feet to an iron pin at a corner; thence South 89.5 degrees West, 125 feet to an iron pin at a corner; thence North 0 degrees and 34 minutes West, 348.5 feet to an iron pin on the southerly side of the right-of-way for Bernhard Road aforesaid; thence South 89.5 degrees East, as measured along the southerly side of the right-of-way for Bernhard Road aforesaid, 125 feet back to the iron pin at the POINT OF BEGINNING; said tract containing 1 acre.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

Book: 4595 Page: 633 Seq: 1

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

Angela Burt
Unofficial Witness
[Signature]
Notary Public

Clara Price Lamar by Gilda Lamar Watters
Clara Price Lamar by Gilda Lamar Watters as *as Attorney*
Attorney-in-Fact *in Fact*
Gilda Lamar Watters, Executrix
The Estate of Herbert Lamar by Gilda Lamar
Watters, as Executrix



Book: 4595 Page: 633 Seq: 2

MISCELLANEOUS PAYMENT RECPT#: 5988036
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/18/17 TIME: 16:50
CLERK: 9597cbla DEPT:
CUSTOMER#: 0

COMMENT: A-673-17 SIGN

CHG:
ZS-Z ZBA SIGNS 20.00

AMOUNT PAID: 20.00

PAID BY: CARLINO CONSTRUCTION
PAYMENT METH: CHECK
12913

REFERENCE:

AMT TENDERED: 20.00
AMT APPLIED: 20.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 5988035

FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/18/17 TIME: 16:50
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-673-17 APP
CHG:

ZA-Z A-673-17 APP 175.00

AMOUNT PAID: 175.00

PAID BY: CARLINO CONSTRUCTION
PAYMENT METH: CHECK
12913

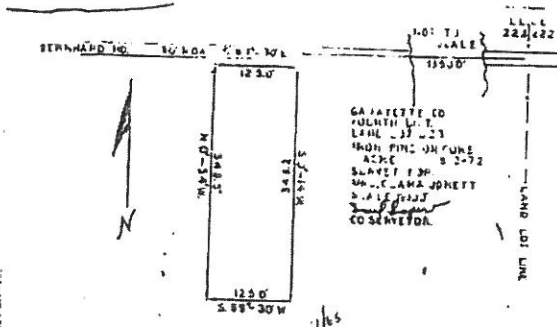
REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

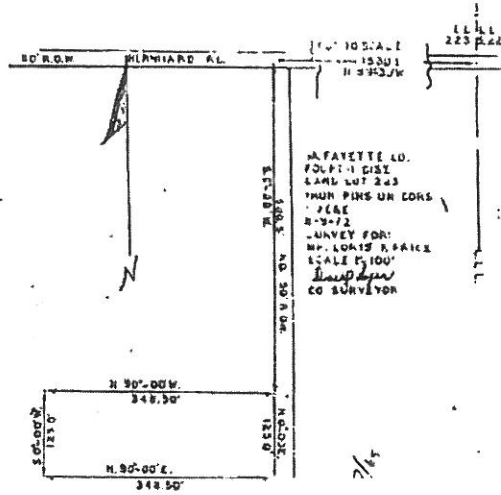
Bernhard Road

**SUBJECT
PROPERTY**

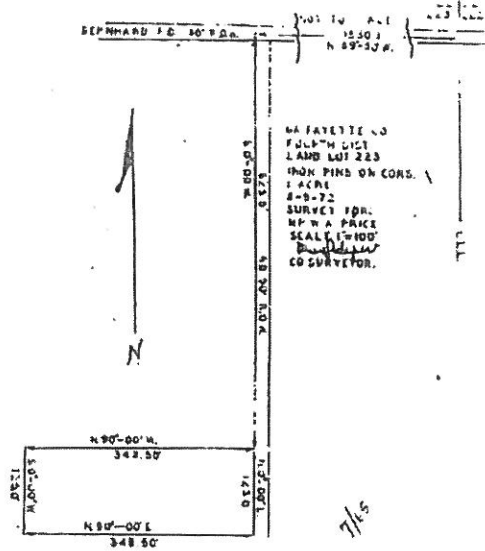




Recorded 11-7-1972 W.D. Bell, Clerk



Recorded 11-7-1972 W.D. Bell, Clerk



Recorded 11-7-1972 W.D. Bell, Clerk

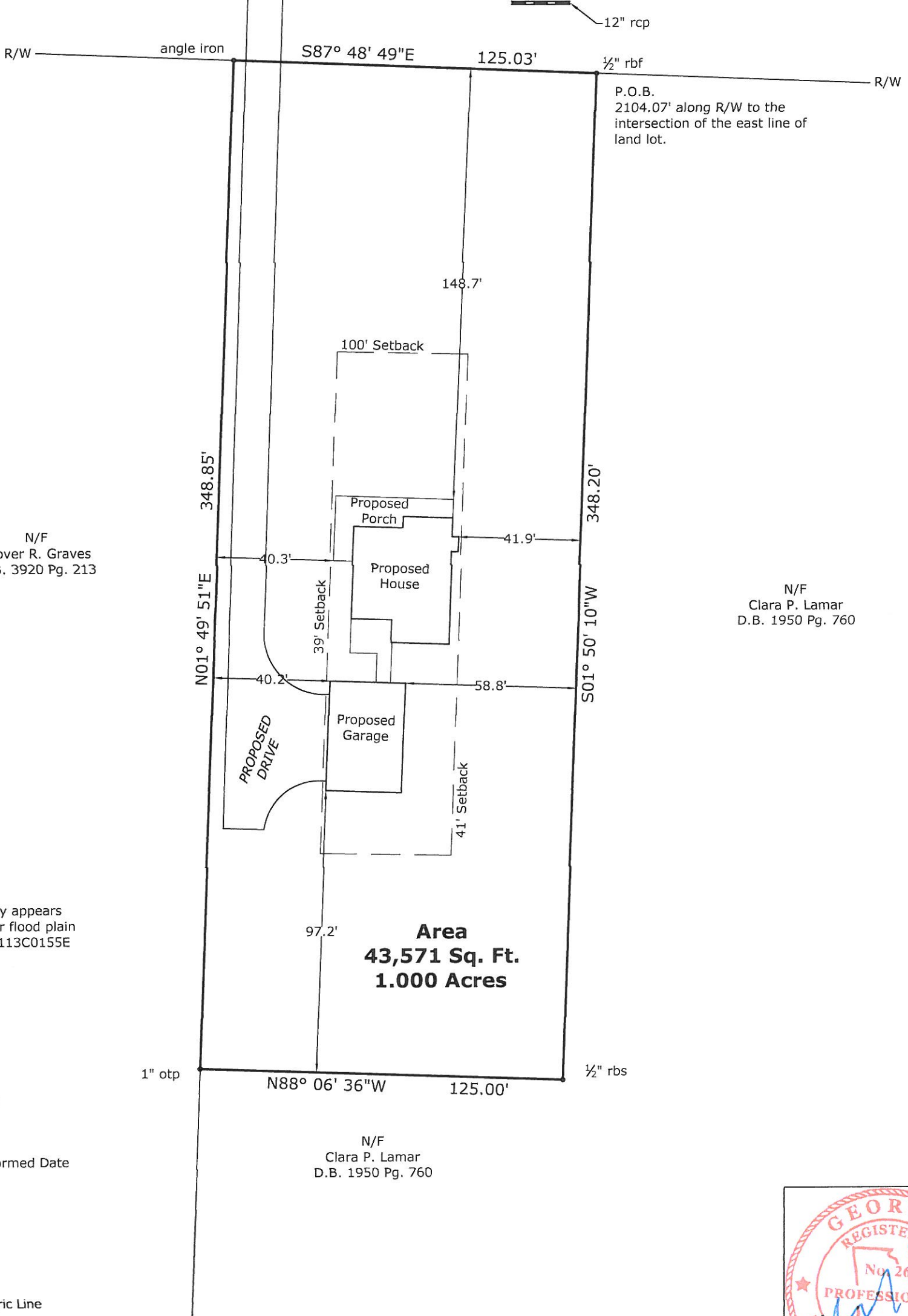
Building Lines As per
Variance Petition # A-652-17
Dated June 26, 2017

Front - 100'
East Side -41'
West Side -39'
Rear - 75'

AR Zoning Setbacks

Front - 100'
Side -50'
Rear - 75'

BERNHARD ROAD 80' R/W



N/F
Glover R. Graves
D.B. 3920 Pg. 213

N/F
Clara P. Lamar
D.B. 1950 Pg. 760

N/F
Clara P. Lamar
D.B. 1950 Pg. 760

In my opinion this property appears
not to lie within a 100 year flood plain
according to F.I.R.M. #13113C0155E
Dated 09/26/2008.

Legend

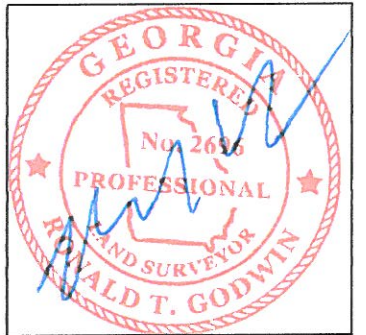
- OTP=Open Top Pipe
RBF=Rebar Found
RBS=Rebar Set
R/W=Right of Way
IPF= Iron Pin Found
P.O.B.=Point of Beginning
B/L=Building Line
D.E.=Drainage Easement
N/F=Now or Formerly
F.W.P.D.=Field Work Performed Date
⊗=Gas Valve
⊗=Water Meter
⊗=Utility Pole
⊗=Drop Inlet
⊗=Fire Hydrant
⊗=Light Pole
⊗=Fence
⊗=Drainage Manhole
—OHE=Over Head Electric Line

Closure Data

Field closure=1"IN 10,000+
Angle point error=< 20"
Equipment used=Topcon 3005W,
Sokkia SX, & Topcon hyper GA GPS System
adjustment method=Compass rule
Plat closure=1"IN 100,000+

This survey does not constitute a title search by surveyor. All information
regarding record easements, adjoiners and other documents that might
affect the quality of title to tract shown were not supplied to this office.

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.



Graphic Scale 1"=40'
0 20 40 80

Prepared For:

Carlino Construction

Plat/Deed Book Page:

P.B. 7 65

Tax Parcel: 0438 043

Address: Between 426 & 446 Bernhard Road

Lot: N/A Land Lot: 223 District: 4th County: Fayette County, Georgia

Scale: 1" = 40' F.W.P.D.: 08/24/17 Date: 08/29/17 Drawn By: JCB Job No: 17-064



FOUR CORNERS
SURVEYING

P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-9377
FOUR_CORNERS@BELLSOUTH.NET

PETITION NO. A-674-17
140 Burkwood Court
Fayetteville, GA 30215
Public Hearing Date November 27, 2017

The subject property is located on Burkwood Court, Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Sec. 110-137. R-40 (d) (5) to reduce rear yard setback from 30 feet to 15 feet to allow the construction of a swimming pool.

History: Final Plat of Burkwood Plantation was recorded on March 24, 2005 in Book 40 and Page 192-193. Tax Assessor's records indicate that the house was built in 2013 and according to the deed the applicant purchased the property in 2014.

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We hope to have an in-ground swimming pool installed at our home. Our home is currently zoned R-40 which requires a 30' setback in rear. Due to the topography of our back yard (please see addendum 1 & 2), this would require interrupting the well planned water flow around our home causing erosion, pooling, possible basement flooding, and much additional expense. If we simply move the pool 15' toward the rear, the land is flatter and would not require any rerouting of water or extreme excavating measures. We have had the property examined by a civil engineer and it is his recommendation that we apply for this variance (Addendum 3). Our neighbors to the left currently have a pool and a 15' setback thus in order to be environmentally friendly and prevent water flow issues, we are respectfully the same 15' variance be given.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

The property in question has a slope that allows for water drainage and makes for a difficult pool

installation. The current water flow will be interrupted should the desired swimming pool be placed within the bounds set forth in R-40. The property has a shallow depth in rear, a significant hill on the east side, and septic tank/field lines on the west preventing pool placement in other areas.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,

Due to the aforementioned slope for water flow, the placement of the pool in the area of water flow would add multiple thousands of dollars to the pool price due to the addition of retaining walls. Even with the addition of said walls, there is still the probability of erosion, pooling and possible damage to the basement or surrounding properties. It will also place the pool very close to the house which could impede upon the 12' mandate.

3. Such conditions are peculiar to the particular piece of property involved; and,

These conditions are peculiar to the property due to the lay of the land and the land grade that was set for water run-off. Other homes within this subdivision do not seem to have this issue as the lots tend to have less sloping and are not as shallow except the property to the left which is also shallow but only has a 15' setback.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,

Relief certainly would not cause detriment to the public good nor do we feel that it will impair the intent of the regulations. It is our understanding that the guidelines set forth are to prevent the possibility of someone erecting a structure near another individual's land that could interfere with the usage of their land. In this particular case, the land in question is farm/cattle land which (in our opinion) would cause no effect on the adjacent property.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.

We feel that the literal interpretation of this ordinance would deprive us of rights held by others who have pools on their property. Our neighbors currently have pools and one of these pools is within 15' of the property line. Unfortunately the topography of our land does not allow for this, thus we respectfully ask for a variance.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance

ENVIRONMENTAL MANAGEMENT: EMD has no comments

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Ronald & Loren Reid

MAILING ADDRESS: 140 Burkwood Ct. Fayetteville, Ga. 30215

PHONE: 678-877-7542 E-MAIL: ronniereid1@me.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

PHONE: N/A E-MAIL: N/A

PROPERTY LOCATION: LAND LOT 159 LAND DISTRICT 4th PARCEL X D42405002

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1 Acre

ZONING DISTRICT: R-40/ Parcel-042405002

ZONING OF SURROUNDING PROPERTIES: A-R rear, R-40 sides and front

PRESENT USE OF SUBJECT PROPERTY: Private Residence

PROPOSED USE OF SUBJECT PROPERTY: Private Residence/Swimming Pool Addition

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-674-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: C. B. Date: 10/18/2017

DATE OF ZONING BOARD OF APPEALS HEARING: _____

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

for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
<i>R-40</i> <i>Sect 110-137</i> <i>R-40, Single Family</i> <i>(DXS)</i>	<i>30' rear setback</i>	<i>15' rear setback</i>	<i>15</i>

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We hope to have an in-ground swimming pool installed at our home. Our home is currently zoned R-40 which requires a 30' setback in rear. Due to the topography of our back yard (please see addendum 1 & 2), this would require interrupting the well planned water flow around our home causing erosion, pooling, possible basement flooding, and much additional expense. If we simply move the pool 15' toward the rear, the land is flatter and would not require any rerouting of water or extreme excavating measures. We have had the property examined by a civil engineer and it is his recommendation that we apply for this variance (Addendum 3). Our neighbors to the left currently have a pool and a 15' setback thus in order to be environmentally friendly and prevent water flow issues, we are respectfully requesting the same 15' variance be given. All of our neighbors are in agreement with this variance as notated in Addendum 4.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
The property in question has a slope that allows for water drainage and makes for a difficult pool installation. The current water flow will be interrupted should the desired swimming pool be placed within the bounds set forth in R-40 .The property has a shallow depth in rear, a significant hill on the east side, and septic tank/field lines on the west preventing pool placement in other areas.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
Due to the afore mentioned slope for water flow, the placement of the pool in the area of water flow would add multiple thousands of dollars to the pool price due to the addition of retaining walls. Even with the addition of said walls, there is still the probability of erosion, poolin and possible damage to the basement or surrounding properties. It will also place the pool very close to the house which could impede upon the 12' mandate.
3. Such conditions are peculiar to the particular piece of property involved.
These conditions are peculiar to the property due to the lay of the land and the land grade that was set for water run-off. Other homes within this subdivision do not seem to have this issue as the lots tend to have less sloping and are not as shallow except the property to the left which is also shallow but only has a 15' setback.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

Relief certainly would not cause detriment to the public good nor do we feel that it will impair the intent of the regulations. It is our understanding that the guidelines set forth are to prevent the possibility of someone erecting a structure near another individuals land that could interfere with the usage of their land. In this particular case, the land in question is farm/ cattle land which (in our opinion) would cause no effect on the adjacent property.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

We feel that the literal interpretation of this ordinance would deprive us of rights held by others who have pools on their property. Our neighbors currently have pools and one of these pools is within 15' of the property line. Unfortunately, the topography of our land does not allow for this, thus we respectfully ask for a variance.

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 deed for the subject property:

Ronald & Loren Reid

Please Print Names

Property Tax Identification Number(s) of Subject Property: 042405002 REAL / Bill No. 2017-32566

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 01 District, and (if applicable to more than one land district) Land Lot(s) N/A of the District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

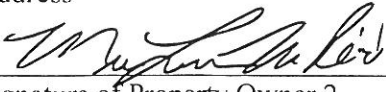
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees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

140 Burkwood Ct, Fayetteville, Ga.

Address



Signature of Property Owner 2

140 Burkwood Ct, Fayetteville, Ga.

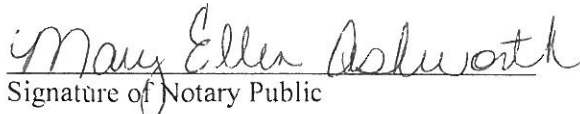
Address

N/A

Signature of Authorized Agent

N/A

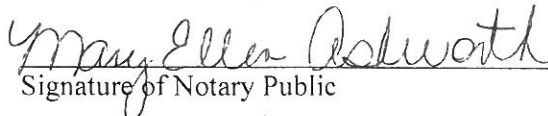
Address



Signature of Notary Public

10/16/17

Date



Signature of Notary Public

10/16/17

Date

N/A

Signature of Notary Public

N/A

Date

Please return to:
Glen Lawson & Associates, P.A.
1125 Commerce Drive, Suite 100
Buckhead City, GA 30326
Tel: 8 141 46-1692

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INSTRUMENT made this 26th day of November, 2014 between:

Trademark Quality Homes, Inc.

as party or parties of the first part, hereinafter called Grantor, and

Ronald Reid and Loren Reid as Joint Tenants With Right of Survivorship

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 159 of the 4th District of Fayette County, Georgia, being Lot 2 of Burkwood Plantation Subdivision, as shown on that certain plat of said subdivision recorded in Plat Book 40, Page 192-193, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Witness

Notary Public

Trademark Quality Homes, Inc.

BY

Kahn David Chapman, Jr.
President



MISCELLANEOUS PAYMENT RECPT#: 5988038
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/18/17 TIME: 16:53
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-674-17 SIGN

CHG:

ZS-Z A-674-17 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: RONALD & LOREN REID

PAYMENT METH: CHECK
2915

REFERENCE:

AMT TENDERED: 20.00

AMT APPLIED: 20.00

CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 5988037
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/18/17 TIME: 16:52
CLERK: 9597cbla DEPT:
CUSTOMER#: 0

COMMENT: A-674-17 APP
CHG:

ZA-Z A-674-17 APP 175.00

AMOUNT PAID: 175.00

PAID BY: RONALD & LOREN REID
PAYMENT METH: CHECK
2915

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

Property to the east of home.

From: **Robert Huie** rhuie@pccconstruction.com
Subject: **RE: Reid Pool Variance**
Date: **October 16, 2017 at 2:46 PM**
To: **Ronnie Reid** ronniereid1@me.com
Cc: bsouarekm@comcast.net

Yes Ronnie Bernice and I are good with the variance and wish you good luck with the pool. Enjoy!

Bob Huie
160 Burkwood Ct

-----Original Message-----

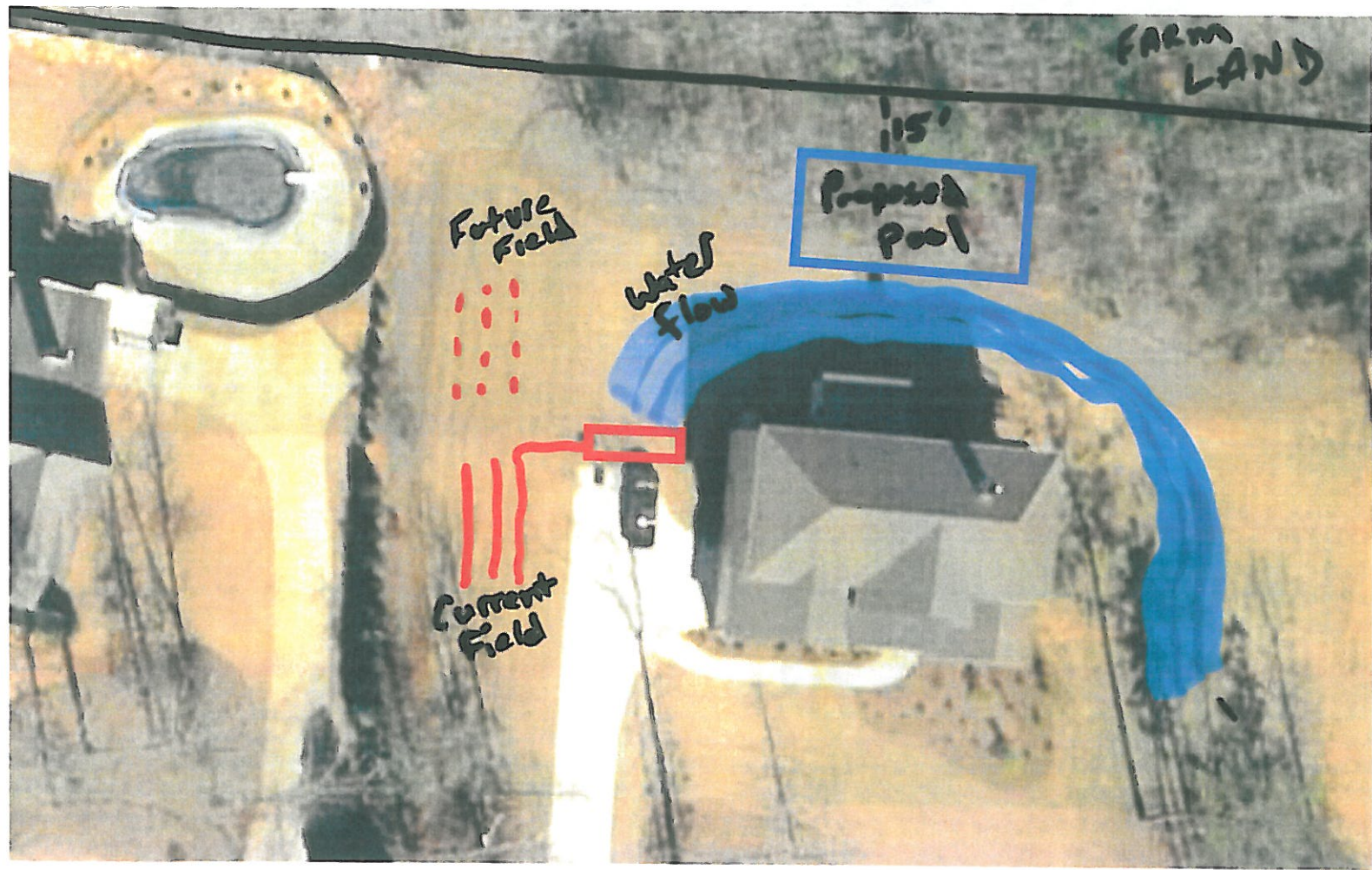
From: Ronnie Reid [<mailto:ronniereid1@me.com>]
Sent: Monday, October 16, 2017 2:19 PM
To: Robert Huie <rhuie@pccconstruction.com>
Subject: Reid Pool Variance

Bob,

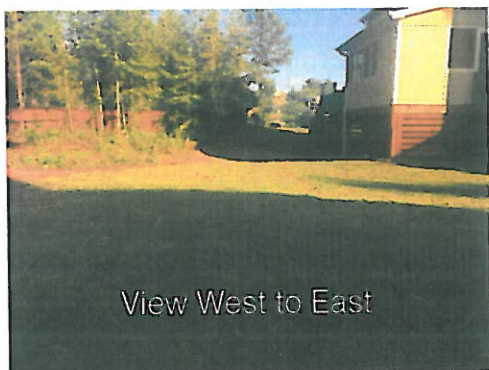
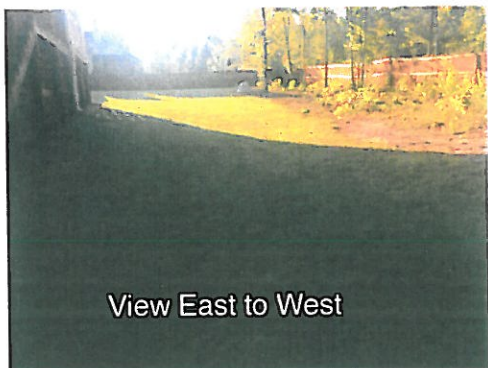
Thanks for speaking with me today regarding our possible pool variance. This email is to confirm that you and Bernice are ok with the pool placement behind our home and with the 15' variance to the rear of our home.

Thanks,
Ronnie Reid

ADDENDUM 1



ADDENDUM 2



ADDENDUM 3

U

Christopher T. Smith, P.E.
265 Braemar Rd
Fayetteville, GA 30215
October 7, 2017

Ronnie Reid
140 Burkwood Ct
Fayetteville, GA 3015


This letter presents findings and recommendations from a visual inspection of your property located at 140 Burkwood Ct. in Fayetteville, GA. The recommendations are in reference to a suitable location for a planned in-ground swimming pool.

On October 6, 2017 I made a visit to the property. The property has a "moderate" slope from the northwest to the southeast sloping towards the residence. The slope is less steep to the north away from the residence at the rear lot-line. Fayette County requires the swimming pool be set back 30-feet from the lot-line. However, in this location, the installation of the swimming pool would require the construction of a retaining wall which will constrict and interrupt the current drainage resulting in erosion and the pooling of water against the residence.

Based on the topography, I recommended you seek a variance from Fayette County and construct the swimming pool nearer to the rear lot line where the slope is less steep and will not interrupt the current drainage pattern.

My recommendation is based on over 30-years of experience in civil engineering and water resource project planning. I am a registered professional engineer in the State of Florida (PE 51510).



Respectfully







Christopher T. Smith, P.E.

ADDENDUM 4


Property to rear of home (north).

Pasted below is the conversation from facebook with the owner of said property. She recently bought the land and does not yet live on it so this is the only contact I had for her.

 Search 

 Ronnie Home    

Gabriella Nanci

 Gabriella Nanci
1 mutual friend: Scott Ballard

SAT 9:43 AM

Dr. Nanci,

My name is Ronnie Reid and my property connects to the cattle property you recently purchased in Fayetteville, Ga. on the south side (Burkwood Plantation). I apologize for the impersonal meeting through Facebook, however it is the only contact information I could find and our schedules have not converged.

First, please allow me to say as someone who is involved in mission work in Brazil, I am grateful for the impact you have had in Ghana through Yonkofa Project. It is a wonderful work that is helping so many and I pray that it continues for many years to come.

The reason I am writing is that we are considering installing a pool on our property. On the side near your property, there is a 30' setback which prohibits any work within 30' of the property line. Due to a shallow lot and the way the water flows around our house we are considering petitioning the county for a variance. Should this variance be approved, it would put the pool at 15' of the property line. We had a civil engineer inspect our property and should this variance be approved, it would assure that the water flow would not be interrupted and that our neighbors on all sides would see no impact. We currently have a wooden privacy fence along the property line so there would be no visual impact to your property.

While this variance request will go to the county commissioners, as a courtesy to our neighbors, we are asking our neighbors on all sides to give their blessing. The last thing we want is to be considered "bad neighbors". Please let me know if you foresee any issues with our proposal that we may address.

Thank you and we hope to meet you soon,


Ronnie Reid

Dr. Ronnie and Loren Reid
140 Burkwood Ct.
Fayetteville, Ga, 30215

SAT 11:27 AM

and we would love to meet you in person

SAT 12:17 PM





Search



Ronnie

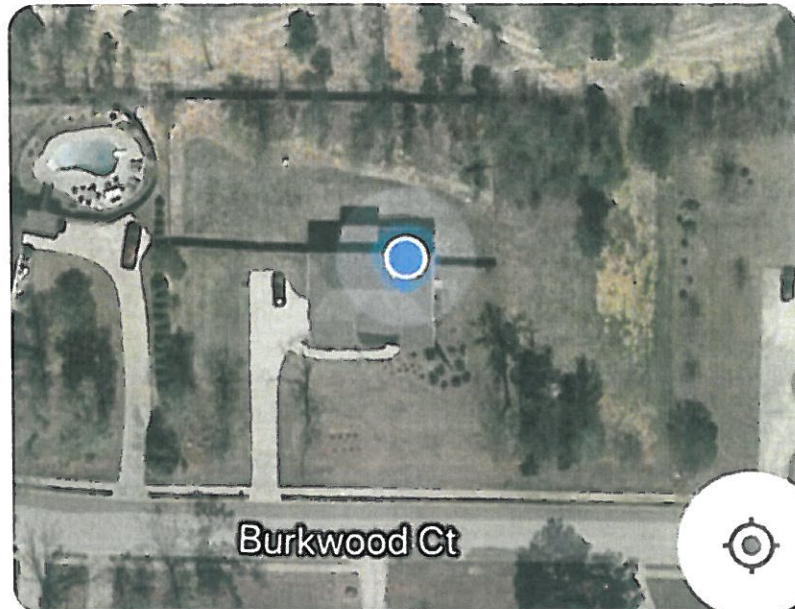
Home



Gabriella Nanci

Friend

SAT 2:21PM



Please forgive the second contact, but I failed to include the photo so you can see the property in question.
Thanks again,
Ronnie Reid

SAT 6:47PM

Gabriella Nanci accepted your request

SAT 9:52PM



Well hello neighbor!

The pool sounds workable, there are a couple concerns we may have to take care of, but you may have already looked at this with your contractor or engineer.

1. The property line is not our fence line, we moved the fence in quite a bit, but there are survey markers nearby.
2. There are some huge trees in the area, they may need to come down so their roots don't damage the pool either from growth, or if one was to fall.



Was the neighboring pool built with some sort of variance, too? My contractor noticed it was very close to the property line.





Search



Ronnie

Home



Gabriella Nanci



Was the neighboring pool built with some sort of variance, too? My contractor noticed it was very close to the property line.

Thank you for your reply! The property line for us is not our fence line either. We moved in several feet as well and are taking that into account. The line "splits the difference" between our two properties. Thank you for your concern regarding the trees. You are kind to think of this. Your company removed the trees showing up on your line and the only one I have in the area of the pool (aside from small Sweetgum trees) is a pine tree as we already had them removed prior to the satellite image being taken.

As far as the pool next door, I assume it must have been through a variance. It is much closer than I wish to locate. The neighbors do not have any record as it was there when they purchased the home.

I just took a cursory look at the trees on your property and the nearest tree to the pool site is about 25 feet to your side. This would put it around 40-50 feet from the pool which is plenty of space for the root system as they look pretty mature now.



Well, it sounds like you have it worked out, then

The gentleman who is the Civil Engineer is actually in charge of rebuilding much of the infrastructure in Puerto Rico. He is very thorough and I am grateful he had the chance to look at everything.



Yes, I expect he will be busy for some time. I am glad to know good people are working in PR!

Yes, most definitely. Some of the stories he has shared are horrific. Please let us know if you have any other concerns as we want to make sure everyone is happy. We have been in situations where neighbors have been less than considerate and our goal is to not fall into that category. In fact, if the process succeeds with the county my wife says we should invite everyone involved for a pool party!



Very good! Have a good evening. I look forward to meeting you.

You as well. Thank you again for your input and please don't hesitate to let us know if we can ever be of service to you. Should you need anything while you are away, we are happy to assist.



My cell is 404-323-5691 if you ever need to reach me

Ours is 678-877-7542 or 7543. Have a great evening!



Property to the west of home.

10/16/2017

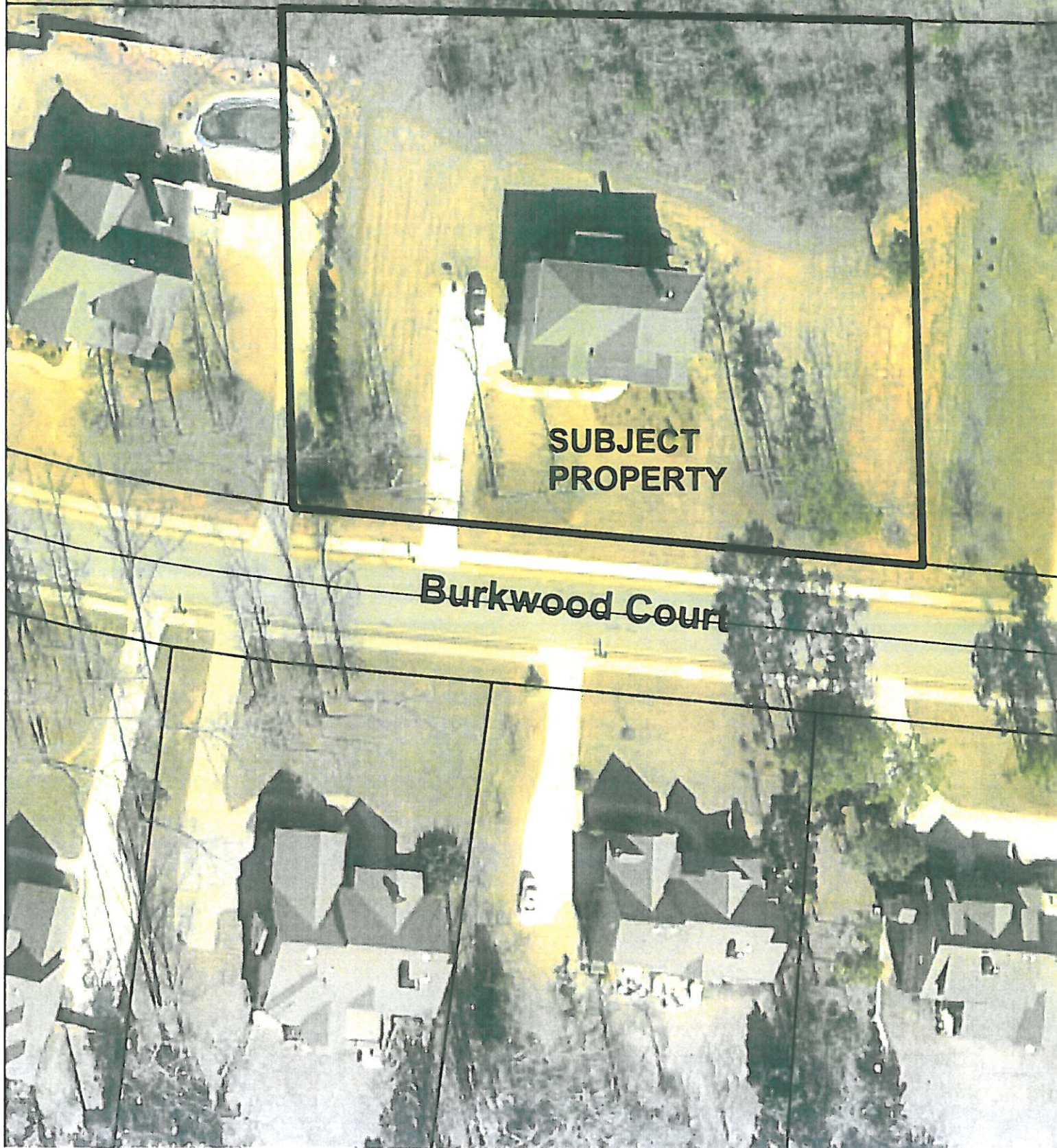
To Whom It May Concern:

We, Joe and Ismenia Patton, support and approve of the Reid's request for a 15' variance on the rear of their property which will allow for the installation of a pool.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Patton", is written over a faint, horizontal line.

A-674-17
Aerials



FINAL PLAT OF BURKWOOD PLANTATION

LAND LOT 159 4th DISTRICT

FAYETTE COUNTY, GEORGIA

ENGINEER AND OWNER CERTIFICATE:

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 1/2" REBARS OR AS SHOWN Signed

LARRY C. SHIMSHICK (Seal) Date 12-28-04

Engineer, (Surveyor),

License No. 2343

We, the undersigned owner(s) and/or mortgagee(s) of the BURKWOOD PLANTATION Subdivision, hereby offer to dedicate and/or reserve for public use the right-of-way, easements and other ground shown on this plat.

Owner Mortgagee Date

M.H. Wilby 3-24-05

APPROVALS:

Approved by Department of Public Health, Fayette County, Georgia

Date 3/23/05 Signed [Signature] Environmental Health Specialist IV

Final Plat approved by County Engineer of Fayette County. All as-built construction plans have been approved.

Date 3/23/05 Signed P. Mallon County Engineer

Approved by the Fayette County Planning Commission.

Date 3/24/05 Signed [Signature] Secretary

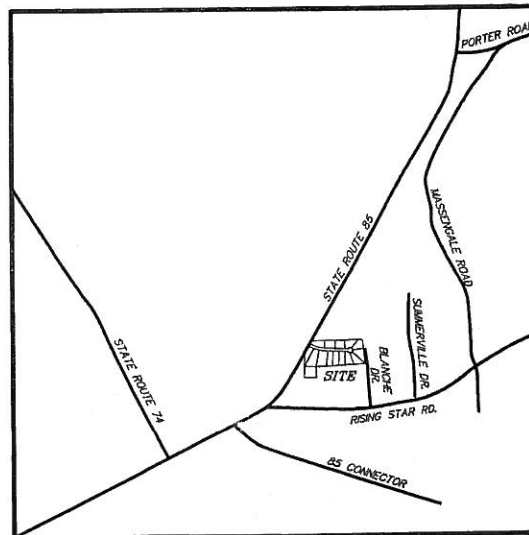
Approved by Fayette County Zoning Administrator.

Date 3/24/05 Signed [Signature] Zoning Administrator

Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown.

Date 3/24/05 Signed [Signature] Fire Marshal

NOTE: Fayette County does not accept ownership, maintenance or responsibility for any drainage easement or overall drainage plan or the lack of one, indicated by this plat.



VICINITY MAP
(NOT TO SCALE)

NOTES FROM PRELIMINARY PLAT AS REQUESTED BY FAYETTE COUNTY ZONING DEPARTMENT

- 5) NO PORTION OF THIS PROPERTY LIES WITHIN A 100 YEAR FLOOD PLAIN.
- 7) DRAINAGE FROM ROADS AND IMPROVED LOTS WILL BE DIRECTED TO A PROPOSED DETENTION AREA. FINAL SIZE IS SUBJECT TO HYDROLOGICAL STUDY THAT CONFIRMS PEAK FLOWS.
- 8) PROPOSED OPEN SPACE TO BE PASSIVE WITH WALKING TRAILS. NO STRUCTURES ARE PLANNED FOR THIS PASSIVE PARK AREA. THE DEVELOPER WILL OWN & MAINTAIN THE OPEN SPACE AREA UNTIL MORE THAN 50% OF THE LOTS HAVE BEEN DEVELOPED AT WHICH TIME A HOMEOWNER'S ASSOCIATION WILL TAKE OVER CONTROL OF THE OPEN SPACE.
- 9) ACCESS EASEMENT FOR USE BY HOMEOWNERS & FOR ACCESS TO DETENTION AREA FOR MAINTENANCE ONLY. VEHICLE ACCESS NOT ALLOWED IN OPEN SPACE.
- 11) THE SIGHT DISTANCES SHOWN ON THE PRELIMINARY PLAT WERE DETERMINED USING THE FORMULA AS PROVIDED BY DAVID CASTLEBERRY WITH THE GEORGIA DEPT. OF TRANSPORTATION. THIS FORMULA BEING AS FOLLOWS:
DRIVER'S EYE LEVEL = 3.5' ABOVE PROPOSED DRIVE GRADE
OBJECT HEIGHT = 2.0'
THIS FORMULA IS DIFFERENT FROM THE FORMULA REQUIRED BY FAYETTE COUNTY AND SIGHT DISTANCES WILL VARY ACCORDING TO WHICH FORMULA IS USED.

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 24 Day
of MAY, 2005 at 2:08 P.M.
Book 146, Page 192

[Signature] Clerk

PIPE CHART	No./STRUCTURE	PIPE SIZE/TYPE	LENGTH	INVERT ELEV.	TOP ELEV.
A-1/FES TO A-2	18"/RCP	34'	821.11		
A-2/CATCH BASIN FROM A-1 TO A-3	18"/RCP	34'	818.67	823.94	
	18"/RCP	30'	818.66		
A-3/CATCH BASIN FROM A-2 TO A-4	18"/RCP	30'	818.17	823.71	
	18"/RCP	42'	818.25		
A-4/FES	18"/RCP	42'	814.33		
B-1/DROP INLET TO B-2	18"/CMP	16'	817.56	821.36	
B-2/CATCH BASIN FROM B-1 TO B-3	18"/CMP	16'	817.13	822.31	
	18" BCCP	30'	817.12		
B-3/CATCH BASIN FROM B-2 TO B-4	18" BCCP	30'	816.38	822.23	
	24"/CMP	172'	816.28		
B-4/HEADWALL FROM B-3 TO B-5	24"/CMP	172'	812.99		
B-5/HEADWALL TO B-6	30"/CMP	398'	807.86		
B-6/DROP INLET FROM B-5 TO B-7	30"/CMP	398'	803.06	807.97	
	30"/CMP	65'	803.02		
B-7/HEADWALL FROM B-6 TO C-1	30"/CMP	65'	799.07		
C-1/WEIR TO C-2	24"/CMP	60'	795.28	801.60	
C-2/HEADWALL FROM C-1	24"/CMP	60'	791.26		

GENERAL NOTES:

- 1) ZONED: R-40
- 2) SETBACKS:
FRONT: 60' ALONG S.R. 85
40' ALONG BURKWOOD COURT OR AS SHOWN
SIDE: 15'
REAR: 30' OR AS SHOWN
MINIMUM LOT AREA: 1.00 ACRE
MINIMUM LOT WIDTH AT FRONT BUILDING SETBACK: 125'
- 3) TOTAL AREA = 18.887 ACRES
ROAD RIGHT-OF-WAY = 1.496 ACRES
TOTAL NUMBER OF LOTS = 15 (15.816 ACRES)
OPEN SPACE = 1.379 ACRES
- 4) SEWER SERVICE BY: INDIVIDUAL SEPTIC SYSTEMS
WATER SERVICE BY: FAYETTE COUNTY WATER SYSTEM
- 5) SITE BENCHMARK: TOP OF FIRE HYDRANT AT LOT 1
ELEVATION = 830.40 (NGVD 1929)
- 6) MINIMUM HEATED SQ. FT. OF HOUSES = 2,400 SQ. FT.
- 7) THERE IS A 30' DRAINAGE EASEMENT, 15' EACH SIDE OF AND PARALLEL TO ALL DRAINAGE PIPING AND ALL OPEN DITCHES FOR THE PURPOSE OF INGRESS, EGRESS AND REPAIR OF DRAINAGE STRUCTURES OR TO MAINTAIN POSITIVE DRAINAGE.
- 8) FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENTS OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT.
- 9) M.F.F.E. = MINIMUM FINISHED FLOOR ELEVATION
- 10) THIS PROPERTY IS OUTSIDE THE 1000 FOOT WATERSHED AREA.
- 11) PRELIMINARY PLAT APPROVED 12/04/03
- 12) LINEAR FEET OF NEW ROAD 1,000 FEET
- 13) NO DIRECT ACCESS ALLOWED TO STATE ROUTE 85 OR BLANCHIE DRIVE FROM ANY LOT IN THIS SUBDIVISION.
- 14) THE "OPEN SPACE" IS NOT A BUILDABLE LOT AND WILL BE OWNED AND MAINTAINED BY THE DEVELOPER UNTIL BURKWOOD PLANTATION HOMEOWNER'S ASSOCIATION IS FORMED. ONCE FORMED, AND SOX OF THE HOUSES HAVE BEEN BUILT, THE "OPEN SPACE" WILL BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION.
- 15) THE EXISTING GRAVEL DRIVE IS NOT A PERMANENT STRUCTURE AND IS TO BE REMOVED.
- 16) THE EXISTING HOUSE ALONG WITH ANY ABOVE GROUND UTILITIES SERVING THIS HOUSE AND CONCRETE DRIVEWAY ARE TO BE REMOVED PRIOR TO JAN. 30, 2005.
- 17) ACCORDING TO THE UNITED STATES DEPT. OF AGRICULTURE SOILS CONSERVATION SERVICE BOOK OF CLAYTON, FAYETTE AND HENRY COUNTIES DATED 1979, THIS PROPERTY DOES NOT CONTAIN ANY HYDRIC SOILS.

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 14,820 ft. and an angular error of one per angle point, and is UNADJUSTED. A GTS-2110 was used to obtain linear and angular measurements. It is my professional opinion, that this plat is true and correct representation of the land plat, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 100,000 ft.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Community No.: 130432 0090 D Dated: MARCH 18, 1998

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

W.D. Gray and Associates, Inc.

land surveyors - planners

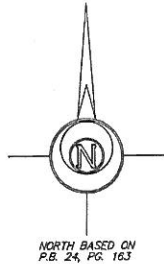
103 WESTPARK DRIVE SUITE C PEACHTREE CITY
GEORGIA 30269
PH. 770-486-7552 FAX 770-486-0498

OWNER/DEVELOPER:

HILPINE BUILDERS
215 MCINTOSH ROAD
BROOKS, GA. 30205
PHONE: 404-867-2680

LAND LOT: 159	DATE OF SURVEY: 02/09/04
4th DISTRICT	DATE OF DRAWING: 12/27/04
FAYETTE COUNTY, GA.	SHEET 1 OF 2
SCALE: 1" = 100'	JOB NO. 0310050

FINAL PLAT OF BURKWOOD PLANTATION

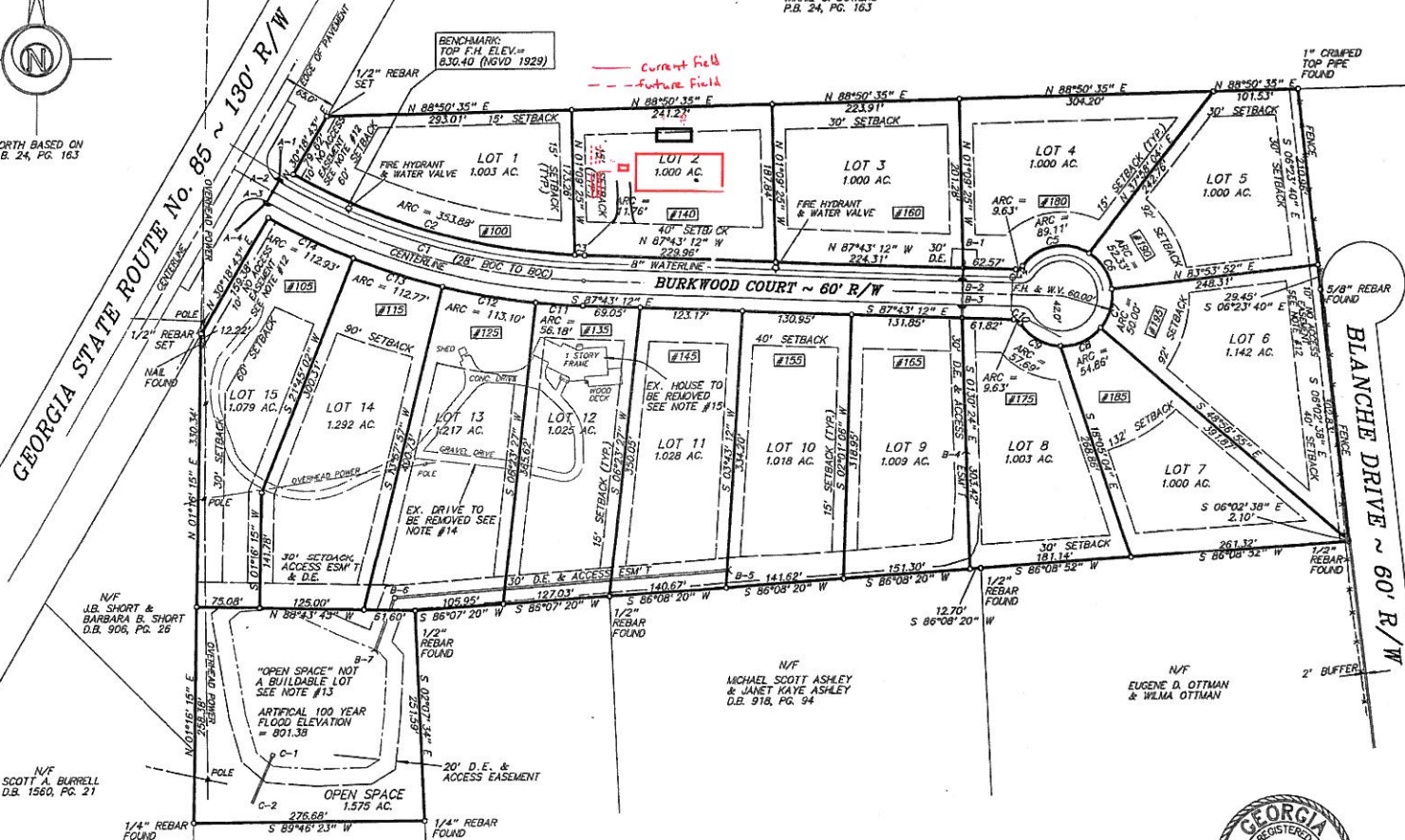


NORTH BASED ON
P.B. 24, PG. 163

N/F
JOE E. BOWERS &
WANN C. BOWERS
P.B. 24, PG. 163

BENCHMARK
TOP F.H. ELEV. =
830.40 (NGVD 1929)

Current Field
Future Field



N/F
J.B. SHORT &
BARBARA B. SHORT
D.B. 906, PG. 26

N/F
SCOTT A. BURRELL
D.B. 1560, PG. 21

L.L. 180

L.L. 158

GEORGIA, FAYETTE COUNTY
Filed and Recorded this
24th Day of March, 2005 at 3:55 P.M.
Book 147, Page 193

David Daddell Clerk

N/F
THOMAS L. HUNTER &
NETTE L. HUNTER
P.B. 14, PG. 97

N/F
MICHAEL SCOTT ASHLEY &
JANET KAYE ASHLEY
D.B. 918, PG. 94

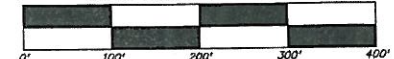
N/F
EUGENE D. OTTMAN &
WELMA OTTMAN

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	800.00'	28°10'55"	391.40'	387.51'	199.70'	S 73°42'14" E
2	770.00'	26°19'55"	353.88'	350.77'	180.12'	S 73°40'45" E
3	770.00'	00°52'29"	11.76'	11.76'	5.88'	S 67°18'57" E
4	10.00'	25°09'00"	9.63'	9.63'	5.22'	N 64°42'18" E
5	60.00'	85°05'50"	89.11'	81.15'	55.07'	S 79°49'43" W
6	60.00'	49°59'28"	52.33'	50.69'	27.96'	N 32°47'08" W
7	60.00'	47°44'47"	50.00'	48.57'	26.55'	N 18°04'29" E
8	60.00'	52°23'16"	54.86'	52.97'	29.52'	N 68°08'31" E
9	60.00'	55°05'40"	57.69'	55.50'	31.30'	S 60°07'01" E
10	10.00'	55°09'00"	9.63'	9.63'	5.22'	N 60°08'41" W
11	830.00'	03°52'42"	56.18'	56.17'	28.10'	S 85°46'51" E
12	830.00'	07°48'22"	113.10'	113.01'	56.64'	S 79°56'18" E
13	830.00'	07°47'08"	112.77'	112.69'	56.47'	S 72°08'30" E
14	830.00'	07°47'45"	112.93'	112.85'	56.55'	S 64°21'05" E



GRAPHIC SCALE: 1 inch = 100 feet



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

land surveyors - planners

103 WESTPARK DRIVE SUITE C PEACHTREE CITY
GEORGIA 30269
PH. 770-486-7552 FAX 770-486-0496

OWNER/DEVELOPER

HILPINE BUILDERS
215 MCINTOSH ROAD
BROOKS, GA. 30205
PHONE: 404-867-2680

LAND LOT: 159	DATE OF SURVEY: 02/09/04
4th DISTRICT	DATE OF DRAWING: 12/27/04
FAYETTE COUNTY, GA.	SHEET 2 OF 2
SCALE: 1" = 100'	JOB NO. 0310050

PETITION NO. A-675-17
Thomas D. Lewis, Jr. and Melanie K. Lewis
Subject Property: 147 Stolen Hours Lane

Public Hearing Date: November 27, 2017

The subject property is located at 147 Stolen Hours Lane, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting Variances as follows:

1. Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce front yard setback from 100 feet to 45 feet to allow the construction of an addition (with a length of up to 60 feet) to an existing home and a deck covering.
2. Variance to Section 110- 79. - Accessory structures and uses (d) to allow an existing accessory structure to remain located in the front yard.
3. Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce the front yard setback from 100 feet to four (4) feet to allow an existing accessory structure to remain.

History: On May 21, 2012 the following variance requests (Petition A-591-12) were approved by the ZBA:

- 1) Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce front yard setback from 100 feet to 50 feet to allow an existing single-family dwelling to remain.
- 2) Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce front yard setback from 100 feet to 36 feet to allow the construction of a swimming pool.
- 3) Variance to Section 110- 79. - Accessory structures and uses (d) to allow an accessory structure (swimming pool) in the front yard

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

In the process of permitting a remodel & addition to my home, I was informed that another variance would be required with regard to the setback off the northern property line for this project. The remodel & addition project includes a mudroom and porte-cochere on the east side of the home and the covering of an existing deck on the west side of the home.

In permitting our pool installation in May of 2012, it was discovered that the residence at 147 Stolen Hours Lane did not meet the proper set back along the north property line of the

property. Based on this property being a "flag lot", the property line on the north side of the property is considered by the county to be the front property line even though it is not located in the front of the residence. This set back issue was inherited by the current homeowner, who purchased the home in June of 2007, from the previous homeowner and this issue was never disclosed. We felt that our construction project would not be a problem as it would comply with the variance granted in May of 2012 but have since learned that only the existing structure was covered in that variance. The adjoining neighbors have no issues with the proposed project. See attached letter.

Through this variance for the addition to the home, the Planning and Zoning staff discovered an existing accessory structure that will require two variances: (1) allow the existing accessory structure to remain in the front yard and (2) reduce the front yard setback from 100 feet to 4 feet. Again, this issue was inherited by the current homeowner, who purchased the home in June of 2007, from the previous homeowner and this issue was never disclosed. The previous variance request also allowed the construction of a swimming pool in the "Front Yard" as it is defined by the County. The adjoining neighbors have no issues with the existing accessory structure. See attached letter

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

Due to the unique shape of our lot it seems that the yard on the north side of the house is considered the "Front Yard" of the house due to it running horizontally with Bernhard Rd. This has created an issue with regard to maintaining the proper set-back for any project on this side of the house and created an issue of the existing accessory structure being located in the "Front Yard."

Secondly, due to the unique shape of our lot, it was further discovered that our residence which was built in 1987 was not built at the proper set back based on the "Front Yard" condition caused by the literal interpretation of the ordinances. This was an existing condition that was not disclosed to the Lewis family on, before or after the closing on this property on June 28th, 2007. As mentioned above, a Variance was issued in May of 2012 reducing the minimum setback from 100' to 50' for the existing structure.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and

The practical difficulties created by application of the regulation for the placement of the mudroom and porte-cochere and covering of an existing deck proposed in the new construction all revolve around the original placement of the house and the lack of conformance prior to the original CO. It appears that the original builder did not realize that the property line to the north was considered the "front yard" and placed the original structure as if the northern property line was the "side yard setback". The proposed addition to this side of the home simply carries a small portion of the existing front elevation forward or to the east towards Stolen Hours Lane and does not extend the house towards the problematic property line to the north. This construction project has been reviewed by adjoining neighbors and they have no issue with the location or the intent.

It is worth mentioning that this undisclosed condition of our home has now caused delay and hardship on 2 separate occasions. Projects in which the correct and prescribed path were and are being followed that should have been relatively simple have become delayed and costly due to a condition the existing homeowner did not create. Further, the current homeowner has not been able to fully maximize their desires with regard to this particular project due to the issue that once again they did not create. The Lewis family is simply trying it's best to make the most of the situation and we are asking for consideration of that with regard to this application.

By literal interpretation of the current zoning requirements the east property line in front of the home is a side yard. The northern property line on the side of the house is the front yard simply because it runs horizontal to Bernhard Road which is the closest county owned road.

The problem with the property line and the multiple front yard issue created by the interpretation of the ordinance was discovered during properly permitting for the pool. Now in properly permitting this addition, further problems with regard to this ordinance have been discovered.

The home is in the same place it was when it received its CO in 1987. The current homeowner was unaware of any set-back issues at the time of purchase and has followed the required procedures from the county at all times in their attempt to better and update their home.

3. Such conditions are peculiar to the particular piece of property involved; and

147 Stolen Hours Lane is a "Flag Lot", which currently creates a peculiar and unique condition to the property. As I understand, the issue of a "Flag Lot" and the orientation of road frontage has fielded quite a few requests for variance and approvals. We also understand the dilemma these homeowners encountered in their efforts to renovate, add on

to or add structures to their property as we are officially a part of that group. As stated above we did not create this issue, but we have done our best to handle it the correct way within the processes granted by the county and thus, this application for variance.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and**

Granting a variance to allow the placement of the mudroom and porte-cochere to the actual front of the home, covering of an existing deck and maintain the existing accessory structure will do nothing to detriment the public good for many reasons. First the 6.4-acre lot in question is over a 1/4 mile from Bernhard Road and is not visible to the public. Second the proposed addition is an upgrade to the existing home and will increase curb appeal and the overall value of the property. Third the adjoining neighbors are aware of the proposed location for addition and existing accessory structure and approve.

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

The literal interpretation of the ordinance, specifically, the issue of the county definition of "Front Yard on a "Flag Lot" and that no structure be placed between the front property line and the residential dwelling would deprive the enjoyment of the property, which others in the same zoning district are allowed. The home owner seeks to add an addition onto to the existing home and maintain an existing accessory structure within his zoning district which others in the district who do not have this "flag lot" condition are allowed to do.

Literal interpretation of the ordinance with regard to the current residence creates a condition of non-conformance with regard to set-backs that the current homeowner inherited unknowingly from the previous homeowner. The current homeowner has responsibly worked with the Planning and Zoning dept. to work through this issue that was not disclosed from the previous homeowner and continues to do so.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objection.

ENVIRONMENTAL MANAGEMENT: New structure will have a MFE of 803.79.

FIRE MARSHAL: The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

PUBLIC WORKS/ENGINEERING: No Engineering issues.

WATER SYSTEM: No conflict.

October 16, 2017

Fayette County Planning & Zoning
14 Stonewall Avenue, West
Fayetteville GA 30214

Re: Lewis Family construction project

Dear Sir or Madam:

I am sending you this letter to inform you I am aware of and approve of the proposed construction/remodel project the Lewis family is currently pursuing with the county. As we are the neighbor on the side of the house requiring the variance we thought we should go on record and voice our approval for this project to the county.

Thanks in advance,

A handwritten signature in black ink, appearing to read 'Phil Herbert', with a horizontal line drawn through it.

Phil Herbert
137 Stolen Hours Lane
Fayetteville, GA 30215
Home #

November 7, 2017

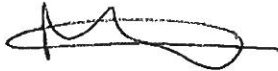
Fayette County Planning & Zoning
14 Stonewall Avenue, West
Fayetteville GA 30214

Re: Lewis Family Shed

Dear Sir or Madam:

I am sending you this letter to inform you that we have no problem with the shed that is located on the Lewis's property near our property line. It does not encroach our property and we have no problem with it's location. As we are the only neighbor that would be affected by this sheds location, we felt we should go on record and voice our approval for this structure remaining where it is and hope you will see that it can.

Thanks in advance,

A handwritten signature in black ink, appearing to read 'Phil Herbert', with a horizontal line extending to the right.

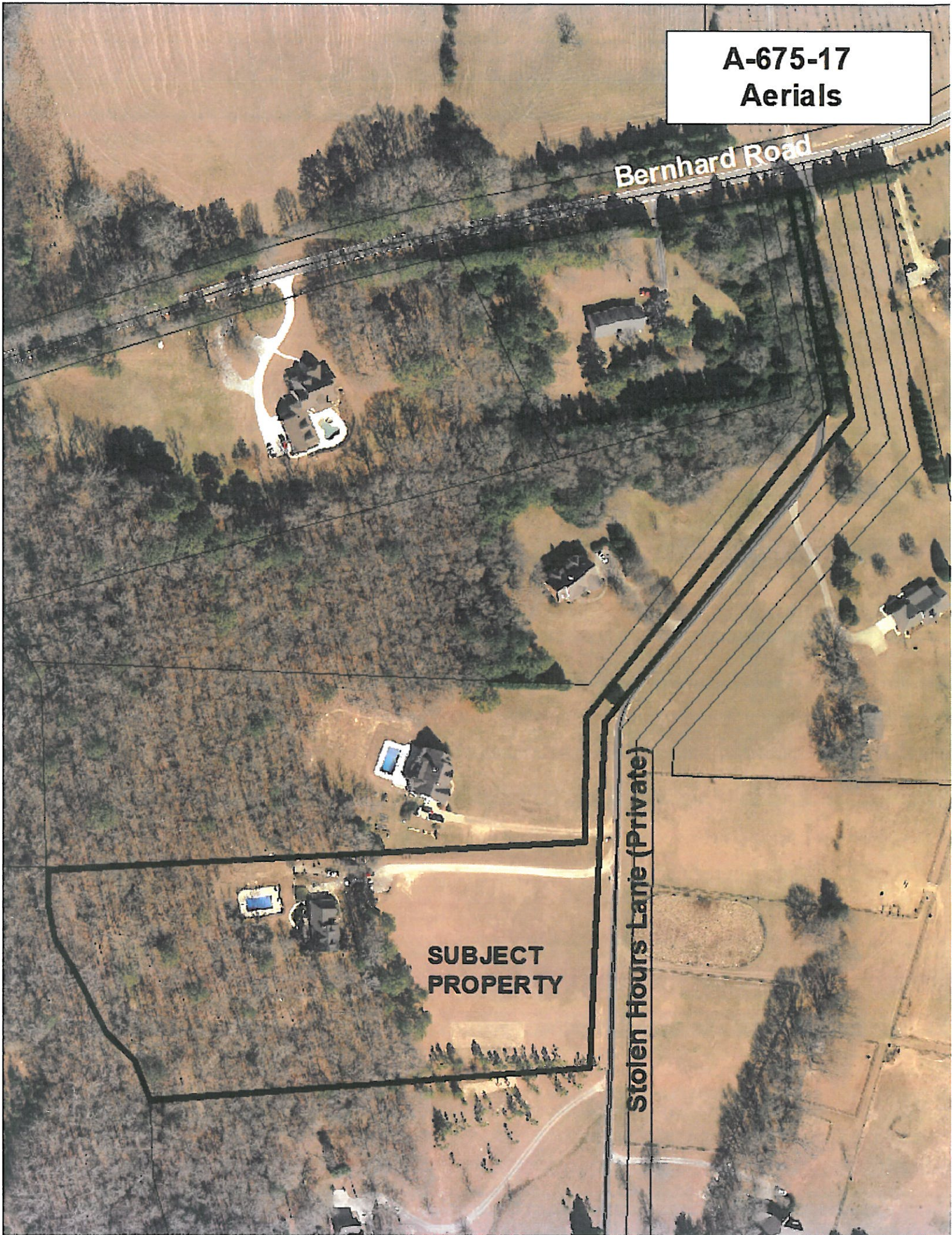
Phil Herbert
137 Stolen Hours Lane
Fayetteville, GA 30215
Home #

**A-675-17
Aerials**

Bernhard Road

**SUBJECT
PROPERTY**

Stolen Hours Lane (Private)



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Thomas D. Lewis, Jr and Melanie Kay Lewis

MAILING ADDRESS: 147 Stolen Hours Lane, Fayetteville GA 30215

PHONE: H# 770-461-9262 M# 678-859-0316 E-MAIL: tlewis@brasfieldgorrie.com

AGENT FOR OWNERS: Tom Lewis

MAILING ADDRESS: Same as Above

PHONE: Same as Above E-MAIL: Same as Above

PROPERTY LOCATION: LAND LOT 221 LAND DISTRICT 4th PARCEL 0439079

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 6.458

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: Single Family Residential

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-673⁵-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 10/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2017

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

for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

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 deed for the subject property:

Thomas D. Lewis, Jr and Melanie Kay Lewis

Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 6.458 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval 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

147 Stolen Hours Lane

Address

Signature of Property Owner 2

147 Stolen Hours Lane

Address

Signature of Authorized Agent

Address

Signature of Notary Public

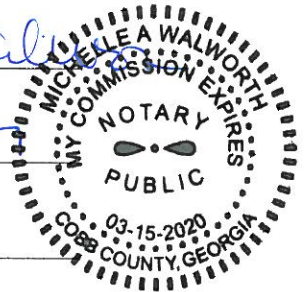
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce front yard setback from 100 feet to 45 feet to allow the construction of an addition (with a length of up to 60 feet) to an existing home and a deck covering.	100 feet	45 feet	55 feet
Variance to Section 110-79. - Accessory structures and uses (d) to allow an existing accessory structure to remain located in the front yard.	Accessory structures are not allowed in a front yard	Allow an existing accessory structure to remain located in the front yard.	
Variance to Section 110-125 A-R (d) (4) (a) (2) to reduce the front yard setback from 100 feet to four (4) feet to allow an existing accessory structure to remain.	100 feet	4 feet	96 feet

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

In the process of permitting a remodel & addition to my home, I was informed that another variance would be required with regard to the setback off the northern property line for this project. The remodel & addition project includes a mudroom and porte-cochere on the east side of the home and the covering of an existing deck on the west side of the home.

In permitting our pool installation in May of 2012, it was discovered that the residence at 147 Stolen Hours Lane did not meet the proper set back along the north property line of the property. Based on this property being a "flag lot", the property line on the north side of the property is considered by the county to be the front property line even though it is not located in the front of the residence. This set back issue was inherited by the current homeowner, who purchased the home in June of 2007, from the previous homeowner and this issue was never disclosed. We felt that our construction project would not be a problem as it would comply with the variance granted in May of 2012 but have since learned that only the existing structure was covered in that variance. The adjoining neighbors have no issues with the proposed project. See attached letter.

Through this variance for the addition to the home, the Planning and Zoning staff discovered an existing accessory structure that will require two variances: (1) allow the existing accessory structure to remain in the front yard and (2) reduce the front yard setback from 100 feet to 4 feet. Again, this issue was inherited by the current homeowner, who purchased the home in June of 2007, from the previous homeowner and this issue was never disclosed. The previous variance request also allowed the construction of a swimming pool in the "Front Yard" as it is defined by the County. The adjoining neighbors have no issues with the existing accessory structure. See attached letter

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Due to the unique shape of our lot it seems that the yard on the north side of the house is considered the "Front Yard" of the house due to it running horizontally with Bernhard Rd. This has created an issue with regard to maintaining the proper set-back for any project on this side of the house and created an issue of the existing accessory structure being located in the "Front Yard."

Secondly, due to the unique shape of our lot, it was further discovered that our residence which was built in 1987 was not built at the proper set back based on the "Front Yard" condition caused by the literal interpretation of the ordinances. This was an existing condition that was not disclosed to the Lewis family on, before or after the closing on this property on June 28th, 2007. As mentioned above, a Variance was issued in May of 2012 reducing the minimum setback from 100' to 50' for the existing structure.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The practical difficulties created by application of the regulation for the placement of the mudroom and porte-cochere and covering of an existing deck proposed in the new construction all revolve around the original placement of the house and the lack of conformance prior to the original CO. It appears that the

original builder did not realize that the property line to the north was considered the "front yard" and placed the original structure as if the northern property line was the "side yard setback". The proposed addition to this side of the home simply carries a small portion of the existing front elevation forward or to the east towards Stolen Hours Lane and does not extend the house towards the problematic property line to the north. This construction project has been reviewed by adjoining neighbors and they have no issue with the location or the intent.

It is worth mentioning that this undisclosed condition of our home has now caused delay and hardship on 2 separate occasions. Projects in which the correct and prescribed path were and are being followed that should have been relatively simple have become delayed and costly due to a condition the existing homeowner did not create. Further, the current homeowner has not been able to fully maximize their desires with regard to this particular project due to the issue that once again they did not create. The Lewis family is simply trying it's best to make the most of the situation and we are asking for consideration of that with regard to this application.

By literal interpretation of the current zoning requirements the east property line in front of the home is a side yard. The northern property line on the side of the house is the front yard simply because it runs horizontal to Bernhard Road which is the closest county owned road.

The problem with the property line and the multiple front yard issue created by the interpretation of the ordinance was discovered during properly permitting for the pool. Now in properly permitting this addition, further problems with regard to this ordinance have been discovered.

The home is in the same place it was when it received its CO in 1987. The current homeowner was unaware of any set-back issues at the time of purchase and has followed the required procedures from the county at all times in their attempt to better and update their home.

3. Such conditions are peculiar to the particular piece of property involved.

147 Stolen Hours Lane is a "Flag Lot", which currently creates a peculiar and unique condition to the property. As I understand, the issue of a "Flag Lot" and the orientation of road frontage has fielded quite a few requests for variance and approvals. We also understand the dilemma these homeowners encountered in their efforts to renovate, add on to or add structures to their property as we are officially a part of that group. As stated above we did not create this issue, but we have done our best to handle it the correct way within the processes granted by the county and thus, this application for variance.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.**

Granting a variance to allow the placement of the mudroom and porte-cochere to the actual front of the home, covering of an existing deck and maintain the existing accessory structure will do nothing to detriment the public good for many reasons. First the 6.4-acre lot in question is over a 1/4 mile from Bernhard Road and is not visible to the public. Second the proposed addition is an upgrade to the existing home and will increase curb appeal and the overall value of the property. Third the adjoining neighbors are aware of the proposed location for addition and existing accessory structure and approve.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.**

The literal interpretation of the ordinance, specifically, the issue of the county definition of "Front Yard on a Flag Lot" and that no structure be placed between the front property line and the residential dwelling would deprive the enjoyment of the property, which others in the same zoning district are allowed. The home owner seeks to add an addition onto to the existing home and maintain an existing accessory structure within his zoning district which others in the district who do not have this "flag lot" condition are allowed to do.

Literal interpretation of the ordinance with regard to the current residence creates a condition of non-conformance with regard to set-backs that the current homeowner inherited unknowingly from the previous homeowner. The current homeowner has responsibly worked with the Planning and Zoning dept. to work through this issue that was not disclosed from the previous homeowner and continues to do so.

[illegible][illegible]

2'-0"

DECK WITH T-III GROOVE DOWN THEN ADD METAL ROOFING

2 X 4 RAFTERS @ 16' O.C.

2 X 4 LOOKOUTS @ 16' O.C.

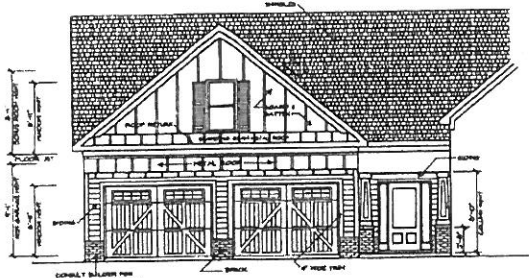
SUPPORT BLOCKS @ 16' O.C.

1'-6"

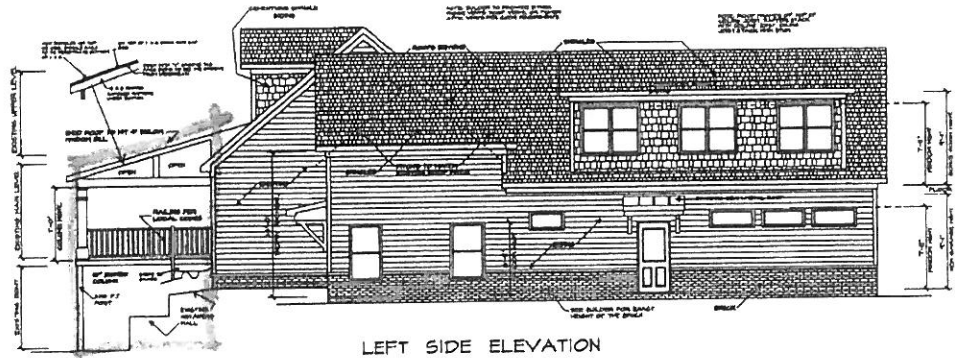
TOM & MELANIE
LEWIS
147 STOLEN HOURS LANE
FAYETTEVILLE, GA

DK DESIGNS, INC.

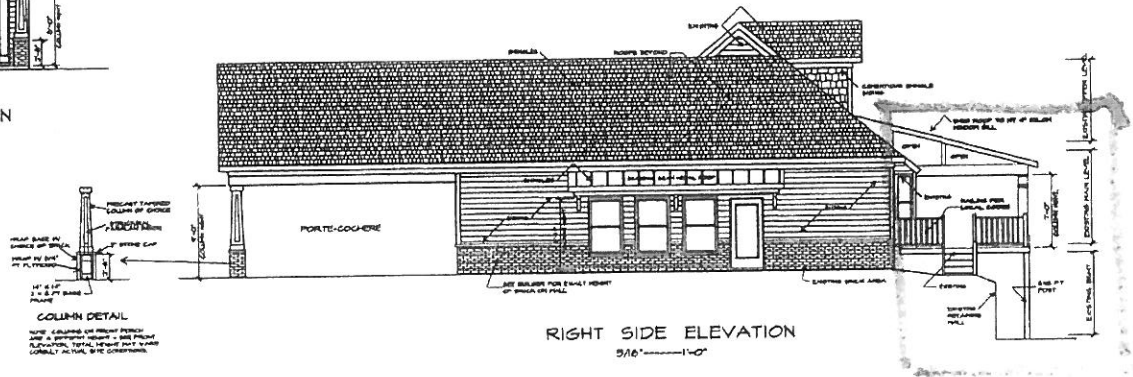
Phase Z



GARAGE FRONT ELEVATION
3/16" = 1'-0"



LEFT SIDE ELEVATION
3/16" = 1'-0"



RIGHT SIDE ELEVATION
3/16" = 1'-0"

COPYRIGHT DK DESIGNS, INC. ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM DK DESIGNS, INC.

DK DESIGNS, INC.
ATLANTA, GA
770-460-4445

DK DESIGNS, INC.

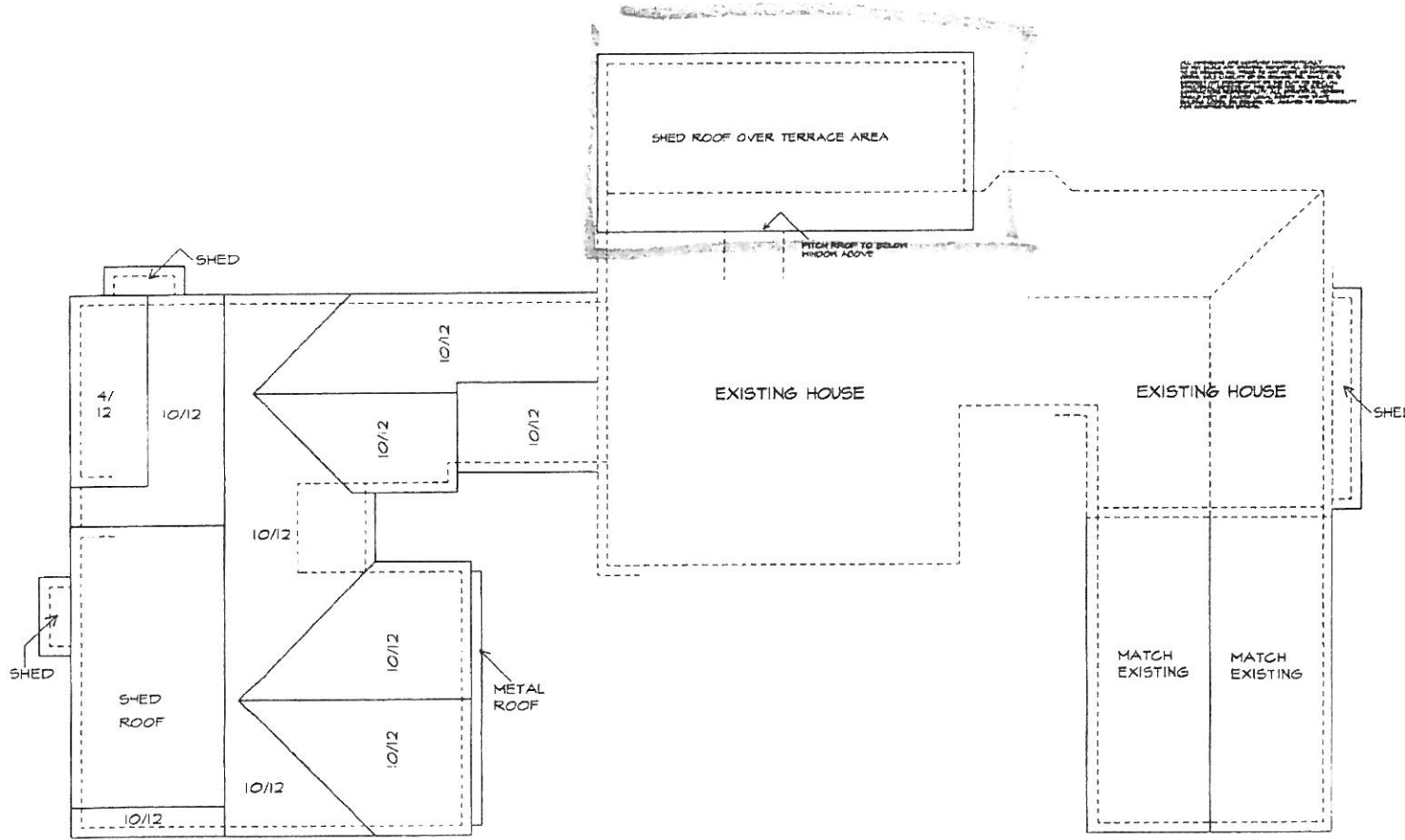
REVISION
4-28-2017

SHEET
OF



TOM & MELANIE
LEWIS
141 STOLEN HOURS LANE
FAYETTEVILLE, GA

Phase 2



NEW FLOOR PLAN
3/16" = 1'-0"

NEW FLOOR PLAN
3/16" = 1'-0"

COPYRIGHT DK DESIGNS, INC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM DK DESIGNS, INC. UNLESS AUTHORIZED IN WRITING BY DK DESIGNS, INC.

DK DESIGNS, INC.
ATLANTA, GA
770-460-9445

DK DESIGNS, INC.

REVISION
4-28-2017

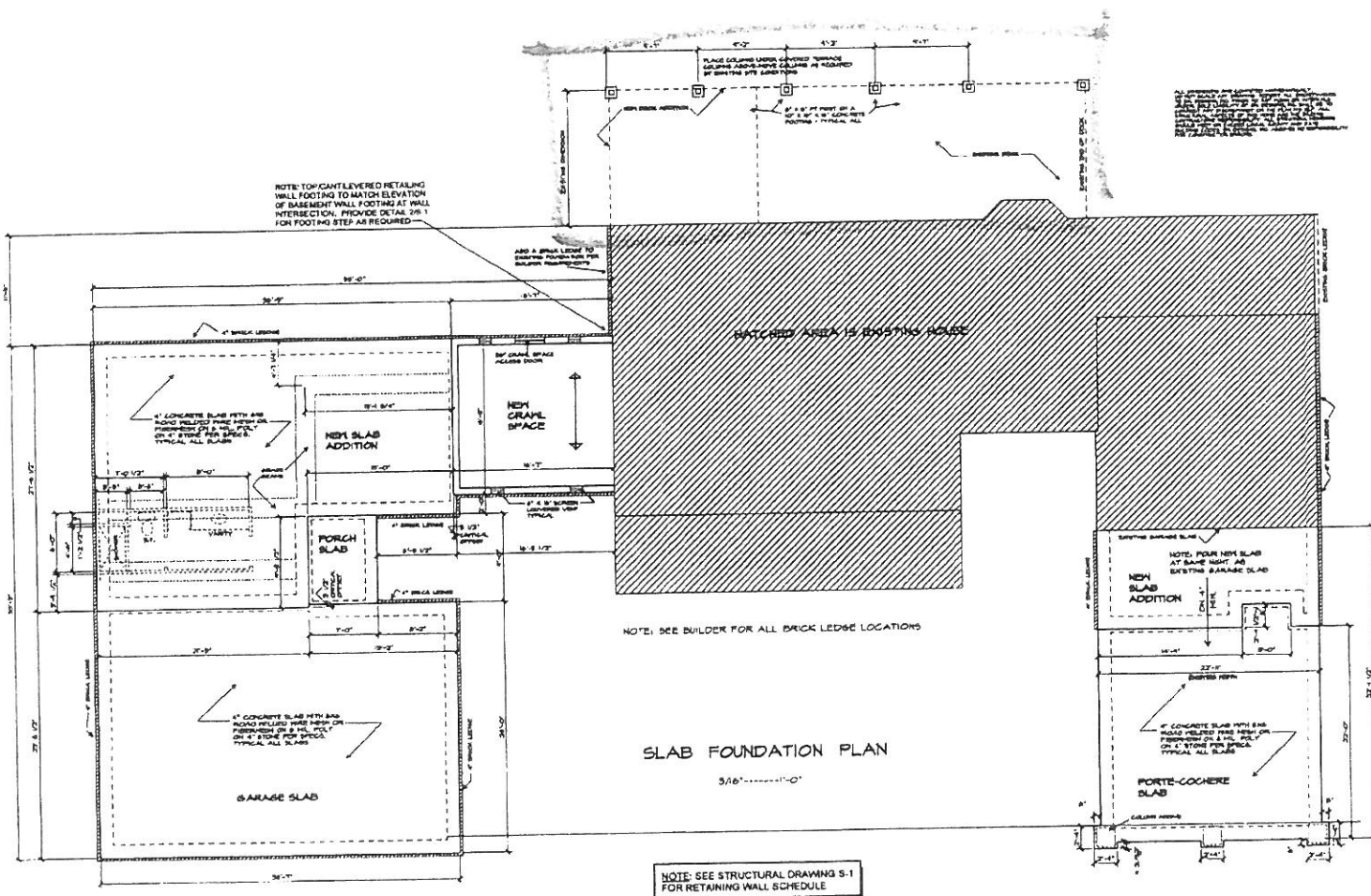
SHEET
OF

www.dkplans.com



DK DESIGNS, INC.

TOM & MELANIE
LEWIS
147 STOLEN HORNS LANE
FAYETTEVILLE, GA



COPYRIGHT DK DESIGNS, INC. ALL RIGHTS
 RESERVED. ANY DUPLICATION, DISTRIBUTION,
 RESALE OR REPRODUCTION OF ANY KIND
 WITHOUT THE WRITTEN PERMISSION OF
 DK DESIGNS, INC. IS STRICTLY PROHIBITED.

OK DESIGNS, INC.
ATLANTA, GA
770-460-9495

DK DESIGNS, INC.

REVISION
9-28-2017

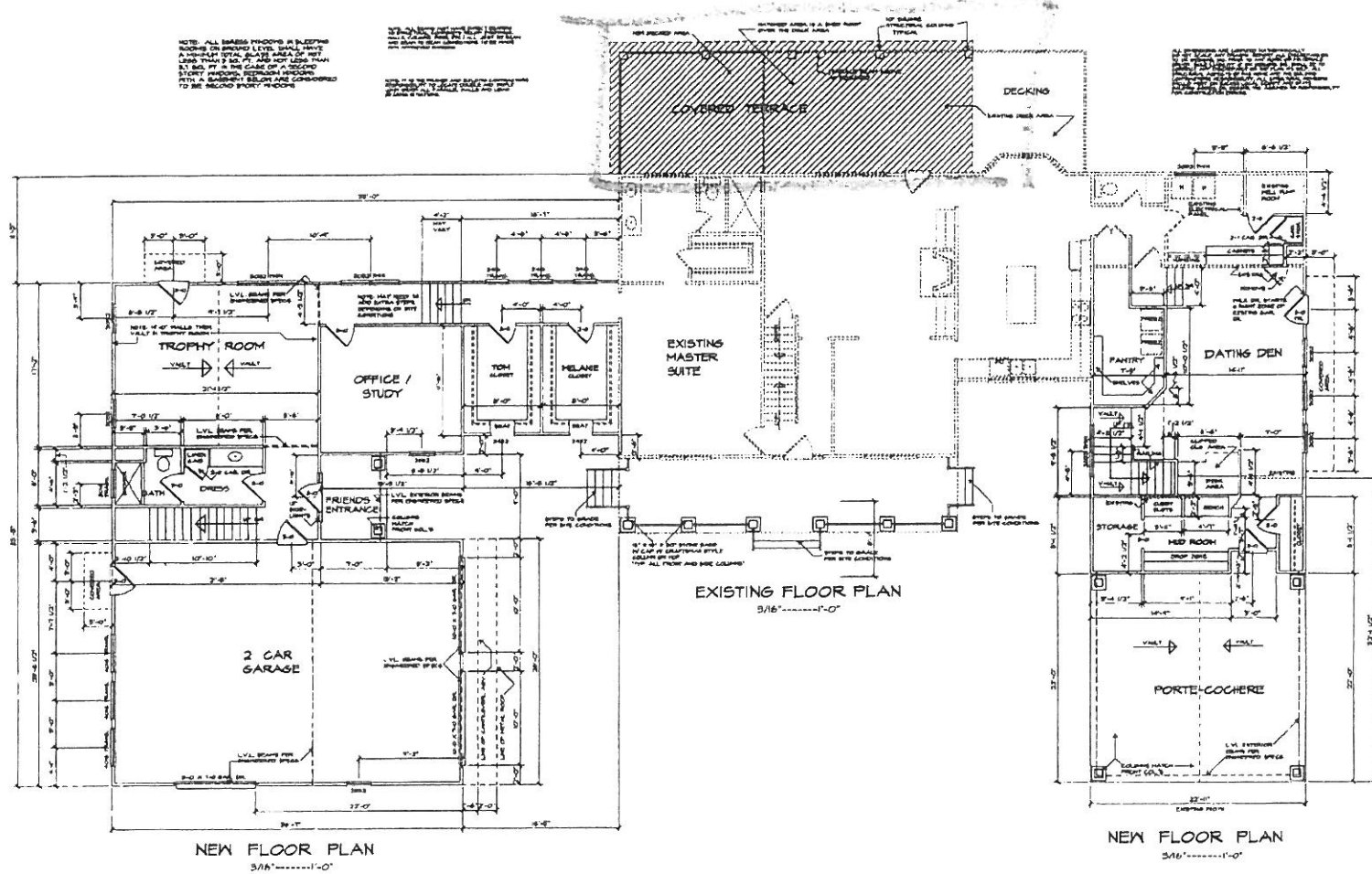
OF



TOM & MELANIE
LEWIS
47 STOLEN HOURS LANE
FAYETTEVILLE, GA

DK DESIGNS, INC.

PAGE 2



NOTE: ALL BASES PROVIDED IN EXISTING
FLOORING ON GRAVEL LISTS SHALL BE
REMOVED. NEW BASES SHALL BE NOT
LESS THAN 2" HIGH, 1" WIDE AND NOT LESS THAN
1/2" THICK. IF IN THE CASE OF A NEW
STORY, BASES SHALL BE CONSIDERED
TO BE SECOND STORY FLOORING.

NOTE: ALL BASES PROVIDED IN EXISTING
FLOORING ON GRAVEL LISTS SHALL BE
REMOVED. NEW BASES SHALL BE NOT
LESS THAN 2" HIGH, 1" WIDE AND NOT LESS THAN
1/2" THICK. IF IN THE CASE OF A NEW
STORY, BASES SHALL BE CONSIDERED
TO BE SECOND STORY FLOORING.

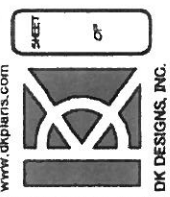
NOTE: ALL BASES PROVIDED IN EXISTING
FLOORING ON GRAVEL LISTS SHALL BE
REMOVED. NEW BASES SHALL BE NOT
LESS THAN 2" HIGH, 1" WIDE AND NOT LESS THAN
1/2" THICK. IF IN THE CASE OF A NEW
STORY, BASES SHALL BE CONSIDERED
TO BE SECOND STORY FLOORING.

COPYRIGHT DK DESIGNS, INC. ALL RIGHTS
RESERVED. ANY DUPLICATION, DISTRIBUTION,
REPRODUCTION OR REUSE OF ANY KIND
WITHOUT THE WRITTEN PERMISSION OF DK
DESIGNS, INC. IS PROHIBITED. UNLESS
AUTHORIZED IN WRITING BY DK DESIGNS, INC.

DK DESIGNS, INC.
ATLANTA, GA
770-460-4445

DK DESIGNS, INC.

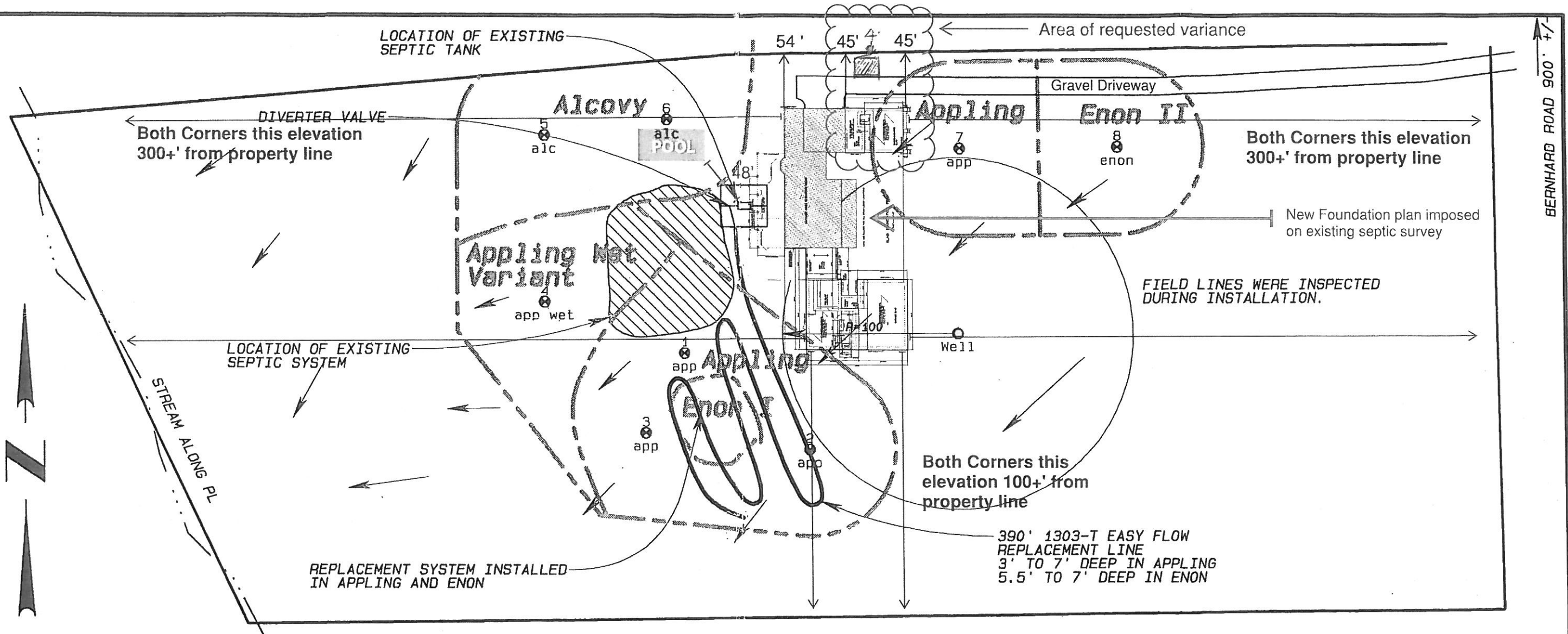
REVISION
4-28-2017



www.dkplans.com

TOM & MELANIE
LEWIS
141 STOLEN HOURS LANE
FAYETTEVILLE, GA

DK DESIGNS, INC.



I certify this onsite sewage management system meets the minimum design requirements established by the Department of Human Resources. I have made at least one site visit to verify the system can be installed as designed in accordance with these regulations.

Larry F. McEver, P.E. March 10, 2008

FOR
Tom Lewis
147 Stolen Hours Lane
Fayetteville, Georgia 30215-3976
678 859 0316

LIMITED IN SCOPE LEVEL III SOILS STUDY

147 STOLEN HOURS LANE
L.L. 221, DISTRICT 4, FAYETTE CO, GA

DATE: FEBRUARY 29, 2008
REV: MARCH 10, 2008

RESOURCE ENGINEERS
INCORPORATED

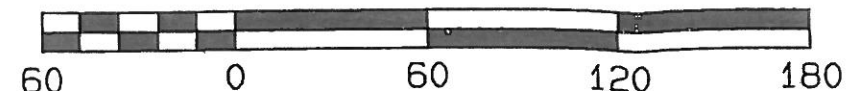
1439 HIGHWAY 92 NORTH, SUITE C
FAYETTEVILLE, GEORGIA 30214-3381

770 969 8923
FAX 770 969 2039
EMAIL: RESO_ENG@BELLSSOUTH.NET

Job No. 2385



Do Not Scale



CODE LETTER	SUITABILITY CODE DESCRIPTION
A	Soil series should have ability to function as suitable absorption field with proper design, installation, and maintenance
B	Some rock and or stony conditions were found. This soil should function as a suitable absorption field providing that the system is put in first to make sure there will be no rock limiting. Holes have been bored at least 72" deep within this unit with a hand auger.
C	Due to water table, flooding, and or drainage problems, there is a HIGH PROBABILITY OF FAILURE for conventional systems. (Your Health Department can discuss with you if an alternate system might be an option for your situation.)
F	Normally considered unsatisfactory for use for conventional absorption fields.

SOIL TYPE	Slope %	Water inches	Resistance inches	Code	Trench Depth inches	Perk Rate min/in	Infil. Rate gal/sf/day
Alcovy	3 - 8	a30	>72	C	8 - 18*	75@18"	0.10
Appling	2 - 12	>108	>108	A	36 - 84	45@48"	0.10
Appling Wet Var.	5 - 12	a44	>72	C	8 - 32*	70@32"	0.10
Enon I	2 - 6	p36/a>108	>108	A	56 - 84	45@56"	0.10
Enon II	2 - 6	p60/a?	>72	A	24 - 36	85@36"	0.10

p = perched water table, a = apparent water table nsd = Not Sufficient Data

* Applies to Class I effluent only.

Deep test pits suggested if any attempt is made to use Enon II. Better conditions may be found at deeper depths.

* Graphic representation of set-back issue with regard to northern property line

CLOSURE FOR SHELL LOT AND SMALL TRACT
The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 6,500+ ft. and an angular error of 20" per angle point, and the LEAST SQUARES rule was used for adjustment. A GTS-311 was used to obtain linear measurements and a GTS-311 was used to obtain angular measurements.

It is my opinion, that this plot is a true and correct representation of the land plotted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 400,000+ ft.



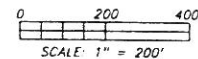
TRACT COURSES

COURSE	BEARING	DISTANCE
1	S 00°47'08" E	32.23'
2	S 89°14'45" W	830.58'
3	N 84°50'33" E	415.32'
4	N 89°11'57" E	416.47'

TRACT AREA = 0.46 +/- ACRES

NOTE:

THE COMPOSITE MAP PORTION OF THIS PLAT AND MAP WAS PREPARED FROM DOCUMENTS OF RECORD IN THE FAYETTE COUNTY RECORD ROOM. NO FIELD SURVEY OF THE 5.93 ACRE SLAUGHTER TRACT WAS PERFORMED BY THIS OFFICE. THERE WAS MONUMENTS LOCATED DURING THE SURVEY FOR THE SHELL PROPERTY THAT ALLOWED THE COMPUTATION OF THE REMAINING BORDERS OF THE SLAUGHTER TRACT.



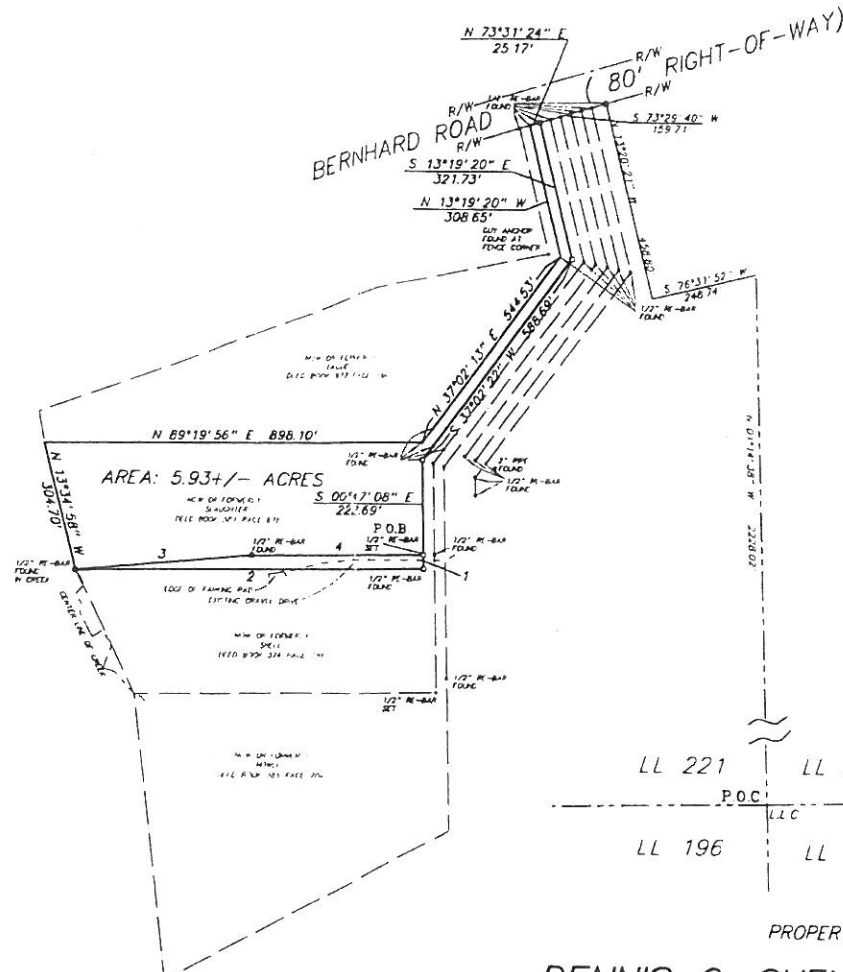
DATE OF COMPOSITE MAP WORK: 10/23-31/2006
DATE OF PLAT WORK: 01/04/2002
DATE OF FIELD SURVEY: 12/19/2001

PREPARED BY

Carol Land Services
P.O. BOX 186
Orchard Hill, GA. 30266-0186
PHONE: 770-228-6759 FAX: 770-228-6759

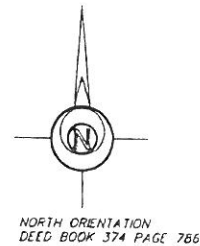
Note: This survey is subject to other easements and encumbrances of record and the public record references shown on this plat were those records necessary to establish the boundaries as shown and reference to the same does not and is not intended to constitute a title search nor title opinion.

NOTE: THIS SURVEY WAS PREPARED EXCLUSIVELY FOR THE PARTY OR PARTIES LISTED IN THE TITLE BLOCK. ANY REPRODUCTION, OF, USE OF, RECORDING OF OR RELIANCE ON THE INFORMATION CONTAINED HEREON BY PARTIES OTHER THAN THOSE MENTIONED IN THE TITLE BLOCK IS PROHIBITED. THIS PLAT SHOULD NOT BE RECORDED UNLESS BEARING THE SEAL AND SIGNATURE OF THE REGISTERED LAND SURVEYOR PREPARING THIS SURVEY.



LEGEND

- POC = POINT OF COMMENCEMENT
 - POB = POINT OF BEGINNING
 - IPS = IRON PIN SET
 - IPF = IRON PIN FOUND
 - R/W = RIGHT-OF-WAY
 C/L | = CENTERLINE |
- P/L = PROPERTY LINE
 - N/F = NOW OR FORMERLY
 - B/L = BUILDING LINE / SETBACKS
 - CMF = CONCRETE MONUMENT FOUND
 - MH = MANHOLE
 - CO = CLEANOUT
 - LAT = LATERAL
 - SS = SANITARY SEWER
 - L = ARC LENGTH
 - DE = DRAINAGE EASEMENT
 - SSE = SANITARY SEWER EASEMENT
 - P/P = POWER POLE
 - CB = CATCH BASIN
 - JB = JUNCTION BOX
 - YI = YARD INLET
 - FES = FLARED END SECTION
 - H/W = HEAD WALL
 - F/H = FIRE HYDRANT
 - DI = DROP INLET
 - DB = DEED BOOK
 - PB = PLAT BOOK
 - OTP = OPEN TOP PIPE (I.D.)
 - CTP = CRIMPED TOP PIPE
 - LLC = LAND LOT CORNER



PROPERTY SURVEY
FOR
DENNIS C. SHELL & BETH SHELL
&
COMPOSITE MAP
FOR
SLAUGHTER

ALL LOCATED IN LAND LOT 221
THE 4th. LAND DISTRICT
FAYETTE COUNTY, GEORGIA