

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
May 21, 2018
7:00 P.M.

1. Consideration of the Minutes of the Meeting held on April 23, 2018.

PUBLIC HEARING

2. Petition No. A-682-18, Travis & Sabrina Williamson, Owner, requests the following: Variance to Section 110-136. (d) (4) (a) (1). To reduce front yard setback from 60 feet to 55 feet to allow an existing shed to remain. Variance to Section 110-79 Accessory structures and uses. (d), to allow the construction of a swimming pool in the front yard. Variance to Section 110-79 Accessory structures and uses. (d), to allow an existing shed to remain in the front yard. The subject property is located in Land Lot 21 of the 7th District and front(s) on Mackenzie Lane and Eastin Road.
3. Petition No. A-683-18, Ryan and Audrey Gumm, Owner, and Black Oak Homes, Agent request the following: Variance to Section 110-79 Accessory structures and uses. (d), to allow an accessory structure in the front yard. The subject property is located in Land Lot(s) 27 & 28 of the 4th District and front(s) on Brooks Road and Mask Road.

PETITION NO. A-682-18
Travis & Sabrina Williamson
105 Mackenzie Lane Road
Fayetteville, GA 30214
Public Hearing Date April 23, 2018

The subject property is located on 105 Mackenzie Lane Road, Fayetteville, GA 30214 and is zoned R-45. The applicant is requesting a Variance as follows:

Variance to Section 110-136. (d) (4) (a) (1) to reduce front yard setback from 60 feet to 55 feet to allow a shed to remain.

Variance to Sec. 110-79 Accessory structures and uses (d), to allow the construction of a swimming pool in the front yard.

Variance to Section 110-79 Accessory structures and uses. (d), to allow a shed to remain 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 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.** 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

History: On May 26, 1994, the Board of Commissioners approved rezoning request (851-94) to rezone 44.24 acres from R-70 to R-45 for a residential subdivision (Mackenzie Walk). The application was approved with four (4) recommended conditions as follows:

1. **That all structures be setback at least 80 feet from the right-of-way of Eastin Road, 50 feet of which shall be a natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated. Said buffer must be indicated on the Preliminary and Final Plats.**

2. That no individual lot shall have direct access to nor be oriented to Eastin Road.
3. That the proposed development tie into County water and provide fire hydrants as per comments submitted by the Fayette County Fire Marshal.
4. That lots adjoining Eastin Road have a lot width of at least 150 feet at the building line.

The Final Plat of Mackenzie Walk was recorded on July 26, 1995. The subject property was platted as a 1.721 acre lot. On November 4, 1999 the Fayette County Board of Commissioners approved the following rezoning request (1034-99):

All structures on Lot 21 shall be set back at least 75 feet from the front property line along the right-of-way of Eastin Road, 50 feet of which shall be a natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated.

This reduction in the setback was requested as a portion of the residence encroached into the 80 foot setback

Tax records indicated that the single family residence was built in 2000. There is no record of when the shed was built.

The approval of each variance will be conditional and based upon the approval of the rezoning request (1273-18) from the Board of Commissioners on June 14, 2018 to amend a condition of rezoning to reduce a 75 foot front yard setback from Eastin Road to 60 feet.

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.

Request to allow pool and concrete to go beyond the 75' building line on the 2nd front of the property that runs along Easting Road. There is a fence and a natural tree buffer between the house and Eastin Road. The lot is very narrow and there is a culvert on the other side of the property that we would like to keep the pool away from. Because of the fence and tree buffer, the pool and concrete will not be visible from Eastin Road (see pictures). Allowing the pool and concrete to go beyond the 75' building line would also allow the pool to be visible from inside the house, which would make it safer for our kids. Keeping it behind the building line would place it directly behind the garage and it would not be visible from the house. The culvert along the other side of the property, just outside of the fence, has eroded away more and more over the years, so we would like to keep the pool away from it (see picture). We would also like to connect our existing patio step to the pool concrete, which we cannot do if it is kept behind the 75' BL. For cosmetic reasons, we have never been able to grow grass on the side of the yard that includes the 75' building line, while grass grows great on the other side. Having the pool and concrete on the side of the yard that has no grass would clean up that area and make it look better.

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.**

Yes, the lot is long and narrow and the 75' building line takes up almost half the space in the backyard (see picture of backyard with property stakes). We would also like to stay away from the culvert on the other side of the property.

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

Yes, for safety reasons we would like to be able to view the pool from inside the house. Putting the pool and concrete behind the 75' building line would place the pool behind the garage, which would not be visible from the inside of the house.

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

Yes, the 80' BL practically runs through half of our backyard, because our lot is long and narrow.

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,**

Yes, that is correct.

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

Yes, most lots wider and do not have a culvert on one side and an 75' building line on the other side. With our lot being so narrow, the 75' BL takes up almost half of the backyard.

DEPARTMENTAL COMMENTS

ENGINEERING: No 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.

A-682-18

Mackenzie Lane

SUBJECT
PROPERTY

Eastin Road



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Travis and Sabrina Williamson

MAILING ADDRESS: 105 Mackenzie Lane, Fayetteville, GA 30214

PHONE: 770-601-5165 E-MAIL: Sabrina@goforthwilliamson.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

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

PROPERTY LOCATION: LAND LOT 21 LAND DISTRICT 7th PARCEL 070702017

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.721 acres

ZONING DISTRICT: R-45

ZONING OF SURROUNDING PROPERTIES: R-45 & R-70

PRESENT USE OF SUBJECT PROPERTY: Residential Home

PROPOSED USE OF SUBJECT PROPERTY: Residential Home with pool

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-682-18

☐ Application Insufficient due to lack of:

by Staff: _____ Date: May 21, 2018

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 4/17/2018

DATE OF ZONING BOARD OF APPEALS HEARING: May 21, 2018

Received from Sabrina Williamson ^{cash} a check in the amount of \$ 215.⁰⁰

for application filing fee, and \$ 175.⁰⁰ for deposit on frame for public hearing sign(s). \$40.⁰⁰

Date Paid: April 17, 2018 Receipt Number: 6233518-signs (2)
6233516 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:

Travis and Sabrina Williamson

Please Print Names

Property Tax Identification Number(s) of Subject Property: 070702017

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th 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 1.721 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

105 Mackenzie Lane, Fayetteville, GA 30214
Address

[Signature]
Signature of Property Owner 2

105 Mackenzie Lane, Fayetteville, GA 30214
Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

April 16, 2018

Date

[Signature]
Signature of Notary Public

April 16, 2018

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
2018-03 Chapter 10	Accessory Structures kept behind 80' BL on side front.	Allow accessory structure to go beyond 80' BL	22' over the 80' BL for concrete,
			10' over for the pool. edge of pool 69.9' edge of concrete 59.9'

VARIANCE SUMMARY

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

Request to allow pool and concrete to go beyond the 80' Building Line on the side-front of the property along Eastin Road. There is a fence and natural tree buffer between the house and Eastin Road. The pool and concrete would not be visible from the road. (Please reference included pictures) Allowing the pool and concrete to go beyond the 80' BL would allow ~~the pool~~ to be visible from the inside of the house, which would make it safer. We have teenagers and we would like to be able to keep an eye on them without having to be out there at all times. There is also a culvert along the other side of the property, outside of the fence, that we would like to keep the pool away from. For cosmetic reasons, we have never been able to grow grass on the side of the yard that includes the 80' Building Line, while grass grows great on the other side.

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.

Yes, the property is long and narrow and the 80' building line does not allow full use of our backyard. (see pictures of building line stakes) Also, we would like to stay away from the culvert that runs along the other side of the property (see pictures)

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

Yes, for safety reasons we would like to be able to view the pool from inside the house. Putting the pool and concrete behind the 80' BL would place the pool behind the garage, which would not be visible from the inside of the house.

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

Yes, the 80' BL practically runs through half of our backyard because our lot is long and narrow.

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.

Yes, that is correct.

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

Yes, most lots are wider and allow for more space in the backyard, beyond the building line. With our lot being narrow, the 80' BL takes up almost half of our backyard.

POSTING OF PROPERTY

PETITION NO: A-682-18

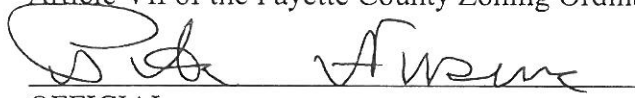
OWNER: Travis and Sabrina Williamson
105 Mackenzie Lane
Fayetteville, Georgia
30214

LOCATION: Land Lot(s) 21 of the 7th District
Fronts on Mackenzie Lane and Eastin Road.

REQUEST: Variance to Section 110-136. (d) (4) (a) (1) to reduce front yard setback from 60 feet to 57 feet to allow the construction of a pool.

Variance to Sec. 110-79 Accessory structures and uses (d), to allow the construction of a swimming pool in the front yard.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.


OFFICIAL

4/24/18
DATE

Sworn to and subscribed before me this

24th day of April, 20 18.


NOTARY



Number of signs posted 2.

Date sign posted 4/24/18

FILED & RECORDED
FAYETTE COUNTY, GA.

'99 AUG 20 AM 9 18

W.A. BALLARD, CLERK

BOOK 1421 PAGE 2

Record and return to:
Glover & Davis, P.A.
200 Westpark Drive, Suite 130
Peachtree City, GA 30269
99P08104, WRH

FAYETTE COUNTY GEORGIA
DEED RECORDING TAX
DATE 8/20/99
W.A. Ballard
CLERK OF SUPERIOR COURT

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

In consideration of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, the receipt whereof is hereby acknowledged, **Roger L. Gillam**, of Fayette County, Georgia does hereby give, grant, sell, alien and convey unto **Travis C. Williamson and Sabrina L. Williamson**, as Joint Tenants with Right of Survivorship, of Fayette County, Georgia, their heirs and assigns, the following property, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 21 of the 7th District of Fayette County, Georgia being Lot 21 of MacKenzie Walk Subdivision, as shown on that certain plat of said subdivision as recorded in Plat Book 26, Pages 152-154, Fayette County, Georgia Records, reference to which plat is hereby made for a more accurate description of the metes and bounds of said Lot 21.

This conveyance is made subject to any restrictions of record, together with all privileges and appurtenances thereto in anywise belonging in fee simple

And the said vendor(s) will, and his heirs, executors, administrators and assigns shall, the said property to the said vendee(s), their heirs, executors, administrators, and assigns, forever warrant and defend against the lawful demands of all persons whatsoever

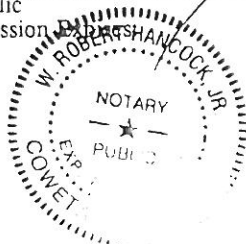
IN WITNESS WHEREOF, The said Roger L. Gillam has hereunto set his hand(s), affixed his seal(s) and delivered these presents this 9th day of August, 1999.


Signed, sealed and delivered
in the presence of:

Witness

Notary Public

My Commission Expires
(SEAL)



 (SEAL)
Roger L. Gillam

(SEAL)

MISCELLANEOUS PAYMENT RECPT#: 6233518
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 04/17/18 TIME: 12:48
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-682-18 (ZBA SIGN)
CHG:
ZS-Z A-682-18 (ZBA S 40.00

AMOUNT PAID: 40.00

PAID BY: TRAVIS & SABRINIA WI
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 40.00
AMT APPLIED: 40.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 6233516
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 04/17/18 TIME: 12:46
CLERK: 9597cblla DEPT:
CUSTOMER#: 0

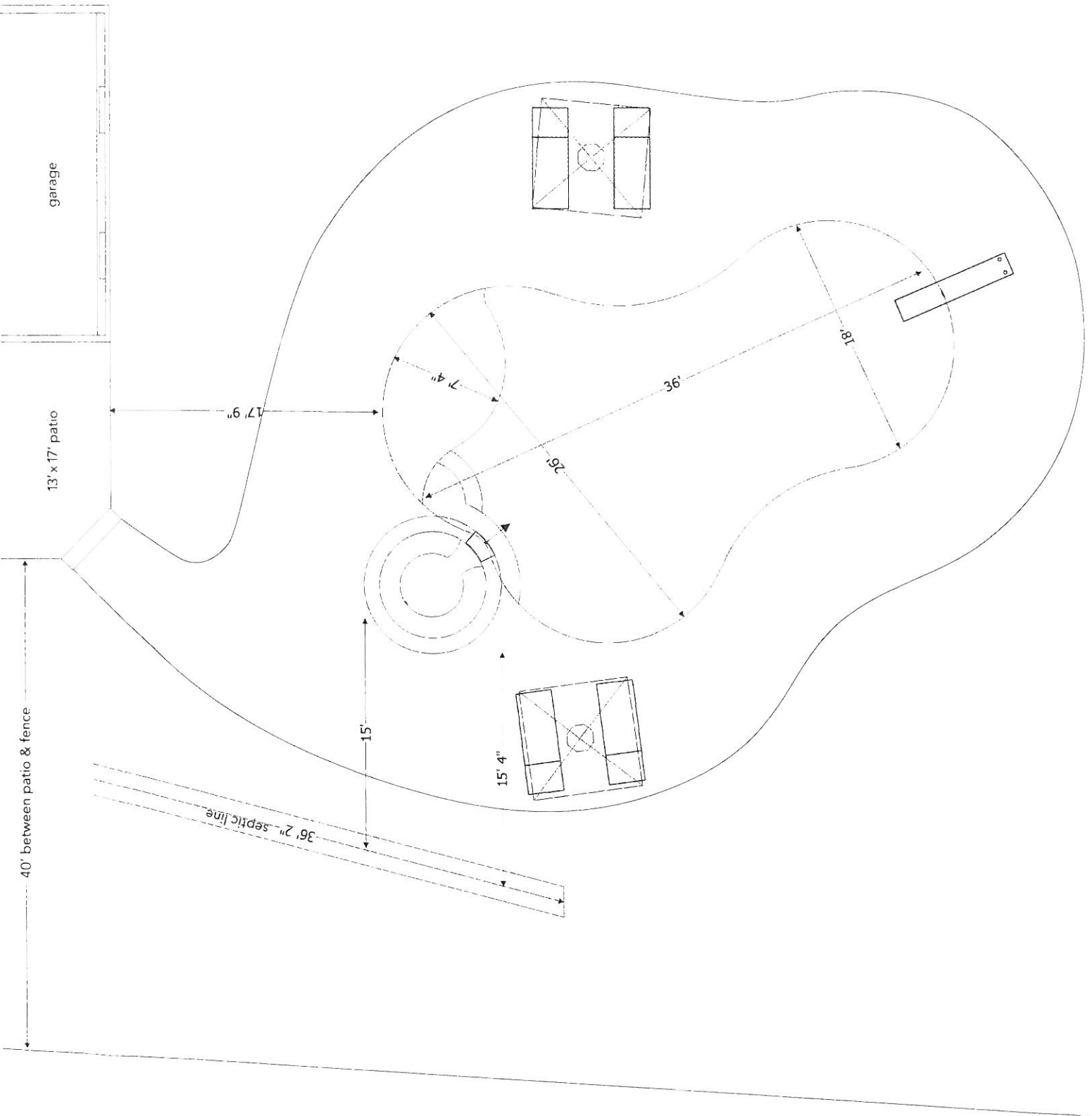
COMMENT: A-682-18 (ZBA APP)
CHG:
ZA-Z A-682-18 (ZBA A 175.00

AMOUNT PAID: 175.00

PAID BY: TRAVIS & SABRINA WIL
PAYMENT METH: CASH

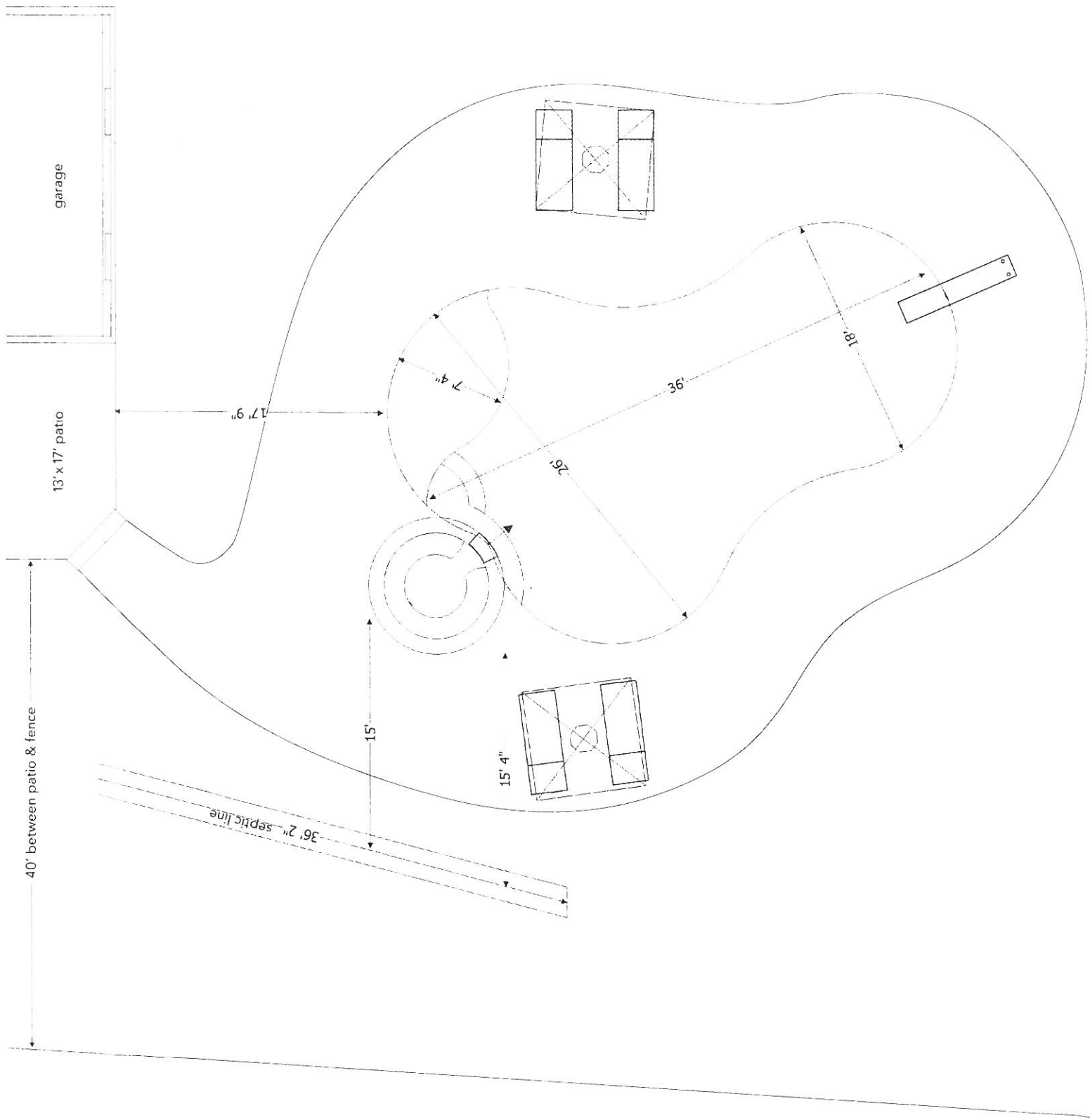
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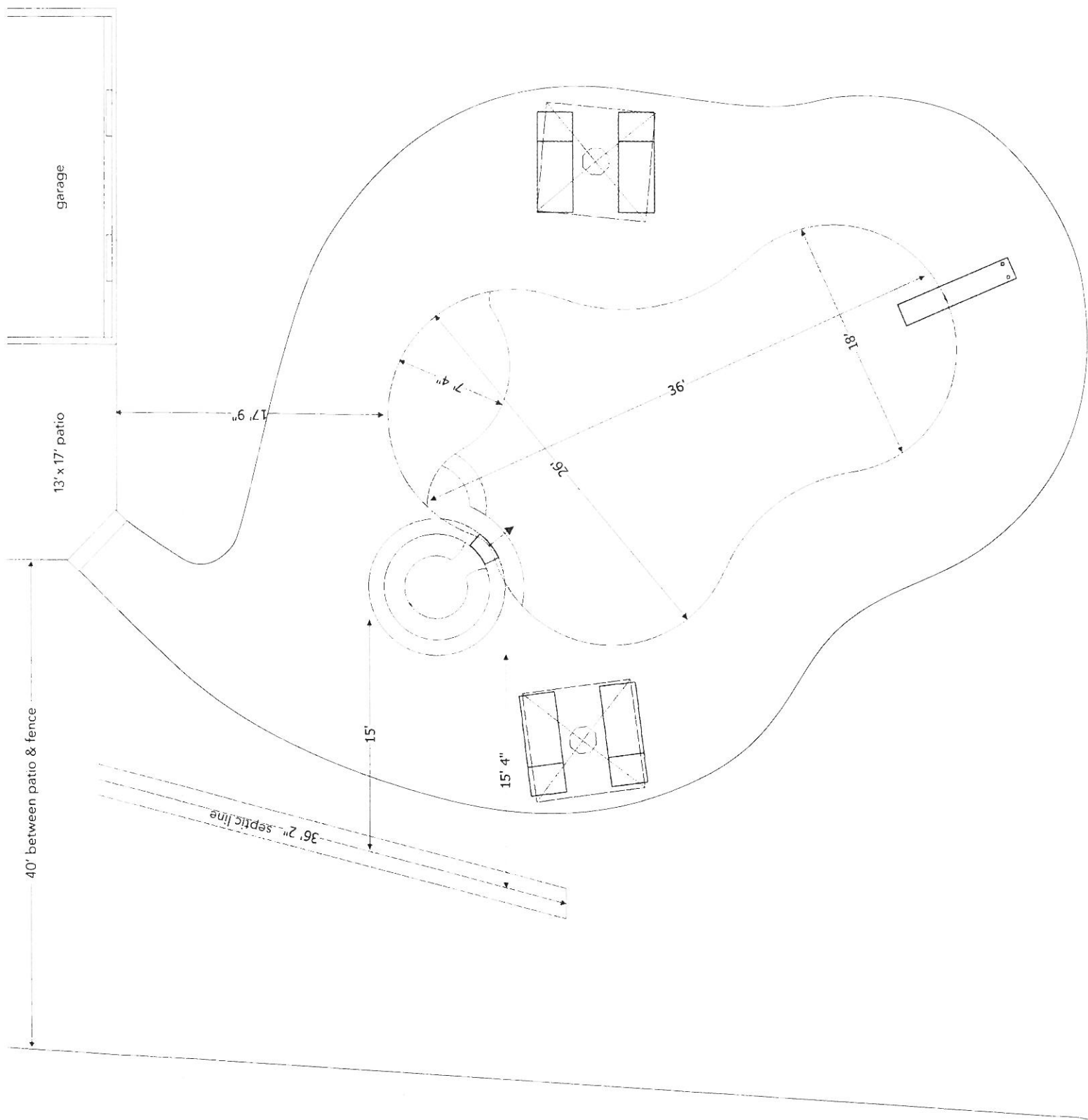
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AMT APPLIED: 175.00
CHANGE: .00

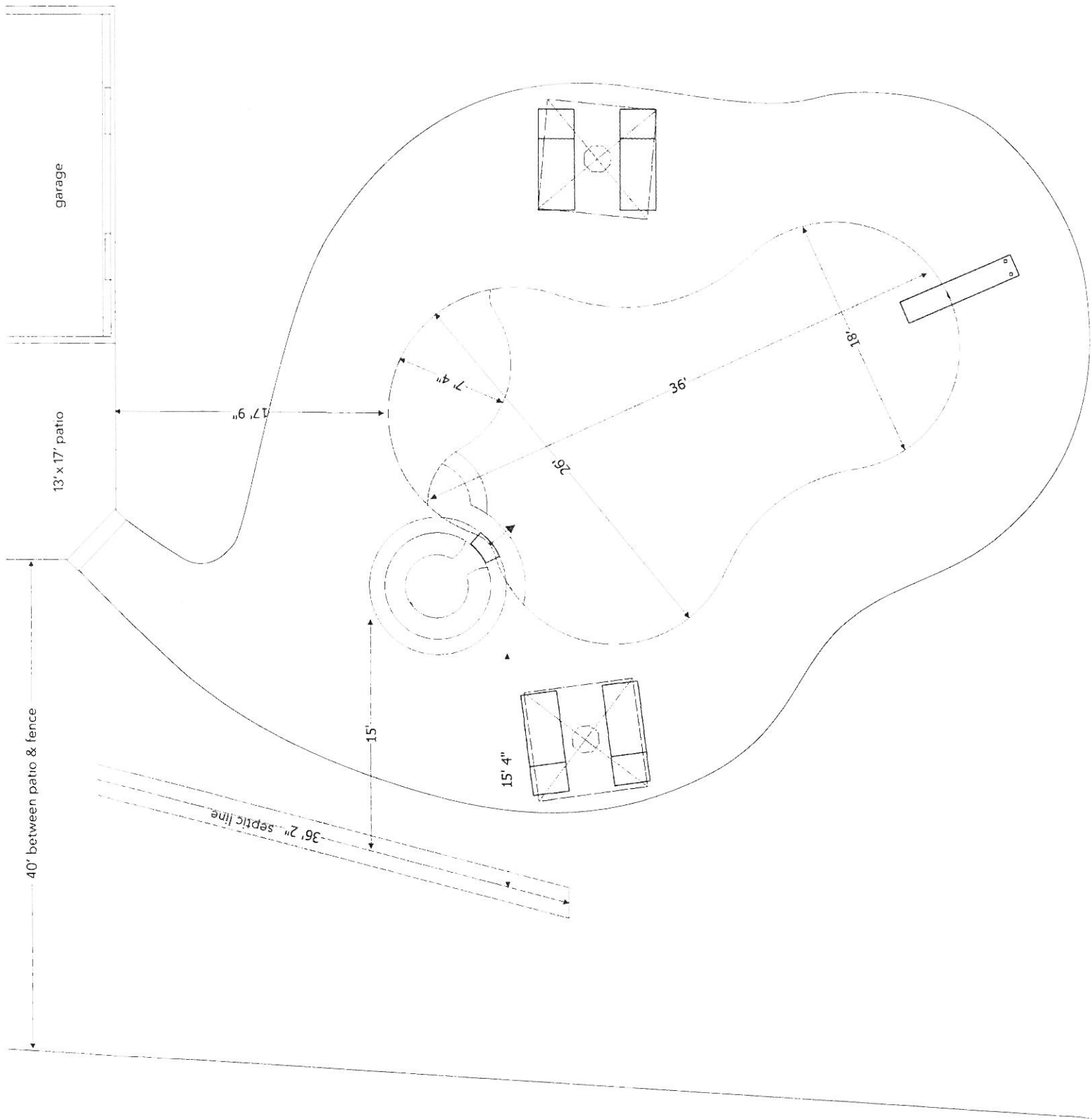


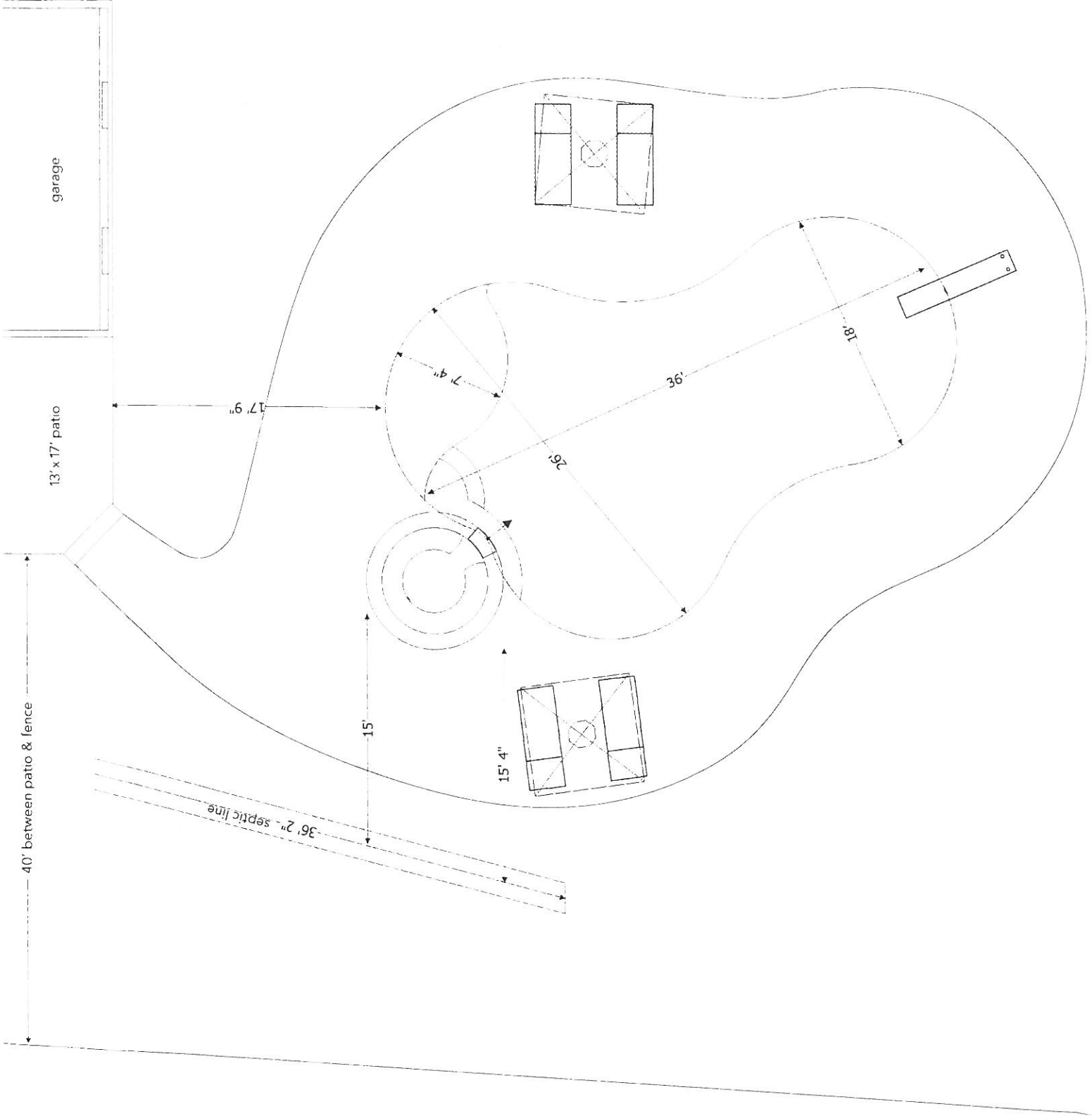
culvert on other side of fence

Scale: 1/8 in. per ft.





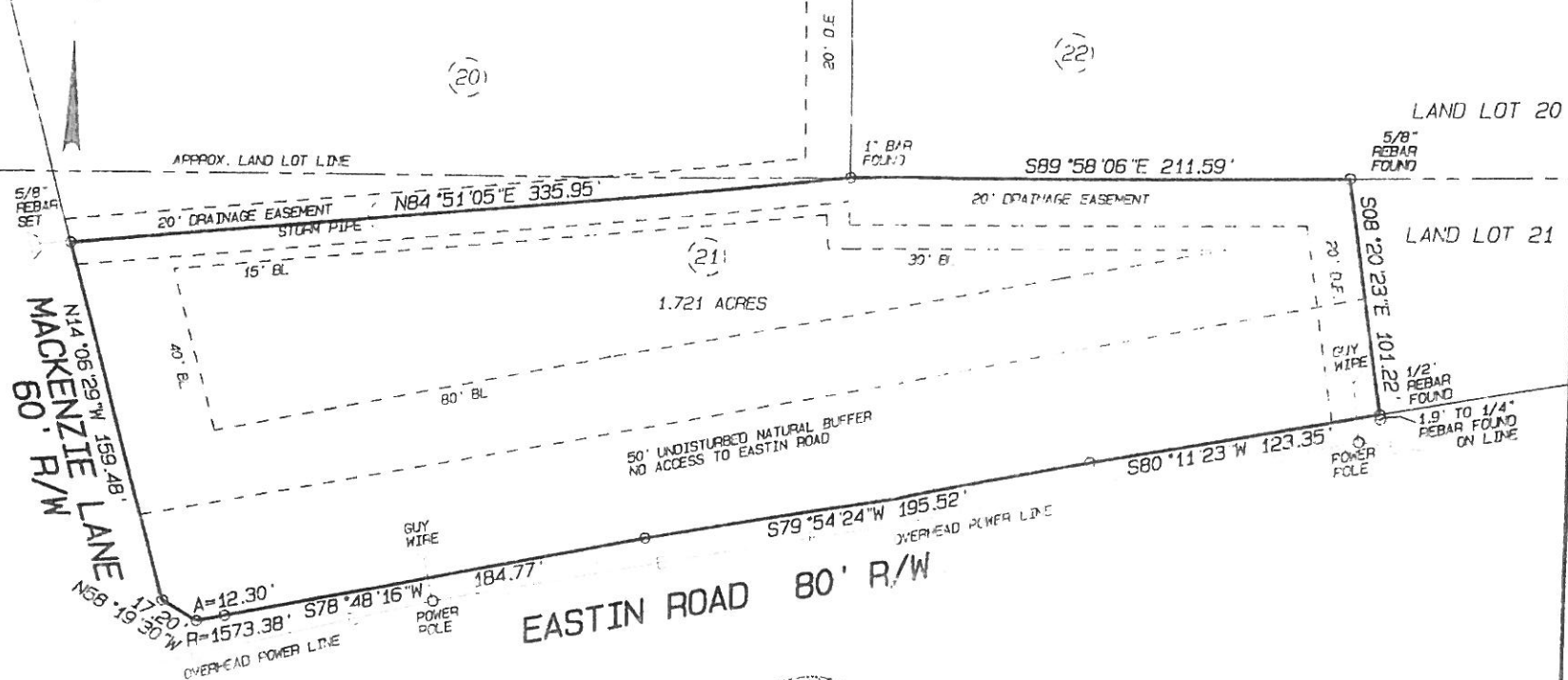




culvert on other side of fence

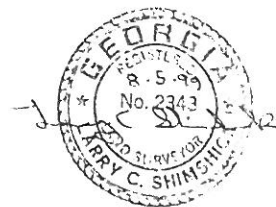
Scale: 1/8 in. per ft.

LOT 21
MACKENZIE WALK SUBDIVISION



PREPARED FOR:
**TRAVIS C. WILLIAMSON
& SABRINA L. WILLIAMSON**

LAND LOT 21, 7TH DISTRICT
FAYETTE COUNTY, GA.
SCALE: 1" = 50'
DATE: AUGUST 5, 1999



In my opinion, this plat is a correct representation of land platted and has been prepared in conformity with the minimum standards and requirements by law.

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

In my opinion, this property does not lie within the 100 year flood plain according to the RFD Flood Plain Map No. 131120010 D
Dated: MARCH 18, 1995

jefferson
consultants
consulting engineers surveyors planners

P.O. BOX 2627
PEACHTREE CITY
GEORGIA 30269
487-9805
487-9220

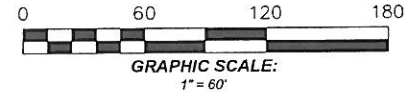
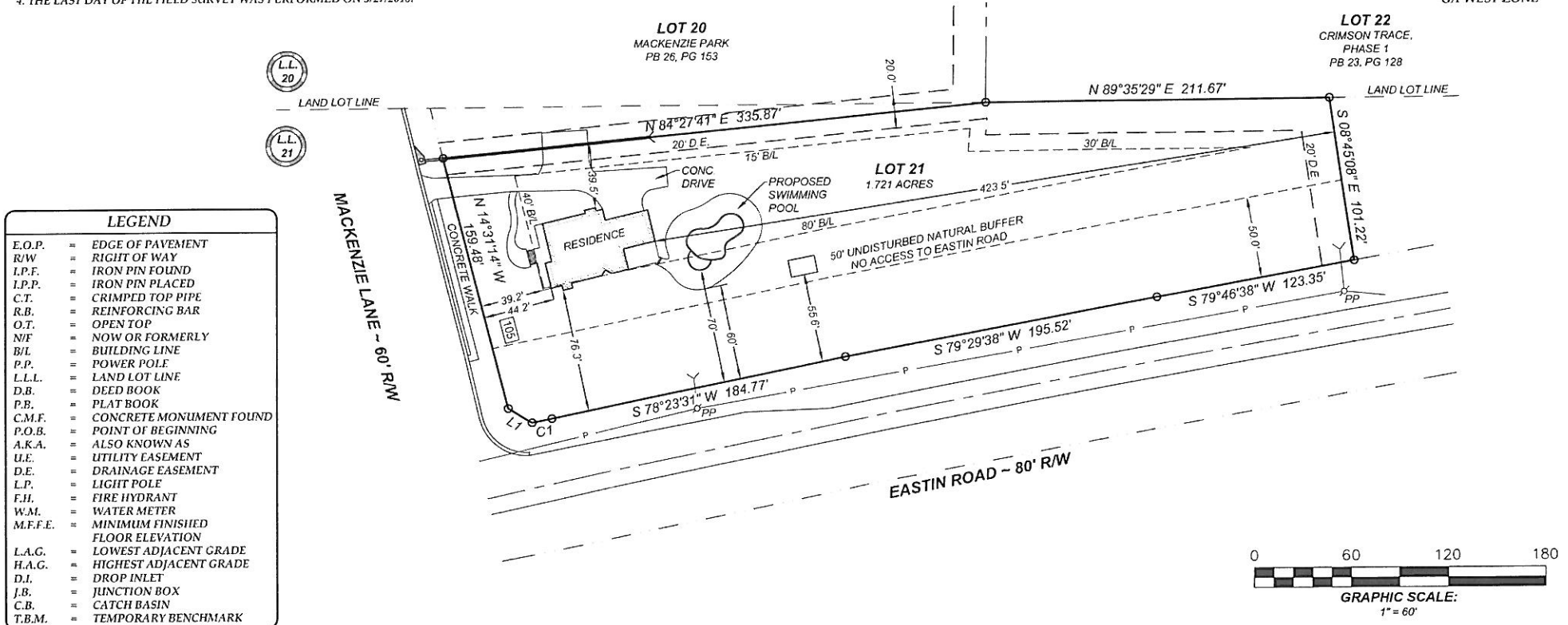
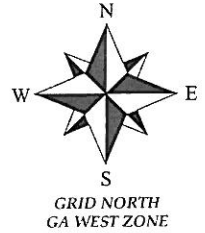
JOB # 990802

NOTES:

1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO PLAT BOOK 26, PAGE 153 OF FAYETTE COUNTY RECORDS.
2. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No. 13113C0082E, DATED 9/26/2008.
3. BUILDING SETBACK INFORMATION SHOWN HEREON IS PER THE FAYETTE COUNTY ZONING ORDINANCE FOR R-45 ZONING CLASSIFICATION.
4. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON 3/27/2018.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 58°44'15" W	17.20'

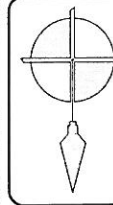
CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	12.30'	1573.38'	12.30'	S 78°23'31" W



LEGEND	
E.O.P.	= EDGE OF PAVEMENT
R/W	= RIGHT OF WAY
I.P.F.	= IRON PIN FOUND
I.P.P.	= IRON PIN PLACED
C.T.	= CRIMPED TOP PIPE
R.B.	= REINFORCING BAR
O.T.	= OPEN TOP
N/F	= NOW OR FORMERLY
B/L	= BUILDING LINE
P.P.	= POWER POLE
L.L.L.	= LAND LOT LINE
D.B.	= DEED BOOK
P.B.	= PLAT BOOK
C.M.F.	= CONCRETE MONUMENT FOUND
P.O.B.	= POINT OF BEGINNING
A.K.A.	= ALSO KNOWN AS
U.E.	= UTILITY EASEMENT
D.E.	= DRAINAGE EASEMENT
L.P.	= LIGHT POLE
F.H.	= FIRE HYDRANT
W.M.	= WATER METER
M.F.F.E.	= MINIMUM FINISHED FLOOR ELEVATION
L.A.G.	= LOWEST ADJACENT GRADE
H.A.G.	= HIGHEST ADJACENT GRADE
D.I.	= DROP INLET
J.B.	= JUNCTION BOX
C.B.	= CATCH BASIN
T.B.M.	= TEMPORARY BENCHMARK

DATE: APRIL 4, 2018		ISSUE	
SCALE: 1" = 60'	No.	DESCRIPTION	DATE
ACREAGE: 1.721			
CITY:			
CC: MW			
DRAWN: MR			
CHECKED: RM			
SHEET #: 1 of 1			
PROJECT #: 18-136			

SURVEY FOR:
TRAVIS C. & SABRINA L. WILLIAMSON
105 MACKENZIE LANE
LOT 21, MACKENZIE WALK
LAND LOT 21, 7th DISTRICT
FAYETTE COUNTY, GEORGIA



McLAIN SURVEYING, INC.
LAND SURVEYING - LAND PLANNING - LAND DEVELOPMENT
6 MADISON STREET
NEWNAN, GEORGIA 30263
PHONE: 770-251-8523 - EMAIL: tmclain339@nemail.org

105 Mackenzie Lane, Fayetteville, GA 30214



Front of House



Back of House



View of House from Neighborhood Entrance



Right Side of House from Eastin Road



culvert on other side of fence

PETITION NO. A-683-17
Ryan & Audrey Gumm
358 Brooks Road
Brooks, GA 30215
Public Hearing Date May 21 2018

The subject property is located at 358 Brooks Road, Brooks, Georgia 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-79. Accessory structures and uses, (4) (d) Location on lot to allow an accessory structure (i.e. guest house) 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.

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 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.** 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.

History: Tax Assessor's records indicated the single-family residence was built in 1979, and according to the deed the applicant purchased the property in 2017. Records show that the survey was recorded in 2018.

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.

Due to the fact that this parcel sits on the corner of Mask Rd and Brooks Rd it has two front yards by definition. The property owner plans to partially demolish the existing home leaving less than 700 square feet for a carriage house. In addition, they plan to construct a 60' x 80' out building adjacent to the carriage house, but not attached. Due to the fact that these structures would technically be the front yard of the Mask Rd side of the new home the owner is requesting a variance. The new home and driveway is positioned as such that the "front yard" is the Brooks Rd side of the home. Therefore, the owners are requesting a variance for these structures to be located in what is typically the side yard of the house.

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 particular parcel has two front yards by definition and because of that hardship the proposed accessory structures on the property would be in the "front yard" of the Mask Road side.

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

Per the ordinance, accessory structures are not permitted in front yards and due to the definition for this parcel these accessory structures that are located to the side of proposed home would not be allowed. The difficulty or hardship for the owner is created by the fact they sit on a corner lot.

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

The hardship or difficulty lies within the definitions of what a front yard and side yard are for this particular parcel that sits at the corner of two roads.

- 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,

If such variance is approved the structures created and constructed on this parcel would be consistent with the approved buildings for this type of parcel and would not create any detriment. In addition, the exterior appearance of said structures would be above and beyond typical or minimum requirements.

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

Due to the fact that Mask Rd falls on the side of the home the property owner under literal interpretation of the Ordinance would lose their rights to construct a guesthouse at or behind the plane created by the front of the home facing Brooks Rd.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to proposed 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.

A-683-18

Brooks Road









**SUBJECT
PROPERTY**

Mask Road

Building Lines for A-R Zoning
Front - 100'
Side - 50'
Rear - 75'

This Box reserved for the Clerk of the Superior Courts.

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

N/F
Turner Family Trust
Rose Turner Trustee
D.B. 4567 Pg. 709-711

N/F
Turner Family Trust
Rose Turner Trustee
D.B. 4567 Pg. 709-711

Area
21.987 Acres
957,744 Sq. Ft.

N/F
Turner Family Trust
Rose Turner Trustee
D.B. 4589 Pg. 510-512
P.B. 3 Pg. 51

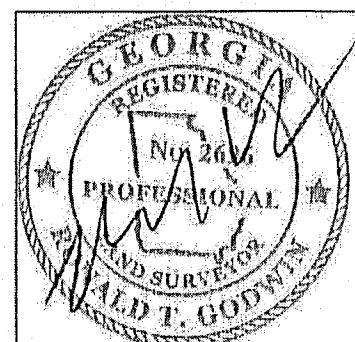
Closure Data

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

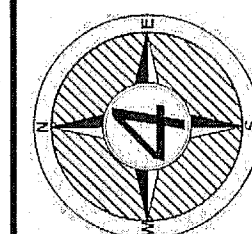
In my opinion this property appears not to lie within a 100 year flood plain according to F.I.R.M. #13113C0165E Dated 09/26/2008.

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.



FOUR CORNERS SURVEYING™



Plat/Deed Book: P.B. 4684	Page: 342
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Gumm Estate

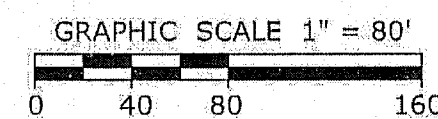
358 Brooks Road
Land Lots 27 & 28 of the 4th Land District
Fayette County, Georgia

Ryan Jacob Gumm
& Audrey J. Gumm

Job #:

18-067

Drawn By: JCB
Reviewed By: RTG
Date: 03/14/18
F.W.P.D.: 03/13/18
Scale: 1" = 80'
Sheet: 1 of 1



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Ryan and Audrey Gumm

MAILING ADDRESS: 358 Brooks Rd. Brooks, Ga 30205

PHONE: 770-282-6013 E-MAIL: debbie@docherygroup.com

AGENT FOR OWNERS: Black Oak Homes

MAILING ADDRESS: 103 Guthrie Way, Peachtree City, GA 30209

PHONE: 770-282-6013 E-MAIL: debbie@docherygroup.com

PROPERTY LOCATION: LAND LOT 27:28 LAND DISTRICT 4th PARCEL

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 21.987

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: Single Home Residential

PROPOSED USE OF SUBJECT PROPERTY: Single Home Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-683-18

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: COB Date: 4/20/2018

DATE OF ZONING BOARD OF APPEALS HEARING: May 21, 2018

Received from Debbie Reynolds a check in the amount of \$ 215.⁰⁰

for application filing fee, and \$ 175.⁰⁰ for deposit on frame for public hearing sign(s). 40.⁰⁰

Date Paid: 4/20/2018 Receipt Number: 6248091 - Application

6248109 - sign

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:

Ryan Jacob Gumm and Audrey J. Gumm
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0403031

(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) 27 & 28 of the District, and said property consists of a total of 21.987 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Black Oak Homes 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

358 Brooks Rd Brooks, GA
Address

Audrey J Gumm
Signature of Property Owner 2

358 Brooks Rd Brooks, GA
Address

[Signature]
Signature of Authorized Agent

103 GUTHRIE WAY, PTE, GA 30269
Address

[Signature]
Signature of Notary Public

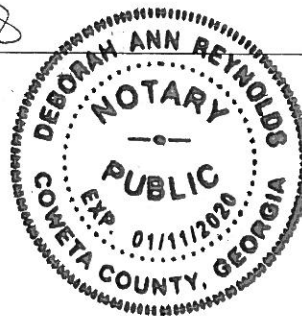
4-19-18
Date

[Signature]
Signature of Notary Public

4-19-18
Date

[Signature]
Signature of Notary Public

4-19-18
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 SUMMARY

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

Please see attached

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.

Please see attached

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

Please see attached

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

Please see attached

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.

Please 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.

Please see attached

VARIANCE SUMMARY

Due to the fact that this parcel sits on the corner of Mask Rd and Brooks Rd it has two front yards by definition. The property owner plans to partially demolish the existing home leaving less than 700 square feet for a carriage house. In addition, they plan to construct a 60' x 80' out building adjacent to the carriage house, but not attached. Due to the fact that these structures would technically be the front yard of the Mask Rd side of the new home the owner is requesting a variance. The new home and driveway is positioned as such that the "front yard" is the Brooks Rd side of the home. Therefore, the owners are requesting a variance for these structures to be located in what is typically the side yard of the house.

JUSTIFICATION OF REQUEST

- 1 This particular parcel has two front yards by definition and because of that hardship the proposed accessory structures on the property would be in the "front yard" of the Mask Rd side.
- 2 Per the ordinance, accessory structures are not permitted in front yards and due to the definition for this parcel these accessory structures that are located to the side of proposed home would not be allowed. The difficulty or hardship for the owner is created by the fact that they sit on a corner lot.
- 3 The hardship or difficulty lies within the definitions of what a front yard and side yard are for this particular parcel that sits at the corner of two roads.
- 4 If such variance is approved the structures created and constructed on this parcel would be consistent with the approved buildings for this type of parcel and would not create any detriment. In addition, the exterior appearance of said structures would be above and beyond typical or minimum requirements.
- 5 Due to the fact that Mask Rd falls on the side of the home the property owner under the literal interpretation of the Ordinance would lose their rights to construct an out building at or behind the plane created by the front of the home facing Brooks Rd.

Return to: MCMANAMY MCLEOD HELLER, LLC
3520 PIEDMONT RD, SUITE 110
ATLANTA, GA 30305
File # 17-10-5178D

Doc ID: 010279550001 Type: WD
Recorded: 12/04/2017 at 09:55:00 AM
Fee Amt: \$730.00 Page 1 of 1
Transfer Tax: \$720.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4684 PG 342

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE made this 30th day of November, 2017 between

DONALD FRANK ENDERLEIN and SHARON ENDERLEIN

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

RYAN JACOB GUMM and ~~AUDREY J. GUMM~~ AUDREY J. GUMM
as Joint Tenants With Rights 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 LOTS 27 AND 28 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, BEGIN AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF MASK ROAD (AN 80 FOOT RIGHT OF WAY) AND THE SOUTHEASTERLY RIGHT OF WAY OF BROOKS ROAD (A 60 FOOT RIGHT OF WAY); SAID POINT BEING THE POINT OF BEGINNING; THENCE PROCEED NORTH 19 DEGREES 43 MINUTES 55 SECONDS EAST A DISTANCE OF 800.00 FEET TO A POINT; THENCE NORTH 76 DEGREES 27 MINUTES 51 SECONDS EAST A DISTANCE OF 873.34 FEET TO A POINT; THENCE PROCEED SOUTH 48 DEGREES 24 MINUTES 23 SECONDS EAST A DISTANCE OF 355.56 FEET TO A POINT; THENCE PROCEED SOUTH 57 DEGREES 12 MINUTES 01 SECONDS WEST A DISTANCE OF 168.62 FEET TO A POINT; THENCE PROCEED SOUTH 00 DEGREES 17 MINUTES 39 SECONDS WEST A DISTANCE OF 637.10 FEET TO A POINT LOCATED ON THE NORTHERLY RIGHT OF WAY OF MASK ROAD (AN 80 FOOT RIGHT OF WAY); THENCE PROCEED NORTH 89 DEGREES 33 MINUTES 17 SECONDS WEST A DISTANCE OF 279.64 FEET TO A POINT; THENCE PROCEED NORTH 89 DEGREES 42 MINUTES 35 SECONDS WEST A DISTANCE OF 960.47 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT CONTAINING 22 ACRES OF LAND MORE OR LESS AS PER PAT PREPARED BY DELTA SURVEYORS, INC. FOR BILLY R. JONES AND GLORIA D. JONES, DATED SEPTEMBER 22, 1995. BEING PARCEL IDENTIFICATION NUMBER 0403 031.

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.

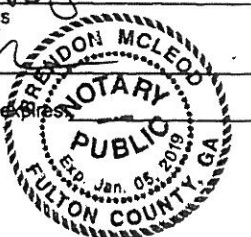
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims passing by or through Grantor.

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:

Unofficial Witness

Notary Public
My Commission Expires
[Notary Seal]



DONALD FRANK ENDERLEIN

(Seal)

SHARON ENDERLEIN

(Seal)

(Seal)

POSTING OF PROPERTY

PETITION NO: A-683-18

OWNER: Ryan and Audrey Gumm
358 Brooks Road
Brooks, Georgia
30205

LOCATION: Land Lot(s) 27 & 28 of the 4th District
Fronts on Brooks Road.

REQUEST: Variance to Section 110-79 Accessory structures and uses. (d), to allow an accessory structure ~~to remain~~ in the front yard.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.

Debra M. Sims
OFFICIAL

5 / 1 / 18
DATE

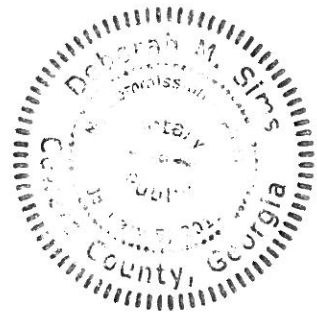
Sworn to and subscribed before me this

1st day of May, 20 18.

Debra M. Sims
NOTARY

Number of signs posted 2.

Date sign posted 5 / 1 / 18



MISCELLANEOUS PAYMENT RECPT#: 6248109
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 04/27/18 TIME: 11:00
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-683-18 (2) SIGN
CHG:
ZS-Z A-683-18 (2) SI 40.00

AMOUNT PAID: 40.00

PAID BY: RYAN & AUDREY GUMM
PAYMENT METH: CHECK
956

REFERENCE:

AMT TENDERED: 40.00
AMT APPLIED: 40.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 6248091
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 04/27/18 TIME: 10:57
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-683-18 APP
CHG:
ZA-Z A-683-18 APP 175.00

AMOUNT PAID: 175.00

PAID BY: RYAN & AUDREY GUMM
PAYMENT METH: CHECK
956

REFERENCE:

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