#### **BOARD OF APPEALS**

Marsha A. Hopkins, Chairman Tom Waller, Vice-Chair Therol Brown John Tate Bill Beckwith **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 February 26, 2018 7:00 P.M.

1. Consideration of the Minutes of the Meeting held on January 22, 2017.

#### PUBLC HEARING

2. Petition No. A-678-18, Christopher & Carlisa Campo, Owner, request the following: Variance to Section 110-79. Accessory structures and uses. (d) to allow the construction of a detached garage in the front yard. The subject property is located in Land Lot(s) 16 &17 of the 6<sup>th</sup> District and front(s) on Densmorr Ridge and Brechin Drive.

### PETITION NO. A-678-18 Christopher & Carlisa Campo 100 Densmorr Ridge Senoia, GA 30276 Public Hearing Date February 26, 2018

The subject property is zoned PUD-PRD and located at 100 Densmorr Ridge, Senoia, GA 30276. The applicant is requesting a Variance to Sec. 110-79 Accessory structures and uses (d), to allow the construction of a detached garage in the front yard.

Sec. 110-3. - Definitions

*Yard, front,* means the area between a property line adjacent to a thoroughfare and the **building line**, extending the full width of the lot.

*Building line, front,* means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Sec. 110-79 Accessory structures and uses (d), reads as follows:

*Location on lot.* Accessory structures shall conform to the dimensional requirements within each zoning district. **No structure shall be located in the front yard except**: a detached garage (see subsections (d)(1) and (2) of this section for requirements); well/pump house consisting of 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, and greenhouses located in an A-R zoning district, where the lot consists of five acres or more. A well/pump house of 70 square feet or less may be located within the setbacks. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.

A detached garage would be allowed in a secondary front yard as follows:

(2) Detached garage located in the front yard of a corner lot.

a. *Primary front yard.* The location of the front door of the principal structure shall establish the primary front yard. If the front door is not oriented to a street, the driveway access shall be utilized to establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a single frontage lot; and

b. *Secondary front yard*. Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements: 1. Footprint shall not exceed 900 square feet; and

2. Located no more than 35 feet from the principal structure.

A-678-18

(3) Architectural standards for a detached garage located in all front yards. The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:

a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors.

b. The garage shall have at least one opening for vehicular access.

c. A separate electrical meter is not permitted, unless otherwise required per the building permits and inspections department.

d. The garage shall be connected to the principal structure by at least one of the following:

1. *An attached or detached breezeway*. Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;

2. An attached raised deck. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or

3. An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage

**History:** The Final Plat of Brechin Park Subdivision was recorded on March 17, 1999. Tax Assessor's records indicate that the house was built in 2001.

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.

The homeowners want to build a garage in what is considered to be primary/secondary front yard. There are two areas where the garage could possibly be built and remain within the existing ordinance (in what is considered to be the back yard). The following explains why each are problematic:

- To the right of the structure
  - There would be the need for a secondary driveway/curb cut. There is already a driveway to the left of the structure.

A-678-18

- The septic drain lines lie to the right of the structure and you cannot build on top of those lines. It would also intrude into the possible secondary drain line area.
- Immediately behind/left of the structure
  - The property slopes down into this area which would necessitate the need to cut into the slope and build a retaining wall.
  - Proposed size of garage would need to be much larger if it were placed immediately behind the house due to the having to turn into the structure as opposed to pulling straight in the structure.
  - The garage would then use up a large portion of their usable back yard.
  - Placement behind structure would necessitate the need to pour much more concrete.

Placement of the garage to the left of the structure but into the primary/secondary front yard would not make a visual change in the impact of the construction of the garage. The visual impact of constructing the garage to the left inside the primary/secondary front yard is identical to the visual impact of constructing it behind/left of the structure.

## JUSTIFICATION OF REQUEST

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

Subject property is a corner lot and, as such, all areas suitable for building a garage are either prohibited or impractical.

- To the right of the structure
  - There would be the need for a secondary driveway/curb cut. There is already a driveway to the left of the structure.
  - The septic drain lines lie to the right of the structure and you cannot build on top of those lines. It would also intrude into the possible secondary drain line area.
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  - The garage would then use up a large portion of their usable back yard.
  - Placement behind structure would necessitate the need to pour much more concrete.

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

As previously stated above, the only allowable space to build the garage is either an prohibited due to septic lines or economically unfeasible to the necessity to cut into a slope, build a larger structure and the necessity for a much larger amount of concrete to accommodate the larger garage in this location.

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

These conditions exist in particular due to the fact that the lot is a corner lot. If the lot were a standard lot there would not be a primary and secondary front yard to be considered and the garage could be built, as requested, but it would be considered to be in the back yard. The septic lines interfere with the only other area that the garage could be built.

## 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,

Placement of the garage to the left of the structure but into the primary/secondary front yard would not make a visual change in the impact of the construction of the garage. The visual impact of constructing the garage to the left inside the primary/secondary front yard is identical to the visual impact of constructing it behind/left of the structure (in the existing back yard area). The HOA has already approved the plan/placement of the garage as proposed.

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

Most homeowners are allowed to build a garage on their property. These regulations effectively prohibit the homeowner from building the needed garage because the only allowable place to build the garage is either prohibited due to septic lines or economically unfeasible as previously outlined.

## DEPARTMENTAL COMMENTS

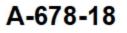
**ENVIRONMENTAL HEALTH:** Department approved proposed garage site.

ENVIRONMENTAL MANAGEMENT: EMD has not 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 comments on any of the three variance requests.

### WATER SYSTEM: No conflict.



SUBJECT PROPERTY

Brechin Drive

Densmoor Ridge

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VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS
PROPERTY OWNERS: Christophin CAMPO & CANLISA CAMPO
MAILING ADDRESS: 100 DENS MORV RIDGE SENOIA, Cat 30276
PHONE: 773 706 7703 E-MAIL: Chrismeampoegmailcom
AGENT FOR OWNERS: Michael Simmons (Shiftering Oak Jos
MAILING ADDRESS: 971 Bexton Ro Mordand, 64 30259
PHONE: 618-416-1745 E-MAIL: Money/inez@Charter.net
PROPERTY LOCATION: LAND LOT LAND DISTRICT PARCEL 060410014
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.270
zoning district: $P - U - D - PR - D$
ZONING OF SURROUNDING PROPERTIES: $P - U - D - PRD$
PRESENT USE OF SUBJECT PROPERTY: Residential
PROPOSED USE OF SUBJECT PROPERTY: <u>Residentian</u>
(THIS AREA TO BE COMPLETED BY STAFF): <b>PETITION NUMBER:</b> <u>A-678-18</u>
[ ] Application Insufficient due to lack of:
by Staff: Date:
[V] Application and all required supporting documentation is Sufficient and Complete    by Staff:
DATE OF ZONING BOARD OF APPEALS HEARING: <u>February 26, 2018</u> Received from <u>Michael Simmons</u> a check in the amount of \$ <u>195</u> .
for application filing fee, and $\frac{175}{20}$ for deposit on frame for public hearing sign(s). 20
Date Paid:    1/18/2018    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:

Christopher (Ampo Carlist (Ampo

Property Tax Identification Number(s) of Subject Property: 060410014

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the \_06 \_\_ District, and (if applicable to more than one land district) Land Lot(s) \_\_ 64 \_\_ of the District, and said property consists of a total of 1.270 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to <u>Michael Simmons</u> 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

100 DUISMOR Rdg Address

Signature of Property Owner 2

Signature of Notary Public

1-16-18

Signature of Notary Public

Address

Signature of Authorized Agent

for Rd Marked 30259

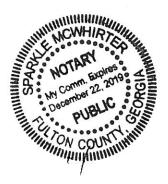
Address

Date

Signature of Notary Public

1-16-18 Date





REQUEST FOR ARC REVIEW OF PROPO	OSED MODIFICATION
Name: Christ Carlisa Campo	Date: 111017
Address: 100 Densmorp Rdg	Phone: 773-706-7703
Please provide the Architectural Review Committee (ARC) with all information neces The ARC meets monthly as posted. Submit this form to the committee at a meeting of it for you at the meeting. If you require an emergency request prior to the normal me	sary to evaluate your request thoroughly and quickly.
Short Description of Modification Requested: Add 14x30' detached garage & windows	
Estimated Start Date: 1118 Estimated Comple	······································
Acknowledgement of Adjacent Neighbors: This acknowledgement and any comp binding on the committee. No application will be considered unless this section is com	ments will be considered by the ARC but will not be mpleted.
Sign Appendix Address: 105 Densmorr	Date: Approve ( ) Disapprove ( )
Sign: Address: 261 Sverhin Ut	Date: <u>1////</u> Approve (*) Disapprove ( ) Date: <u>1////</u> Approve (*/) Disapprove ( )
Sign: Contract States States: 200 Betern Me	Date: ///// Approve (/ ) Disapprove ( )
Common modifications listed below. Please submit, as a minimum, all	·····
Patio, Walkway, Garden, Exterior Landscaping: Site plan showing location, size, r	the items listed.
Exterior Decorative Objects, Statues, Lighting, Etc.: Description, pictures, sketch	natenals, plants/trees to be added/removed.
Playhouses: Site plan showing location, drawings/sketches including dimensions (lin	atted to 100 or the metaricle and the te
Swimming Pool: Picture or drawing of pool, dimensions, site plan showing location,	andscape plan foneing color, lighting
Fencing: Picture/drawing of fence showing dimensions, construction details such as away from street), materials, color (natural or painted), site plan showing location. Ch	
Outbuilding/Detached Garage/Shed or Building Addition: Drawings including on materials, colors, a site plan showing location, permits as required. Buildings must materials	dimensions, appearance, materials including roof atch architectural style of home.
Exterior Building Alterations Including Paint: Color chips, if different in color than	current, description/sketch of areas affected
Windows and Doors: Pictures or drawings of windows and doors to be installed, loca	ations, colors.
Roof Replacement: Materials and colors to be used.	
I agree that no work on this request shall commence until written approval of the ARC has been complying with all city and county regulations. Neither the Association, the Board of Directors, the their respective members, successors, assigns, representatives, or employees shall be liable for a modification by reason of mistake in judgement, negligence or nonfeasance, arising out on ar request is directed toward the planning, appearance, and aesthetics of the modifications. None design or construction, or technical suitability of materials. I hereby release and covenant not be damages regarding this request or the approval or denial thereof.	a ARC, Community Association Management, LLC, not damages or otherwise to anyone requesting approval of by action with respect to any submission. Review of this of the foregoing assumes any responsibility regarding to sue all of the foregoing from/for any and all claims or
Owner(s) Signature:	Date: (///2//7
Owner(s) Signature: CCAMPO	Date:U/2/17 Date:U/12/17
FOR ARCHITECTUAL REVIEW COMMITTEE USE ONLY:	1 1
Date Received: 11/12/17 Date Reviewed: 11/12/17	· Datburna
Approved/Rejected: Approved Whindow Conditions/Comments:	

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### 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 SUMMARY

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

See Attacked

#### **Ordinance/Section**

Section 110-79. Accessory structures and uses

#### **Requirements**

On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory structures.

#### Proposed

We propose a variance to allow the placement of a new garage in the front/secondary yard (corner lot.)

#### Variance Amount

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#### Variance Summary

The homeowners want to build a garage in what is considered to be primary/secondary front yard. There are two areas where the garage could possibly be built and remain within the existing ordinance (in what is considered to be the back yard). The following explains why each are problematic:

- To the right of the structure
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#### 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.

ee Attachy 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship. See Attacher 3. Such conditions are peculiar to the particular piece of property involved.

See Attacher

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.

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

See Attacked

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

As previously stated above, the only allowable space to build the garage is either an prohibited due to septic lines or economically unfeasible to the necessity to cut into a slope, build a larger structure and the necessity for a much larger amount of concrete to accommodate the larger garage in this location.

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

These conditions exist in particular due to the fact that the lot is a corner lot. If the lot were a standard lot there would not be a primary and secondary front yard to be considered and the garage could be built, as requested, but it would be considered to be in the back yard. The septic lines interfere with the only other area that the garage could be built.

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

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SLEPIAN SCHWARTZ & LANDGAARD 42 EASTBROOK BEND PEACHTREE CITY, GEORGIA 30269 (770) 486-1220 17-0260C/CASSI

STATE OF GEORGIA COUNTY OF FAYETTE

#### LIMITED WARRANTY DEED

THIS INDENTURE made this 24th day of March, 2017, by and between CHRISTOPHER M. 'CAMPO, as party or parties of the first part, hereinafter referred to as "Grantor," and CHRISTOPHER M. CAMPO and CARLISA CAMPO, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, as party or parties of the second part, hereinafter referred to as "Grantee";

#### WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 16 & 17 OF THE 6TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 64, OF BRECHIN PARK SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 31, PAGES 170-176, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

MP # 060410014

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

TO HAVE AND TO HOLD the Property, 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 Grantee, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

Signed this 24th day of March, 2017 in the presence of:

111111111 nd SA SLEP Print Name: Unofficial Witness Fayette County Comm Expires Aug. 13, 2017 Notary Public My Commission Expires: OF GEO himan

[Notary Seal]

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SLEPIAN SCHWARTZ & LANDGAARD 42 EASTBROOK BEND PEACHTREE CITY, GEORGIA 30269 (770) 486-1220 17-0260C/CASSI

STATE OF GEORGIA COUNTY OF FAYETTE

#### LIMITED WARRANTY DEED

THIS INDENTURE made this 24th day of March, 2017, by and between THOMAS HONEA and CAROL HONEA, as party or parties of the first part, hereinafter referred to as "Grantor," and CHRISTOPHER M. CAMPO, as party or parties of the second part, hereinafter referred to as "Grantee";

#### WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

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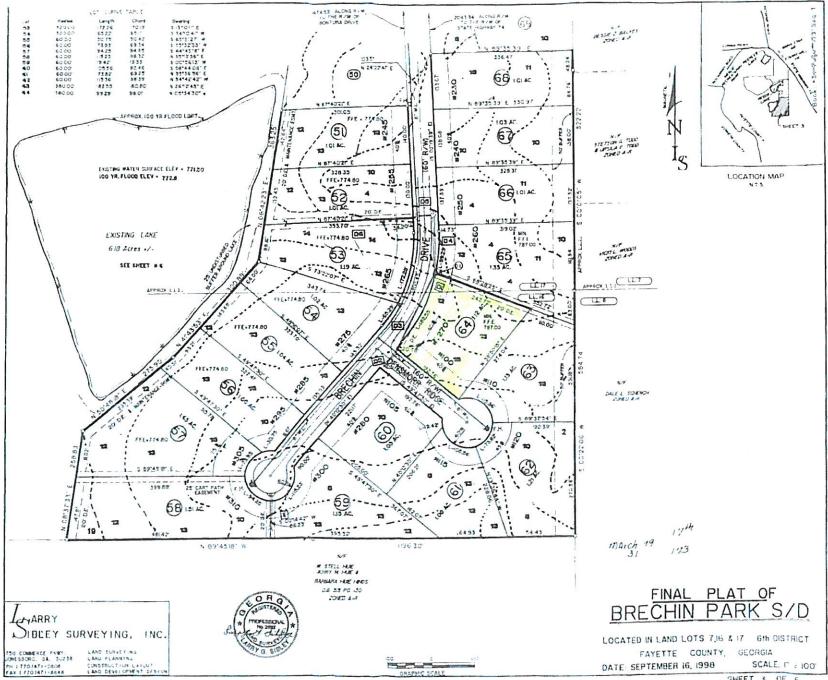
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Signed this 24th day of March, 2017 in the presence of:	THOMAS HONEA, (
Print Name: Ca-Sti United	SLEARDL HONES
Unofficial Witness Fayett	TAR
Notary Public My Commission Expires:	13, 2017 BLIO
[Notary Seal]	1 <u>0</u> 1111
<u>-</u>	
Book: 4586 Page: 387 Page 1 of 1	

http://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=69686506&key1=4586&key2=3... 1/15/2018

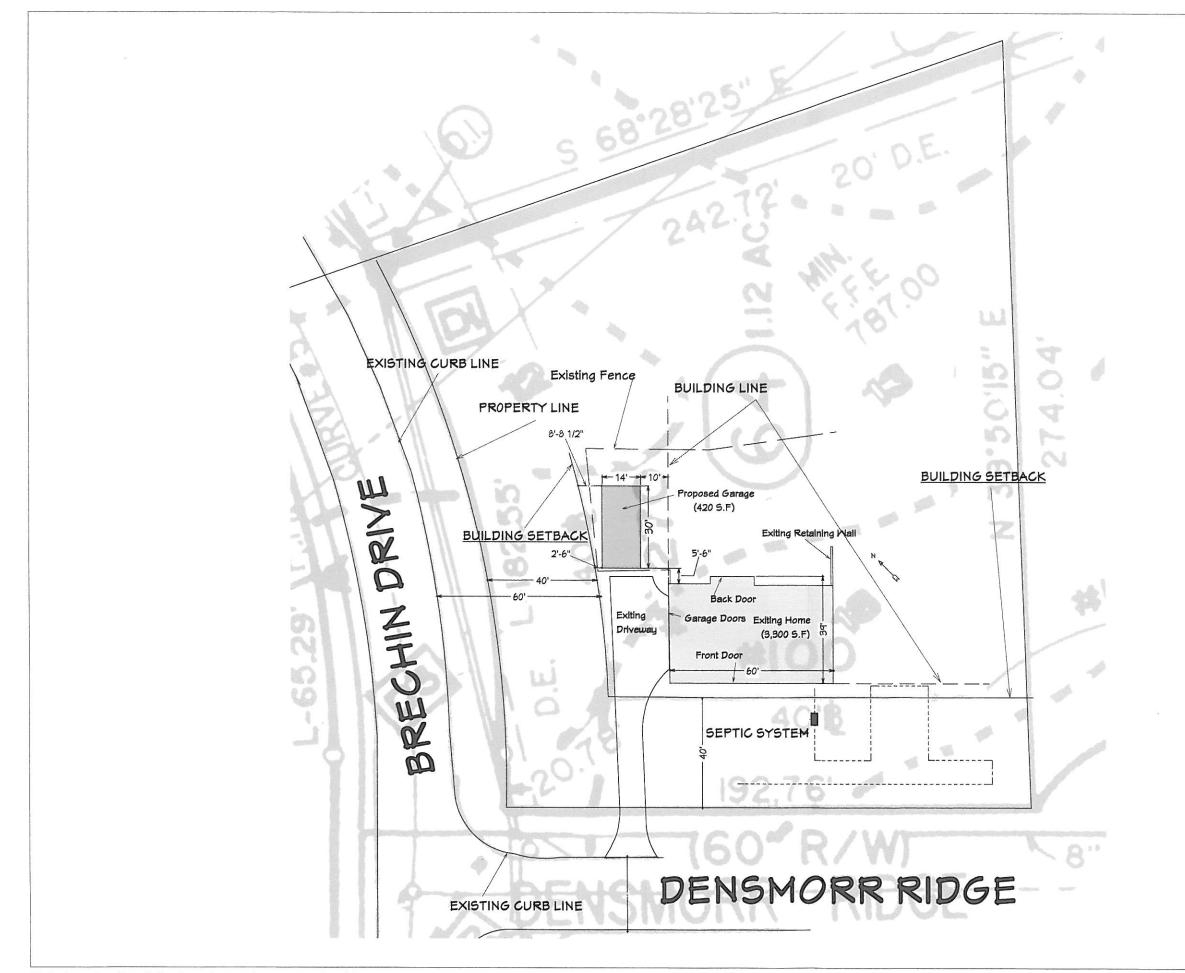
. . .....

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SHEET 3 OF 4

MISCELLANEOUS PAYMENT RECPT#: 6122063 FAYETTE COUNTY, GA 140 Stonewall Avenue, West BE FAYETTEVILLE GA 30214 DATE: 01/25/18 TIME: 14:21 CLERK: 9597cbla DEPT: CUSTOMER#: 0 COMMENT: A-678-18 SIGN CHG: ZS-Z A-678-18 SIGN 20.00 AMOUNT PAID: 20.00 PAID BY: SHELTERING OAK, INC. PAYMENT METH: CHECK 2729 REFERENCE: AMT TENDERED: 20.00 AMT APPLIED: 20.00 CHANGE: .00 MISCELLANEOUS PAYMENT RECPT#: 6122049 FAYETTE COUNTY, GA 140 Stonewall Avenue, West BE FAYETTEVILLE GA 30214 DATE: 01/25/18 TIME: 14:18 CLERK: 9597cbla DEPT: CUSTOMER#: 0 COMMENT: A-678-18 APPLICATION CHG: ZA-Z A-678-18 APPLIC 175.00 AMOUNT PAID: 175.00 PAID BY: SHELTERING OAK, INC. PAYMENT METH: CHECK 2729 REFERENCE: AMT TENDERED: 175.00 AMT APPLIED: 175.00 CHANGE: .00



To the best of our knowledge these plans are drawn to comply with owner's specifications. The contractor and/or homeowner shall verify all dimensions and enclosed drawings. SHELTERING OAK, INC. is not liable for errors once construction has begun. While every effort has been made in the preparation of these plans to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter. Contractor is responsible for all code and governing body compliance and all engineering.

