

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

AGENDA
Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
October 22, 2018
7:00 P.M.

1. Consideration of the Minutes of the Meeting held on August 27, 2018.

PUBLIC HEARING

2. Petition No. A-686-18, Dayle Brown, Owner, requests the following: Variance to Section 110-125 A-R, Agricultural-Residential District. (d) (6) to reduce rear yard setback from 50 feet to 38 feet to allow an existing garage to remain. The subject property is located in Land Lot 9 of the 5th District and fronts on S.R. 92 South.
3. Petition No. A-687-18, Marcia E. Thomas, Owner, and Randolph Homes, LLC., Agent requests the following: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 41 feet to allow the construction of a single family residence to remain. Variance to Section 110-77. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met. The subject property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.
4. Petition No. A-688-18, Gary Sinse Foundation/Eric Hunter, Owner, requests the following: Variance to Section 110-125 A-R, Agricultural-Residential District. (d) (4) to reduce front yard setback from 75 feet to 40 feet to allow an existing single-family residence to remain. The subject property is located in Land Lot 164 of the 4th District and fronts on Evans Way.
5. Petition No. A-689-18, Brent D. & Georgianna Ragsdale, Owners, and Charles H. Jackson, Agent requests the following: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 40 feet to allow an existing single family residence to remain. The subject property is located in Land Lot 32 of the 7th District and fronts on Quarters Road.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: DAYLE E. BROWN

MAILING ADDRESS: 1440 Hwy. 92 So., FAYETTEVILLE, GA 30215

PHONE: 770.719.3839 E-MAIL: _____

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 9 LAND DISTRICT 5th PARCEL 0505032

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 7.5

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: AR, R-40

PRESENT USE OF SUBJECT PROPERTY: RESIDENCE

PROPOSED USE OF SUBJECT PROPERTY: RESIDENCE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-686-18

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 8/20/18

DATE OF ZONING BOARD OF APPEALS HEARING: October 22, 2018

Received from Victor & Stephanie Garcia a check in the amount of \$ 175.00

for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s). \$195.00

Date Paid: August 20, 2018 Receipt Number: 6407224 - Application
6407225 - 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:

DAYLE E. BROWN & HARRY R. BROWN
Please Print Names

Property Tax Identification Number(s) of Subject Property: 05-05-032

(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) 9 of the District, and said property consists of a total of 7.5 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.

Dayle E. Brown
Signature of Property Owner 1

1440 Hwy. 92 So., Fayetteville, GA
Address

Rebecca Lynn Wright
Signature of Notary Public

08/20/2013
Date

* Harry R. Brown
Signature of Property Owner 2

1440 Hwy. 92 So., Fayetteville, GA 30215
Address

Signature of Notary Public

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

* Signed by Conservator
of Harry R. Brown



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-125 A-R, Agricultural Residential District	Side yard requirement 50 feet	38 feet	12 feet
(d)(6)			

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 A VARIANCE OF 12'-0"± FOR AN EXISTING STRUCTURE (GARAGE) THAT IS CURRENTLY 38'-0"± FROM THE PROPERTY LINE. WHILE SEEKING A PERMIT TO IMPROVE THE OTHER GARAGE ON THE PROPERTY WE WERE INFORMED THAT THE OTHER STRUCTURE NEEDED TO BE 50' FROM THE PROPERTY LINE. BECAUSE WHEN THIS STRUCTURE WAS BUILT WE WERE NOT AWARE OF THE PROBLEM. WE SEEK THE VARIANCE TO COME INTO COMPLIANCE. THIS STRUCTURE IS PLACED WHERE IT DOES NOT AFFECT PROPERTY RIGHTS OF NEIGHBOR PROPERTY OWNER.

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 STRUCTURE IS 3/10'S OF MILE FROM STREET IN
REMOTE AREA; NOT VISIBLE FROM ANY OTHER PROPERTY
OWNERS HOME. IT IS CONSTRUCTED OF SAME MATERIAL
AS HOME AND CONNECTED GARAGE/GUESTHOUSE

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

THE PROPERTY OWNERS ARE IN FINANCIAL STRESS. HARRY
IS EXTREMELY ILL AND SHOULD NOT BE LEFT ALONE. DAYLE IS
UNABLE TO WORK AND LEAVE HIM ALONE. DAUGHTER'S FAMILY
MOVING IN TO HELP W/CARE AND FINANCES. NO FINANCES
AVAILABLE TO REMOVE OR TEAR DOWN.

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

GARAGE WAS PLACED INCORRECTLY. THIS PLACEMENT IS
NOT DETRIMENTAL TO ANY OTHER PROPERTY OWNERS.
IT NOW SERVES AS A PLACE FOR HARRY TO JOG HIS
MEMORIES OF VITALITY AND ENCOURAGE HIM. WHAT
MAKES THIS GARAGE EXTRAORDINARY IS HARRY'S LOVE
FOR IT.

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

THE AREA IS HEAVILY WOODED AND GARAGE IS NOT VISIBLE FROM ANY STREET. IT IS BARELY VISIBLE FROM GOOGLE MAPS. FROM ABOVE PROPERTY, WOULD NOT BE A DETRIMENT TO ANY PUBLIC GOOD OR PURPOSE.

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

OTHERS IN THE SAME ZONING AREA MAY APPEAL FOR A VARIANCE WHEN STRUCTURE IS IN VIOLATION ALSO. A LITERAL INTERPRETATION (WHICH DOES NO HARM TO OTHERS) WOULD CAUSE FINANCIAL HARDSHIP, EMOTIONAL DISTRESS TO A 80 YR. OLD CRITICALLY ILL MAN;

IN THE PROBATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA

IN RE:

HARRY RONALD BROWN,
WARD
FEBRUARY 21, 1938,
DATE OF BIRTH

)
)
)
)
)
)

ESTATE NO. 18-14259

LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP OF ADULT WARD

FROM: the Judge of the Probate Court of said County

TO: DAYLE EMARY BROWN, Guardian(s) and Conservator(s)

The above-named adult ward has been found by this Court to be in need of a guardian and conservator, and this Court has entered an order designating you as such guardian(s) and conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your powers and duties are to protect and maintain the person and property of the ward.

Special Instructions:

1. It is your duty to see that your ward is adequately fed, clothed, sheltered and cared for, and that your ward receives all necessary medical attention.
2. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
3. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
4. You may not spend any of your ward's funds for any purpose, except as set forth in the court approved budget, without a court order.
5. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within sixty (60) days of each anniversary date of these Letters, an annual return showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.

6. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
7. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
8. Within sixty (60) days after appointment and within sixty (60) days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
 - (a) A description of your ward's general condition, changes since the last report, and needs;
 - (b) Your recommendations for any alteration in the guardianship and/or conservatorship order; and
 - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the 15 day of May, 2018.


Judge of the Probate Court

[NOTE: The following must be signed if the judge does not sign the original of this document:]

ANN S. JACKSON, JUDGE
FAYETTE COUNTY PROBATE COURT

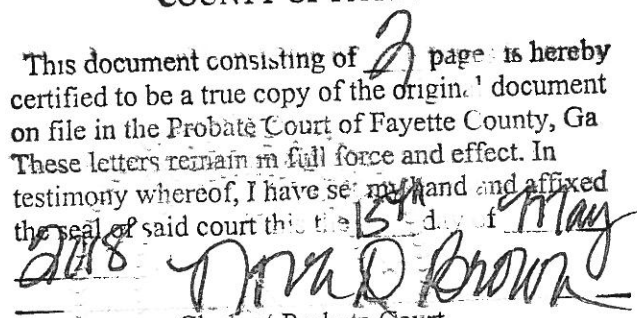
Issued by:

Clerk of the Probate Court

(Seal)

Certificate of Copy
STATE OF GEORGIA
COUNTY OF FAYETTE

This document consisting of 2 page is hereby certified to be a true copy of the original document on file in the Probate Court of Fayette County, Ga. These letters remain in full force and effect. In testimony whereof, I have set my hand and affixed the seal of said court this 15th day of May 2018.


Clerk of Probate Court
Fayette County, Ga.

**PROBATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA**

IN RE:)	ESTATE NO. 18-14259
)	
HARRY RONALD BROWN,)	PETITION FOR APPOINTMENT
PROPOSED WARD)	OF A GUARDIAN AND
)	CONSERVATOR FOR A PROPOSED
)	WARD

FINAL ORDER

A hearing was held on the above-referenced petition on May 15, 2018 and after considering the pleadings, the evaluation report and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. §29-4-11 and O.C.G.A. §29-5-11 have been met. The proposed ward was present at the hearing and represented by court appointed counsel James Dalton. Petitioners Dayle Emary Brown and Stephanie Brown Garcia were present and appeared pro se.

2.

The proposed ward is in need of a guardian and conservator by reason of physical and mental disability. Such need appears to be permanent.

3.

The proposed ward has Social Security income of which the petitioner is the representative payee and owns an interest in real property located in Fayette County, Georgia.

4.

Petitioner moved the Court to be appointed guardian and conservator asserting she should serve because she is the wife of the proposed ward, has been taking care of the proposed ward during his decline the past few years. No objection to her appointment has been filed by the children of the proposed ward. The proposed ward consents to her appointment.

CONCLUSIONS OF LAW

The Court finds, by clear and convincing evidence, that the above-named proposed ward, hereinafter referred to as "the ward," is in need of a guardian and conservator because he lacks the capacity to make or communicate significant responsible decisions concerning his health, safety and the management of his assets. The duration of the guardianship and conservatorship is permanent.

Therefore it is ORDERED that Dayle Emary Brown be, and hereby is, appointed guardian and conservator. Letters of guardianship and conservatorship shall issue upon taking the required oath. There being no personal property (anything other than real estate) in the estate no bond is required at this time. If the conservator receives any personal property she must immediately notify the court and adequate bond will be ordered. **The appointed guardian and conservator shall have no authority to act on behalf of the ward until Letters of Guardianship and Conservatorship have issued.**

IT IS FURTHER ORDERED that due to the appointment of a guardian, this Order REMOVES from the ward the power to:

- a. Contract marriage;
- b. Make, modify, or terminate other contracts;
- c. Consent to medical treatment;
- d. Establish a residence or dwelling place;
- e. Change domicile;
- f. Revoke a revocable trust established by the ward;
- g. Bring or defend any action at law or equity, except an action relating to the guardianship.

IT IS FURTHER ORDERED that due to the appointment of a conservator, this Order REMOVES from the ward the power to:

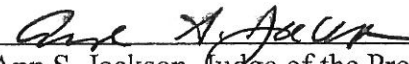
- a. Make, modify, or terminate contracts; other than the power to contract marriage;

- b. To buy, sell, or otherwise dispose of or encumber property;
- c. Enter into or conduct other business or commercial transactions;
- d. Revoke a revocable trust established by the ward;
- e. Bring or defend any action at law or equity, except an action relating to the conservatorship.

IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file with the certificate of creation of conservatorship in accordance with O.C.G.A. §29-5-13(d) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the ward, his attorney, the guardian/conservator, her attorney, and the individuals listed in paragraphs 6, 7, and 8 of the Petition.

SO ORDERED this the 15th day of May, 2018.


Ann S. Jackson, Judge of the Probate Court

CERTIFICATE OF MAILING OF FINAL ORDER

ESTATE NO. 18-14259

I have this date mailed (or handed) a copy of the above Order to the ward, his attorney, the guardian/the conservator, the co-petitioner and the interested persons shown in paragraphs 6, 7, and 8 of the petition.

5.15.18
DATE


PROBATE CLERK/DEPUTY CLERK

Purchaser: Dayle F. Brown & Harry Brown

Property: 1440 Highway 92 South
Fayetteville, Georgia 30214

FILED & RECORDED
FAYETTE COUNTY, GA.

R.D. JONES, P.C.
211 PRIME POINT CENTER
BUILDING #2, SUITE D
PEACHTREE CITY, GEORGIA 30259

LIMITED WARRANTY DEED

'97 MAY 23 PM 12 21

W.A. BALLARD, CLERK

STATE OF Connecticut
COUNTY OF Fairfield

THIS INDENTURE, made this 30th day January, 1997, in the year of our Lord
One Thousand Nine Hundred and Ninety-Six, between **FEDERAL HOME LOAN MORTGAGE
CORPORATION**, party of the first part; and **DAYLE E. BROWN & HARRY BROWN**, party
of the second part.

WITNESSETH; that the said party of the first part, for and in consideration of the sum of
TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid
at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged
has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey
unto the said party of the second part, his, successors and assigns:

SEE EXHIBIT 'A' LEGAL DESCRIPTION,
ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the
rights, members and appurtenances thereof, to the only proper use, benefit and behoof of the said
party of the second part, his, successors and assigns, forever, IN FEE SIMPLE.

And the said party of the first part, for its successors and assigns, will warrant and forever
defend the right and title to the above described property unto the said party of the second part, his
heirs and assigns, against the lawful claims of all persons claiming by, through or under the party of
the first part, but not otherwise

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and affixed
its seal the day and year first above written.

(CORPORATE SEAL)

Signed, sealed and delivered
in the presence of:

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 5.23-90
DATE 5-23-90
W.A. Ballard
CLERK OF SUPERIOR COURT

By **Federal Home Loan Mortgage Corporation**
By **Prudential Residential Services**
Limited Partnership
Its Attorney-in-fact
By: **Prudential Homes Corporation**
Its General Partner

Jennifer Brown
Witness

By: Sharon A. Ciotti

Title: Assistant Secretary

Sharon A. Ciotti
Notary Public

SHARON A. CIOTTI
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2001

BOOK **1151** PAGE **385**

BOOK 1151 PAGE 386

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 9, 5th District, Fayette County, Georgia, being 7.5+ acres, as per plat thereof recorded in Plat Book 5, page 84, Fayette County Records, which plat is incorporated herein by reference for a more complete and accurate description of the property.

MISCELLANEOUS PAYMENT RECPT#: 6407225
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 08/20/18 TIME: 13:10
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-686-18 SIGN
CHG:
ZS-Z A-686-18 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: VICTOR & STEPHANIE G
PAYMENT METH: CHECK
4201

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6407224
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 08/20/18 TIME: 13:08
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-686-18 APP
CHG:
ZA-Z A-686-18 APP 175.00

AMOUNT PAID: 175.00

PAID BY: VICTOR & STEPHANIE G
PAYMENT METH: CHECK
4201

REFERENCE:

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

POSTING OF PROPERTY

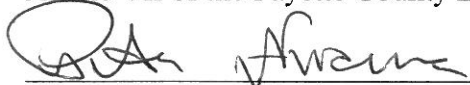
PETITION NO: A-686-18

OWNER: Dayle E. Brown
1440 S.R. 92 South
Fayetteville, Georgia
30215

LOCATION: Land Lot(s) 9 of the 5th District
Fronts on S.R. 92 South.

REQUEST: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 38 feet to allow an existing garage to remain.

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

10/5/18

DATE

Sworn to and subscribed before me this

5 day of OCTOBER, 2018.



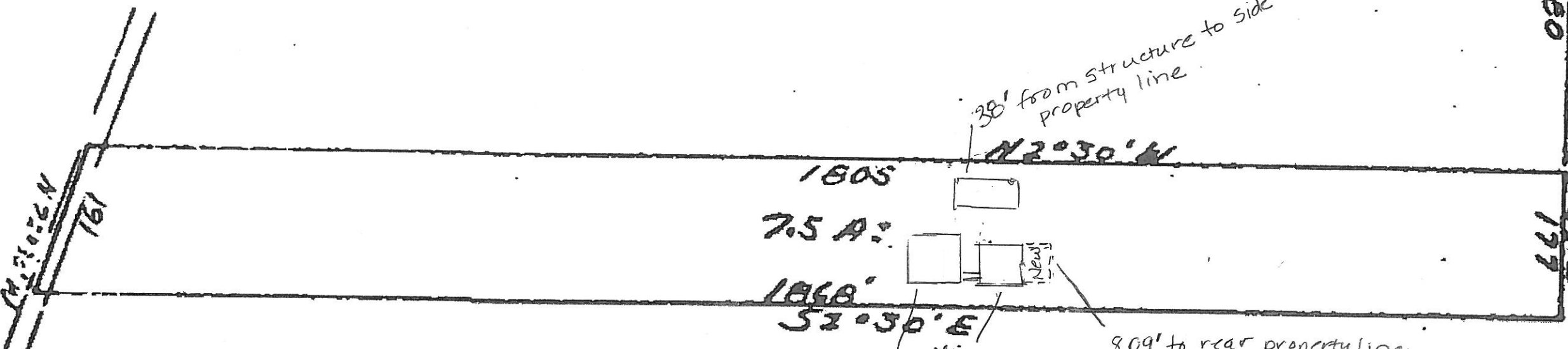
NOTARY



Number of signs posted 2.

Date sign posted 10/5/18.

5 14 24
 449 1280
 5899' E
 177



It is a correct representation of the land plotted and has been
 city with the minimum standards and requirements of law.

GEORGIA
 COUNTY FAYETTE
 CITY
 SURVEY FOR
 PROPERTY OF
 LAND DIST. 5TH LAND
 SCALE: 1" = 200' FT. DATE
 LEE ENGINEERING CO.
 C. E. LEE, SURVEYOR, REG. 1079

Page 84
 Recorded 8-23-1969 W. A. Ballard, Clerk

PETITION NO. A-686-18
Dayle E. Brown
1440 Highway 92 South
Fayetteville, GA 30215
Public Hearing Date October 22, 2018

The subject property is located at 1440 Highway 92 South, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 38 feet to allow an existing garage to remain.

History: A survey for the property was recorded on August 23, 1969 in Plat Book 5 and Page 84. The subject property is 7.5 acres. Tax Assessor's records indicate that the house was built in 1987 and according to the deed the applicant purchased the property in 1997.

As part of the permitting process for a building permit, a survey is required. Through the survey staff discovered the violation. The survey given for the building permit shows the garage foundation 39 feet from the property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

We are requesting a variance of 12 feet for an existing structure (garage) that is currently 38 feet from the property line.

While seeking a permit to improve the other garage on the property, we were informed that the other structure needed to be 50 feet from the property line, because when this structure was built, we were not aware of the problem.

We seek the variance to come into compliance. This structure is placed where it does not affect property rights of neighboring property owner.

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 structure is 3/10ths of a mile from street in remote area; not visible from any other property owner's home. It is constructed of same material as owner's home and connected garage/guesthouse.

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

The property owners are in financial stress. Harry is extremely ill and should not be left alone. Dayle is unable to work and leave him alone. Daughter's family moving in to help w/ care and finances. No finances available to remove or tear down.

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

Garage was placed incorrectly. This placement is not detrimental to any other property owners. It now serves as a place for Harry to jog his memories of vitality and encourage him. What makes this garage extraordinary is Harry's love for it.

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

The area is heavily wooded and garage is not visible from any street. It is barely visible from Google maps from above property. Would not be a detriment to any public good or purpose.

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

Others in the same zoning area may appeal for a variance when structure is in violation also. A literal interpretation, (which does no harm to others) would cause financial hardship, emotional distress to an 80 year old critically ill man.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

ENVIRONMENTAL HEALTH: No comments.

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.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Marcia E. Thomas

MAILING ADDRESS: _____

PHONE: (404) 786-9712 E-MAIL: _____

AGENT FOR OWNERS: Randolph Homes LLC

MAILING ADDRESS: 421 Quarters Road, Fayetteville, GA 30215

PHONE: (770) 560-8466 E-MAIL: randolphhomes@Bellsouth.net

PROPERTY LOCATION: LAND LOT 85 LAND DISTRICT 7th PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 8.946

ZONING DISTRICT: 7th

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: VACANT LAND

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residence 1458 sf

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-687-18

☒ Application Insufficient due to lack of:

by Staff:  Date: 9/10/18

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: October 22, 2018

Received from Randolph Homes a check in the amount of \$ 220.00

for application filing fee, and \$ ~~100~~ 200.00 for deposit on frame for public hearing sign(s). \$200

Date Paid: 9/10/18 Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Marcia E. Thomas

Please Print Names

Property Tax Identification Number(s) of Subject Property: PART of 0722-081

(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) 85 of the District, and said property consists of a total of 8.946 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Randolph Homes LLC 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.

Marcia E. Thomas
Signature of Property Owner 1

729 Derek Pl.
Address

Locust Grove, Ga.
Signature of Property Owner 2 30248

Address

Randolph Homes LLC
Signature of Authorized Agent

John Randolph
Address 421 Quarters Road
Fayetteville Ga 30215

[Signature]
Signature of Notary Public

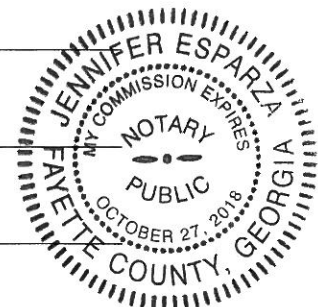
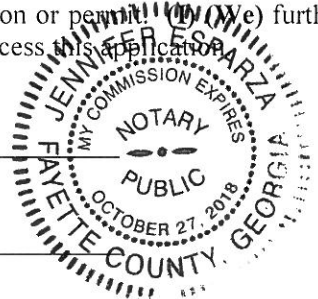
8/17/18
Date

Signature of Notary Public

Date

[Signature]
Signature of Notary Public

8/17/18
Date



421 Quarters Road
Fayetteville, GA 30215
770-486-8082 - Office / Fax



Randolph.Homes@bellsouth.net
RandolphHomes.net

September 17, 2018

- 1a. The property has a "dog leg" approximately 375' from the road. The property does not expand to more than 250' according to the plat until reaching that "dog leg". The 250' line was placed but not parallel to the street frontage. According to Article 1 of the code of ordinances, the line should be place parallel to the street. When place parallel to the street, the house is within the 250' setback. This can be resolved by re-platting.
- 1b. Due to the existence of the flood plain, the house needs to be placed where it is to provide sufficient distance from it. Bank will not allow construction to continue without variance. Once home is closed and CO is issued, a property swap between sisters and re-platting will correct distance to side-line. Re-platting for both the 250' setback and 50' side building line will be done as one re-plat.
2. The placement of the house was done to allow greater clearance to the flood plain line plus to minimize the cost of a lengthy driveway (over 375').
3. The above conditions are peculiar to this piece of property due to it's shape and proximity to a flood plain area.
4. There would be no detriment to adjoining properties or impairment of purpose ^{To} ~~as~~ the adjoining properties.
5. Property can be re-platted to meet all requirements of similar sized lots.

Return to: Warner, Hooper & Ramsey
900 Westpark Drive - Suite 210
Peachtree City, Georgia 30269

Doc ID: 010043890003 Type: QCD
Recorded: 12/12/2016 at 03:00:00 PM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4546** PG **231-233**

STATE OF GEORGIA

COUNTY OF FAYETTE

**DEED PREPARED WITHOUT
TITLE EXAMINATION**

QUITCLAIM DEED
(Confirming Title Already Vested)

THIS INDENTURE made this 6th day of December 2016, between, KATHERINE THOMAS RICE, MARYANNE THOMAS and MICHAEL MAURICE THOMAS, as party of the first part ("Grantors"), and MARCIA ELIZABETH THOMAS, as party of the second part ("Grantee"). (The words "Grantors" and "Grantee" are to include their respective transfers, successors and assigns where the context requires or permits.)

WITNESSETH that: Grantors, in consideration of one dollar (\$1.00) in hand paid at and before the sealing and delivery of these presents, and other good and valuable consideration, the receipt and sufficiency of which being hereby acknowledged by Grantors, by these presents do hereby remise, convey and forever QUITCLAIM unto Grantee all of their right, title and interest in the following described property:

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia, being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

The purpose of this Quitclaim Deed is to clear title to the property described herein. Ernest Edgar Thomas is deceased, and his Will was probated in the Probate Court of Fayette County, Georgia, with Letters Testamentary issued to Katherine Thomas Rice, Executor, on June 16, 2016. Ernest Edgar Thomas was predeceased by his wife and died leaving four children in life and had no

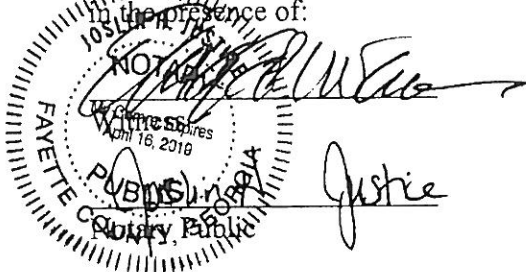
Book: 4546 Page: 231 Seq: 1

predeceased children. While the Executor is authorized to convey property from the estate, the purpose of this Quitclaim Deed is to release to the Grantee any and all interest of the siblings of the Grantee so that there will be no question as to the quality of the title of the Grantee herein. This Quitclaim Deed is given concurrent with execution, delivery, and recording of an Executor's Deed from Katherine Rice, Executor, to the Grantee herein.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantors nor any person or persons claiming under Grantors shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

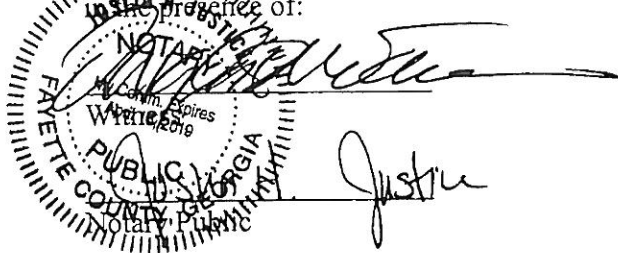
IN WITNESS WHEREOF, Grantors have signed and sealed this deed, the day and year first above written.

Signed, sealed, and delivered
in the presence of:



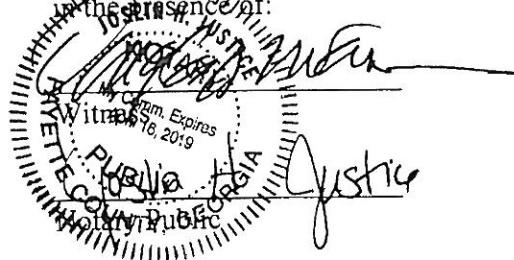
Katherine T. Rice (SEAL)
Katherine Thomas Rice

Signed, sealed, and delivered
in the presence of:



MaryAnne Thomas (SEAL)
MaryAnne Thomas

Signed, sealed, and delivered
in the presence of:



Michael Maurice Thomas (SEAL)
Michael Maurice Thomas

EXHIBIT "A"

Legal Description

8.946 Acre Tract:

All that tract or parcel of land lying and being in Land Lot 85 of the 7th District of Fayette County, Georgia, being more particularly described as follows:

To find the true point of beginning, commence at a point formed by the intersection of the southerly right-of-way of Swanson Road (80-foot right-of-way) with the existing southwesterly right-of-way of Ellison Road (80-foot right-of-way); run thence southeasterly along the southwesterly right-of-way of Ellison Road a distance of 138.49 feet to the point of beginning; running thence southeasterly along the southwesterly right-of-way of Ellison Road a distance of 228.97 feet to a point; running thence south 31 degrees 14 minutes 58 seconds west a distance of 374.99 feet to a point; running thence south 03 degrees 11 minutes 53 seconds west a distance of 150.00 feet to a point; running thence south 05 degrees 30 minutes 20 seconds east a distance of 654.83 feet to a point; running thence north 89 degrees 09 minutes 45 seconds west a distance of 481.48 feet to an iron pin; running thence north 12 degrees 22 minutes 24 seconds east a distance of 827.71 feet to a point; running thence north 32 degrees 06 minutes 40 seconds east a distance of 578.45 feet to the point of beginning; said tract containing 8.946 acres (389,696 square feet), as per plat of survey prepared for Marcia E. Thomas, dated August 4, 2016, by Jonathan B. Prince, Registered Land Surveyor, Certificate No. 3244, Job No. 071916RI-Tract 9RI; which plat is recorded in Plat Book 50, Page 61, Records of the Clerk of the Superior Court of Fayette County, Georgia, and which plat is hereby incorporated herein by reference.

MAP ID#: Part of 0722-081

STATE WATERS
URBED BUFFER

50' WATERSHED
SETBACK
AS MEASURED FROM
THE BUFFER

3
ER

SHED
(TO BE REMOVED)

IPF 1/2" RB

250' LOT WIDTH
B/L

POND
100 YR. ELEV. -944'

APPROX. 100YR.
FLOODLINE

FORM BOARDS
F.F.E. = 959.2'
LIMIT OF STUDY
Pacolet

OUT FLOOD

IN FLOOD

APPROX. C/L CREEK

IN FLOOD

3 PARCEL OR
R CREATE A
AL PROPERTY
F THE
ENTS WHICH
HEREON.
APPROVAL
OF PERMITS,
UIREMENTS,
THE LAND.
OR CERTIFIES
TECHNICAL
A AS SET
IE GEORGIA
ENGINEERS AND
S.A. SECTION

TRACT 2

TOTAL AREA:
8.946 ACRES
389,696 SQ.FT.
CONTIGUOUS AREA
4.091 ACRES
178,218 SQ.FT.

DB 4546 PG 231
ZONE A-R
TAX ID #:

N 12°22'24"E

50' B/L

827.71'

50' B/L

150.00'

41.3'

113.3'

N 32°06'40"E
578.45'

N 31°57'58"E
210.36'

S 57°55'20"E
210.17'

S 57°58'23"E
207.58'

PREPARED BY:
J.B. PRINCE & ASSOCIATES, INC.
LAND SURVEYORS
110 NORTH BERRY STREET
STOCKBRIDGE, GA., 30281
PHONE # (770-957-4614)

BASED ON THE INFORMATION SHOWN ON
THE FLOOD HAZARD BOUNDARY MAPS
FURNISHED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY, IT IS MY OPINION
THAT THIS PROPERTY IS OUTSIDE OF
THE 100 YR FLOOD HAZARD AREA.
PANEL # 13113C CORRE
EFFECTIVE DATE 09-26-2008

THIS SURVEY WAS PREPARED WITHOUT THE
BENEFIT OF A TITLE COMMITMENT.
THEREFORE ALL EASEMENTS AND MATTERS
OF RECORD MAY NOT BE SHOWN HEREON.

*THE SURVEY WAS PREPARED IN CONFORMITY
WITH THE TECHNICAL STANDARDS FOR
PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN CHAPTER 180-7 OF THE RULES
OF THE GEORGIA BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS AND AS SET FORTH IN THE
GEORGIA PLAT ACT O.C.G.A. 15-6-67.*



Doc ID: 010217910903 Type: PLAT
Recorded: 09/01/2017 at 12:20:00 PM
Pay Amt: \$24.00 Page 1 of 3
Fayette, Ga. Clerk Superior Court
Shella Staudard Clerk of Court
BK 50 PG 61-63

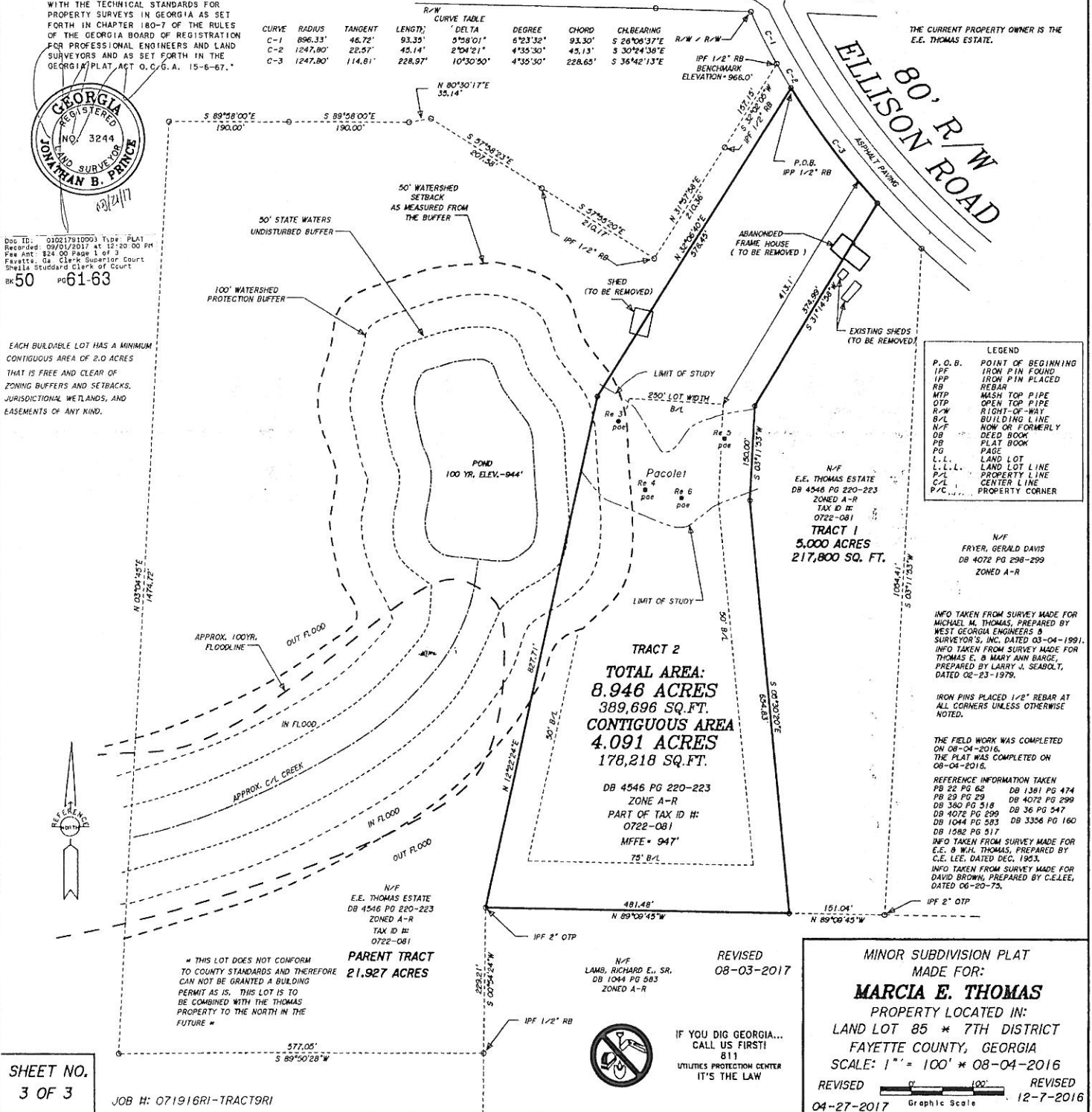
EACH BUILDABLE LOT HAS A MINIMUM
CONTIGUOUS AREA OF 2.0 ACRES
THAT IS FREE AND CLEAR OF
ZONING BUFFERS AND SETBACKS,
JURISDICTIONAL WETLANDS, AND
EASEMENTS OF ANY KIND.

THIS MAP OR PLAT HAS BEEN CALCULATED
FOR CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT 1,000,000+ FEET.

THE FIELD DATA UPON WHICH THIS SURVEY
IS BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 16,330 FEET AND ANGULAR
ERROR OF 00'00'00" PER ANGLE POINT
AND WAS ADJUSTED USING LEAST SQUARES RULE.

THE EQUIPMENT USED TO
MAKE THIS SURVEY WAS A
TOPCON GTS 3030 TOTAL STATION.

THE CURRENT PROPERTY OWNER IS THE
E.E. THOMAS ESTATE.



MISCELLANEOUS PAYMENT RECPT#: 6438711
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/12/18 TIME: 14:10
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-687-18 SIGN
CHG:
ZS-Z A-687-18 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: RANDOLPH HOMES, LLC
PAYMENT METH: CHECK
1074

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6438709
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/12/18 TIME: 14:05
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-687-18 APP
CHG:
ZA-Z A-687-18 APP 200.00

AMOUNT PAID: 200.00

PAID BY: RANDOLPH HOMES, INC
PAYMENT METH: CHECK
1074

REFERENCE:

AMT TENDERED: 200.00
AMT APPLIED: 200.00
CHANGE: .00

POSTING OF PROPERTY

PETITION NO: A-687-18

OWNER: Marcia E. Thomas
Ellison Road
Fayetteville, Georgia
30215

LOCATION: Land Lot(s) 85 of the 7th District
Fronts on Ellison Road.

REQUEST: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 41 feet to allow the construction of a single family residence to remain.

Variance to Section 110-77. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met.

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

10/5/18

DATE

Sworn to and subscribed before me this

5TH day of OCTOBER, 20 18.



NOTARY



Number of signs posted _____.

Date sign posted _____.

PETITION NO. A-687-18
Marcia E. Thomas
574 Ellison Road
Tyrone, GA 30290
Public Hearing Date October 22, 2018

The subject property is located at 574 Ellison Road, Tyrone, GA 30290 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 41 feet to allow the construction of a single family residence to remain.

Variance to Section 110-77. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met.

History: The Minor Subdivision Plat was recorded on September 1, 2017. The subject property was platted as an 8.946 acre lot. Tax Assessor's records indicate that construction on the single family residence began in 2018 and according to the deed the applicant purchased the property in 2016.

As part of the permitting process for a building permit for a single family residence, a foundation survey is required. Through the survey staff discovered the violation. The survey given for the building permit showed the single family residence foundation 41 feet from the side property line. It also showed the single-family residence foundation encroaching where the front setback and the lot width meet.

Staff approved a Minor Subdivision Plat for Marcia Thomas in 2017 with the lot width running in a straight line instead of running parallel to the road please see attached documents.

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.

Left front corner of foundation is 8 ½ feet too close to property line. Right front corner of foundation is over 250' width requirement lines as shown on most recent plat. 250' line was drawn incorrectly. According to Code of Ordinances, the 250' line is to run parallel to the street that the property faces. When correctly drawn foundation is within the 250' requirement.

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.**

Present house location was used to insure maximum distance from 100 year flood plain.

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

The encroachment to the building setback was discovered upon completion of foundation location survey. The correction would involve replacing entire foundation.

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

House was located in present location to take advantage of favorable soil conditions for septic system.

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

The house as located would not cause any detriment to the public good or impair the purposes and intent of the regulations. The properties on either side are owned by siblings of the same family.

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

Other properties have been granted variances in the district while having the same or very similar circumstances.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

ENVIRONMENTAL HEALTH: No comments.

ENVIRONMENTAL MANAGEMENT:

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

WATER SYSTEM: No conflict.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: GARY SINSE FOUNDATION / ERIC HUNTER

MAILING ADDRESS: 295 EVANS WAY, FAYETTE COUNTY, GA

PHONE: 931 809-2823 E-MAIL: 30215

AGENT FOR OWNERS: HAMLIN CONSTRUCTION INC. 770 616-0613

MAILING ADDRESS: 2360 HUCKLEBERRY LANE, LITHIA SPRINGS GA

PHONE: 770 616-0613 E-MAIL: hamlincomp@yahoo.com 30122

PROPERTY LOCATION: LAND LOT 164 LAND DISTRICT 4th PARCEL 13

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 14.214

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: S.A.A.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-688-18

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 9/10/2018

DATE OF ZONING BOARD OF APPEALS HEARING: October 22, 2018

Received from Hamlin Construction Inc. a check in the amount of \$ 195⁰⁰

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

Date Paid: 9/10/2018 Receipt Number: 6438708-Sign
6438707-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:

SARY SINISE FOUNDATION

Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 164 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 14.214 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to PEBB R. HAMCIN 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

[Signature]
Signature of Notary Public

Address

Date

[Signature]
Signature of Property Owner 2

Signature of Notary Public

Address

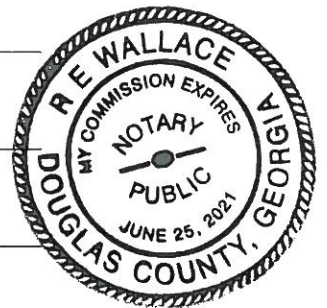
Date

Signature of Authorized Agent

[Signature]
Signature of Notary Public

Address

Date



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:

Gary Srinse Foundation

Please Print Names

Property Tax Identification Number(s) of Subject Property: 043601013

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 14.21 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.

Judith L. Otter
Judith L. Otter, Executive Director
Signature of Property Owner 1

Kimberly M. Payne
Signature of Notary Public

Address

September 13, 2018
Date

Signature of Property Owner 2

Signature of Notary Public

Address

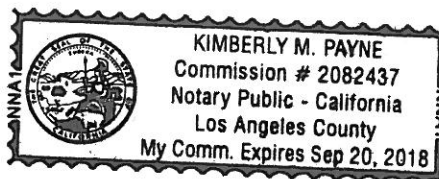
Date

Signature of Authorized Agent

Signature of Notary Public

Address

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
SET BACK AS OF 7-11-18	75' BUILDING SET BACK	40' SET BACK	47 %
IF CHANGED TO 50' @ SEPT. MEETING.	50' BUILDING SET BACK	40' SET BACK	20 %

VARIANCE SUMMARY

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

ASKING FOR A VARIANCE TO BUILDING SET BACK SO AS NOT TO ENCRACH ON NEIGHBORS PROPERTY LINE. THE HOME WAS STAKED OUT 75' AWAY ORIGINALLY BUT WHEN THE HOUSE WAS ROTATED SO AS TO FACE TOWARDS THE DRIVEWAY APPROACH IT WAS NOT MOVED DOWN HILL AWAY FROM PROPERTY LINE CAUSING THE HOME TO BE 40' FROM PROPERTY LINE - AS IT SITS CURRENTLY.

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.

IT IS A LARGE FLAG LOT (14.1 ACRES)
IT JOINS A 5 ACRE LOT, PLENTY OF SPACE
SEPARATING THE TWO COMPLETED HOMES

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

THE STRUCTURE WAS BUILT COMPLETELY TO
MOVE IN READY STAGE BEFORE ERROR
WAS CAUGHT.

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

WE DID HAVE THE HOME PLACED AS
CLOSE AS POSSIBLE ORIGINALLY BECAUSE OF THE
LOW LYING LAND - MOVED UP TO THE
'HIGH GROUND' SINCE THE LAND IS SO FLAT.

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.

WOULD NOT - THE SPIRIT OR PURPOSE OF THE ORDINANCE IS TO KEEP COMFORTABLE SPACE BETWEEN HOMES - BOTH HOMES ARE COMPLETE & AMPLE ROOM EXISTS BETWEEN STRUCTURES

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

A FORTY FOOT BUILDING SET BACK WOULD NOT BE OUT OF THE ORDINARY BECAUSE THIS HOME SETS APPROX. 1000' OF THE PAVED RD. BEING A "FLAG LOT."

Please return to Raymer Law Group, LLC • Post Closing
5775-D Glenridge Drive
Suite 150
Atlanta, GA 30328
File # 17081201

SINISE, GARY

Doc ID: 010245000001 Type: WD
Recorded: 10/06/2017 at 09:25:00 AM
Fee Amt: \$135.00 Page 1 of 1
Transfer Tax: \$125.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4663** PG **285**

STATE OF GEORGIA
COUNTY OF **Henry**

LIMITED WARRANTY DEED

THIS INDENTURE made this 20th day of September, 2017, between

James C. Evans Jr. ,

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

Gary Sinise Foundation, a Delaware Non-Profit Corporation ,

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 LOT, TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOT 164 OF THE 4TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY SHOWN AND DESIGNATED AS TRACT 13, CONTAINING 14.21 ACRES, AS SHOWN ON A PLAT OF SURVEY ENTITLED "FINAL PLAT OF REDBUD ESTATES", PREPARED BY CONKLE-LANE & ASSOCIATES, DATED FEBRUARY 6, 1995, RECORDED IN PLAT BOOK 26, PAGES 31, 32, FAYETTE COUNTY SUPERIOR COURT RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART OF THIS LEGAL DESCRIPTION.

MISCELLANEOUS PAYMENT RECPT#: 6438708
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/12/18 TIME: 13:59
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-688-18 SIGN
CHG:
ZS-Z A-688-18 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: HAMLIN CONSTRUCTION
PAYMENT METH: CHECK
004963

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6438707
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/12/18 TIME: 13:57
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-688-18 APP

CHG:
ZA-Z A-688-18 APP 175.00

AMOUNT PAID: 175.00

PAID BY: HAMLIN CONSTRUCTION
PAYMENT METH: CHECK
004963

REFERENCE:

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

POSTING OF PROPERTY

PETITION NO: A-688-18

OWNER: Gary Sinse Foundation / Eric Hunter
295 Evans Way
Fayetteville, Georgia
30215

LOCATION: Land Lot(s) 164 of the 4th District
Fronts on Evans Way.

REQUEST: Variance to Section 110-125. (d) (4) (b) to reduce front yard setback from 75 feet to 40 feet to allow an existing single-family residence to remain.

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

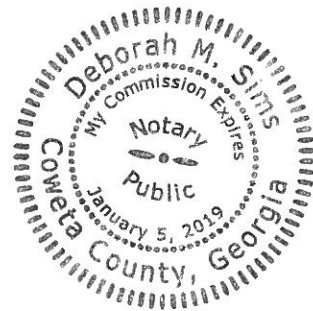
[Signature]
OFFICIAL

10/8/18
DATE

Sworn to and subscribed before me this

8th day of October, 2018.

[Signature]
NOTARY



Number of signs posted 1.

Date sign posted 10/8/18.



Building Lines
Front - 75'
Side - 50'
Rear - 75'

Approximate location of Wetlands as taken graphically from Fayette County GIS site. All wetlands are under the jurisdiction of the U.S. Army Corps of Engineers and/or the State of Georgia Department of Natural Resources.

APPROXIMATE LAND LOT LINE

L.L. 163

L.L. 164

LOT 15

200' Undisturbed buffer from the 1/2 of the creek

S87° 25' 12"E 553.02'

1/2" rbf

LOT 14

S50° 00' 21"E 589.39'

LOT 12

EVANS WAY 60' R/W

P.O.B. 1/2" rbs

N46° 08' 53"E 550.00'

30' D.E.

S46° 08' 53"W 858.02'

Lot 13
619,164 Sq. Ft.
14.214 Acres

1 Story Brick
FFE=810.8

Well

343.0'

328.3'

75' B/L

Impervious Square Footage
House 5,000 Sq. Ft.
Concrete 13,743 Sq. Ft.

n/f
Dawn D. Don & Brent Scarbrough
Db. 3990 Pg. 388

A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO MNGWPD FLOOD STUDY.

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
X=Water Meter
X=Utility Pole
X=Drop Inlet
X=Fire Hydrant
X=Light Pole
X=Fence
O=Drainage Manhole
OHE=Over Head Electric Line

Closure Data

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

This survey does not constitute a title search by surveyor. All information regarding record easements, adjoining 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.

Surveyor's Certificate:

I hereby certify that this plat is a true representation of the results of an actual survey by me or under my supervision, conforming to the normal standards of care of professional surveyors practicing in the state of Georgia and that all monuments shown hereon actually exist or are marked "future" and their location, size, type, and material are correctly shown.

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

2696
License NO.

07/17/18
Date



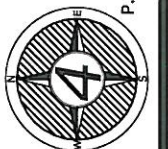
Graphic Scale 1"= 150'

0 75 150 300

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	82.58'	304.76'	S52° 40' 21"E	82.33'

Line Table		
Line #	Direction	Length
L1	S59° 29' 13"E	19.01'

FOUR CORNERS
SURVEYING



Page: 32
Plat/Deed Book P.B. 26

Eric Hunter

Prepared For:

Subdivision: Redbud Estates

Lot: 13 Land Lot: 164 District: 4th County: Fayette County, Georgia

Scale: 1" = 150' F.W.P.D.: 07/17/18 Date: 07/17/18 Drawn By: JCB Job No: 17-192

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

PETITION NO. A-688-18
Gary Sinise Foundation / Eric Hunter
295 Evans Way
Fayetteville, GA 30215
Public Hearing Date October 22, 2018

The subject property is located at 295 Evans Way, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R. (d) (4) to reduce front yard setback from 75 feet to 40 feet to allow an existing single-family residence to remain.

History: Final Plat of Redbud Estates was recorded on February 26, 1995 in Plat Book 26 and Page 32. The subject property is 14.21 acres. Tax Assessor's records indicate that the house was built in 2018 and according to the deed the applicant purchased the property in 2017.

As part of the permitting process for a building permit, a survey is required. Through the survey staff discovered the violation. The survey given for the building permit shows the foundation 39 feet from the property line.

On September 27, 2018, the zoning ordinance was amended as follows:

Sec. 110-106. Front, side and rear yards on a flag lot or a nonconforming landlocked lot.

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback per the zoning district of the property as measured from the closest right-of-way and whichever is greater shall apply. Minor Subdivision Plats and Final Plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply

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.

Asking for a variance to building set back so as not to encroach on neighbor's property line. The home was staked out 78 feet away originally, but when the house was rotated so as to face

towards the driveway approach, it was not moved downhill away from property line, causing the home to be 40 feet from property line, as it sits currently

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.**

It is a large flag lot (14+ acres) and joins a five acre lot. Plenty of space separating the 2 completed homes.

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

The structure was built completely to move in ready stage before error was caught.

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

We did have the home placed as close as possible originally because of the low lying land. Moved up to the "high ground" since the land is so flat.

- 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**

Would not- the spirit or purpose of the ordinance is to keep comfortable space between homes. Both homes are complete and ample room exists between structures

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

A forty foot building setback would not be out of the ordinary because this home sets approximately 1,000 feet off the paved road, being a flag lot.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

ENVIRONMENTAL HEALTH: No comments.

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.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Brent D. Ragsdale & Georgianna Ragsdale
MAILING ADDRESS: 350 Quarters Road, Fayetteville, GA 30215
PHONE: 770.265.4025 E-MAIL: Brent.Ragsdale@cfacorp.com
AGENT FOR OWNERS: Charles H. Jackson
MAILING ADDRESS: 300 Marilyn Drive E. Fayetteville, GA 30214
PHONE: 678-725-5435 E-MAIL: jackson/spc@gmail.com
PROPERTY LOCATION: LAND LOT 32 LAND DISTRICT 7th PARCEL 0701065
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.15
ZONING DISTRICT: A-R
ZONING OF SURROUNDING PROPERTIES: A-R
PRESENT USE OF SUBJECT PROPERTY: Residential
PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: _____

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: October 22, 2018

Received from Georgianna Ragsdale a check in the amount of \$ 195⁰⁰

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

Date Paid: Sept 21, 2018 Receipt Number: 6461712-sign
6461707-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:

Brent D. Ragsdale Georgianna Ragsdale
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0701065

(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) 32 of the District, and said property consists of a total of 5.15 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Charles H. Jackson 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.

Pat Ragsdale
Signature of Property Owner 1

350 Quarters Rd. Fayetteville, GA 30215
Address

Georgianna Ragsdale
Signature of Property Owner 2

380 Quarters Rd. Fayetteville, GA
Address 30215

[Signature]
Signature of Authorized Agent

200 Marilyn Dr. E. Fayetteville, GA
Address 30214

Melissa B. Bryan
Signature of Notary Public

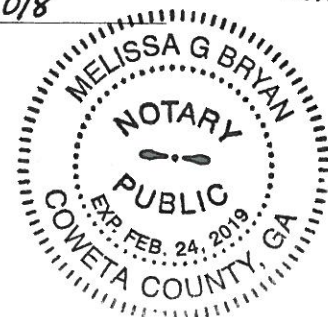
9/20/18
Date

Melissa B. Bryan
Signature of Notary Public

9/20/18
Date

[Signature]
Signature of Notary Public

SEPTEMBER 21, 2018
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 11.1-12.5 (d) (6)	50'	40'	10'

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 attachment

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 attachment

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

Please see attachment

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

Please see attachment

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 attachment

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 attachment

Variance Summary:

Due to a recently discovered boundary line conflict of the southerly boundary line of subject property, the agreed upon boundary line overlaps the applicant's property line approximately ten (10') which results in the side setback to encroach into the existing structure approximately ten (10').

Since this was caused by a difference of opinion of two surveyors and is not due to anything the owner has done to cause this encroachment, a variance of ten (10') of the southerly side setback line be granted.

JUSTIFICATION OF REQUEST:

1. A conflict of opinion of two surveyors concerning the southerly boundary line, has caused an encroachment into the southerly side setback line.
2. This conflict and sideline encroachment will cause difficulty for the owner in the event the property is sold.
3. Recent discovery of the boundary line disagreement has caused this to be peculiar to this piece of property.
4. This variance would not cause substantial detriment to the public good or impair the purposes and intent of these regulations.
5. Yes.

Doc ID: 007435470001 Type: GLR
 Filed: 03/23/2007 at 10:15:00 AM
 Fee Amt: \$973.40 Page 1 of 1
 Transfer Tax: \$963.40
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK **3200** PG **750**

Record and return to:
Glover & Davis, P.A.
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 07P16693,

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, **Elias Makres and Donna Rose Makres**, of Fayette County, Georgia, do hereby give, grant, sell, alien and convey unto **Brent D. Ragsdale and Georgianna Ragsdale**, their heirs and assigns, the following property, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 32 of the 7th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at the common corners of Land Lots 23, 24, 32, and 33, thence running North along the western line of Land Lot 32, a distance of 205.6 feet to a 1 inch rebar found, thence running North 89 degrees 56 minutes 00 seconds East a distance of 619.04 feet to a point and being the TRUE POINT OF BEGINNING, thence running North 01 degrees 17 minutes 49 seconds East a distance of 264.17 feet to a point, thence running North 89 degrees 55 minutes 55 seconds East a distance of 825.23 feet to a 1/2 inch rebar set on the western right of way of Quarters Road; thence running along the western right of way of Quarters Road South 01 degrees 17 minutes 49 seconds West a distance of 264.19 feet to a 1/2 inch rebar set, thence running South 89 degrees 56 minutes 00 seconds West a distance of 825.23 feet to a point, and being the TRUE POINT OF BEGINNING. Said Tract contains 5.003 acres and is shown as Tract 4 on that certain plat of survey for Elias Hogan Homes, Inc. by Ronald T. Godwin, G.R.L.S. and recorded in Deed Book 39, page 11, Fayette County, Georgia Records.

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 their 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 Elias Makres and Donna Rose Makres have hereunto set their hand(s), affixed their seal(s) and delivered these presents this 21st day of March, 2007.

Signed, sealed and delivered
 in the presence of:

Witness
 Notary Public
 My Commission Expires
 (SEAL)

Elias Makres (SEAL)
Donna Rose Makres (SEAL)
 Elias Makres
 Donna Rose Makres

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 32 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
COMMENCING AT A 4" CONCRETE MONUMENT FOUND AT THE LAND LOT CORNER COMMON TO LAND LOTS 32 & 33; THENCE ALONG THE LAND LOT LINE COMMON TO LAND LOTS 32 & 33 N00°40'57"W A DISTANCE OF 206.00' TO A 1" REBAR FOUND; THENCE LEAVING SAID LAND LOT LINE N89°56'07"E A DISTANCE OF 330.40' TO A POINT; THENCE N89°56'07"E A DISTANCE OF 263.63' TO AN IRON PIN SET AND THE POINT OF BEGINNING; THENCE N01°17'56"E A DISTANCE OF 264.77' TO AN IRON PIN SET; THENCE S88°42'04"E A DISTANCE OF 25.00' TO AN IRON PIN SET; THENCE S01°17'56"W A DISTANCE OF 264.17' TO AN IRON PIN SET; THENCE S89°56'07"W A DISTANCE OF 25.01' TO AN IRON PIN SET AND THE POINT OF BEGINNING.
SAID TRACT OR PARCEL OF LAND CONTAINS 0.15 ACRES

Please return to:
 Gary Lawson & Associates, P.C.
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 15-LAW-0788

Doc ID: 009653960002 Type: WD
 Recorded: 05/22/2015 at 09:15:00 AM
 Fee Amt: \$16.20 Page 1 of 2
 Transfer Tax: \$4.20
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
BK4318 PG477-478

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 24th day of April, 2015 between

Brian T. Grady and Kimberly Grady

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

Georgia Anne Ragsdale

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:

The Legal Description is attached herto and made a part hereof as Exhibit "A".

Subject to restrictive covenants and easements of record.

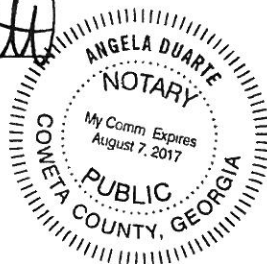
Subject to Security Deed in favor of SunTrust Bank as recorded in Deed Book 3223, Page 490 and subject to Security Deed in favor of SunTrust Bank as recorded in Deed Book 3320, Page 292, Fayette County, Georgia Records.

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.

Angela Duarte
 Witness
Angela Duarte
 Notary Public



Brian T. Grady
 Brian T. Grady

Kimberly Grady
 Kimberly Grady

POSTING OF PROPERTY

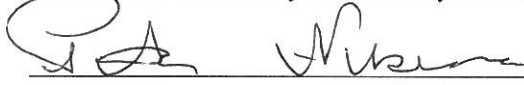
PETITION NO: A-689-18

OWNER: Brent D. & Georgianna Ragsdale
350 Quarters Road
Fayetteville, Georgia
30215

LOCATION: Land Lot(s) 32 of the 7th District
Fronts on Quarters Road.

REQUEST: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 40 feet to allow an existing a single family residence to remain.

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

10 / 8 / 18

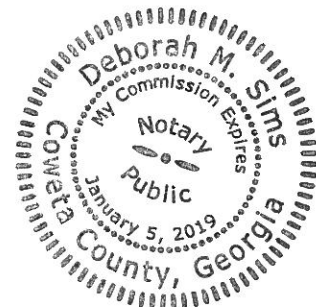
DATE

Sworn to and subscribed before me this

8th day of October, 20 18.



NOTARY



Number of signs posted 1.

Date sign posted 10/8/18.



MISCELLANEOUS PAYMENT RECPT#: 6461712
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/28/18 TIME: 11:41
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-689-18 SIGN
CHG:
ZS-Z A-689-18 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: BRENT & GEORGIA ANNE
PAYMENT METH: CHECK
2404

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6461707
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/28/18 TIME: 11:38
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

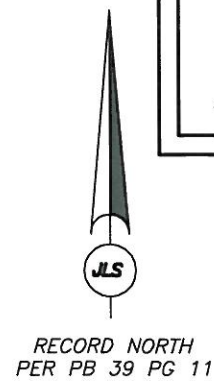
COMMENT: A-689-18 APP
CHG:
ZA-Z A-689-18 APP 175.00

AMOUNT PAID: 175.00

PAID BY: BRENT & GEORGIA ANNE
PAYMENT METH: CHECK
2404

REFERENCE:

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



TRACT 1
5.00 AC.
217,947.40 S.F.

TRACT 2
0.15 AC.
6,612.52 S.F.

OVERLAP AREA
0.15 AC.
6480.47 S.F.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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.



CERTIFICATION

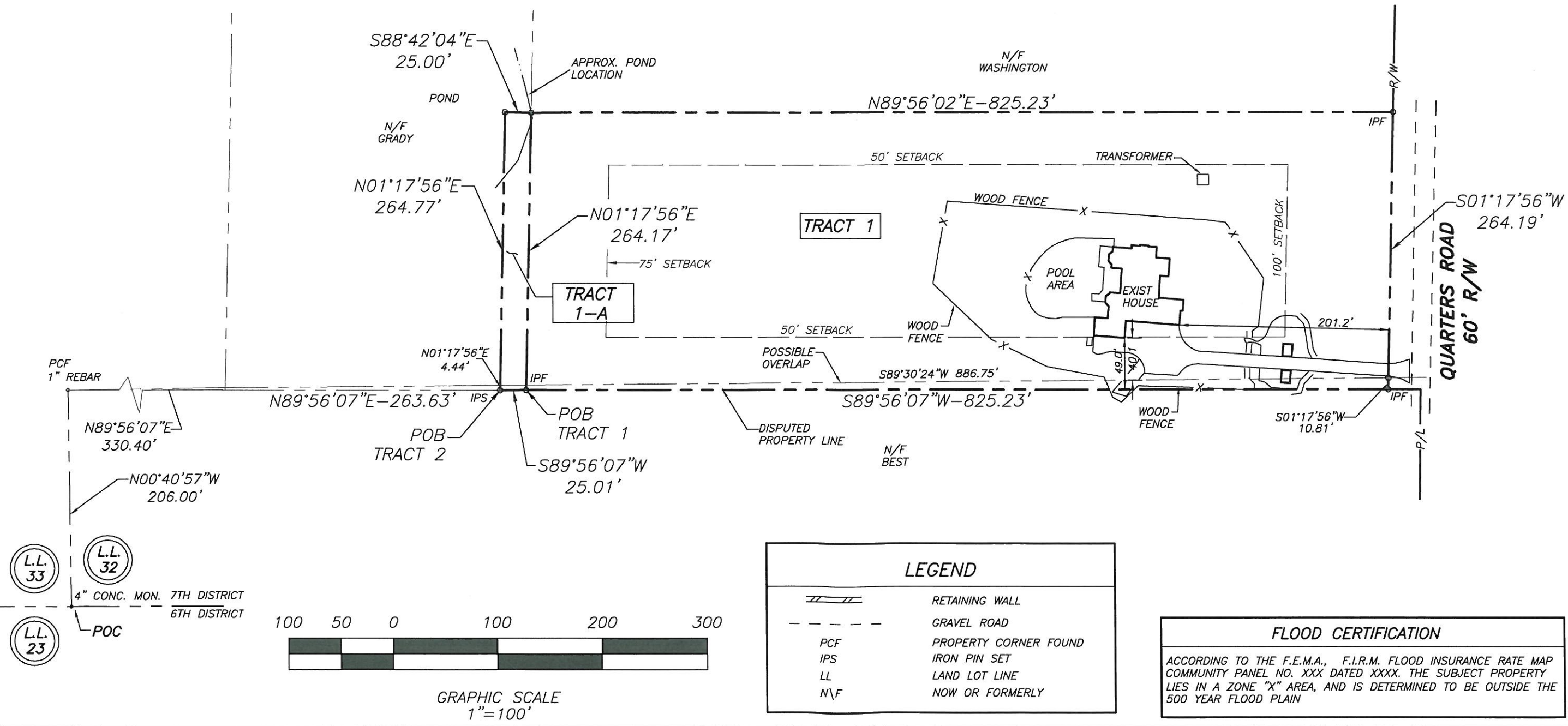
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 54,312 FEET AND AN ANGULAR ERROR OF 0.03" PER ANGLE POINT AND WAS NOT ADJUSTED. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 187,547 FEET. TYPE EQUIPMENT USED : LEICA-1103 TOTAL STATION

I HEREBY CERTIFY, THIS PLAT IS A CORRECT REPRESENTATIVE OF THE LAND PLATTED AND HAS BEEN PREPARED WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

GEORGIA REGISTERED LAND SURVEYOR NO. 2351
CHARLES H. JACKSON, R.L.S.
200 MARILYN DRIVE E.
FAYETTEVILLE, GEORGIA 30214
678.725.5435

JACKSON LAND SURVEYING P.C.

200 MARILYN DRIVE EAST
FAYETTEVILLE, GA. 30214
C: 678.725.5435
F: 678.586.5524



BOUNDARY SURVEY for		for		BOUNDARY SURVEY	
GEORGIANNA RAGSDALE		BRENT D. RAGSDALE		PROJECT NAME:	
350 QUARTERS ROAD		SHEET TITLE:		PROJECT NO. RAG001	
BOUNDARY SURVEY		SHEET NO. 1		DATE: 3/17/15	
ISSUE No. 1		of 1		LOCATED IN LAND LOT 32 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA	

PETITION NO. A-689-18
Brent D. & Georgianna Ragsdale
350 Quarters Road
Fayetteville, GA 30215
Public Hearing Date October 22, 2018

The subject property is located at 350 Quarters Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 40 feet to allow an existing single-family residence to remain.

History: A survey for the property was recorded on January 15, 2004 in Plat Book 39 and Page 11. The subject property is 5.15 acres. Tax Assessor's records indicate that the house was built in 2006 and according to the deed the applicant purchased the property in 2007.

The petitioner's surveyor brought to staff the violation after a dispute on the property line. The survey provided to staff shows the single-family residence foundation 40 feet from the side property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

Due to a recently discovered boundary line conflict of the southerly boundary line of subject property, the agreed upon boundary line overlaps the applicant's property line approximately ten feet (10') which results in the side setback to encroach into the existing structure approximately ten feet (10')

Since this was caused by a difference of opinion of two surveyors and is not due to anything the owner has done to cause this encroachment, a variance of ten feet (10') of the southerly side setback line be granted.

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.**

A conflict of opinion of two surveyors concerning the southerly boundary line, has caused an encroachment into the southerly side setback line.

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

This conflict and sideline encroachment will cause difficulty for the owner in the event the property is sold.

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

Recent discovery of the boundary line disagreement has caused this to be peculiar to this piece of property.

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,**

This variance would not cause substantial detriment to the public good or impair the purposes and intent of these regulations.

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

Yes.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

ENVIRONMENTAL HEALTH: No comments.

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.