

**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

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
August 27, 2018  
7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on June 25, 2018.

**PUBLIC HEARING**

2. Petition No. A-685-18, Allegiance Homes, Owner, and Trent Foster, Agent requests the following: Variance to Section 110-79 Accessory structures and uses. (d), to allow an accessory structure in the front yard without a connecting breezeway, deck, or pergola. The subject property is located in Land Lot 219 of the 5<sup>th</sup> District and front(s) on Snead Road and Old Greenville Road.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Allegiance Homes, LLC  
MAILING ADDRESS: PO Box 3852 Peachtree City, GA 30269  
PHONE: (678)633 9928 E-MAIL: trantfoster@allegiancedevgroup.com  
AGENT FOR OWNERS: Trent Foster  
MAILING ADDRESS: PO Box 3852 Peachtree City, GA 30269  
PHONE: 678 633-4928 E-MAIL: trantfoster@allegiancedevgroup.com  
PROPERTY LOCATION: LAND LOT 5 LAND DISTRICT 219 PARCEL 0440 054  
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 4.785  
ZONING DISTRICT: AR  
ZONING OF SURROUNDING PROPERTIES: AR  
PRESENT USE OF SUBJECT PROPERTY: AR  
PROPOSED USE OF SUBJECT PROPERTY: AR

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-685-18

☐ Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: CB Date: 7/20/18

DATE OF ZONING BOARD OF APPEALS HEARING: August 27, 2018

Received from Allegiance Homes (Trent Foster) a check in the amount of \$ \$175.00  
for application filing fee, and \$ 90.00 for deposit on frame for public hearing sign(s). \$195.00

Date Paid: July 20, 2018 Receipt Number: 6367913 - Application  
6367917 - 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:

ALLEGIANCE HOMES LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: PARCEL 0440 054

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 219 of the District, and said property consists of a total of 4.785 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to TRINITY FOSTER 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.

Allegiance Homes LLC  
Signature of Property Owner 1

100 GLENDALE CT SE 88  
Address  
TYRONE, GA 30290

Signature of Property Owner 2

\_\_\_\_\_  
Address  
[Signature]  
Signature of Authorized Agent

PO BOX 3852 Peachtree City  
Address  
GA 30249

Signature of Notary Public

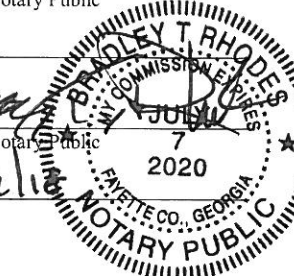
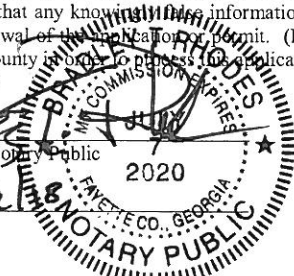
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



## VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-79(d)	No structures shall be located in the front yard w/o a connecting breezeway, deck, or pergola.	Garage located in front yard.	

## VARIANCE SUMMARY

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

We are requesting putting a detached garage with no connecting structure on a corner lot. The garage would be approximately 750 ft from Old Greenville Rd on a heavily wooded lot. The home + garage will face Sneed Rd.

### JUSTIFICATION OF REQUEST

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

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

The grade of the land and drainage leads the site to be the most effective place to put the garage & home.

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

The grade of the land and drainage would have to be altered greatly to change position of the home.

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

This is a corner lot and heavily wooded in the AR district, we do not see this ordinance and the reasons behind it to be effected by this request.

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.

There would be no harm in this to anyone.

I know there are possible changes coming to the ordinance that would make this variance unnecessary.

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

The corner lot interpretation even tho accurate is not really representative of the lot. As an entry off Old Greenville due to drainage and traffic near the intersection would be unfeasible.

Please return to:  
Lawson & Beck, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 18-LAW-0946

Doc ID: 010379470001 Type: WD  
Recorded: 05/07/2018 at 09:35:00 AM  
Fee Amt: \$145.00 Page 1 of 1  
Transfer Tax: \$125.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4739 PG 525

STATE OF GEORGIA  
COUNTY OF FAYETTE

### LIMITED WARRANTY DEED

THIS INDENTURE made this 30th day of April, 2018 between

Accent Property Solutions, LLC

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

Allegiance Homes, LLC

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, situate, lying and being in Land Lot 219 of the 5th District of Fayette County, Georgia, and being 5.11 acres of land, more or less, as per plat of survey dated October 3, 1990, prepared by C.E. Lee, Registered Land Surveyor, and being more particularly described as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, PROCEED from the original southwesterly corner of Land Lot 219 North 0 degrees 56 minutes 00 seconds West a distance of 351.3 feet to a point; running thence South 54 degrees 43 minutes 37 seconds East a distance of 328.59 feet to a point; running thence North 56 degrees 12 minutes 33 seconds East a distance of 369.39 feet to a point and the true point of beginning; from said true point of beginning, run thence North 56 degrees 12 minutes 33 seconds East a distance of 458.00 feet to a point; running thence South 51 degrees 02 minutes 13 seconds East a distance of 480.35 feet to a point, which point is located on the northwesterly right of way of Old Greenville Road (80-foot right of way); running thence in a southwesterly direction, and following along the northwesterly right of way of Old Greenville Road, the following courses and distances, to-wit: South 37 degrees 48 minutes 43 seconds West a distance of 202.00 feet and South 42 degrees 32 minutes 43 seconds West a distance of 180.66 feet to a point; running thence North 56 degrees 12 minutes 29 seconds West a distance of 611.29 feet to a point and the true point of beginning.

Said property being known as 5.11 acres on Old Greenville Road, Fayette County, Georgia.

LESS & EXCEPT:

ALL THAT TRACT or parcel of land lying and being in Land Lot 219, 4th District, Fayette County, Georgia, being more particularly described in Deed Book 3832, Page 64, Fayette County, Georgia records.

Subject to restrictive covenants and easements of record.

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

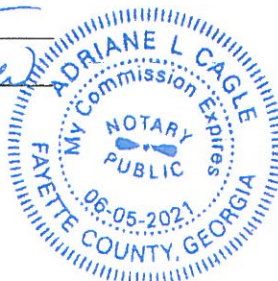
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

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

Signed, Sealed and delivered in the presence of:

Unofficial Witness

Notary Public



Accent Property Solutions, LLC

BY:

*[Signature]*

MISCELLANEOUS PAYMENT RECPT#: 6367917  
FAYETTE COUNTY, GA  
140 Stonewall Avenue, West  
BE  
FAYETTEVILLE GA 30214

DATE: 07/20/18 TIME: 13:16  
CLERK: 9597cb1a DEPT:  
CUSTOMER#: 0

COMMENT: A-685-18 (SIGN)  
CHG:  
ZS-Z A-685-18 (SIGNS 20.00

AMOUNT PAID: 20.00

PAID BY: ALLEGIANCE HOMES, LL  
PAYMENT METH: CHECK  
3758

REFERENCE:

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



MISCELLANEOUS PAYMENT RECPT#: 6367913  
FAYETTE COUNTY, GA  
140 Stonewall Avenue, West  
BE  
FAYETTEVILLE GA 30214

DATE: 07/20/18 TIME: 13:14  
CLERK: 9597cbia DEPT:  
CUSTOMER#: 0

COMMENT: A-685-18 (APP)  
CHG:  
ZA-Z A-685-18 (APP) 175.00

AMOUNT PAID: 175.00

PAID BY: ALLEGIANCE HOMES, LL  
PAYMENT METH: CHECK  
3758

REFERENCE:

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

**POSTING OF PROPERTY**

**PETITION NO:** A-685-18

**OWNER:** Allegiance Homes LLC  
P.O. Box 3852  
Peachtree City, Georgia  
30269

**LOCATION:** Land Lot(s) 219 of the 5th District  
Fronts on Old Greenville Road and Snead Road.

**REQUEST:** Variance to Sec. 110-79. - Accessory structures and uses. (d) Location on lot to allow the construction of a detached garage 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.

*C. B. (Chanelle Baire)*  
OFFICIAL

8/6/18  
DATE

Sworn to and subscribed before me this

6<sup>TH</sup> day of AUGUST, 2018.

*[Signature]*  
NOTARY



Number of signs posted 2.

Date sign posted 8/6/18.

## CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

*(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)*

- \_\_\_ 1. Application form and all required attachments, completed, signed, and notarized (if applicable).
- \_\_\_ 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- \_\_\_ 3. Fifteen (15) copies of the survey plat of the property (if larger than 11" x 17"), drawn to scale with accurate dimensions, with the following indicated:
  - \_\_\_ a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
  - \_\_\_ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
  - \_\_\_ c. Location of exits/entrances to the subject property.
  - \_\_\_ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
  - \_\_\_ e. Location of well or water lines.
  - \_\_\_ f. Location of septic tank, drainfield, and drainfield replacement area.
  - \_\_\_ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
  - \_\_\_ h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
  - \_\_\_ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
  - \_\_\_ j. Location of landscaped areas, buffers, or tree save areas (if applicable).
- \_\_\_ 4. Application filing fee.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

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MAILING ADDRESS: PO Box 3852 Peachtree City, GA 30269  
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PRESENT USE OF SUBJECT PROPERTY: AR  
PROPOSED USE OF SUBJECT PROPERTY: AR

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-685-18

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by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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100 GLENDALE CT SE 88  
Address  
TYRONE, GA 30290

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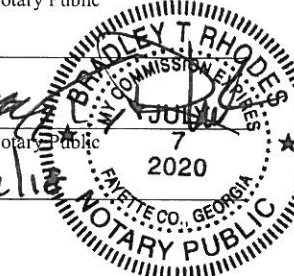
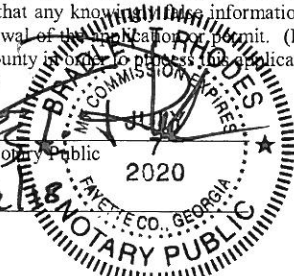
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Lawson & Beck, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 18-LAW-0946

Doc ID: 010379470001 Type: WD  
Recorded: 05/07/2018 at 09:35:00 AM  
Fee Amt: \$145.00 Page 1 of 1  
Transfer Tax: \$125.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4739 PG 525

STATE OF GEORGIA  
COUNTY OF FAYETTE

### LIMITED WARRANTY DEED

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Accent Property Solutions, LLC

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

Allegiance Homes, LLC

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).

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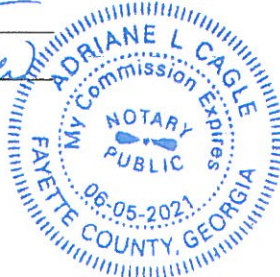
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AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

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

Signed, Sealed and delivered in the presence of:

Unofficial Witness  
Notary Public



Accent Property Solutions, LLC

BY:

MISCELLANEOUS PAYMENT RECPT#: 6367917  
FAYETTE COUNTY, GA  
140 Stonewall Avenue, West  
BE  
FAYETTEVILLE GA 30214

DATE: 07/20/18 TIME: 13:16  
CLERK: 9597cb1a DEPT:  
CUSTOMER#: 0

COMMENT: A-685-18 (SIGN)  
CHG:  
ZS-Z A-685-18 (SIGNS 20.00

AMOUNT PAID: 20.00

PAID BY: ALLEGIANCE HOMES, LL  
PAYMENT METH: CHECK  
3758

REFERENCE:

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

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DATE: 07/20/18 TIME: 13:14  
CLERK: 9597cbia DEPT:  
CUSTOMER#: 0

COMMENT: A-685-18 (APP)  
CHG:  
ZA-Z A-685-18 (APP) 175.00

AMOUNT PAID: 175.00

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PAYMENT METH: CHECK  
3758

REFERENCE:

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AMT APPLIED: 175.00  
CHANGE: .00

**POSTING OF PROPERTY**

**PETITION NO:** A-685-18

**OWNER:** Allegiance Homes LLC  
P.O. Box 3852  
Peachtree City, Georgia  
30269

**LOCATION:** Land Lot(s) 219 of the 5th District  
Fronts on Old Greenville Road and Snead Road.

**REQUEST:** Variance to Sec. 110-79. - Accessory structures and uses. (d) Location on lot to allow the construction of a detached garage 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.

*C. B. (Chanelle Baire)*  
OFFICIAL

8/6/18  
DATE

Sworn to and subscribed before me this

6<sup>TH</sup> day of AUGUST, 2018.

*[Signature]*  
NOTARY



Number of signs posted 2.

Date sign posted 8/6/18.

## CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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  - \_\_\_ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
  - \_\_\_ c. Location of exits/entrances to the subject property.
  - \_\_\_ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
  - \_\_\_ e. Location of well or water lines.
  - \_\_\_ f. Location of septic tank, drainfield, and drainfield replacement area.
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  - \_\_\_ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
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- \_\_\_ 4. Application filing fee.

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AMT APPLIED: 20.00  
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 6367913  
FAYETTE COUNTY, GA  
140 Stonewall Avenue, West  
BE  
FAYETTEVILLE GA 30214

DATE: 07/20/18 TIME: 13:14  
CLERK: 9597cbia DEPT:  
CUSTOMER#: 0

COMMENT: A-685-18 (APP)  
CHG:  
ZA-Z A-685-18 (APP) 175.00

AMOUNT PAID: 175.00

PAID BY: ALLEGIANCE HOMES, LL  
PAYMENT METH: CHECK  
3758

REFERENCE:

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



Grid North

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and(11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA)15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

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.

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.

N/F  
Edward S. Saha  
& Shirley Saha  
D.B. 3318 Pg. 435-436

#### Building Lines

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

#### Impervious Square Footage

House	2,754 Sq. Ft.
Garage	477 Sq. Ft.
Concrete	455 Sq. Ft.
Proposed Drive	2,918 Sq. Ft.

#### Closure Data

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

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

#### Legend

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

#### Surveyor's Certificate:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

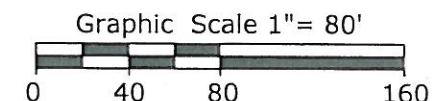
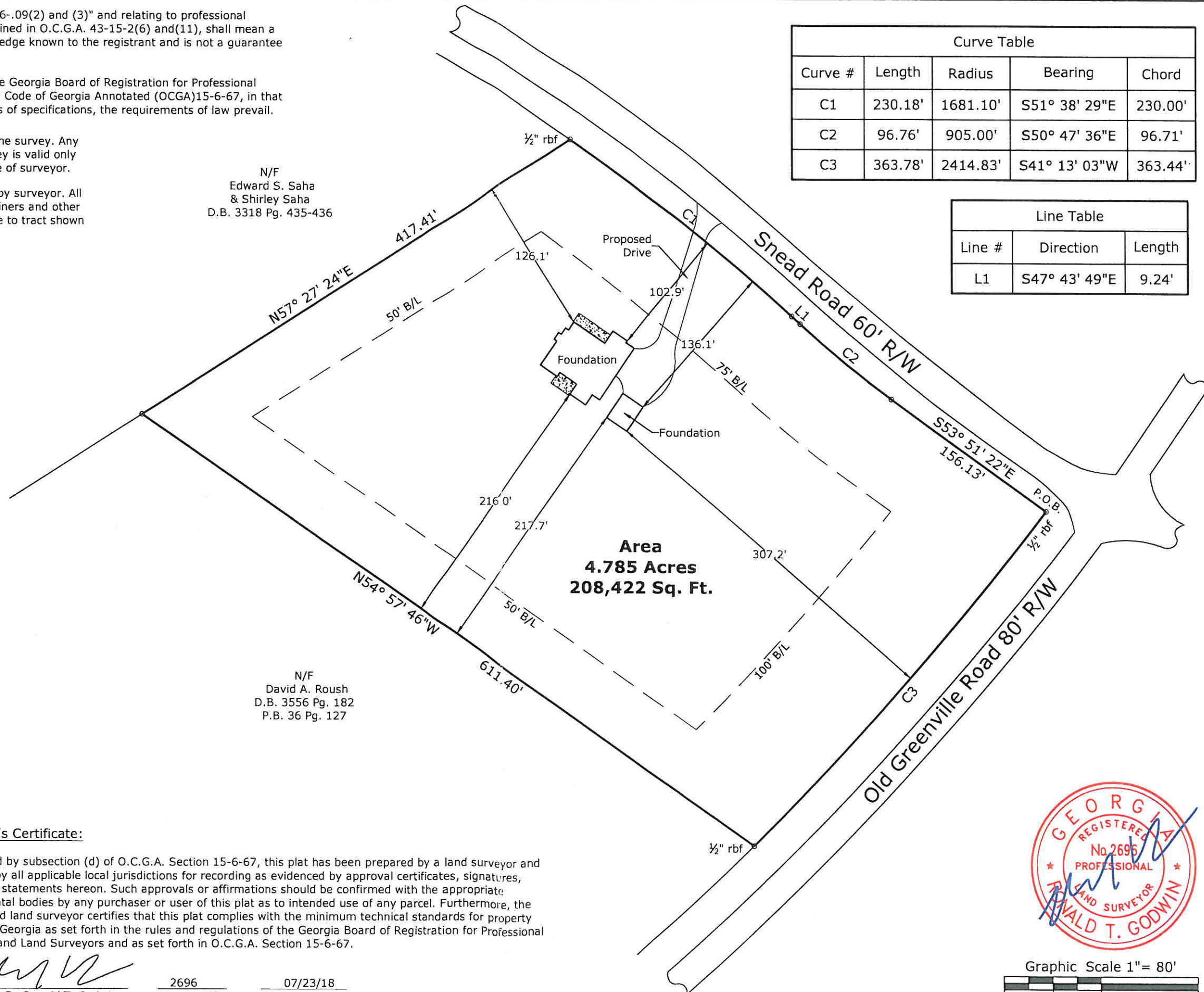
BY:   
GA R.L.S. Ronald T. Godwin

2696  
License NO.


07/23/18  
Date

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	230.18'	1681.10'	S51° 38' 29"E	230.00'
C2	96.76'	905.00'	S50° 47' 36"E	96.71'
C3	363.78'	2414.83'	S41° 13' 03"W	363.44'

Line Table		
Line #	Direction	Length
L1	S47° 43' 49"E	9.24'



FOUR CORNERS  
SURVEYING™



Page: 525

Plat/Deed Book D.B. 4739

Address: Snead Road

County: Fayette County, Georgia

District: 5th

Land Lot: 219

F.W.P.D.: 07/20/18

Date: 07/23/18

Drawn By: JCB

Job No: 18-133

Allegiance Homes LLC

Subdivision: N/A

Prepared For:

GA R.L.S. Ronald T. Godwin

2696 License NO.

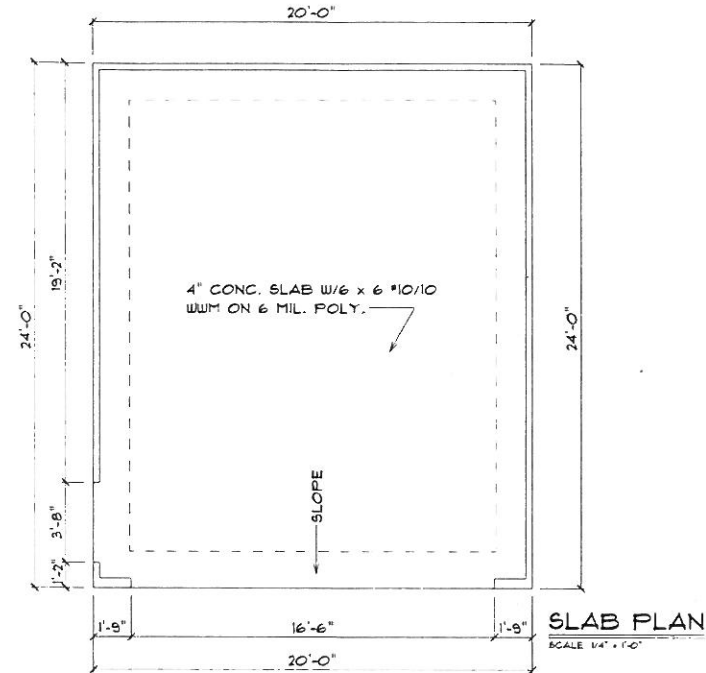
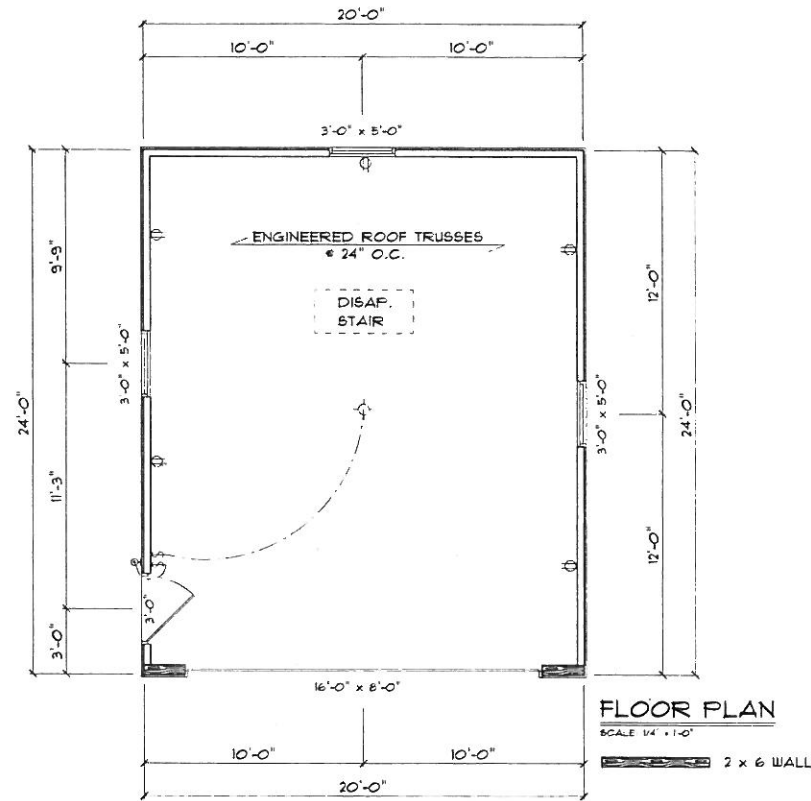
07/23/18 Date



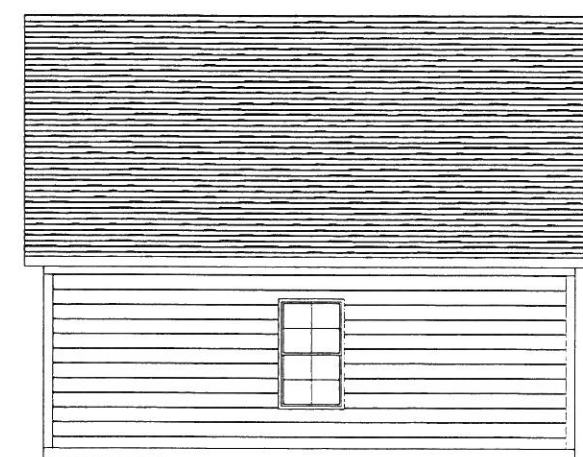
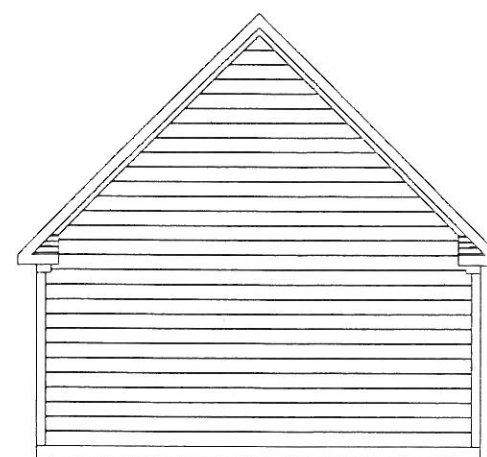
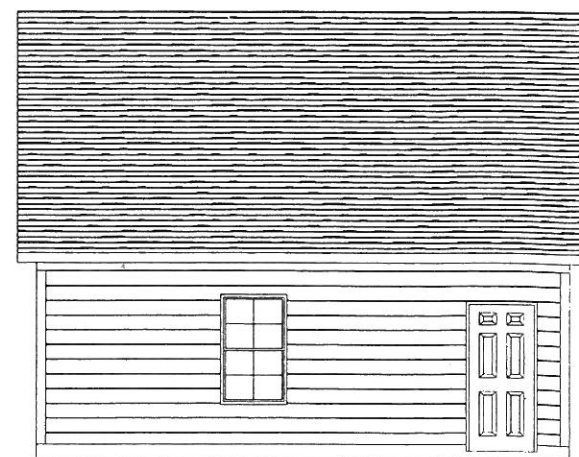
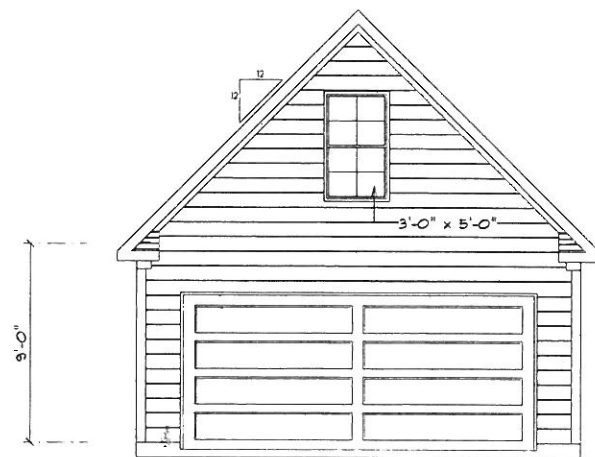
All Electrical Work to comply with  
Current Adopted Version of the  
(NEC) National Electric Code

FAYETTE  
COUNTY  
Department  
of Building  
Safety

RBLD-06-18-064748



SQUARE FOOTAGE	
GARAGE	480



These plans were prepared by Southern Classic Designs, Inc. for the purpose of obtaining a building permit from the Fayette County Department of Building Safety. The plans are not to be used for any other purpose without the written consent of Southern Classic Designs, Inc. The plans are not to be altered in any way without the written consent of Southern Classic Designs, Inc. The plans are not to be used for any other purpose without the written consent of Southern Classic Designs, Inc.

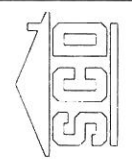
REVIEWED FOR  
CODE  
COMPLIANCE  
06/22/2018  
FAYETTE COUNTY  
Department of Building Safety  
Revision required for any  
changes from Original  
Approved Plans

ALLEGIANCE DEVELOPMENT

GARAGE

RESIDENTIAL AND COMMERCIAL ARCHITECTURE  
MATERIAL TAKE OFFS  
ARCHITECTURAL RENDERINGS  
CONSTRUCTION PROJECT MANAGEMENT

SOUTHERN CLASSIC DESIGNS  
SOUTHERN CLASSIC DEVELOPMENT  
DENNIS ARMSTRONG  
P.O. DRAWER 121  
MILNER GA. 30257  
PHONE TIO-358-1438



DATE  
5-6-18

JOB NUMBER:  
58-018

**PETITION NO. A-685-18**  
**Allegiance Homes**  
**Corner of Snead & Old Greenville Road (0440-054)**  
**Fayetteville, GA 30215**  
**Public Hearing Date August 27, 2018**

The subject property is zoned A-R and located at the corner of Snead & Old Greenville Road (0440-054), Fayetteville, GA 30215. The applicant is requesting a Variance to Sec. 110-79 Accessory structures and uses (d), to allow the construction of a detached garage in a secondary front yard without a connecting breezeway, deck or pergola.

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.

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

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

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

b. *Secondary front yard.* Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:

1. Footprint shall not exceed 900 square feet; and

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

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

- a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors.
- b. The garage shall have at least one opening for vehicular access.
- c. A separate electrical meter is not permitted, unless otherwise required per the building permits and inspections department.
- d. The garage shall be connected to the principal structure by at least one of the following:
  1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
  2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or
  3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage

**History:** According to the deed the applicant purchased the property on April 30, 2018. Records show that the survey was recorded in 2018. The single-family residence and garage are currently under construction.

As part of the permitting process for the new garage, construction plans are required. The initial construction plans showed a pergola to the new garage. The current construction plans no longer show a pergola. By removing the pergola the detached garage is not in compliance with Sec. 110-79.

The applicant provides the following information:

## **VARIANCE SUMMARY**

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

We are requesting putting a detached garage with no connecting structure on a corner lot. The garage would be approximately 450 feet from Old Greenville Road on a heavily wooded lot. The home and garage will face Snead Road.

## **JUSTIFICATION OF REQUEST**

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

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

The grade of the land and drainage leads the site to be the most effective place to put the garage and home.

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

The grade of the land and drainage would have to be altered greatly to change position of the home.

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

This is a corner lot and heavily wooded in the A-R district, we do not see the ordinance and the reasons behind it to be effected by this request.

- 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,**

There would be no harm in this to anyone. I know there are possible changes coming to the ordinance that would make this variance unnecessary.

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

The corner lot interpretation even though accurate is not really representative of the lot. As an entry off Old Greenville due to drainage and traffic near the intersection would be unfeasible.

#### **DEPARTMENTAL COMMENTS**

**ENGINEERING:** No comments.

**ENVIRONMENTAL HEALTH:** No objections to variance

**ENVIRONMENTAL MANAGEMENT:** 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-685-18**

Sneed Road

SUBJECT  
PROPERTY

Old Greenville Road

