

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
Howard Johnson, Planning and Zoning Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
November 26, 2018
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on October 22, 2018.

PUBLIC HEARING

1. Petition No. A-690-18, Jerry C. and Wanda W. Kemp, Owners, and Jerry Kemp, Agent requests the following: Variance to Section 110-137. R-40, (d) (6) to reduce north side yard setback from 15 feet to 3 feet to allow an existing wooden deck to remain. Variance to Section 110-137. R-40, (d) (6) to reduce south side yard setback from 15 feet to 2 feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 131 of the 5th District and fronts on Becky Court.
2. Petition No. A-691-18, Kirk and Suzanne Goss, Owners, requests the following: Variance to Section 110-125 A-R, Agricultural-Residential District. (d) (6) to reduce rear yard setback from 50 feet to 46 feet to allow an existing shed to remain. The subject property is located in Land Lot 67 of the 4th District and fronts on Bankstown Road.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Jerry and Wanda Kemp

MAILING ADDRESS: 1885 Osprey Bluff Blvd.

PHONE: 904-264-7154 E-MAIL: X

AGENT FOR OWNERS: Richard Kemp

MAILING ADDRESS: 760 Becky Court, Fayetteville, GA, 30214

PHONE: 404-578-4388 E-MAIL: rdkatlanta@gmail.com

PROPERTY LOCATION: LAND LOT 18 LAND DISTRICT X PARCEL 052917006

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.0 1.64 acres

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: residential

PROPOSED USE OF SUBJECT PROPERTY: same

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-690-18

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 10/16/2018

DATE OF ZONING BOARD OF APPEALS HEARING: November 26, 2018

Received from Jerry + Wanda Kemp a check in the amount of \$ 220.00

for application filing fee, and \$ 200.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: 10/09/18 Receipt Number: 6474841 - Sign
6474833 - Application

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:

Wanda W. Kemp ; Jerry C. Kemp
Please Print Names

Property Tax Identification Number(s) of Subject Property: 052917006

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 18 of the Whisper-Creek District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1 +/- acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Richard D. Kemp 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.

Wanda W. Kemp
Signature of Property Owner 1
1885 Osprey Bluff Blvd
Address Fleming Island, FL 32003

Jerry Kemp
Signature of Property Owner 2
1885 Osprey Bluff Blvd
Address Fleming Island FL 32003

BMP
Signature of Authorized Agent
760 Becky Court. Fayetteville, GA
Address 30214

Becky S. Martin
Signature of Notary Public

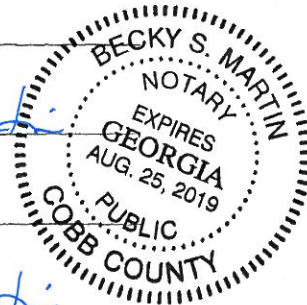
10-8-18
Date

Becky S. Martin
Signature of Notary Public

10-8-18
Date

Becky S. Martin
Signature of Notary Public

10-8-18
Date



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.

With regard to the application of the setback requirement, both the north and the south property lines are densely populated by trees. Structure in question was placed in a location devoid of trees which had all previously been removed by neighbor to the south without consent. Structure was placed in the setback to avoid excessive quantity of cut into the existing hillside. Placing structure further into the yard would have also compromised the view towards the lake.

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

Structure in question, constructed as a gift, was placed in a location already naturally devoid of trees. Structure was not placed in setback with malicious intent, but rather placed in a location which was deemed most practical. Any other location would have required the removal of a significant quantity of trees as well as a significant quantity of earthwork to level and stabilize the site. Additionally, a significant financial commitment has been borne by the residents, Richard and Angela Kemp, to construct said structure. Demolition of said structure would provide a practical hardship as to the logistics of safely and practically dismantling the clubhouse. We would appeal to the generous nature of the Board and offer to provide whatever screening is required to appease neighbor to the south.

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

Properties immediately north and south of the subject lot are generally level across the entire width of the site. Property at 760 Becky Court contains an approximate 6' fall from south to north from the property line to the setback line. The topographic valley at the base of this slope forms a natural drainage channel to the lake at the east edge of the property. The quantity of cut and fill to stabilize this piece of land would upset the natural storm drainage channel. This channel is the low point for the immediate vicinity and storm runoff from the two lots to the south as well as the property to the north all gravitates to this valley and flows to the lake.

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.

Structure in question is a children's playhouse, built as a gift to celebrate the 5 year anniversary of their adoptions. Structure in question is a 384 SF accessory structure which is allowed by right in current Fayette County zoning regulations for an R-40 district. The structure, conceived by an architect and built by a licensed general contractor, serves as a playhouse/clubhouse for our kids as well as other kids in the neighborhood. No plumbing, electrical service, or HVAC service is to be provided to structure in question. Neighbor to south was advised to location and placement of structure during construction. At time of first vertical wall, neighbor to south requested screening be implemented at the property line to limit the view. This was agreed to by both parties. Deck on north side of property was built 5 years ago for purposes of storing lawn and garden equipment and has not been a point of issue with adjacent northern neighbor.

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

A literal interpretation of the ordinance would deprive the applicants of similar rights as others by limiting their ability to fully enjoy both their time as a family as well as enjoy the benefits of the piece of property on which we have chosen to live. It has always been the dreams of the applicants to raise their adopted children on a piece of land which can provide them all of the enjoyment that they deserve, including serving as the defacto clubhouse for all of their friends to gather in a safe place. All we have ever wanted is to be the children's gathering spot and enjoy the sounds of our kids playing with their friends.

We are fully willing to identify a solution that would be amenable to all parties involved.

MISCELLANEOUS PAYMENT RECPT#: 6474841
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/09/18 TIME: 11:44
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-690-18 SIGN
CHG:
ZS-Z A-690-18 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: JERRY & WANDA KEMP
PAYMENT METH: CASH

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6474833
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/09/18 TIME: 11:43
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-690-18 APP
CHG:
ZA-Z A-690-18 APP 200.00

AMOUNT PAID: 200.00

PAID BY: JERRY & WANDA KEMP
PAYMENT METH: CASH

REFERENCE:

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



Fayette County
Permits & Inspections Department
140 Stonewall Avenue West - Suite 201 - Fayetteville, GA 30214

STOP WORK ORDER

STOP WORK!

BY ORDER OF FAYETTE COUNTY, STATE OF GEORGIA

IF YOU DO NOT UNDERSTAND THIS NOTICE, CONTACT THE PERMITS & INSPECTIONS DEPARTMENT. THIS NOTICE MUST BE PRESENT AT ALL INSPECTION OR PLANCHHECK INQUIRES.

PERMIT#: None DATE: 9-26-18
SITE ADDRESS: 770 Becky Court APN: _____
PROJECT/SUBDIVISION: _____ LOT#: _____ UNIT#: _____ BUILDING#: _____
OWNER/CONTRACTOR: _____ PHONE#: _____
SCOPE OF WORK: Unpermitted Detached structure Structure in setback.

☒ BUILDING ☐ ELECTRICAL ☐ MECHANICAL ☐ PLUMBING
☐ FENCE/WALL ☐ MANUFACTURED HOME ☐ OTHER: _____

VIOLATION!

AN INSPECTION WAS MADE AT THE ABOVE LOCATION AND THE FOLLOWING VIOLATIONS WERE NOTED:

- 1- unpermitted construction
- 2. Structure in setback.

SECTION: #1 & 2, ☒ IRC ☐ IBC ☐ NEC ☐ IMC ☐ IPC OTHER: _____

SECTION: #1 & 2, FAYETTE COUNTY CODE.

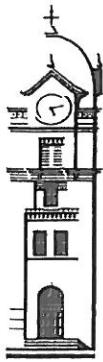
FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN ACTION AS REQUIRED BY LAW.

NOTICE SERVED UPON: Posted on property

INSPECTOR: Joe Johnson DATE: 9-27-18 TIME: 12:45 (a.m./p.m.) ☒

DO NOT REMOVE NOTICE

UNTIL WORK IS RELEASED BY THE PERMITS & INSPECTIONS DEPARTMENT



Fayette
COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

PERMITS AND INSPECTIONS

140 STONEWALL AVENUE WEST, SUITE 201

FAYETTEVILLE, GEORGIA 30214

PHONE: 770-305-5403

www.fayettecountyga.gov

September 27, 2018

Jerry & Wanda Kemp
760 Becky Court
Fayetteville, GA 3021

RE: Stop Work Order posted on the property located at 760 Becky Court, Fayetteville, GA 3021. Unpermitted detached structure. Zoning setback violation.

Mr. & Mrs. Kemp:

On September 27, 2018, in response to a citizen complaint, I inspected the property at 760 Becky Court, Fayetteville, GA for possible unpermitted construction. It was observed that a 2 story detached structure had been constructed in the backyard. Also observed was that the illegal structure is in the right side setback. A Stop Work Order was posted on the property. Unpermitted construction is in violation of the International Residential Code, and Fayette County Code of Ordinances.

Violations observed include, but are not limited to:

- 1- Unpermitted construction.
- 2- Zoning setback violation.

This letter shall serve as notice that you have seven (7) days from receipt to apply for a building permit. You need to contact Chanelle Blaine with the Fayette County Zoning Department (770-305-5161) to resolve the setback violation.

Attached is a copy of the Stop Work Order associated with this construction, as well as Section 102-257 (b), of the Fayette County Code of Ordinances which addresses the **investigation fees** associated with this enforcement case. You have the right to file an appeal. If I can be of assistance, please contact me at 770-305-5130.

Sincerely:

Joe Scarborough
Building Official/Director
Fayette County Department of Building Safety

Doc ID: 009077740001 Type: WD
Recorded: 04/03/2013 at 12:05:00 PM
Fee Amt: \$245.00 Page 1 of 1
Transfer Tax: \$235.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4035 PG 560

Return to:
MorrisIHardwickISchneider, LLC
120 Howard Lane
Fayetteville, GA 30215
File #: FAY-130300109S

WARRANTY DEED

State of Georgia
County of Fayette

THIS INDENTURE made this 29th day of March, 2013, between
Penrod Properties, Inc.
as party or parties of the first part, hereinafter called Grantor, and
Jerry C. Kemp and Wanda W. Kemp
as Joint Tenants with Rights of Survivorship and not as Tenants in Common

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 AND 00/100 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, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lot 131 of the 5th District, Fayette County, Georgia, being Lot 18 of Whisper Creek Subdivision, as per plat thereof recorded in Plat Book 41, pages 134-138, and later at Plat Book 46, pages 31-35, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Parcel ID# 052917006

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 whomsoever.

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

Signed, sealed and delivered in the presence of:

Witness

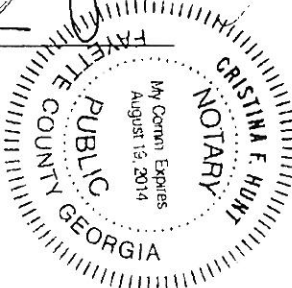
Notary Public

My Commission Expires:

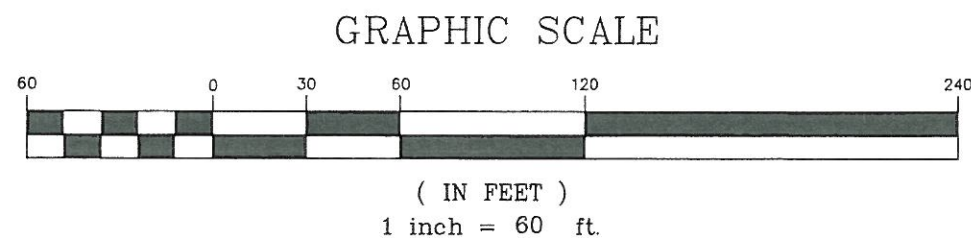
Penrod Properties, Inc.

By: Jan Trammell Hutto, President

(Corporate Seal)



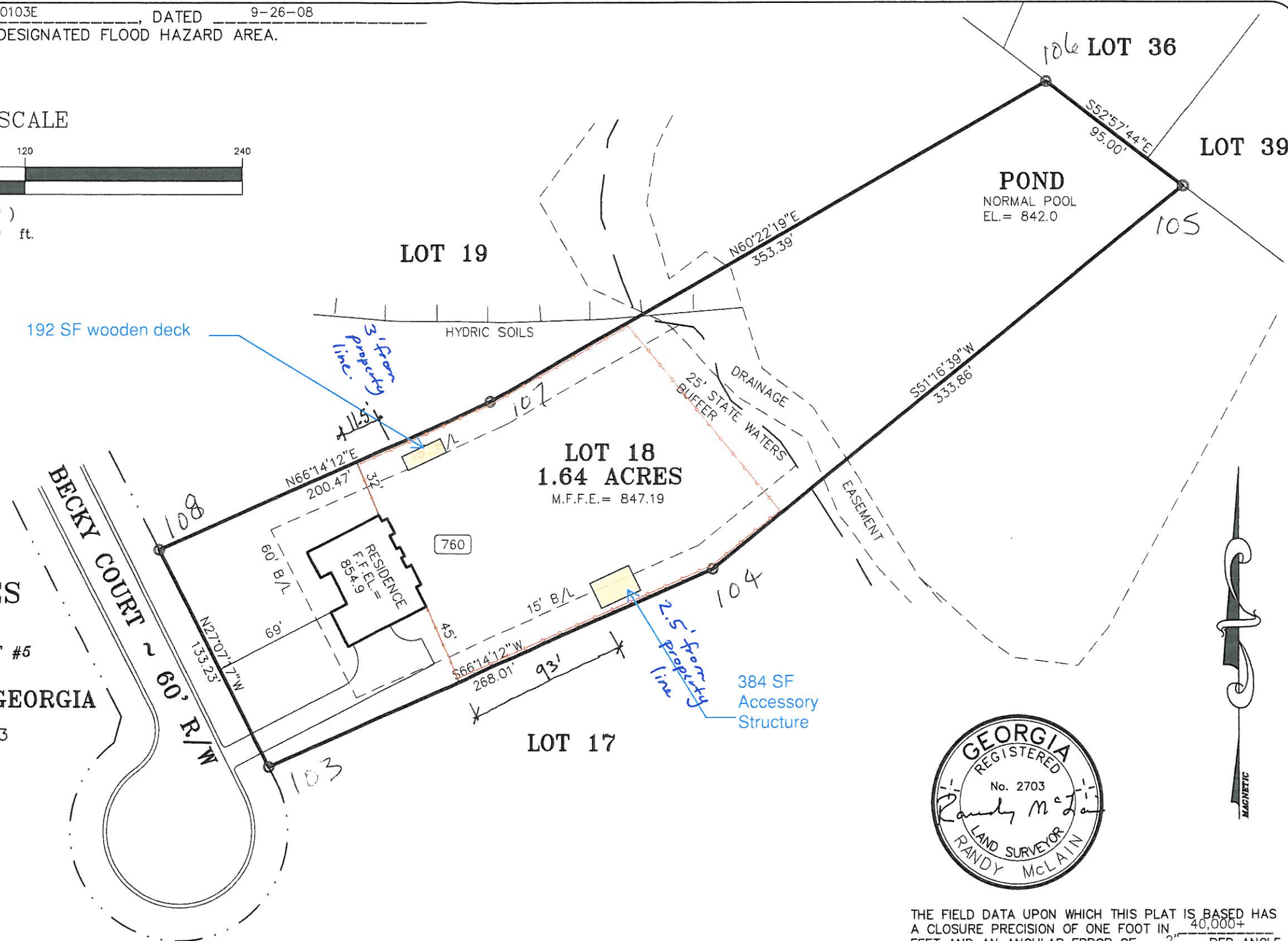
AS PER OFFICIAL F.I.R.M. MAP 13113C0103E, DATED 9-26-08
THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.



SURVEY FOR
SHAW CUSTOM HOMES
LOT 18 WHISPER CREEK S/D
LOCATED IN LAND LOT #131 DISTRICT #5
FAYETTE COUNTY GEORGIA
SCALE: 1" = 60' DATE: MAY 6, 2013
JOB # 12-137

LEGEND

R/W -----RIGHT OF WAY
I.P.F. -----IRON PIN FOUND
I.P.P. -----IRON PIN PLACED
C.T. -----CRIMPED TOP PIPE
R.B. -----REINFORCING BAR
O.T. -----OPEN TOP PIPE
N/F -----NOW OR FORMERLY
B.L. -----BUILDING LINE



PREPARED BY

McLAIN SURVEYING, INC.

LAND SURVEYING LAND PLANNING ENGINEERING SERVICES
6 MADISON STREET NEWNAN, GEORGIA 30263 PH. (770) 251-8523



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS
A CLOSURE PRECISION OF ONE FOOT IN 40,000+
FEET AND AN ANGULAR ERROR OF 2" PER ANGLE
POINT AND WAS ADJUSTED USING LEAST SQ. RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND
IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN
55,000+ FEET.

TYPE OF EQUIPMENT USED: TOPCON GTS 313

PETITION NO. A-690-18
Jerry & Wanda Kemp
760 Becky Court
Fayetteville, GA 30214
Public Hearing Date November 26, 2018

The subject property is located at 760 Becky Court, Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

Request: Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 3 feet to allow an existing wooden deck to remain.

Request: Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 2 feet to allow an existing accessory structure to remain.

History: Final Plat of Whisper Creek was recorded on August 24, 2005 in Plat Book 41 and Pages 134-138. The subject property is 1.64 acres. Tax Assessor's indicate that the house was built in 2012 and according to the deed the applicant purchased the property in 2013.

The issue was discovered through a complaint made by the petitioner's neighbor to Code Enforcement in late September. Code Enforcement forward the complaint over to the Building & Safety Department. On September 27, 2018 an inspection was performed and a Stop Work Order given by the Building Official for the following violations:

- Unpermitted construction
- Zoning setback violations

The survey provided to staff shows the two accessory structures 2.5 feet and 3 feet from the side property lines.

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.

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.**

With regard to the application of the setback requirement, both the north and the south property lines are densely populated by trees. Structure in question was placed in a location devoid of trees which had all previously been removed by neighbor to the south without consent. Structure was placed in the setback to avoid excessive quantity of cut into the existing hillside. Placing structure further into the yard would have also compromised the view towards the lake.

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

Structure in question, constructed as a gift, was placed in a location already naturally devoid of trees. Structure was not placed in setback with malicious intent, but rather placed in a location which was deemed most practical. Any other location would have required the removal of a significant quantity of trees as well as a significant quantity of earthwork to level and stabilize the site. Additionally, a significant financial commitment has been borne by the residents, Richard and Angela Kemp, to construct said structure. Demolition of said structure would provide a practical hardship as to the logistics of safely and practically dismantling the clubhouse. We would appeal to the generous nature of the Board and offer to provide whatever screening is required to appease neighbor to the south.

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

Properties immediately north and south of the subject lot are generally level across the entire width of the site. Property at 760 Becky Court contains an approximate 6' fall from south to north from the property line to the setback line. The topographic valley at the base of this slope forms a natural drainage channel to the lake at the east edge of the property. The quantity of cut and fill to stabilize this piece of land would upset the natural storm drainage channel. This channel is the low point for the immediate vicinity and storm runoff from the lots to the south as well as the property to the north all gravitates to this valley and flows to the lake.

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,**

Structure in question is a children's playhouse, built as a gift to celebrate the 5 year anniversary of their adoptions. Structure in question is 384 SF accessory structures which is allowed by right in current Fayette County zoning regulations for an R-40 district. The structure, conceived by an architect and built by a licensed general contractor, serves as playhouse/clubhouse for our kids as well as other kids in the neighborhood. No plumbing, electrical service, or HVAC service is to be provided to structure in question. Neighbor to south was advised to location and placement of structure during construction. At time of first vertical wall, neighbor to south requested screening be side of property was built 5 years ago for purposes of storing lawn and garden equipment and has not been a point of issue with adjacent northern neighbor.

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

A literal interpretation of the ordinance would deprive the applicants of similar rights as others by limiting their ability to fully enjoy both their time as a family as well as enjoy the benefits of the piece of property on which we have chosen to live. It has always been the dreams of the applicants to raise their adopted children on a piece of land which can provide them all of the enjoyment that they deserve, including serving as the defacto clubhouse for all of their friends to gather in a safe place. All we have ever wanted is to be the children's gathering spot and enjoy the sounds of our kids playing with their friends.

We are fully willing to identify a solution that would be amenable to all parties involved.

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.

A-690-18

**SUBJECT
PROPERTY**

Becky Court

Hood Avenue



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Kirk & Susanne Goss
MAILING ADDRESS: 248⁸ Banks Town Rd Brooks GA 30205
PHONE: 770-460-8544 Hu E-MAIL: gosskirk@bellsouth.net
AGENT FOR OWNERS: Kirk Goss
MAILING ADDRESS: NA
PHONE: NA E-MAIL: NA
PROPERTY LOCATION: LAND LOT 67 LAND DISTRICT 4th PARCEL 04/2035
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.01
ZONING DISTRICT: AR
ZONING OF SURROUNDING PROPERTIES: AR
PRESENT USE OF SUBJECT PROPERTY: Single Family Res.
PROPOSED USE OF SUBJECT PROPERTY: Single Family Res

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-691-18

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 10/18/18

DATE OF ZONING BOARD OF APPEALS HEARING: November 26, 2018

Received from Kirk Goss a ^{Cash}~~check~~ in the amount of \$ 195⁰⁰

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

Date Paid: 10/18/18 Receipt Number: 6488960-20⁰⁰ sign
6488963-175⁰⁰ 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:

Kirk + Susanne Goss

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0412-035

(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) 67 of the District, and said property consists of a total of 5.01 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A 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

248 Bankstown Rd Brooks GA
Address 30205

[Signature]

Signature of Notary Public

10-18-2018

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
Sec. 110-125 A-12 (a)(6)	50'	46'	4'

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 4' for an existing structure (shed) that is currently on the property and 46' from the property line. While seeking a permit to ~~improve the shed~~ build a new garage on the property we were informed that the shed 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 approx 500' feet from the road
and in a remote area and barely visible from
neighboring property/road.

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

The unnecessary hardship will come in if we are
asked to ~~move~~ ^{move} the structure as we ~~haven't~~ ^{haven't} the funds
to replace it elsewhere. This would also ~~displace~~
displace the contents to outside conditions

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

The shed was placed incorrectly. This placement is
not detrimental to any other property owners. It has
served as a location to house multiple items so that
we could protect them from the elements & keep
the property neat & clean.

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 in which the shed is placed is heavily wooded and barely visible from the road or neighboring 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 not harm others, would cause financial hardship and added emotional distress.

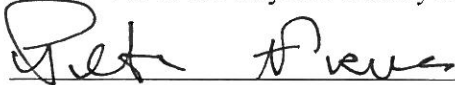
POSTING OF PROPERTY

PETITION NO: A-691-18

OWNER: Kirk and Suzanne Goss
248 Bankstown Road
Brooks, Georgia
30205

LOCATION: Land Lot(s) 67 of the 4th District
Fronts on Bankstown Road.

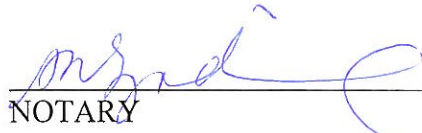
I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.


OFFICIAL

11/9/18
DATE

Sworn to and subscribed before me this

9TH day of NOVEMBER, 20 18.


NOTARY

Number of signs posted 1.

Date sign posted 11/5/18.



BOOK 1101 PAGE 122

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 20.50
DATE 10-21-96
CLERK OF SUPERIOR COURT

FILED & RECORDED
FAYETTE COUNTY, GA.

'96 OCT 21 PM 1 21

W.A. BALLARD, CLERK

STATE OF GEORGIA, COUNTY OF FAYETTE

This Indenture made this 18th day of October, in the year One Thousand Nine Hundred Ninety-Six, between LINDA BETH DUKE BLACK A/K/A BETH DUKE BLACK, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and KIRK GOSS and SUSANNE D. GOSS, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" 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 AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts 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 Grantees, as joint tenants and not as tenants in common, for an during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land lying and being in Land Lot 67 of the 4th Land District of Fayette County, Georgia, and being more particularly described as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN AT THE existing Intersection of Land Lots 94, 93, 67 and 68; thence run southerly along the easterly line of Land Lot 67 a distance of 347.66 feet to a point and THE TRUE POINT OF BEGINNING. From said TRUE POINT OF BEGINNING run thence South 00 degrees 57 minutes 52 seconds West a distance of 274.24 feet to a point; running thence South 89 degrees 43 minutes 27 seconds West a distance of 849.54 feet to a point; thence North 21 degrees 51 minutes 57 seconds East a distance of 222.06 feet to a point; thence North 24 degrees 34 minutes 17 seconds East a distance of 75.46 feet to a point; thence North 89 degrees 43 minutes 23 seconds East a distance of 739.95 feet to a point and the TRUE POINT OF BEGINNING. Said tract contains 5.01 acres as per plat prepared by Precision Surveying & Mapping dated 9/26/96, by Angel M. Marrero, RLS #2642.

Said property being known as 5.01 acres, Fayette County, GA 30214.

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



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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

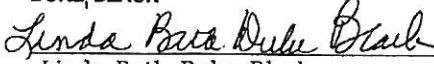
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Witness 
Notary Public 

LINDA BETH DUKE BLACK A/K/A BETH DUKE BLACK

 (Seal)
Linda Beth Duke Black

 (Seal)
a/k/a BETH Duke Black

MISCELLANEOUS PAYMENT RECPT#: 6488963
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/18/18 TIME: 16:13
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-691-18 APP

CHG:
ZA-Z A-691-18 APP 175.00

AMOUNT PAID: 175.00

PAID BY: KIRK GOSS
PAYMENT METH: CASH

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6488960
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 10/18/18 TIME: 16:10
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

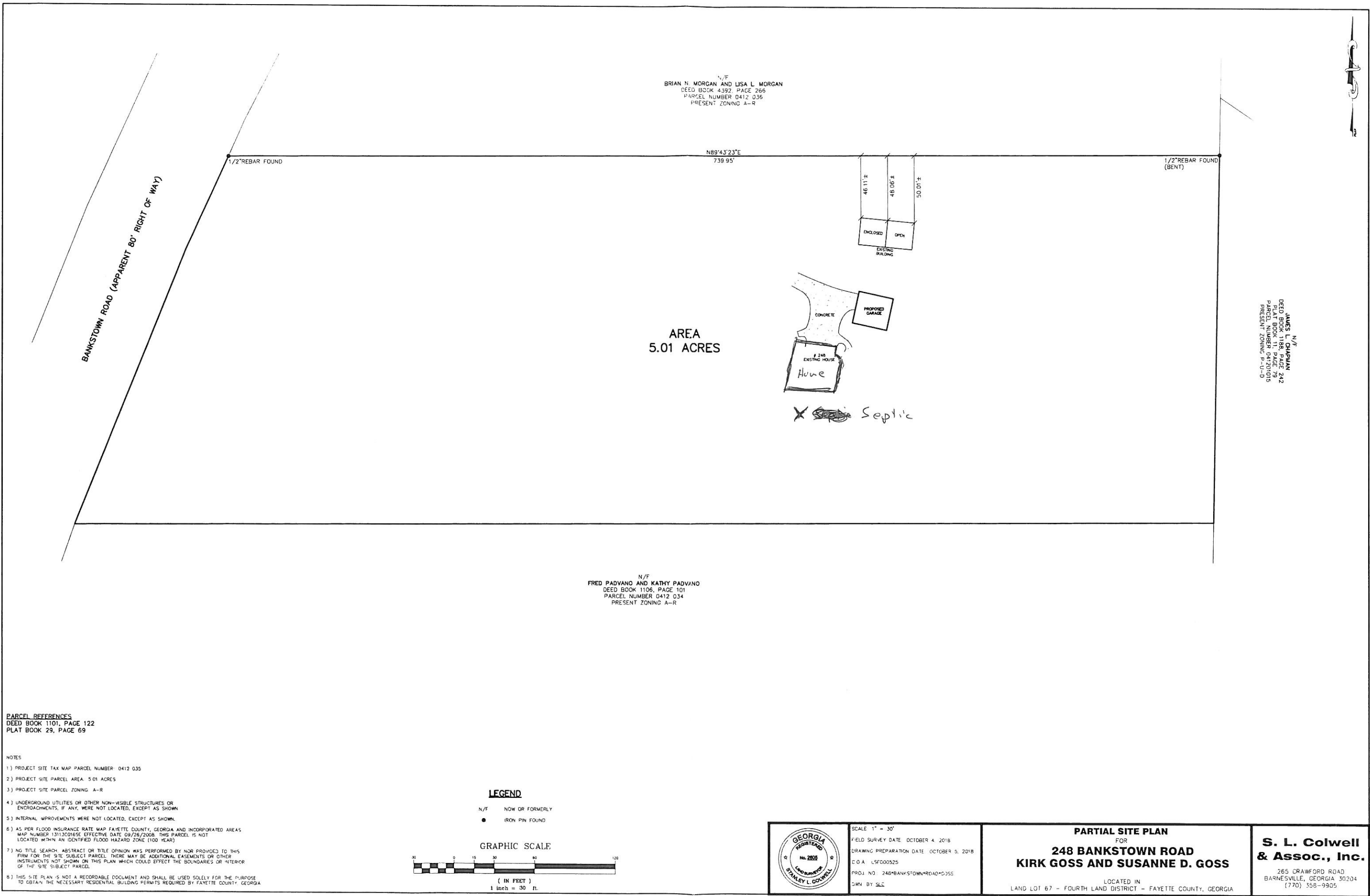
COMMENT: A-691-18 SIGN
CHG:
ZS-Z A-691-18 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: KIRK GOSS
PAYMENT METH: CASH

REFERENCE:

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



PETITION NO. A-691-18
Kirk & Susanne Goss
248 Bankstown Road
Brooks, GA 30205
Public Hearing Date November 26, 2018

The subject property is located at 248 Bankstown Road, Brooks, GA 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 46 feet to allow an existing shed to remain.

History: A survey for the property was recorded on June 2, 1997 in Plat Book 29 and Page 69. The subject property is 5.01 acres. Tax Assessor's indicate that the house was built in 2000 and according to the deed the applicant purchased the property in 1996.

As part of the permitting process for a building permit, a survey is required. Through the process staff discovered the violation. The survey given for the building permit shows the shed foundation 46 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 4 feet for an existing structure (shed) that is currently on the property and 46 feet from the property line. While seeking a permit to build a new 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 neighbor 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 approximately 500 feet from the road and in a remote area and barely visible from neighbor property/road.

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

The unnecessary hardship will come if we are asked to move the structure as we haven't the funds to replace it elsewhere. This would also displace the contents to outside conditions.

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

The shed was placed incorrectly. This placement is not detrimental to any other property owners. It has served as a location to house multiple items so that we could protect them from the elements and keep the property neat and clean.

- 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 in which the shed is placed is heavily wooded and barely visible from the road or neighboring property. This 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 not harm others, would cause financial hardship and added emotional distress.

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.

A-691-18

Bankstown Road

**SUBJECT
PROPERTY**

