

BOARD MEMBERS

Danny England, Chairman
Arnold L. Martin, Vice-Chairman
Brian Haren
John H. Culbreth, Sr.
Jim Oliver

STAFF

Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
September 16, 2021
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

NEW BUSINESS

1. Consideration of the Minutes of the meeting held on August 19, 2021.
2. Consideration of the Minutes of the meeting held on September 2, 2021.
3. Consideration of the Minor Final Plat of the Victor Stinchcombe Estate. The property will consist of 11 lots zoned R-40, and is located in Land Lots 38 & 39 of the 7th District and fronts on Floyd Farr Parkway.
4. Consideration of a Petition No. VA-021-21, Mr. Luis Arango, Owner, and his attorneys, Bovis, Kyle, Burch & Medlin, LLC. Philip and Sandra Grant, Agent, request a variance to the Fayette County Subdivision Regulations, Section 104-603 –Variance of appeal. (a) Variance. This variance is to reduce the contiguous area for Lot 26. The property will consist of 1 lot zoned R-50, is located in Land Lots 59, 60, and 69 of the 5th District and fronts on Old Senoia Road and GA SR 85 South.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.

To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: September 8, 2021
Subject: Minor Final Plat to be considered on September 6, 2021

MINOR FINAL PLAT

OWNER/APPLICANT



Minor Final Plat of the Victor Stinchcomb Estate

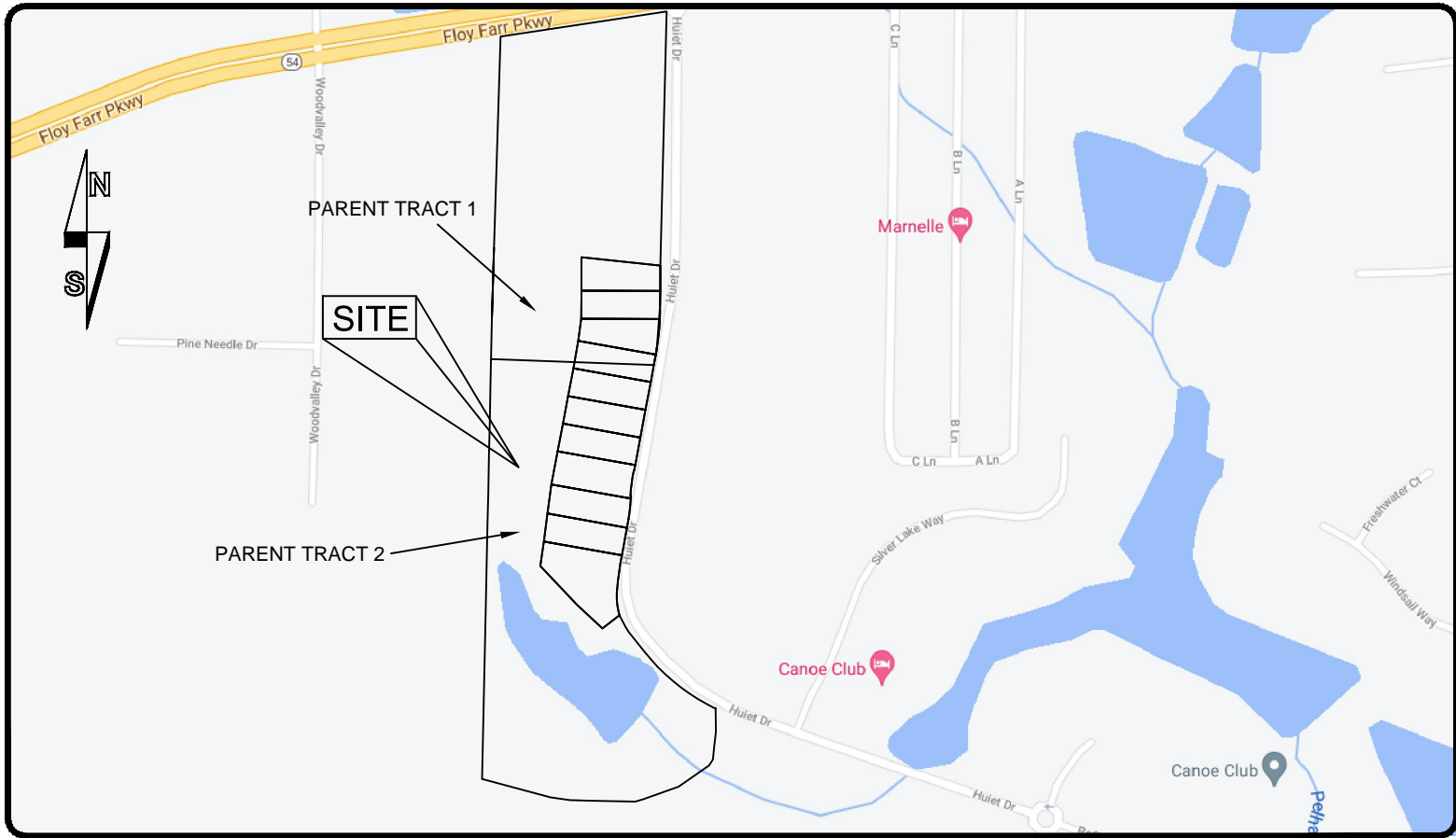
Dan V. Stinchcomb

Recommend **APPROVAL** for the Minor Final Plat signed September 8, 2021.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P.L.=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER
U/P=UTILITY POLE
R/W=RIGHT OF WAY
TBM=TEMPORARY BENCHMARK

MINOR FINAL PLAT OF THE VICTOR STINCHCOMB ESTATE



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

- OWNER:
DAN V. STINCHCOMB
P.O. BOX 1376
FAYETTEVILLE, GA 30214
404-597-9499
- SURVEYOR:
S. A. GASKINS & ASSOCIATES, LLC.
P.O. BOX 321
BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com
- TOTAL ACREAGE: 12.352 ACRES (DB 4516 PG 92 & DB 5342 PG 164-166)

11 LOTS- ZONED R-40

MINIMUM DIMENSIONAL REQUIREMENTS FOR R-40 ZONING DISTRICT

LOT AREA: 1 ACRE (43,560 SQ FT)
LOT WIDTH: 125 FT. MINOR THOROUGHFARE
FLOOR AREA: 1,500 SQ FT
FRONT YARD SETBACK:
MAJOR THOROUGHFARE
ARTERIAL: 60 FEET
COLLECTOR: 60 FEET
MINOR THOROUGHFARE: 40 FEET
REAR YARD SETBACK: 30 FT
SIDE YARD SETBACK: 15 FT
- SEWER TO BE PROVIDED BY AN ON-SITE SEWAGE DISPOSAL SYSTEM.
- WATER TO BE PROVIDED BY THE FAYETTE COUNTY SYSTEM EXISTING 10" D.I.P. WATER MAIN.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
- THERE IS A GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0083E & 13113C0091E, DATED SEPTEMBER 26, 2008, A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
- EACH RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF MORE THAN 0.3 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE ARE NO VISIBLE CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE STATE WATERS ON THIS PROPERTY.
- THIS PROPERTY CONTAINS JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS AS DELINEATED BY APPLIED ENVIRONMENTAL SCIENCES, INC. ON MAY 3, 2021. WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
- THERE ARE NO EXISTING STRUCTURES OR FEATURES ON THE 11 LOTS BEING DEVELOPED OR THE 2 PARENT TRACTS.

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE _____ SIGNED _____
ENVIRONMENTAL HEALTH SPECIALIST

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

DATE _____ SIGNED _____
ENVIRONMENTAL MANAGEMENT DIRECTOR

APPROVED BY FAYETTE COUNTY ENGINEER

DATE _____ SIGNED _____
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION ____/____/____

DATE _____ SIGNED _____
SECRETARY.

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE _____ SIGNED _____
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHAL.

DATE _____ SIGNED _____
FIRE MARSHAL

ZONING RESOLUTION

COUNTY OF FAYETTE

RESOLUTION

NO. 89-739

WHEREAS, Assistant County Attorney Mark Mahler, agent for Fayette County Board of Commissioners and Signa Development Company, owners, having come before the Fayette County Board of Commissioners on the 11th day of January, 1990, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 908.984 acres fronting on State Route 54 West, Huiett Drive, Huiett Road, Lester Road, Davis Road and Ebenezer Church Road in Land Lots 4, 5, 6, 7, 26, 27, 28, 29, 30, 38 and 39 of the 7th District, Fayette County, from Unclassified Property to A-R and R-40 for the purpose of rezoning to the classifications which existed in November of 1987 prior to annexation/deannexation; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

BE IT RESOLVED that the decision of the Fayette County Board of Commissioners, that said request be approved A-R and R-40.

This decision is based on the recommendation of the Fayette County Planning Commission and staff.

SO RESOLVED, this 11th day of January, 1990.

BOARD OF COMMISSIONERS
OF
FAYETTE COUNTY

George Patton
GEORGE PATTON, CHAIRMAN

ATTEST:

Leigh A. Wright
LEIGH A. WRIGHT, CLERK

SOILS CLASSIFICATION DELINEATION

I, ERIC HAMILTON, DO HEREBY CERTIFY THAT THE LEVEL III SOIL SURVEY INFORMATION PROVIDED ON THIS PLAT WAS PERFORMED BY APPLIED ENVIRONMENTAL SCIENCES, INC. IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES CURRENT MANUAL FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS.

DATE _____
SIGNATURE OF SOIL CLASSIFIER
ERIC HAMILTON
REGISTRATION NO. 224
APPLIED ENVIRONMENTAL SCIENCES, INC.
90F GLENDA TRACE SUITE 327
NEWNAN, GA 30265 (678)-262-4020

WETLANDS DELINEATION

I, BRANNON MILES, DO HEREBY CERTIFY THAT I HAVE FIELD INSPECTED THE PROPERTY KNOWN AS THE VICTOR STINCHCOMB ESTATE ON MAY 3, 2021 AND DETERMINED THAT THE PROPERTY CONTAINS JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS.

DATE _____
SIGNATURE OF WETLAND DELINEATOR
REGISTRATION NO. 150
APPLIED ENVIRONMENTAL SCIENCES, INC.
90F GLENDA TRACE SUITE 327
NEWNAN, GA 30265 (678)-262-4020

OWNER'S CERTIFICATION

I, THE UNDERSIGNED OWNER/REPRESENTATIVE OF THE VICTOR STINCHCOMB ESTATE SUBDIVISION, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

OWNER _____ DATE _____

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: *S. A. Gaskins*
BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620

DATE: 06/02/21



Prepared For:

DAN V. STINCHCOMB

Property Location

Land Lot 38 & 39 Of The 7th Land District
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Job No. 21-015

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 06/02/21

F.W.P.D.: 03/02/21

Revisions Date
COUNTY COMMENTS 08/02/21

MINOR FINAL PLAT OF THE
VICTOR STINCHCOMB ESTATE

SIGHT DISTANCE CERTIFICATION

I HEREBY CERTIFY THAT THE FAYETTE COUNTY MINIMUM REQUIRED SIGHT DISTANCE OF 200' FOR 25 MILES PER HOUR IS PROVIDED FOR THE ELEVEN LOTS SHOWN ALONG HUIET ROAD. SOME LOCATIONS MAY REQUIRE THE CLEARING OF VEGETATION FROM WITHIN THE RIGHT OF WAY TO PROVIDE THE NECESSARY REQUIRED SIGHT DISTANCE.

BY: [Signature]

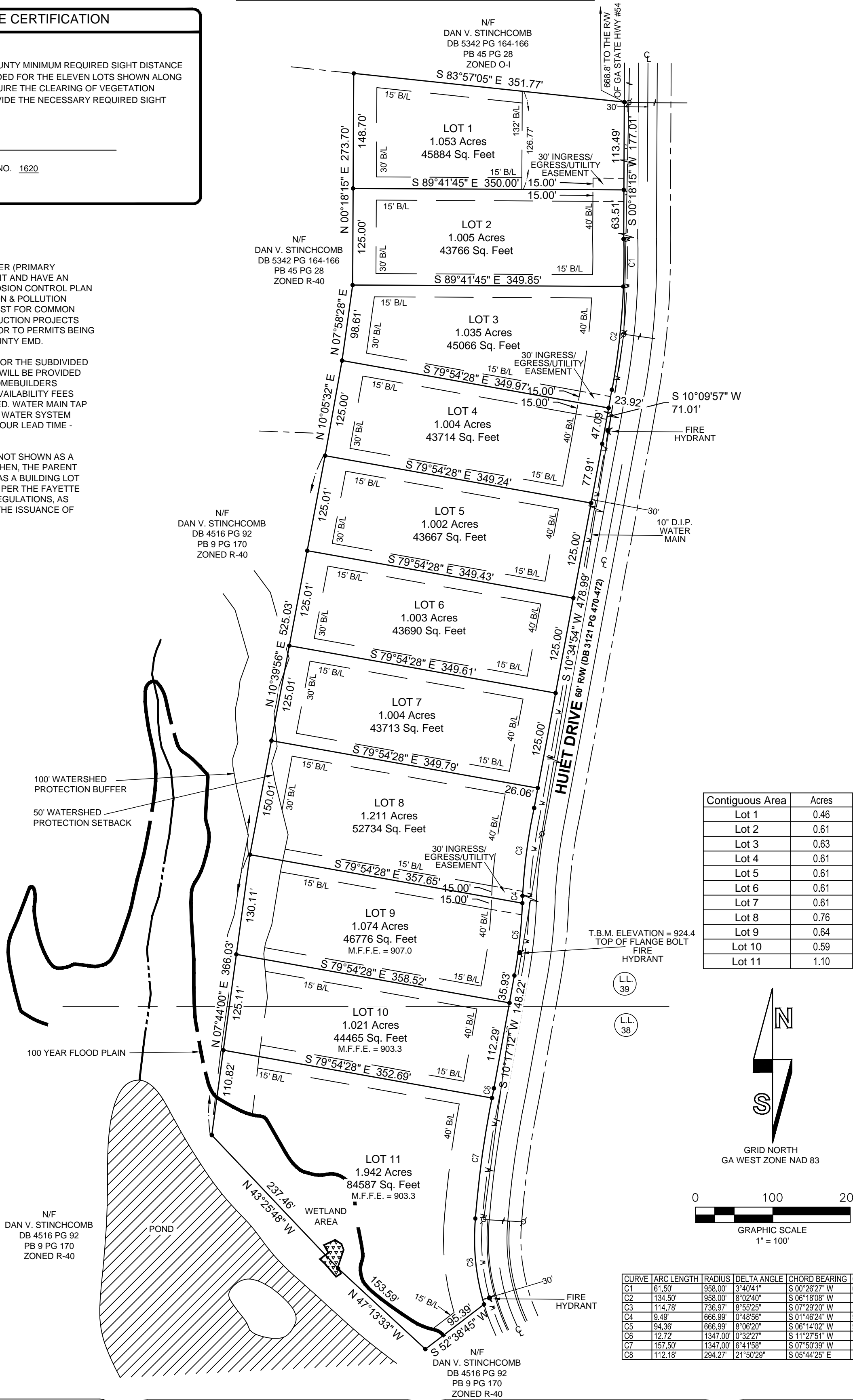
GEORGIA REGISTERED LAND SURVEYOR NO. 1620

NOTES:

1. THE OWNER/DEVELOPER (PRIMARY PERMITTEE) MUST SUBMIT AND HAVE AN APPROVED MASTER EROSION CONTROL PLAN FOLLOWING THE EROSION & POLLUTION CONTROL PLAN CHECKLIST FOR COMMON DEVELOPMENT CONSTRUCTION PROJECTS AND NOI APPROVED PRIOR TO PERMITS BEING ISSUED BY FAYETTE COUNTY EMD.

2. TAPS AND SERVICES FOR THE SUBDIVIDED PROPERTIES (LOTS 1-11) WILL BE PROVIDED AT THE DEVELOPERS/HOMEBUILDERS EXPENSE. METER AND AVAILABILITY FEES SHOULD ALSO BE APPLIED. WATER MAIN TAP SHALL BE OBSERVED BY WATER SYSTEM PERSONNEL WITH A 48 HOUR LEAD TIME - 770-461-1146 (OPTION 5).

3. PARENT TRACTS ARE NOT SHOWN AS A BUILDING LOT. IF, AND WHEN, THE PARENT TRACTS ARE INTENDED AS A BUILDING LOT THEY MUST BE PLATTED PER THE FAYETTE COUNTY SUBDIVISION REGULATIONS, AS APPLICABLE, PRIOR TO THE ISSUANCE OF BUILDING PERMITS.



Job No. 21-015

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 06/02/21

F.W.P.D.: 03/02/21

Revisions Date

COUNTY COMMENTS 08/02/21

PAGE 2 OF 3

Prepared For:

DAN V. STINCHCOMB

Property Location

Land Lot 38 & 39 Of The 7th Land District
Fayette County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

MINOR FINAL PLAT OF THE
VICTOR STINCHCOMB ESTATE

SOIL SUITABILITY CODE LEGEND

- A1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.
- C1 Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.
- F4 Soils are located in a landscape position that renders them unsuitable for on-site wastewater disposal due to flooding and/ or storm water drainage patterns.
- I1 Soils are unsuitable for conventional absorption fields due to shallow bedrock. Excavation of observation pits with a backhoe may allow these soils to be reclassified in a different suitability category. These soils are generally suitable for alternative absorption fields with treatment system producing Class I effluent.
- K1 Soils generally have sufficient depth over bedrock to accommodate shallow conventional absorption fields. Inclusions of boulders, stones and partially weathered parent material may be encountered but should not affect installation or performance of the absorption field. Further investigation utilizing backhoe test pits may allow for recommendation of deeper trench depths.

SOIL INTERPRETIVE DATA

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Buckhead	54-72	>54	6-13	24-30	60	----	K1
Cataula II	>72	24-30 (PWT)	2-12	8-12	----	0.10	C1
Cecil	>72	>72	2-10	36-48	60	----	A1
Pacolet	>72	>72	2-12	30-48	45	----	A1
Saw	36-42	>36	6-8	18-24	85	0.12	I1
Starr	>72	>72	2-6	----	----	----	F4

PWT = Perched Water Table

100' WATERSHED PROTECTION BUFFER
50' WATERSHED PROTECTION SETBACK

100 YEAR FLOOD PLAIN

N/F
DAN V. STINCHCOMB
DB 4516 PG 92
PB 9 PG 170
ZONED R-40

N/F
DAN V. STINCHCOMB
DB 4516 PG 92
PB 9 PG 170
ZONED R-40

N/F
DAN V. STINCHCOMB
DB 5342 PG 164-166
PB 45 PG 28
ZONED R-40

N/F
DAN V. STINCHCOMB
DB 5342 PG 164-166
PB 45 PG 28
ZONED O-I

688.8' TO THE R/W
OF GA STATE HWY #54

FIRE HYDRANT

10" D.I.P. WATER MAIN

HUIET DRIVE 60' R/W (DB 3121 PG 470-472)

T.B.M. ELEVATION = 924.4
TOP OF FLANGE BOLT
FIRE HYDRANT

GRID NORTH
GA WEST ZONE NAD 83

0 100 200
GRAPHIC SCALE
1" = 100'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	61.50'	958.00'	3°40'41"	S 00°26'27" W	61.49'
C2	134.50'	958.00'	8°02'40"	S 06°18'08" W	134.39'
C3	114.78'	736.97'	8°55'25"	S 07°29'20" W	114.67'
C4	9.49'	666.99'	0°48'56"	S 01°46'24" W	9.49'
C5	94.36'	666.99'	8°06'20"	S 06°14'02" W	94.28'
C6	12.72'	1347.00'	0°32'27"	S 11°27'51" W	12.72'
C7	157.50'	1347.00'	6°41'58"	S 07°50'39" W	157.41'
C8	112.18'	294.27'	21°50'29"	S 05°44'25" E	111.50'



Job No. 21-015

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 06/02/21

F.W.P.D.: 03/02/21

Revisions Date

COUNTY COMMENTS 08/02/21

PAGE 3 OF 3

Prepared For:

DAN V. STINCHCOMB

Property Location

Land Lot 38 & 39 Of The 7th Land District
Fayette County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Water Quality (WQv) - A stormwater treatment facility will be incorporated in the design to meet the Site requirements of the Georgia Stormwater Management Manual for Water Quality and treatment for the first 1.0 inch of rainfall. Treatment will be provided according to Georgia Stormwater Management Manual Volume 2, 2016 Ed., Table 4.1.3-2 that provides pollutant removal of TSS.

Overbank Flood Protection (Qp25) - According to Section 2.2.4.3 of Volume 2 of the Georgia Stormwater Management Manual Qp25 is provided for by reducing the 25-year, 24-hour peak discharge below the pre-developed discharge rate for the same storm event. This will be accomplished at Study Point(s) by detaining stormwater from the developed Site in the stormwater management facility. Site grading combined with a stormwater management facility will maintain the developed peak 25-year, 24-hour discharge rate at or below pre-developed discharge rate at Study Point(s).

Extreme Flood Protection (QF) - According to Section 2.2.4.4 of Volume 2 of the Georgia Stormwater Management Manual Qf is provided for by safely passing the 100-year, 24 hour storm event through storm water management facility. The pond routing data will show the storm water management facility is designed to maintain the 100-year, 24-hour peak flow below the pre-developed peak flow for the same storm event at the Study Point.

Existing Site Conditions:	Proposed Site Conditions:
<p><i>The Site is an old farm with land uses including:</i></p> <ol style="list-style-type: none"> 1. Pine Forest 2. Home Site 3. Creek Bottoms 4. Power Easement 	<p><i>The Site will be developed according to Fayette County R50 zoning requirements. The development land uses include:</i></p> <ol style="list-style-type: none"> 1. 34 residential lots, minimum one acres 2. Asphalt paved streets that 2,931 LF long 3. Creek bottom 4. Woods

New Water Main Info:
6" Water Main: 2,845 L.F.
Fire Hydrants: 7 Each
Services: 21 Each

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
NO. 1282-19

WHEREAS, Jean S. King, Alfred L. King, Jr., Charles W. King and Jerry F. King, Owner(s), having come before the Fayette County Board of Commissioners on the 23rd day of April 2019, requested an amendment to the Official Fayette County Zoning Map pursuant to The Zoning Ordinance of Fayette County, Georgia, 1980st; and

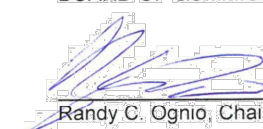
WHEREAS, said request was to rezone 19.5 acres from A-R to R-50 to develop a Residential Subdivision consisting of fifteen (15) lots, located in Land Lot (s) 60 of the 5th District and fronting on Old Senoia Road; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

NOW, THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on April 23, 2019 was that the request to rezone the subject property be approved;

SO RESOLVED this 23rd day of April 2019.

FAYETTE COUNTY
BOARD OF COMMISSIONERS


Randy C. Ogino, Chairman

ATTEST:



Yameca P. White, County Clerk

Exhibit "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF OLD SENOIA ROAD (60'

The developer shall provide a multi-use path that connects an internal street of the subdivision to the Kivwasis Park in the area of lots 14 and 15 as depicted on the Concept Plan. The path should meet applicable Development Regulations and Fayette County Master Path Plan - Path System Design Guidelines and be in a minimum 20-ft wide permanent access easement provided for public use or in property dedicated to Fayette County with the subdivision's right-of-way. The layout and location of the connection shall be approved by Fayette County at the Preliminary Plat stage and shown, as constructed, on the Final Plat for the subdivision. *(This condition will be administered by Public Works/Environmental Management.)*

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
NO. 1304-21 A

WHEREAS, Harriet S. Hazelton and Sandra S. Barge, Co-Trustees of the Geraldine A. Stinchcomb Trust, and Hugh G. Stinchcomb, Executor of the Estate of Hugh M. Stinchcomb, Owner(s), and Luis Arango and Bova, Kyle, Burch & Medlin, LLC., Agent, having come before the Fayette County Board of Commissioners on the 27th day of May 2021, requested an amendment to the Official Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request was to rezone 23.421 acres from A-R to R-50, to develop a residential subdivision with one (1) condition, located in Land Lot(s) 59, 60 and 68 of the 8th District and fronting on State Route 65 South, and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

NOW, THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on May 27, 2021 was that the request to rezone the subject property be approved.

SO RESOLVED this 27th day of May 2021:

FAYETTE COUNTY
BOARD OF COMMISSIONERS


Lee Higgin, Chairman

ATTEST



B. 
Jameca P. Smith, County Clerk

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
NO. 1304-21 B

WHEREAS, Harriet S. Hazelton and Sandra S. Barge, Co-Trustees of the Geraldine A. Stinchcomb Trust, and Hugh G. Stinchcomb, Executor of the Estate of Hugh M. Stinchcomb, Owner(s) and Luis Arango and Bovis, Kyle, Burch & Medlin, LLC, Agent, having come before the Fayette County Board of Commissioners on the 27th day of May 2021, requested an amendment to the Official Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request was to rezone 22.612 acres from A-R and C-C to R-1, 50, to develop a residential subdivision, located in Land Lot(s) 59, 60 and 69 of the 5th District, and fronting on State Route 85 South; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

NOW, THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on May 27, 2021 was that the request to rezone the subject property be approved.

SO RESOLVED this 27th day of May 2021.

FAYETTE COUNTY
BOARD OF COMMISSIONERS

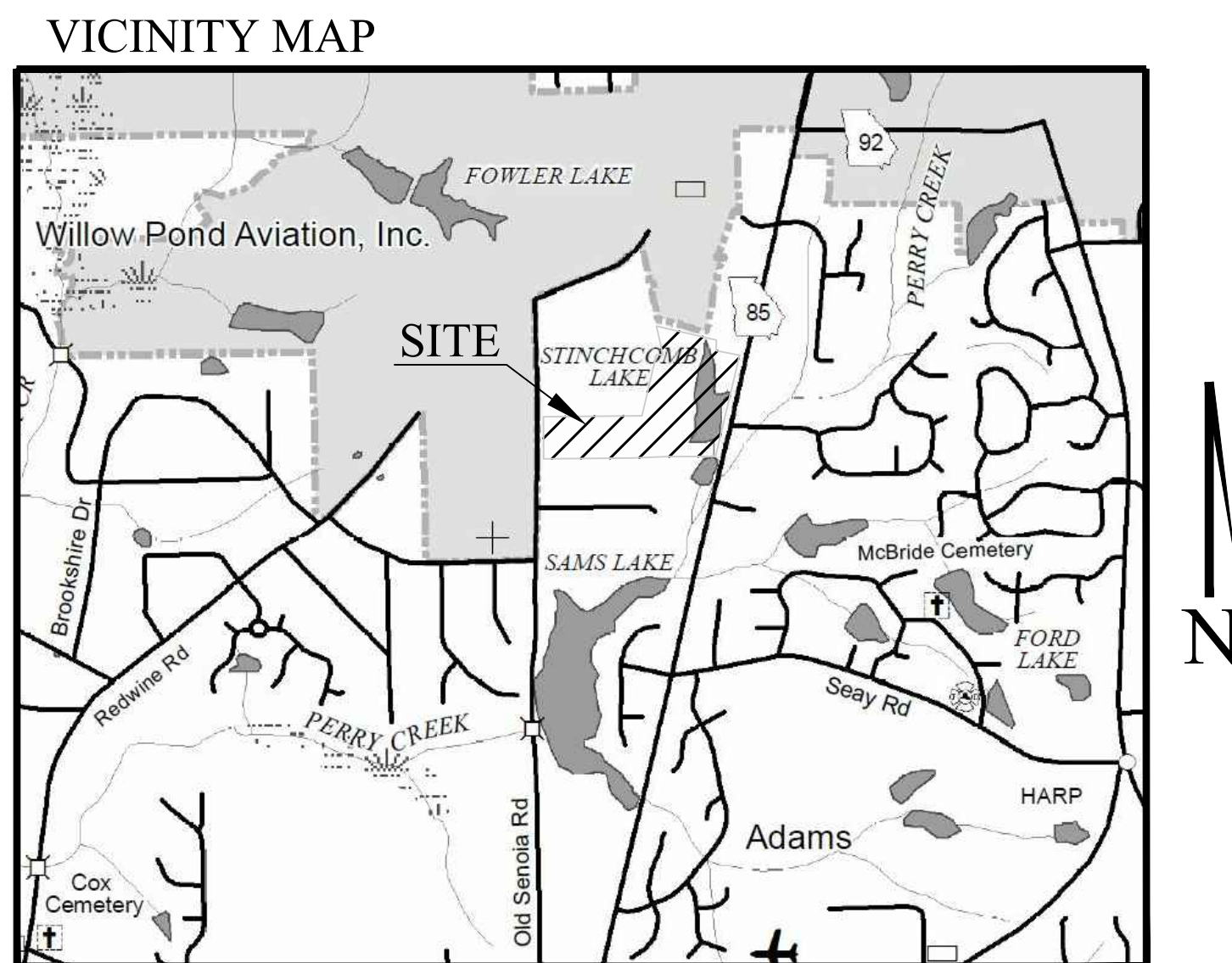

Lee Hadrin, Chairman

ATTEST:



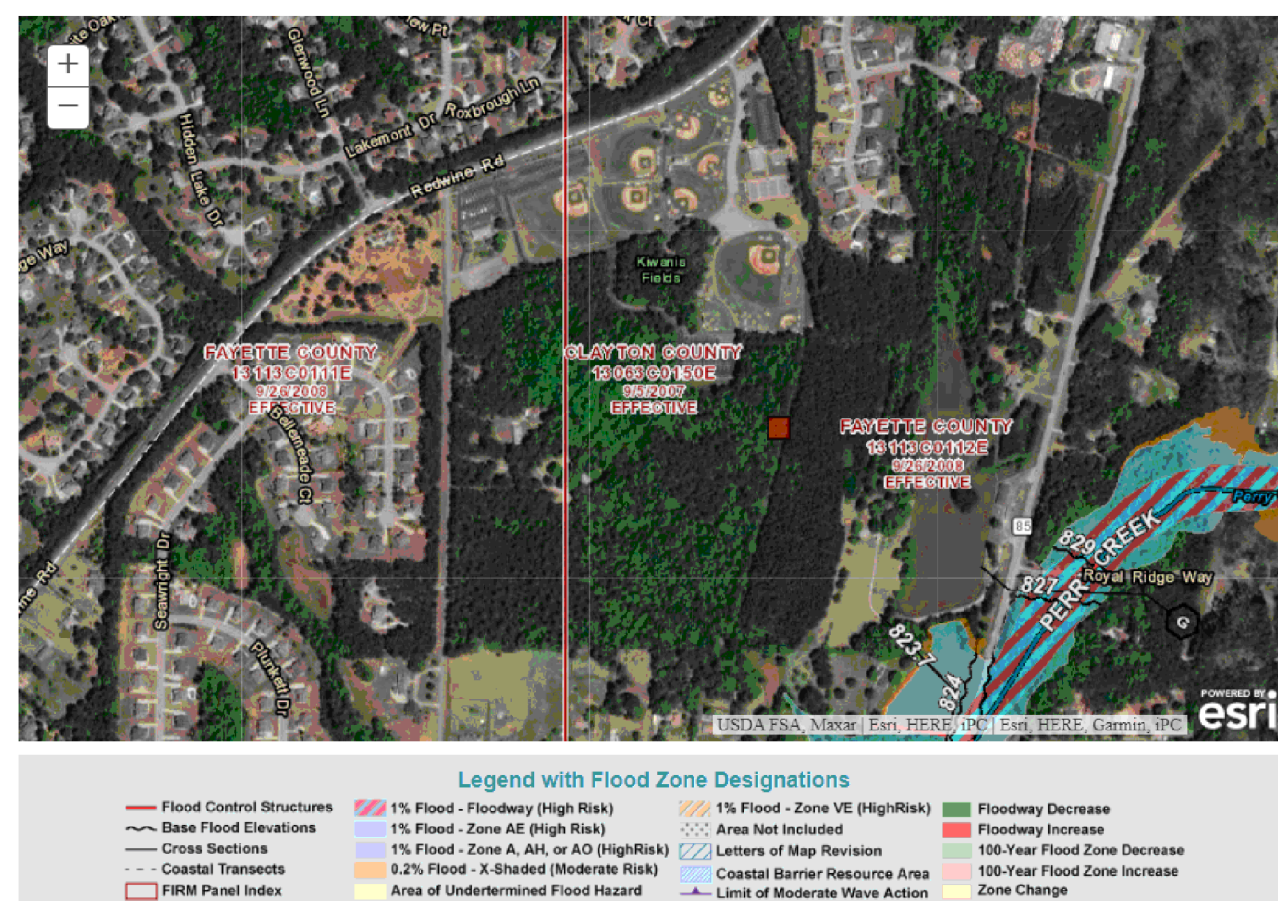

B. Jameca P. Smith, County Clerk

LOCATED IN LAND LOT 59,60,69 OF THE 5th DISTRICT
FAYETTE COUNTY, GEORGIA
TAX PARCEL I.D. # - 0510 021, 0510 002A
OLD SENOIA ROAD/SR 85 S, FAYETTEVILLE, FAYETTE COUNTY, GA 30215



PREPARED FOR
LUIS ARANGO

JUNE 2021



WETLANDS DELINEATION

I _____ OF _____
name organization
DO HEREBY CERTIFY THAT I HAVE FIELD INSPECTED THE PROPERTY KNOWN AS
_____ ON _____
subdivision name date
AND DETERMINED THAT THE PROPERTY _ CONTAINS _ DOES NOT CONTAIN
JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS.

Signature of wetland delineator

SOILS CLASSIFICATION DELINEATION	
I, _____	DO HEREBY CERTIFY THAT THE LEVEL III SOIL
SURVEY INFORMATION PROVIDED ON THIS	PLAT WAS PERFORMED BY
_____	IN ACCORDANCE WITH THE PROCEDURES
SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES' CURRENT MANUAL FOR	
ON-SITE SEWAGE MANAGEMENT SYSTEMS.	
Signature of Soil Classifier _____	Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer Registration No. Registration No. _____ Registration Numbers/License Numbers _____
904 F Glenda Trace 327 Newnan, GA 30265, Ph. (678) 262-4020 Company Address & Telephone _____	

THE PRELIMINARY PLAT WAS REVIEWED AND APPROVED BY THE
FAYETTE COUNTY PLANNING COMMISSION ON _____, 20____

"APPROVAL OF THE PRELIMINARY PLAT SHALL EXPIRE 24 MONTHS FROM THE DATE OF APPROVAL BY THE PLANNING COMMISSION UNLESS A FINAL PLAT FOR AT LEAST ONE (1) PHASE HAS BEEN APPROVED; OR STREET BASE CONSTRUCTION FOR AT LEAST 50% OF THE TOTAL LINEAR FOOTAGE OF ALL STREET(S) APPROVED ON THE PRELIMINARY PLAT."

EACH RESIDENTIAL BUILDING LOT HAS A 0.3 ACRE MINIMUM CONTIGUOUS AREA THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.

NOTE: FAYETTE COUNTY DOES NOT ACCEPT OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DAM OR IMPOUNDMENT CONSTRUCTION, EITHER NEW OR FOR MAINTENANCE REASONS.

1. OWNER(S):
a) PARCEL I.D. # 0510 0201
MR. LUIS ARANGO
149 N. 85 PARKWAY, SUITE B
FAYETTEVILLE, GA 30214

b) PARCEL I.D. # 0510 002A
STINCHCOMB GERALDINE A ESTATE/GERALDINE A STINCHCOMB TRUST
1025 HIGHWAY 855
FAYETTEVILLE, GA 30214

2. DEVELOPER:
Mr. Luis Arango
149 N. 85 Parkway, Suite B
Fayetteville, GA 30214
Phone: (404) 323-7397
EMAIL: luis@arangoinsulation.com

3. 24 HR. CONTACT:
Luis Arango
Phone: (404) 323-7397
EMAIL: luis@arangoinsulation.com

4. ENGINEER:
SCANLON ENGINEERING SERVICES, INC
221 E. BANK STREET
GRIFFIN, GA 30223
CONTACT: MICHAEL J. SCANLON, P.E. (ENGINEER OF RECORD)
PHONE: 678-967-2051

5. BOUNDARY INFORMATION FROM BOUNDARY SURVEY BY SCANLON ENGINEERING SERVICES, INC. 03/20/2021.
TOPOGRAPHIC INFORMATION FROM FAYETTE COUNTY G.I.S.

6. SITE DATA:
PARCEL ID#S 0510 0201, 0510 002A
SITE AREA: 65.566 ACRES (2,856,955 S.F.)
33 PROPOSED LOTS
TOTAL LENGTH OF ROADWAY MATTEO WAY: 2,931'
TOTAL AREA IN ROAD R/W: 4.18 ACRES (182,100 S.F.)
TOTAL STORMWATER MANAGEMENT AREA: +/- 1 AC.

7. CURRENT ZONING: R-50
SETBACKS:
MIN. FRONT YARD: 50' LOCAL
MIN. SIDE YARD: 20'
MIN. REAR YARD: 30'
MINIMUM LOT AREA: 1.0 ACRE (COUNTY WATER PROVIDED)
MAXIMUM BUILDING HEIGHT: 35'
MINIMUM BUILDING AREA: 2,100 S.F.
MINIMUM LOT FRONTAGE: 100' ON ROADWAY, 50' ON CUL DE SAC
MINIMUM LOT WIDTH AT BUILDING LINE: 125'
MINIMUM CONTINUOUS BUILDABLE AREA (CBA) = 0.3 AC.

8. 5. REZONING RESOLUTION #1304-21A AND # 1304-21B CONDITION: SEE EXHIBIT "A" LETTER THIS PAGE.

PARCEL	CBA
1	0.30
2	0.54
3	0.54
4	0.54
5	0.54
6	0.50
7	0.80
8	0.51
9	0.53
10	0.53
11	0.53
12	0.53
13	0.53
14	0.43
15	0.56
16	0.56
17	0.40
18	0.30
19	0.32
20	0.30
21	0.35
22	0.33
23	0.42
24	0.41
25	0.47
26	0.22
27	0.35
28	0.54
29	0.54
30	0.54
31	0.54
32	0.54
33	0.32

SES

**ENGINEERING
PLANNING
SURVEYING**

"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED FOR OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

SCANLON ENGINEERING SERVICES, INC.
 221 EAST BANK STREET
 GRIFIN, GEORGIA 30223
 PHONE: (678) 367-2051 WWW.SCANLONENG.COM

PRELIMINARY PLAT OF
EVA GARDENS
RESIDENTIAL SUBDIVISION
LOCATED IN LAND LOT 59.60.69 OF THE
5th DISTRICT OF FAYETTE COUNTY, GEORGIA

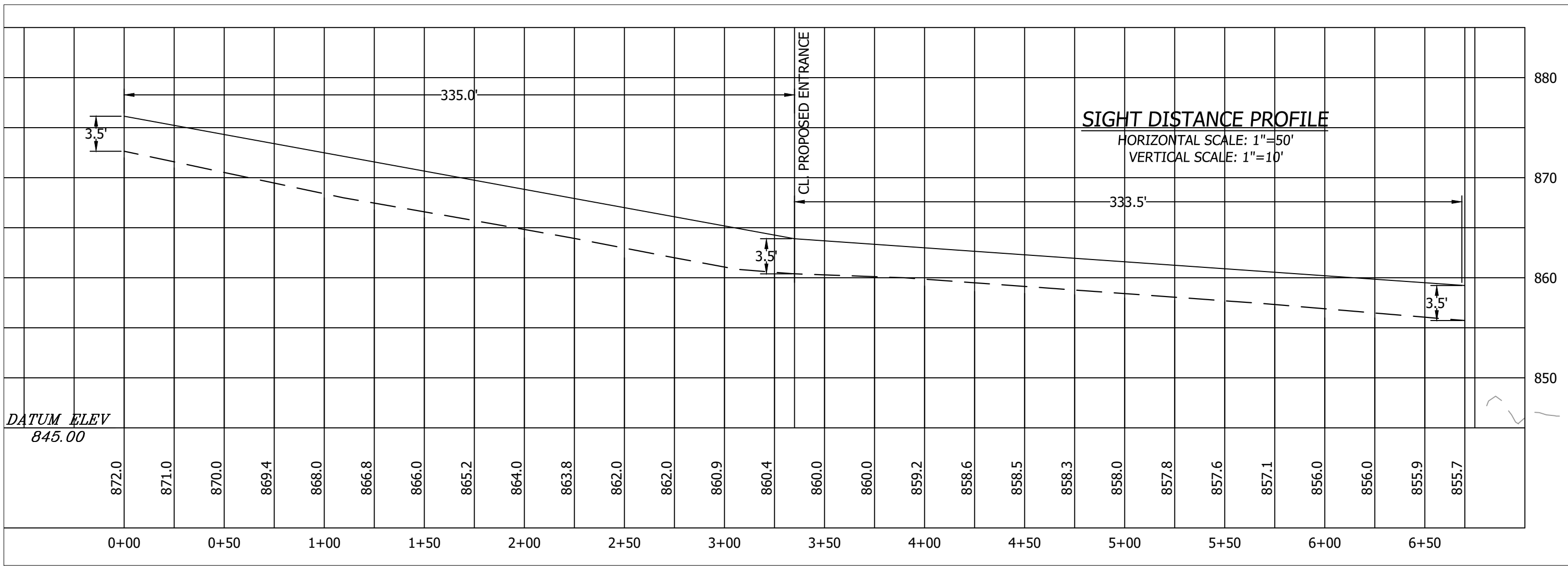
8	1.0.0	1.0.0
7	1.0.0	1.0.0
6	1.0.0	1.0.0
5	1.0.0	1.0.0
4	1.0.0	1.0.0
3	1.0.0	1.0.0
2	1.0.0	1.0.0
1	1.0.0	1.0.0
Rev.	Description	Date



COVER SHEET	
Design by: MJS	Drawn by: RLL
Project #: R20050133	Date: 06/29/2021

SHEET TITLE
C-01
SHEET # 01 OF 03

TAX STATEMENT
THE 2021 PROPERTY TAXES FOR THIS PROPERTY HAVE BEEN PAID AND IS A MATTER OF PUBLIC RECORD AT THE COUNTY TAX COLLECTOR'S OFFICE.



SOIL SUITABILITY LEGEND

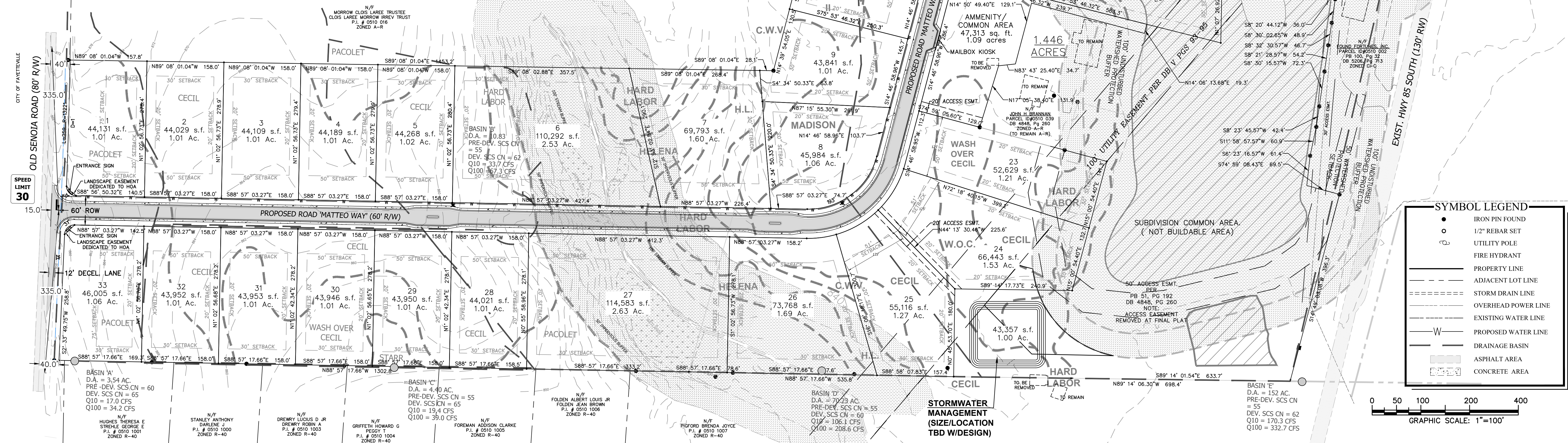
- A1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.
- A2 Soils consist of local alluvium or wash over well drained upland soils. Residual soils are well drained and suitable for conventional absorption field installation at recommended trench depth. Storm water runoff must be diverted from this area if it is used for absorption field.
- A3 Soils show evidence of a somewhat restrictive layer in the upper part of the profile. Brief perching of water may cause problems for absorption fields installed in the upper part of the soil profile. Soils appear to be well drained below somewhat restrictive layer. Trenches installed below restrictive layer should function effectively. Permeability appears to improve with depth. Further inspection with a backhoe may allow for deeper installation.
- C1 Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.
- C2 Soils are unsuitable for conventional absorption fields due to seasonal-high water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.
- F2 Soils are unsuitable for on-site wastewater disposal due to seasonal high water table.
- F4 Soils are located in a landscape position that renders them unsuitable for on-site wastewater disposal due to flooding and/or storm water drainage patterns.
- P1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance. Absorption trenches must be installed at least 24 inches above seasonal high water table to function effectively. Seasonal high water table indicators were observed between 60 and 66 inches. Installations deeper than 24 inches may require a treatment system producing Class 1 effluent.

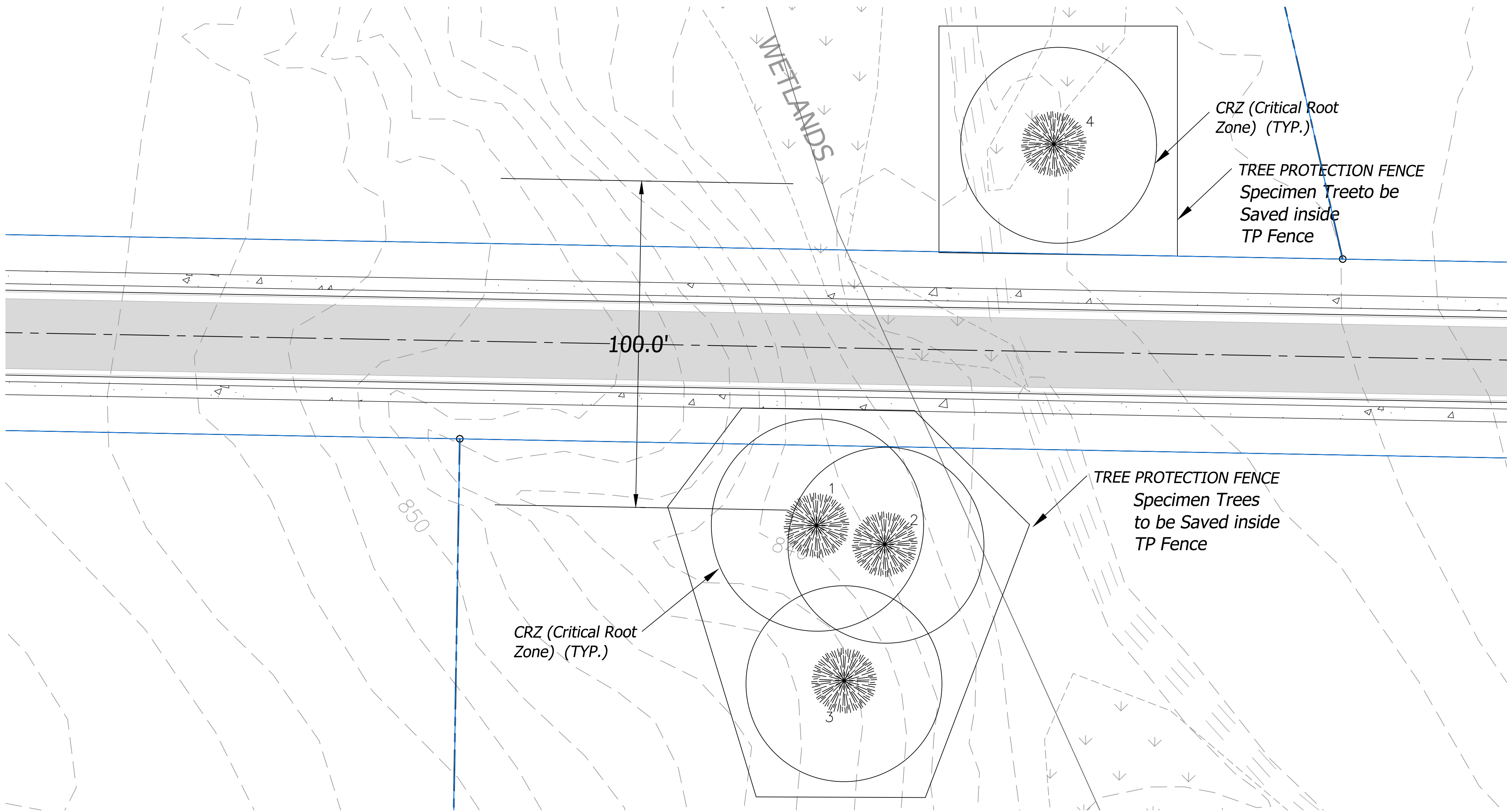
SOIL INTERPRETIVE DATA

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Cataula II	>72	24-30 (PWT)	2-6	12	85	0.10	C1
Cataula III	>72	24-40* (PWT)	2-4	48-60	70	----	A5
Cecil	>72	>72	2-10	24-48	60	----	A1
Cecil Wet Variant (C.W.V.)	>72	60-66	3-8	18-36	75	----	P1
Hard Labor (H.L.)	>72	36-40	2-6	12-24	75	0.12	C2
Helena	>72	18-22	2-6	----	----	----	F2
Madison	>72	>72	2-10	24-48	45	----	A1
Pacolet	>72	>72	2-10	24-48	45	----	A1
Starr	>72	>72	2-6	----	----	----	F4
Wash Over Cecil (W.O.C.)	>72	>72	2-6	36-48	60	----	A2

*Indicates depths to top and base of restrictive horizon that is causing perched water table condition. Permeability improves with depth and soils below the restrictive layer appear to be well drained with texture and structure that should provide a suitable percolation rate.

PWT = Perched Water Table





TREE NOTES:

TREE PROTECION FENCE(SEE DETAIL) SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE. TREE PROTECTION SHALL BE INSTALLED 1.5 FOOT PER INCH OF CALIPER FROM THE TREE. LIMITS OF LAND DISTURBANCE SHALL BE OUTSIDE ALL TREE PROTECTION FENCING. BUILDING CONTRACTOR SHALL MAINTAIN THE TREE PROTECTION FENCE THOUGHOUT THE PROJECT DURATION.

SPECIMEN TREES IDENTIFIED TO BE PRESERVED SHALL HAVE FOUR (4) FOOT ORANGE TREE PROTECTION FENCING INSTALLED AT THE CREITICAL ROOT ZONES.

NO PERSON ENGAGED IN THE CONSTRUCTION OF ANY STRUCTURE(S) OR IMPROVEMENT(S) OR ANY ACTIVITY SHALL ENCROACH OR PLACE SOLVENTS, MATERIAL, CONSTRUCTION MACHINERY OR TEMPORARY SOIL DEPOSITS WITHIN SIX(6) FEET OF THE AREA OUTSIDE THE CRITICAL ROOT ZONE, AS DEFINED HEREIN, OR ANY EXISTING SIGNIFICANT TREE WITHIN A TREE SAVE AREA, TRANSITIONAL OR UNDISTURBED BUFFER ZONE.

ALL TREE PROTECTION DEVICES MUST REMAIN IN FUNCTIONING CONDITION UNTIL COMPLETION OF THE PROJECT OR UNTIL THE CERTIFICATE OF OCCUPANCY IS ISSUED.

ALL TREE PROTECION FENCING TO BE INSPECTED DAILY AND REPLACED OR REPAIRED AS NEEDED.

ALL TREE PROTECTION DEVICES ARE TO BE INSTALLED PRIOR TO START OF LAND DISTURBANCE AND MAINTAINED UNTIL FINAL LANDSCAPING IS INSTALLED.

NO PARKING, STORAGE, OR OTHER CONSTRUCTION SITE ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS.

ALL REQUIRED REPLACEMENT VEGETATION MUST BE MAINTAINED FOR TWO GROWING SEASONS AFTER THE DATE OF FINAL INSPECTION.

ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.

SITE VISIT BY LANDSCAPE ARCHITECT ON 7-16-21 TO FIELD LOCATE AND IDENTIFY SPECIMEN TREES WITHIN 100' EACH SIDE CENTERLINE AS STAKED IN FIELD.

NOTES:

1. THIS PLAN IS FOR LOCATION OF SPECIMEN TREES FOR PRELIMINARY PLAT REVIEW. FURTHER TREE PROTECTION MEASURES SHALL BE PLANNED IN ACCORDANCE WITH THE DEVELOPMENT PLANS. TREE PROTECTION FENCES SHALL BE PLACED AT THE CLEARING LIMITS AND CRZ WHERE APPLICABLE.

2. NO LAND DISTURBANCE, CONSTRUCTION PROCESSES, OR STORAGE OF EQUIPMENT OR MATERIALS SHALL TAKE PLACE WITHIN A DESIGNATED TREE PROTECTIONAREA IN ORDER TO PREVENT DIRECT PHYSICAL ROOT DAMAGE THAT OCCURS DURING SITE CLEARING AND GRANING AND CAUSE TRANSPORT OR FEEDER ROOTS TO BE CUT, TORN OR REMOVED; INDIRECT ROOT DAMAGE CAUSED FROM GRADE CHANGES; AND TRUNK AND CROWN DAMAGE CAUSED BY DIRECT CONTRACT WITH LAND CLEARING MACHINERY OR GALLING OF ADJACENT TREES.

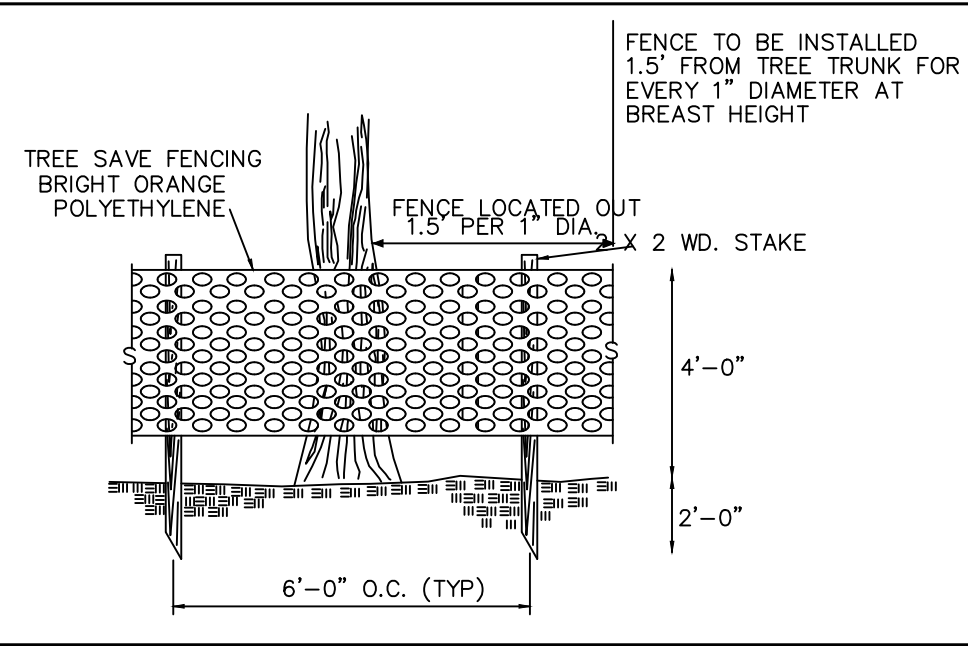
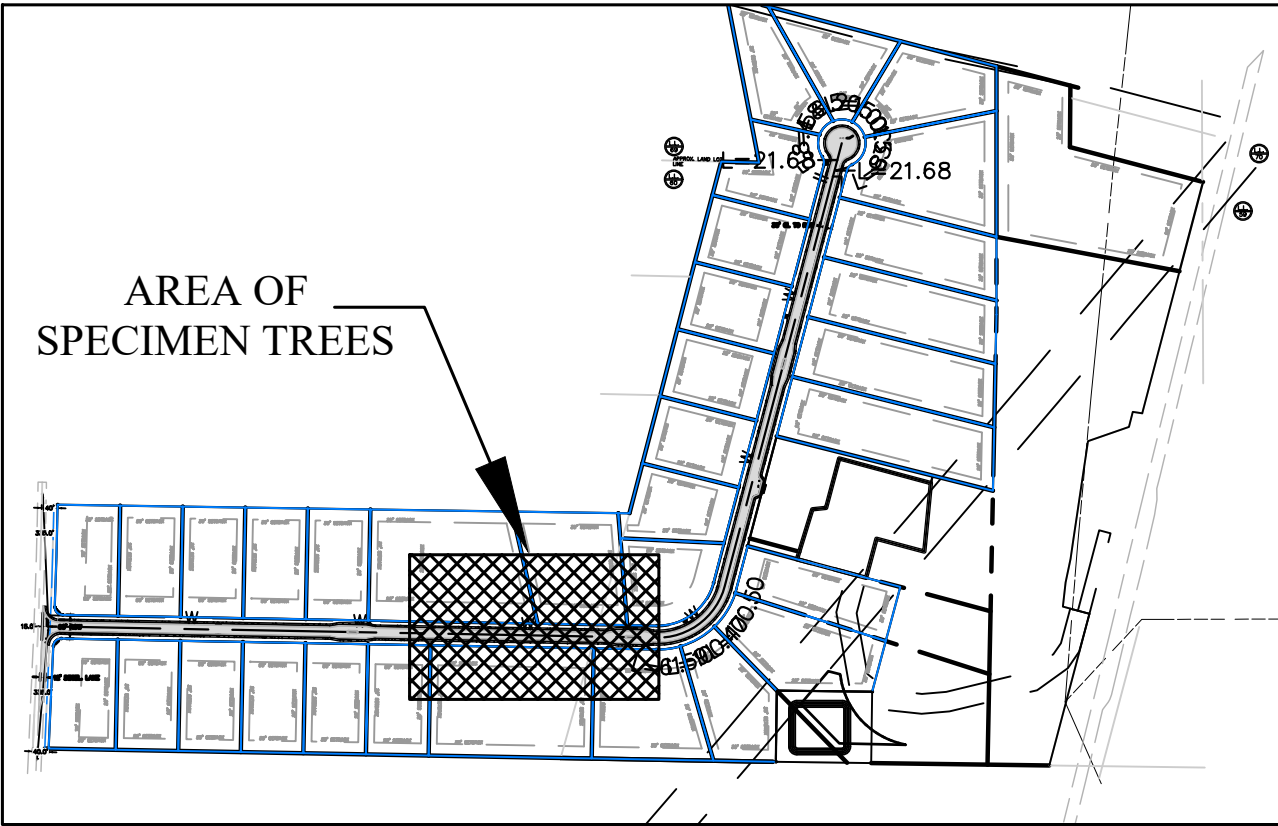
ENGINEER'S NOTE:

AS THE ENGINEER IN RESPONSIBLE CHARGE OF THE DESIGN/PERMITTING OF AVA GARDENS SUBDIVISION, IT IS MY PROFESSIONAL OPINION THAT IN ARTICLE VI, SECTION D, NUMBERS 1 THROUGH 5 ARE NOT NEEDED FOR THIS SITE.

NO SPECIMEN TREES WILL BE REMOVED .

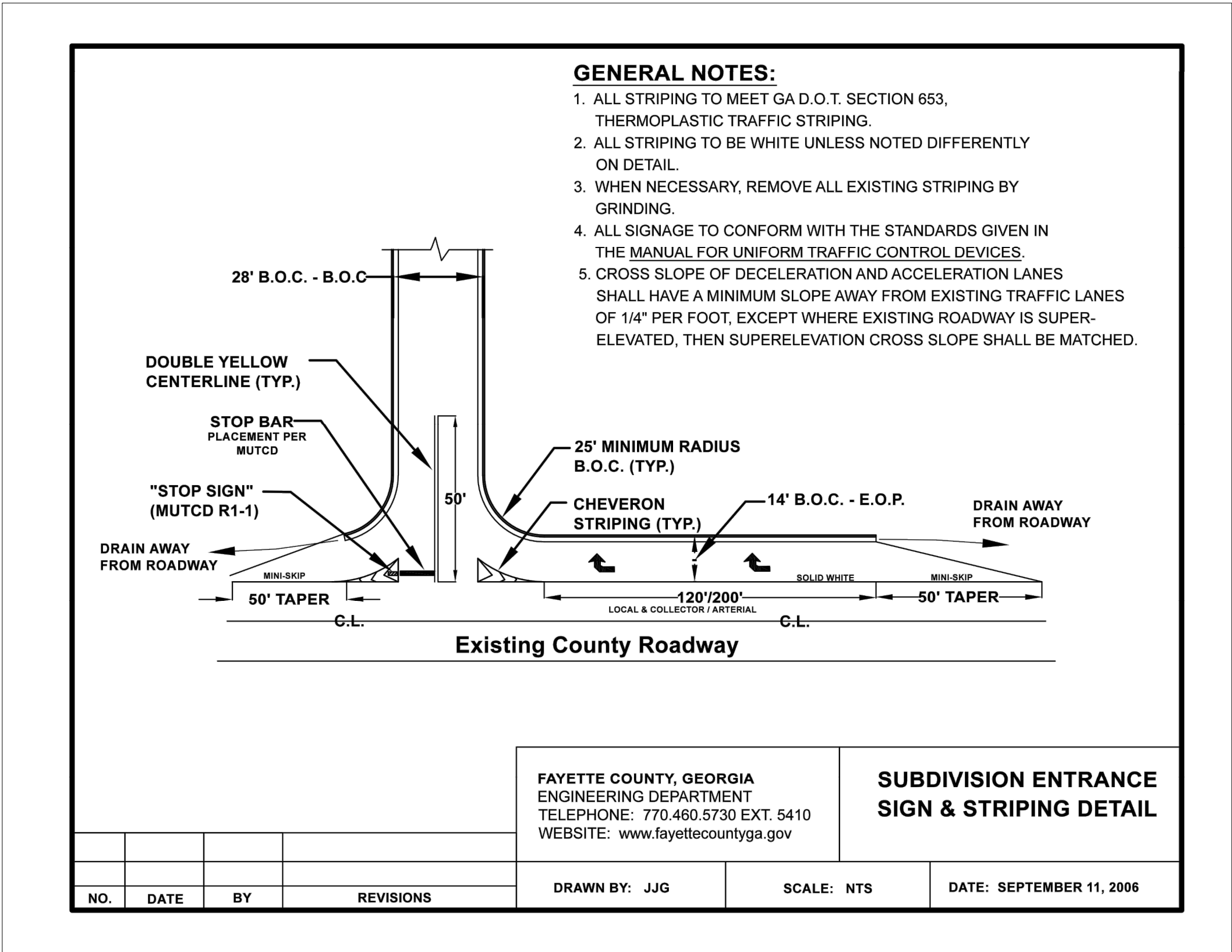
MICHAEL J. SCANLON, PE
ENGINEER

LANDSCAPE PLAN BY:
MICHAEL JOSEPH SCANLON, P.E.
SCANLON ENGINEERING SERVICES, INC.
GRIFFIN, GA. 30223
PH. 678-967-2051
email: JOEY@SCANLONENG.com



TOTAL SPECIMEN TREES

Point Number	Full Description
1	26WAT
2	24WAT
3	24WAT
4	24POP



SES

ENGINEERING
PLANNING
SURVEYING

THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION.

SCANLON ENGINEERING SERVICES, INC.

221 EAST BANK STREET
GRIFFIN, GEORGIA 30223

PHONE: (678) 967-2051 WWW.SCANLONENG.COM

PRELIMINARY PLAT TREE PROTECTION PLAN OF

AVA GARDENS

RESIDENTIAL SUBDIVISION

LOCATED IN LAND LOT 60 OF THE
5th DISTRICT OF FAYETTE COUNTY, GEORGIA

No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		

GEORGIA REGISTERED

NO. 24881 PROFESSIONAL

ENGINEER

MICHAEL JOSEPH SCANLON

TREE PROTECTION PLAN

Design by: MJS
Project #: R20050133

Drawn by: RLL
Date: 06/29/2021

SHEET TITLE

C-02

SHEET # 02 OF 02

Z:\SES Projects\Wet Engineering\350120050133_Ava Gardens Old Senior Road Res. Det - Fayette County\CAD\R20050133.dwg\Jeargo-AVA GARDENS.dwg Printed, August 6, 2021 4:32:05 PM

To: Planning Commission

From: Planning and Zoning

Date: September 1, 2021

Subject: Mr. Luis Arango for the Preliminary Plat for Eva Gardens Residential Subdivision Variance Request (VA 021-21)

Luis Arango requests a Variance from the Fayette County Subdivision Regulations, Contiguous Areas for Residential Development, as needed to approve a Minor Subdivision Plat. Section 104-603. Variance or appeal. (a) Variance. of the Fayette County Subdivision Regulations states:

Contiguous Areas for Residential Development. Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. The required minimum contiguous areas, set forth below, are a function of zoning requirements and minimum lot sizes.

Zoning Area District	Minimum Free & Clear (ac)
A-R	.06
EST	0.3
R-85, R-80	0.3
R-78, R-75, R-72, R-70	0.3
R-55, R-50 , R-45, R-40, R-20, DR-15, C-S	0.3

The Planning Commission may grant a Variance from requirements of the Subdivision Regulations. Section 104-603 of the Fayette County Subdivision Regulations states:

Variance or Appeal. In cases of undue hardship under this Ordinance, the property owner may petition the Planning Commission for a Variance to the subdivision regulations. A variance may be granted in an individual case upon a find by the Planning Commission that all of the following criteria as applicable the request exist:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
- (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and
- (4) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.

****Please see the attached cover letter by the applicant for all answers to the criteria listed above.***

Plat

The subject property is zoned **R-50** which requires a minimum contiguous area of 0.3 acres. Per the applicant's letter, proposed Lot 26 does not meet the minimum standards of 0.3 acres for contiguous buildable area. This lot has a minimum contiguous area as follows:

Lot Number	Contiguous Area/Acres
26	0.22 / 1.69

The reduction in contiguous area is a result of the stream buffers and impervious setback.

Environmental Health: This Dept. has no issue with the proposed variance.

Water: FCWS has no concerns regarding this variance.

Fire: No issue with the proposed variance.

GDOT: Since there are no proposed accesses to State Route 85, there are no GDOT comments; however there are existing residential accesses to State Route 85 shown in the overall layout of this inquiry, if these accesses are modified for any reason the applicant should contact GDOT to obtain the appropriate permits.

**APPLICATION FOR VARIANCE TO
THE FAYETTE COUNTY SUBDIVISION REGULATIONS**

Petition No.: VA- 021-21

Name of Petitioner: Mr. Luis Arango, and his attorneys, BOVIS, KYLE, BURCH & MEDLIN, LLC

Address: 200 Ashford Center North, Suite 500

City, State, Zip Code: Atlanta, Georgia 30338-2680

Telephone Number: 404-218-2756

Signature: /s/ Steven L. Jones

Subdivision Name: Eva Gardens

Fronts on: Old Senoia Road and GA S.R. 85 S

*Lot 26
Eva Gardens
1.69 acres*

Land Lot(s): 59, 60, and 69

District(s): 5th

Zoning District: R-50

Planning Commission Hearing Date: September 16, 2021

Request: See attached.

Sec. 104-603. - Variance or appeal.

- (a) *Variance.* In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance to the subdivision regulations. A variance may be granted in an individual case upon a finding by the planning commission that all of the following criteria as applicable to the request exist:

(Please attach responses to the following criteria :)

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
- (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and
- (4) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.

STEVEN L. JONES



sjones@boviskyle.com

Main: (770) 391-9100

Direct: (678) 338-3902

Cell: (404) 218-2756

Fax: (770) 668-0878

Monday, August 23, 2021

VIA EMAIL (pfrisina@fayettecountyga.gov)

Mr. Pete Frisina, Director
Fayette County Department of Planning and Zoning
Stonewall Administrative Complex
140 Stonewall Avenue, West
Suite 202
Fayetteville, Georgia 30214
pfrisina@fayettecountyga.gov

RE: Application for Variance to Fayette County Subdivision Regulations

Dear Mr. Frisina:

Enclosed for filing with the Fayette County, Georgia Department of Planning and Zoning (the “**Department**”) for consideration by the Planning Commission of Fayette County, Georgia (the “**Planning Commission**”) is an Application for Variance (the “**Application**”) to the Fayette County Subdivision Regulations, Article XV of Chapter 104 of the Code of Ordinances of Fayette County, Georgia, (the “**Subdivision Regulations**”), of the “**Applicant**”, Mr. Luis Arango, regarding the R-50 Single-Family Residential zoning district (“**R-50**”) subdivision (known as “**Eva Gardens**”) proposed for Fayette County Tax Parcel Identification Numbers 0510 002A and 0510 021 (collectively, the “**Development Property**”). This letter serves the following purposes:

- (1) It conveys the Application for filing with the Department;
- (2) It serves as a letter of intent and provides analysis of the criteria (the “**Variance Criteria**”) by which Section 104-603 of the Subdivision Regulations requires the Application be evaluated; and
- (3) Because the Planning Commission’s decision regarding the Application is a quasi-judicial decision, it requests that a certified copy of Subdivision Regulations be tendered into the record before the Planning Commission regarding the Application.

Upon receipt of this letter please (a) return to me a stamped “filed” copy of the Application; and (b) confirm that a certified copy of the Subdivision Regulations have been filed in the record before the Planning Commission regarding the Application.

ATLANTA, GA | CUMMING, GA | GREENSBORO, NC | CHARLESTON, SC | DESTIN, FL

The Application specifically requests a variance from Section 104-597(3) of the Subdivision Regulations which requires that “[e]ach residential building lot . . . have a minimum contiguous area [(“CBA”)] that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.” The minimum CBA for R-50 zoned building lots is 0.3 of an acre. (Subdivision Regulations § 104-597(3)). However, if the Variance Criteria are satisfied, as they are with respect to the Application, the Planning Commission may vary requirements of the Subdivision Regulations, including the minimum CBA.

Also attached to this letter is the current version of the preliminary plat (the “**Preliminary Plat**”) for Eva Gardens. As shown on the Preliminary Plat, Eva Gardens is proposed to consist of 33 residential building lots on a street to be known as Matteo Way. Proposed Lot 26 within Eva Gardens (“**Lot 26**”), despite the best efforts of the Applicant’s engineer of record, can only yield a CBA of 0.22 of an acre, which is less than the minimum CBA required by Section 104-597(3) of the Subdivision Regulations.

Variance Criteria No. 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and

As mentioned above and shown on the attached Preliminary Plat, Lot 26 (and the Development Property, generally) is affected by a stream and the resulting stream buffer and impervious setback. Collectively, this setback and buffer limit the potential CBA for Lot 26. The Development Property, as a whole, is affected by a pond, and the resulting watershed protection buffers and setbacks, a stream, and the resulting stream buffers and impervious setbacks, as well as wetlands. Additionally, its unique “boot” or “dogleg” shape adds to the extraordinary and exceptional conditions affecting the Development Property. The unnamed stream on the Development Property curves through the property, particularly Lot 26, meaning that the setbacks and buffers jutting out on all sides of the stream effect substantially more of the Development Property and Lot 26 than they would if the stream bisected the property in a perpendicular fashion. Thus, the extraordinary and exceptional conditions pertaining to the size, shape, environmental impact, and topography of Lot 26 and the Development Property necessitate the requested variance. Without a variance from the CBA provision of the Development Regulations, the proposed subdivision, Eva Gardens, will have uneven development along its street frontage—particularly, across from Lots 7 and 8. Additionally, without a variance from the CBA provision of the Development Regulation, Mr. Arango will be deprived of a reasonable economically viable use of Lot 26. Therefore, Variance Criteria Number 1 weighs in favor of approving the Application.

Variance Criteria No. 2: The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and

Application of the CBA provision of the Subdivision Regulations would create a practical difficult and unnecessary hardship for Mr. Arango and Eva Gardens. Mr. Arango will suffer a

hardship if the Application is not granted, because the lot yield for Eva Gardens will be reduced by 1 lot. That reduction in 1 lot will result in a significant economic detriment to the viability of Eva Gardens. And, even if the proposed subdivision is economically viable without Lot 26, the overall aesthetic appeal and marketability of lots within Eva Gardens will be reduced by if the Application is not granted.

Variance Criteria No. 3: Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the[] . . . [Subdivision] [R]egulations; and

If the Application is approved, no detriment would be caused to the public good and the purpose and intent of the Subdivision Regulations would not be impaired. The proposed CBA for Lot 26 is *only eight hundredths of an acre shy* of the minimum 0.33 of an acre CBA required by the Subdivision Regulations. This miniscule, insignificant short fall does not hinder the purpose and intent of the CBA requirement of the Subdivision Regulations to ensure that on each residential lot there is sufficient “contiguous area . . . free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.” (§ 104-597, Subdivision Regulations).

Variance Criteria No. 4: A literal interpretation of the[] . . . [Subdivision] [R]egulations would deprive the applicant of any rights that others are allowed.

Upon information and belief, the Planning Commission, in the past, has granted other variances to the CBA provision of the Subdivision Regulations. As shown above, the Variance Criteria support approval of the Application. Therefore, the Planning Commission should grant the Application to avoid “depriv[ing] the [A]pplicant of . . . rights that others are allowed.”

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

BOVIS, KYLE, BURCH & MEDLIN, LLC



Steven L. Jones

SLJ
Enclosures

cc: Ms. Chanelle Blaine (cblaine@fayettecountyga.gov)
Mr. Howard Johnson (hjohnson@fayettecountyga.gov)
Ms. Tameca Smith (tsmith@fayettecountyga.gov)
Mr. Luis Arango (luis@arangoinsulation.com)

Mr. Pete Frisina
August 23, 2021
Page 4

Sign Ordinance Amendments

Sec. 108-3. - Definitions.

Animated sign means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene ~~typically in a manner where the sign image dissolves, fades, flashes, scrolls, or travels.~~ (prohibited - Sec. 108-30.).

Awning means a structural protective covering over a window, doorway, or deck typically consisting of a sheet of fabric, plastic or other material stretched on a frame.

~~*Awning/canopy sign* means any sign that is a part of, or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy (prohibited).~~

~~*Canopy/awning sign.* See *Awning/canopy sign* means a roof-like projection over the entrance to a building which typically has a fabric or metal covering.~~

Changeable copy signs means a sign or portion thereof with letters, numerals, or graphics that can be changed either manually or electronically. ~~The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, travel, or scroll and must not change more than once every 30 seconds. A sign on which the letters, numerals, or graphics change more than once every 30 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.~~

Gasoline canopy means a structure built over the gasoline pumps located at a gas station/convenience store.

Marquee ~~or marquee sign~~ means any permanent roof-like structure projecting ~~beyond~~ from a building or extending ~~along and projecting beyond~~ the wall of the building, generally designed and constructed to provide protection from the weather ~~(prohibited)~~.

Sec. 108-30. - Prohibited signs and devices.

- (a) The following signs shall be prohibited under this article. Such signs include, but are not limited to:
- (1) Animated or flashing signs;
 - (2) Rotating signs, or any sign which requires either natural or artificial wind current for motion or gives the appearance of movement;
 - (3) Portable signs when not attached to a motor vehicle including signs attached to or painted on vehicles which prevent the vehicle from being used for its intended purpose and that are legible from the public right-of-way are also considered portable signs;
 - (4) Searchlights, beacons, or similar devices;
 - (5) Roof signs;
 - (6) Pennants, streamers;
 - (7) Attention-getting devices, including but not limited to balloons (including all inflatable air signs and lights), shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;
 - (8) Signs or other advertising structures that contain obscene or indecent material;

- ~~(9) No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, or other similar devices;~~
- (10) Kiosks;
 - (11) All signs attached to light poles, power poles or trees (when in the right-of-way);
 - (12) Any privately owned sign located within or partially within any public right-of-way;
 - (13) Billboards; and
 - (14) Wall signs in residential districts.

Sec. 108-169. – Changeable copy signs

~~The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, flash, travel, or scroll and must not change more than once every 30 15 seconds. A sign on which the letters, numerals, or graphics change more than once every 30 15 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.~~

Sec. 108-170 – Signs on awnings, canopies, gasoline canopies, marquees, or other similar structures

- (1) ~~Lettering, logos or other graphics shall be allowed to be applied on an awning or canopy. No permit shall be required.~~
- (2) ~~Lettering, logos or other graphics shall be allowed to be placed on the face of a gasoline canopy, marquee, or other similar structure. The lettering, logos or other graphics shall not exceed the dimensions of the face of the gasoline canopy, marquee, or other similar structure. No permit shall be required.~~
- (3) ~~No sign shall be placed on top of the aforementioned structures.~~