

BOARD OF APPEALS

Marsha A. Hopkins, Chair
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
October 28, 2019
7:00 P.M.

1. Consideration of the Minutes of the Meeting held on August 26, 2019.
2. Consideration of the Minutes of the Meeting held on September 23, 2019.

PUBLIC HEARING

3. Petition No. A-709-19, Danny Dougherty, Jr and Patricia Nolde, owners, request the following variance: Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 60 feet to allow the existing hanger to remain. The subject property is located in Land Lot 65 of the 5th District and fronts on Lester Road.
4. Petition No. A-710-19, Estefana Juarez, owner, and Wendy Mendez, agent, request the following variances: a) Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 68 feet to allow the construction of an addition to and existing single-family home. Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the south side yard setback from 50 feet to 36 feet to allow the construction of an addition to and existing single-family home. b) Variance to Sec. 110-125 A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 77 feet to allow the construction of a proposed garage. Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the north side yard setback from 50 feet to 38 feet to allow the construction of a proposed garage. c) Variances, as applicable, for all existing structures and improvements to remain in anticipation of any platting which may be done in the future. The subject property is located in Land Lot(s) 196 of the 13th District and fronts on Westbridge Road.
5. Petition No. A-711-19, Rhonda and Keith Logan, owners, request the following variance: Variance to Sec. 110-137. R-40, (d) (6), to reduce the side yard setback from 15 feet to 12 feet to allow the existing house to be in compliance with a proposed subdivided lot. The subject property is located in Land Lot 132 of the 5th District and fronts on Hood Avenue.
6. Petition No. A-712-19, Jeremy & Lisa Klinger, owners, request the following variance: Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 20 feet to allow the construction of an accessory structure. The subject property is located in Land Lot 40 of the 4th District and fronts on Hardy Road.

PETITION NO. A-709-19
498 Lester Road
Fayetteville, GA 30215
Public Hearing Date October 28, 2019

The subject property is zoned A-R and located at 498 Lester Road. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 60 feet to allow the existing hanger to remain.

History: The subject property's survey was recorded on February 26, 2003 in Plat Book 37 and Pages 72. Tax Assessor's records indicate that the house was built in 1984, and according to the deed the applicant purchased the property in 2015.

Property was rezoned (Petition 1286-19) on July 25, 2019 from R-40 to A-R. The condition of the rezoning states:

That all necessary variances related to the existing accessory structure be approved by the Zoning Board of Appeals within 180 days from the approval of this rezoning petition.

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.

This request is for a variance for the front setback for an existing hangar on our property. At the July meeting our request for rezoning was approved, changing our zoning from R-40 to A-R, conditional upon this variance to the setback from 100' to 60' in order to accommodate this building. This hangar is essential to our use of the property both as a member of the Willow Pond Airport community and as a storage and workshop facility for our operations.

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.**

No extraordinary conditions exist. This is an established building that has been in place since before we purchased the property. We want to maintain the building and its use.

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

Application of this regulation would represent an extreme hardship, including extraordinary cost to remove and replace the building, and loss of use of the building, and loss of use of the building.

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

There are no peculiar conditions that apply.

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**

Relief would not cause any detriment to the public good. This building has been in place for at least 20 years. No change in the current situation would be presented.

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

This hangar is, in fact, written into the covenant of this property and represents a our right to enjoy the full benefit of our property, including our membership and our participation in the Willow Pond Airport Association.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No comment.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

WATER SYSTEM: No conflict.

A-709-19

Lester Road

Red Fox Run

**SUBJECT
PROPERTY**



A-709-19

REFERENCES:

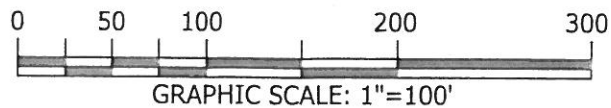
CURRENT OWNER:

DANNY B. DOUGHERTY, JR. &
PATRICIA R. NOLDE

DEEDS:

DB 4346 PG 735

MAY 31 2019



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

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

PLAT CERTIFICATION:

The field data, completed on 5/13/2015, upon which this plat is based has a closure precision of one foot in 20,081 feet and an angular error of 02" per angle point and was not adjusted.

This plat has been calculated for closure and is found to be accurate within one foot in 322,257 feet.

The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station and Trimble R8 Dual Frequency GPS.

THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

SES

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

ENGINEERING
PLANNING
SURVEYING

SCANLON ENGINEERING SERVICES, INC.

216 E. SOLOMON STREET, SUITE A
GRIFFIN, GEORGIA 30223
PHONE: (678) 967-2051 www.scanloneng.com
★ LSF 000859 ★

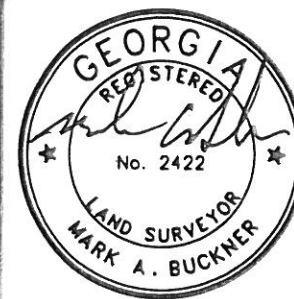
Rev.	Description	Date
1	Show setbacks & Name change	5/28/2019
2	---	---
3	---	---

Project #:	Date:	Scale:	Drawn by:
S15042339	05/14/2015	1" = 100'	RES

BOUNDARY/AS-BUILT SURVEY FOR

DANNY B. DOUGHERTY, JR. &
PATRICIA R. NOLDE

LOCATED IN LAND LOT 65 OF THE 5th DISTRICT,
FAYETTE COUNTY, GEORGIA



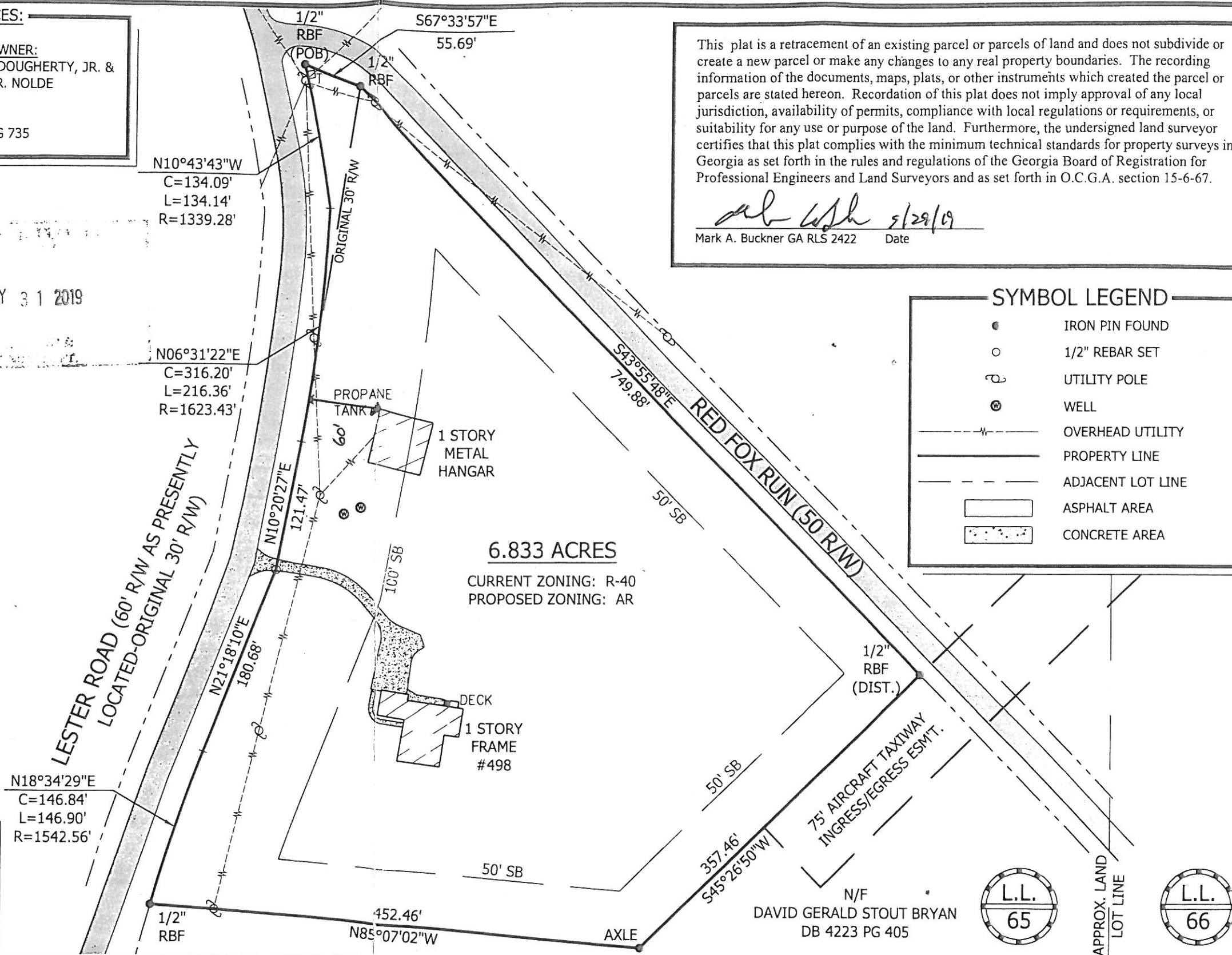
SHEET DESCRIPTION
BOUNDARY/
AS-BUILT
SURVEY
SHEET NUMBER
289B

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.

Mark A. Buckner 5/28/19
Mark A. Buckner GA RLS 2422 Date

SYMBOL LEGEND

- IRON PIN FOUND
- 1/2" REBAR SET
- ⊕ UTILITY POLE
- ⊙ WELL
- OVERHEAD UTILITY
- PROPERTY LINE
- ADJACENT LOT LINE
- ASPHALT AREA
- CONCRETE AREA



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Danny Dougherty, Jr and Patricia Nolde

MAILING ADDRESS: 498 Lester Road, Fayetteville, GA 30215

PHONE: 678-709-7545

E-MAIL: trishnolde@gmail.com

AGENT FOR OWNERS: Patricia Nolde

MAILING ADDRESS: same as above

PHONE: _____

E-MAIL: _____

PROPERTY LOCATION: LAND LOT 65 LAND DISTRICT 5th PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 6.81

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: Agricultural-Residential

PROPOSED USE OF SUBJECT PROPERTY: Agricultural-Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-709-19

[] 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 28th, 2019

Received from DANNY B. DOUGHERTY a check in the amount of \$ 175⁰⁰

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

Date Paid: _____

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:

Danny Dougherty, Jr. and Patricia Nolde

Please Print Names

Property Tax Identification Number(s) of Subject Property Text 05-15-055

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

(I) (We) hereby delegate authority to Patricia Nolde 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.

Danny Dougherty, Jr.
Signature of Property Owner 1

498 Lesters Rd
Address

Howard L. Johnson
Signature of Notary Public

9/20/2019
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-125-A-R (01) (4)	Front yard setback for arterial of 100 feet	Front yard setback of 60 ft	Reduce front yard setback from 100 ft to 60 ft

VARIANCE SUMMARY

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

This request is for a variance for the front setback for an existing hangar on our property.

At the July meeting our request for rezoning was approved, changing our zoning from

R-40 to A-R, conditional upon this variance. The existing hangar is within the

new A-R setback. We are requesting a variance to the setback, from 100' to 60'

in order to accommodate this building. This hangar is essential to our use of the property

both as a member of the Willow Pond Airport community and as a storage and workshop

facility for our farm operations.

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.

No extraordinary conditions exist. This is an established building that has been
in place since before we purchased the property. We want to maintain the building
and its use.

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

Application of this regulation would represent an extreme hardship, including
extraordinary cost to remove and replace the building, and loss of use of the building.

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

There are no peculiar conditions that apply.

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.

Relief would not cause any detriment to the public good. This building has been in place for at least 20 years. No change in the current situation would be presented.

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

This hangar is, in fact, written into the covenant of this property and represents a our right to enjoy the full benefit of our property, including our membership and our participation in the Willow PondAirport Association.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

A-709-13

Doc ID: 009698530002 Type: WD
Recorded: 07/28/2015 at 10:00:00 AM
Fee Amt: \$352.00 Page 1 of 2
Transfer Tax: \$340.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4346 PG 735-736

Return Recorded Document to:
D.B. Cox Law Group LLC
2650 Holcomb Bridge Road Suite 420
Alpharetta, Georgia 30022

Warranty Deed

STATE OF GEORGIA
COUNTY OF FULTON

File No.: 150501P

This Indenture made this 22nd day of July, 2015 between John A. Carroll, Jr., of the County of Fayette and State of Georgia, as party or parties of the first part, hereinafter called Grantor(s), and Danny B. Dougherty, Jr. and Patricia R. Nolde, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor(s)" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: Grantor(s), for and in consideration of the sum of **TEN and 00/100 (\$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 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, the following described property:

See Attached Ex A.

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

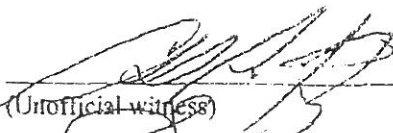
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and 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 44-6-190, 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(s) 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(s) (has) (have) signed and sealed this deed, the day and year first above-written.

Signed, sealed and delivered in the presence of:


(Unofficial witness)

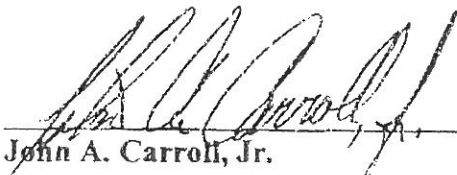

John A. Carroll, Jr. (Seal)

Exhibit A

THE FOLLOWING REAL PROPERTY SITUATE IN COUNTY OF FAYETTE AND STATE OF GEORGIA, DESCRIBED AS FOLLOWS:

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 65 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE EASTERLY SIDE OF LESTER ROAD, WHICH POINT IS 430.62 FEET SOUTH OF THE INTERSECTION OF THE EASTERLY SIDE OF LESTER ROAD WITH THE SOUTHWESTERLY SIDE OF REDFOX RUN ROAD (A 50' RIGHT-OF-WAY); THENCE CONTINUING ALONG THE EASTERLY SIDE OF LESTER ROAD FOLLOWING THE CURVATURE THEREOF A DISTANCE OF 150 FEET TO A POINT; THENCE RUNNING SOUTH 86 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 330.13 FEET TO A POINT; THENCE RUNNING NORTH 11 DEGREES 07 MINUTES 33 SECONDS EAST, A DISTANCE OF 143.14 FEET TO A POINT; THENCE RUNNING NORTH 86 DEGREES 31 MINUTES 17 SECONDS WEST, A DISTANCE OF 300 FEET TO A POINT ON THE EASTERLY SIDE OF LESTER ROAD AND THE POINT OF BEGINNING, BEING 1 ACRE AS PER PLAT OF SURVEY PREPARED BY CHARLES C. JONES FOR JOHN A. CARROLL, JR., DATED FEBRUARY 20, 1978, AND BEING THE SAME PROPERTY AS CONVEYED BY WARRANTY DEED DATED OCTOBER 25, 1984, FROM JOHN A. CARROLL, JR., AS GRANTOR, TO KAREN S. CARROLL, AS GRANTEE, RECORDED AT BOOK 334 PAGE 700, FAYETTE COUNTY RECORDS.

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 85 AND LAND LOT 86 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION FORMED BY THE SOUTHWESTERLY SIDE OF REDFOX RUN (50-FOOT RIGHT-OF-WAY) WITH THE NORTHEASTERLY SIDE OF LESTER ROAD (30-FOOT RIGHT OF WAY); RUNNING THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHWESTERLY SIDE OF REDFOX RUN, 751.18 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 44 DEGREES 27 MINUTES 15 SECONDS WEST 356.73 FEET TO AN IRON PIN; RUNNING THENCE NORTH 88 DEGREES 13 MINUTES 35 SECONDS WEST 498.05 FEET TO THE EASTERLY SIDE OF LESTER ROAD AS MARKED BY AN IRON PIN (SAID IRON PIN ALSO BEING LOCATED 680 FEET NORTHERLY AS MEASURED ALONG THE EASTERLY SIDE OF LESTER ROAD FROM THE SOUTH LINE OF LAND LOT 85); RUNNING THENCE IN A NORTHERLY DIRECTION, ALONG THE EASTERLY SIDE OF LESTER ROAD, FOLLOWING THE CURVATURE THEREOF, 807.41 FEET TO THE INTERSECTION OF REDFOX RUN AND LESTER ROAD AT THE POINT OF BEGINNING, BEING A PARCEL OF LAND COMPRISING 6.73 ACRES, TOGETHER WITH ALL EASEMENT RIGHTS APPERTAINING TO SUCH TRACT, ALL AS SHOWN ON THE PLAT OF SURVEY DATED FEBRUARY 20, 1978, AS REVISED MARCH 21, 1978, PREPARED BY CHARLES C. JONES, REGISTERED LAND SURVEYOR, FOR JOHN A. CARROLL, JR.; SAID PROPERTY BEING THE SAME AS THAT CONVEYED BY WARRANTY DEED DATED APRIL 4, 1978, FROM JAMES E. BASS AND ELLA M. BASS, AS GRANTORS, TO JOHN A. CARROLL, JR., AS GRANTEE, RECORDED AT BOOK 178 PAGE 35, FAYETTE COUNTY RECORDS.

PROPERTY ADDRESS: 498 LESTER RD

PETITION NO. A-710-19
588 Westbridge Road
Fayetteville, GA 30215
Public Hearing Date October 28, 2019

The subject property is zoned A-R and located at 588 Westbridge Road. The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 68 feet to allow the construction of an addition to and existing single-family home. Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the south side yard setback from 50 feet to 36 feet to allow the construction of an addition to and existing single-family home.
2. Variance to Sec. 110-125 A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 77 feet to allow the construction of a proposed garage. Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the north side yard setback from 50 feet to 38 feet to allow the construction of a proposed garage.
3. Variances, as applicable, for all existing structures and improvements to remain in anticipation of any platting which may be done in the future.

History: The subject property is a non-conforming lot of record and is 0.799 acres in size. Tax Assessor's records indicate that the house was built in 1952 and according to the deed the applicant purchased the property in 2018.

The applicant provides the following information:

VARIANCE SUMMARY

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

The current setbacks for this property, does not allow for much buildable space for a single family home, garage and storage. We are asking for the front yard setback to be 68 feet for the proposed addition of the single family home and 77 feet for the proposed garage, and the side yard setbacks to 36 feet for the proposed addition of the single family home and 38 feet for the proposed garage. We are asking for a variance for all the existing structures in the rear. These new setbacks will allow us to build an expansion, to make a home for a single family with two kids. The current home is approximately 1,079 square feet with this addition the floor area will meet the minimum floor area of 1200 square feet.

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 property is only 0.799 acre in an A-R district which is for lands with a minimum of five (5) acres. The setback only allow for a small buildable space.

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

This property causes a hardship because the home is too small for a family with two (2) kids being that it is 1,079 square feet, there is no room for expansion also the lot is too small for zoning, it not a one (1) acre lot.

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

Small home, small lot and, no room for expansion to build a bigger home for a single family.

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

If relief is granted to me in this property it will not cause hurt to the neighbors, the neighbors have large parcels.

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

No, this relief would not hurt the others in the same zone district rights to use their property.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No comment.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

WATER SYSTEM: No conflict.

A-710-19

**SUBJECT
PROPERTY**

Westbridge Road

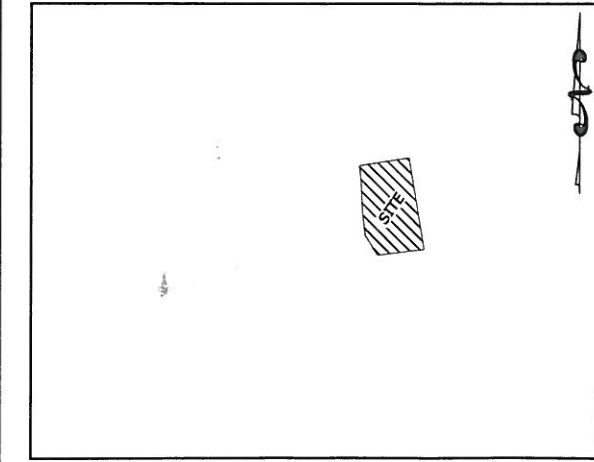
- Legend**
- OTP=Open Top Pipe
RBF=Rebar Found
RBS=Rebar Set
R/W=Right of Way
IPF=Iron Pin Found
P.O.B.=Point of Beginning
B/L=Building Line
D.E.=Drainage Easement
N/F=Now or Formerly
F.W.P.D.=Field Work Performed Date
☒=Gas Valve
☒=Water Meter
☒=Utility Pole
☒=Drop Inlet
☒=Fire Hydrant
☒=Light Pole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

This Box reserved for the Clerk of the Superior Courts.

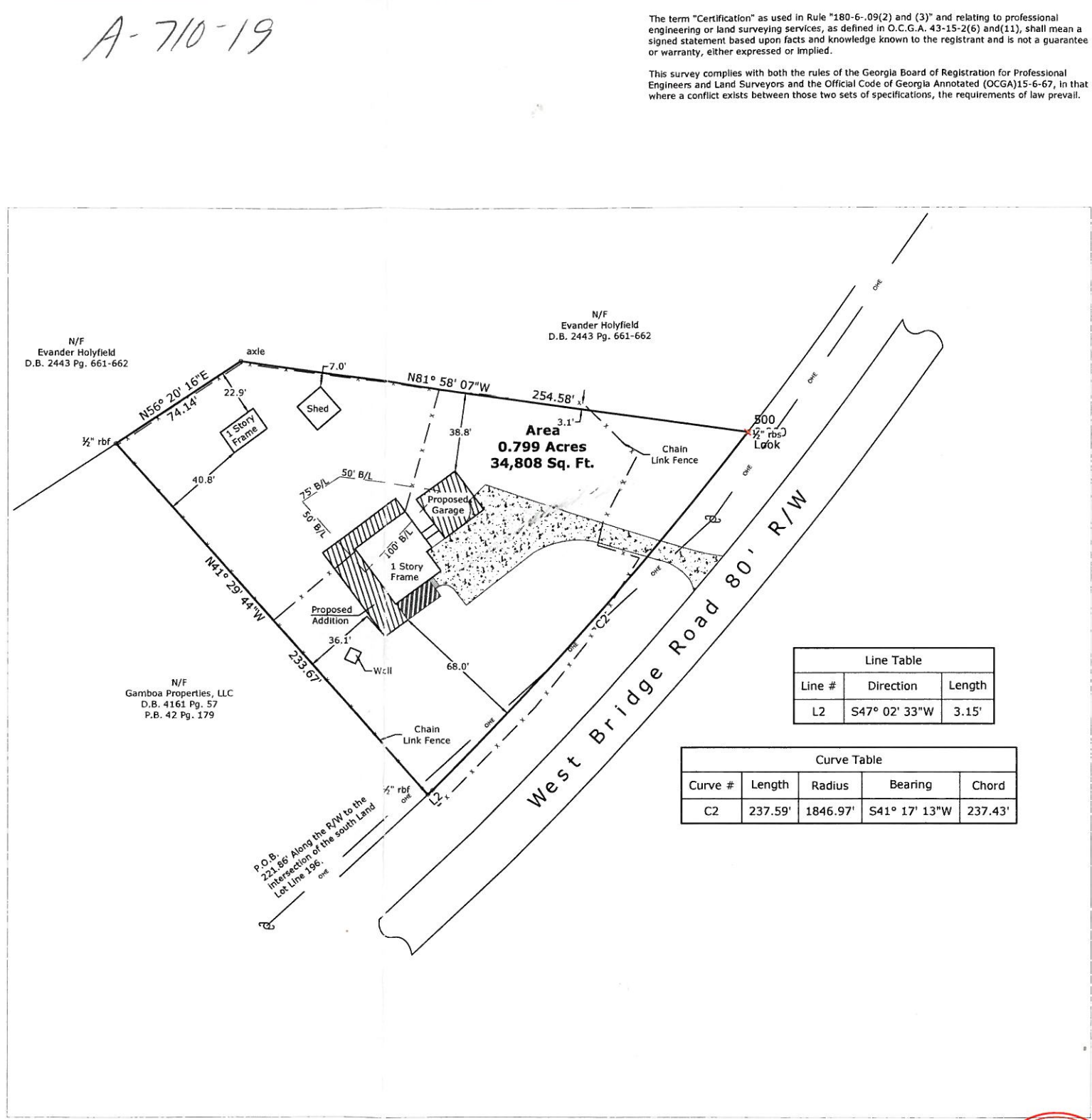
Note:
This document was prepared for permitting purposes only and **Should NOT** be used for transfer of title.

Note:
No new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

Building Lines
Front - 50'
Side - 15'
Rear - 30'



Vicinity Map
(NOT TO SCALE)



Closure Data

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

In my opinion this property appears not to lie within a 100 year flood plain according to F.I.R.M. #000000000000 Cated 00/00/0000.

This survey does not constitute a title search by surveyor. All information regarding record easements, adjoiners and other documents that might affect the quality of title to tract shown were not supplied to this office.

Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.

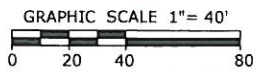
Surveyor's Certificate:

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

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

2696
License NO.

08/15/19
Date



FOUR CORNERS SURVEYING



Plat/Deed Book	Page
D.B. 4724	705

Location
588 West Bridge Road
Land Lot 196 Of The 13th Land District
Fayette County, Georgia

Wendy Mendez

Job #:
19-084
Drawn By: RTG
Reviewed By: RTG
Date: 08/15/19
F.W.P.D.: 03/04/17
Scale: 1" = 50'
Sheet: 1 of 1

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Estefana Juarez

MAILING ADDRESS: 588 West Bridge Rd Fayetteville, GA 30214

PHONE: 404-563-5837 E-MAIL: Wendystephy@outlook.com

AGENT FOR OWNERS: Wendy Mendez

MAILING ADDRESS: 10449 Iron Gate Ln Jonesboro, GA 30238

PHONE: 404-563-5837 E-MAIL: Wendystephy@outlook.com

PROPERTY LOCATION: LAND LOT 196 LAND DISTRICT 13th PARCEL 1307 042

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.799

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R, R-40

PRESENT USE OF SUBJECT PROPERTY: UNUSED / old single family home

PROPOSED USE OF SUBJECT PROPERTY: Single family home

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-710-19

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 9/20/2019

DATE OF ZONING BOARD OF APPEALS HEARING: OCTOBER 28, 2019

Received from Wendy S. Mendez a check in the amount of \$ 225.00

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

Date Paid: _____ Receipt Number: 6967139 sign

6966791 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:

Estefana Juarez

Please Print Names

Property Tax Identification Number(s) of Subject Property: 1307 042

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 13th District, and (if applicable to more than one land district) Land Lot(s) 196 of the District, and said property consists of a total of 0.799 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Wendy Mendez 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 of Property Owner 1

588 West Bridge Fayetteville, GA 30514

Address

Signature of Notary Public

Date

9/18/2019

Signature of Property Owner 2

Signature of Notary Public

Address

Signature of Authorized Agent

10449 Zongate Ln Jonesboro 30213

Address

Date

Signature of Notary Public

Date

9/18/2019

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-AR (d)(4)(a)(1) 100'	100'	68'	32'
• Sec. 110-125. A-R (d)(4)(b)	50'	36'	14'
• Sec. 110-125 A-R (d)(4)(a)(1)	100'	77'	23'
• Sec. 110-125 A-R (d)(4)(b)	50'	38'	12'
	Allow all existing structures + improvements to remain.		

VARIANCE SUMMARY

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

The Current Setbacks for this Property, does not allow for ^{much} buildable space for a single family home, garage and storage. We are asking for the front yard setback to be 68 feet, + 77 feet the side set backs to be 36⁺³⁸ feet each right and left, and the rear seat back to be ^{remain} ~~22 feet~~. this new Setbacks will allow us to build an expansion, to make a home for a single family with two kids. the current home is approximately 1,079 sqft with this addition the floor area will meet the minimum floor area of 1,200 sqft.

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 property is only 0.799^{acres} in a A-R district which is for lands with a minimum of 5 acres. the setback only allow for a small buildable space.

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

this property causes a hardship because the home is too small for a family with 2 kids being that it is 1,079 sqft, there is no room for expansion. also the lot is too small for zoning, it not a 1^{acre} lot.

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

Small home, small lot^{and}, no room for expansion to build a bigger home for a single family.

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.

if relief is granted to me in this property, it will not cause hurt to the neighbors, the neighbors have large parcels.

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

no, this relief would not hurt the others in the same zone district rights to use their property.

Please return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 18-LAW-0788

Doc ID: 010355710001 Type: WD
Recorded: 04/02/2018 at 09:05:00 AM
Fee Amt: \$65.00 Page 1 of 1
Transfer Tax: \$55.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4724 PG 705

STATE OF GEORGIA
COUNTY OF FAYETTE

3

LIMITED WARRANTY DEED

THIS INDENTURE made this 23rd day of March, 2018 between

Gamboa Properties, Inc.

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

Estefana Juarez

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 196 of the 13th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the northwesterly side of Coleman Road (also known as Westbridge Road and Cooks Crossing Road), Two Hundred Ten (210) feet northeasterly from the intersection formed by the northwesterly side of Coleman Road with the South line of Land Lot 196; running thence northeasterly along the northwesterly side of Coleman Road, two hundred sixty (260) feet to an iron pin and property now or formerly owned by Ray; running thence northwesterly along the southwesterly line of said Ray property, two hundred sixty five (265) feet to an iron pin and other property now or formerly owned by Bishop; running thence southwesterly along the southeasterly line of said Bishop property, eighty six (86) feet to a point; running thence southeasterly, two hundred thirty eight (238) feet to a point on the northwesterly side of Coleman Road and the POINT OF BEGINNING; being improved property and having a house located thereon as per survey prepared by C. E. Lee, Surveyor. dated May 5, 1962.

Subject to restrictive covenants and easements of record.

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

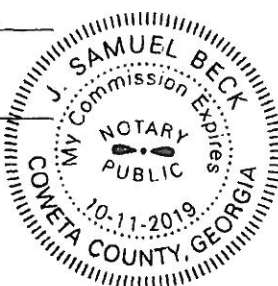
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

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

Signed, Sealed and delivered in the presence of:

Ashley Embrey
Unofficial Witness

[Signature]
Notary Public



Gamboa Properties, Inc.

BY: *Norma L. Gamboa*
Norma L. Gamboa, Manager



Book: 4724 Page: 705 Seq: 1

PETITION NO. A-711-19
625 Hood Avenue
Fayetteville, GA 30214
Public Hearing Date October 28, 2019

The subject property is zoned R-40 and located at 625 Hood Avenue. The applicant is requesting a Variance as follows:

Variance to Sec. 110-137. R-40, (d) (6), to reduce the side yard setback from 15 feet to 12 feet to allow the existing house to be in compliance with a proposed subdivided lot.

History: The subject property's survey was recorded on July 15, 1971 in Plat Book 6 and Pages 114. Tax Assessor's records indicate that the house was built in 1971, and according to the deed the applicant purchased the property in 2014.

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.

I would like to subdivide my current property. While going through the surveying process I realized that current home would not meet the requirements of 15 feet side yard setback. So my request from zoning staff is a variance of 3 feet. The actual requirement not met is 2 ½ feet shy.

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.**

Subdividing existing property would be consistent with the other developed homes in the area. So by converting land into a flag lot would only be reasonable.

- 2. The application of these regulations to this particular piece of property would create a**

practical difficulty or unnecessary hardship; and,

Yes this would be unnecessary hardship, because of the property is literally 2 ½ feet shy of the requirement of 15 feet setback. I would have to remove the left corner of garage to be in compliance (see survey).

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

Survey show that there is plenty of land property in question. Directly across street house are built on a ¼ acre of land. Existing house will be 1 acre and new construction will be on 2 acres.

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

No this would not cause a detriment to the public. There is enough land to do the new build on also enough room for heavy equipment operators to enter and exit safely with enough turn around to not public in danger.

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

All other requirements have been met for R-40 standards. Only request from this board is allow the 2 ½ foot variance to comply for setback requirements.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No comment.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

WATER SYSTEM: City of Fayetteville service area.

A-711-19

**SUBJECT
PROPERTY**

Hood Avenue

SURVEYOR CERTIFICATION

AS REQUIRED BY SUBSECTION (C) OF O.C.G.A. SECTION 15-6-67, THIS MAP OR PLAT HAS BEEN PREPARED AND ISSUED FOR SUBMITTAL AND APPROVAL BY THE LOCAL JURISDICTION AS IS EVIDENCED BY THE APPROVAL CERTIFICATE, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THE SURVEY OR MAP AS TO INTENDED USE OF ANY PARCEL. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM 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 OCGA 15-6-67.

CHARLES D. MCCANN GAPS #2245 8-14-19
DATE



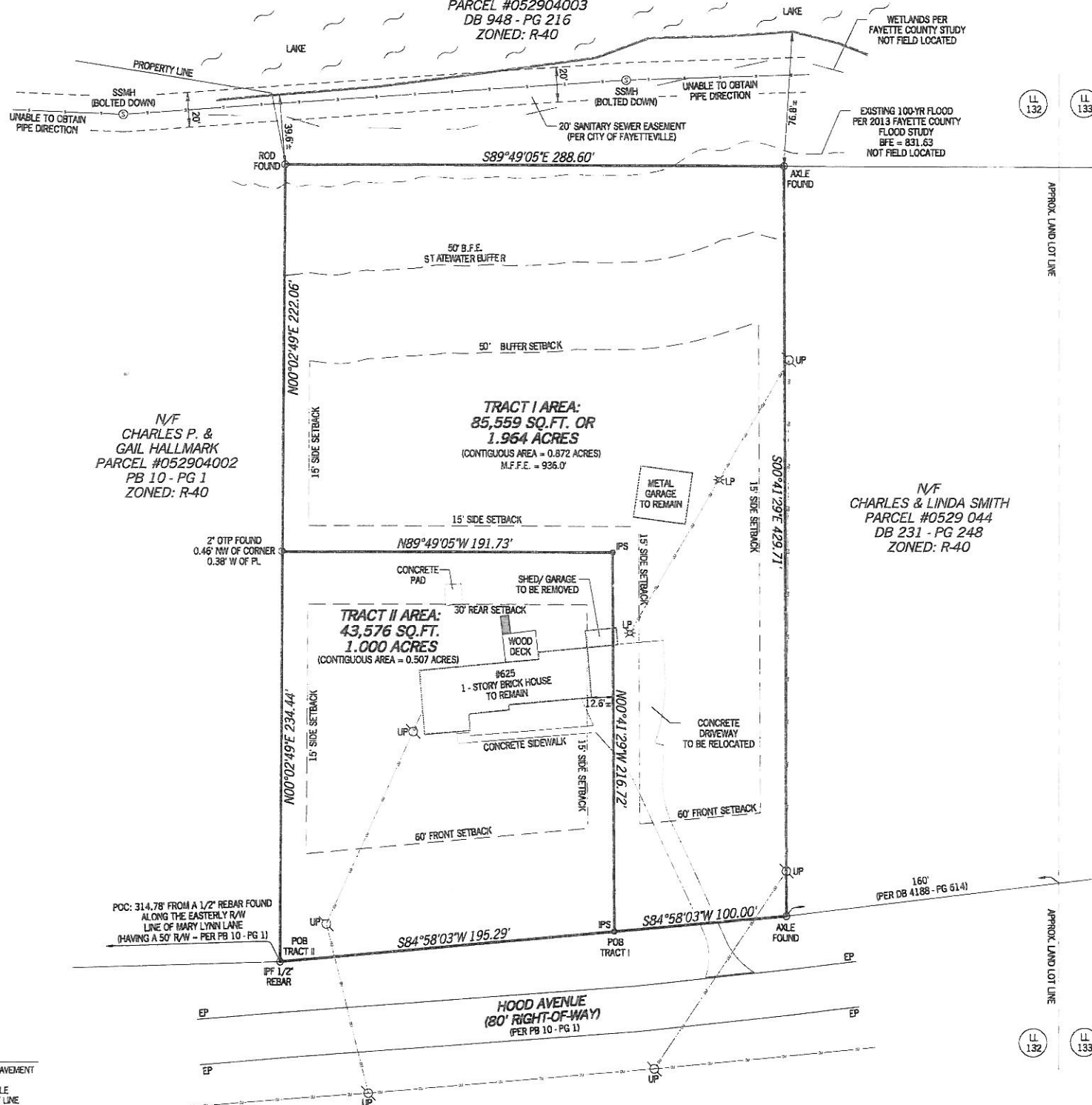
A-711-19

N/F
TINY SUE H. & BARNARD WALKER
PARCEL #052904003
DB 948 - PG 216
ZONED: R-40

ZONING INFORMATION

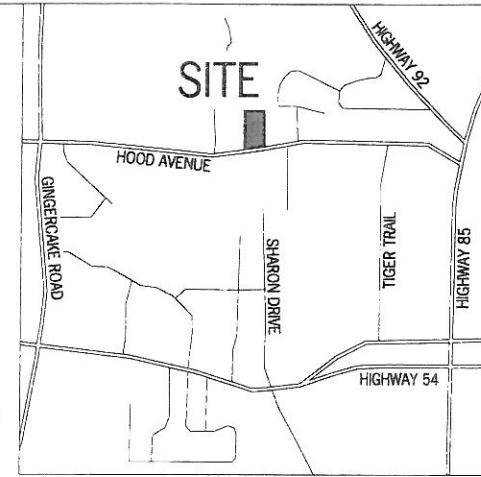
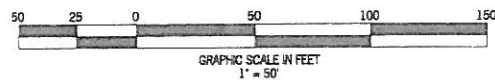
R-40 ZONING DISTRICT (SINGLE-FAMILY RESIDENTIAL)
MINIMAL LOT AREA PER DWELLING UNIT: 43,560 SQUARE FEET (ONE ACRE)
(WHEN CENTRAL SANITARY AND CENTRAL WATER ARE PROVIDED)
MINIMAL FLOOR AREA: 1,500 SQUARE FEET
MINIMUM LOT WIDTH:
- MAJOR THOROUGHFARE:
1. ARTERIAL: 150 FEET
2. COLLECTOR: 150 FEET
- MINOR THOROUGHFARE: 125 FEET
MINIMUM FRONT YARD SETBACK:
(1) ARTERIAL ROADS - 60 FEET
(2) COLLECTOR ROADS - 60 FEET
(3) LOCAL ROADS - 40 FEET
MINIMUM SIDE YARD SETBACK: 15 FEET
MINIMUM REAR YARD SETBACK: 30 FEET

ZONING INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM THE FAYETTE COUNTY ONLINE TAX ACCESSOR MAPS AND THE FAYETTE COUNTY CODE OF ORDINANCES. ALL ZONING INFORMATION WILL NEED TO BE VERIFIED BEFORE THE APPROVAL OF FINAL PLAT.



SYMBOLS
IPF = (circle with dot) - AS SHOWN HEREON
IPS = (circle with cross) - 1/2" CAPPED REBAR TO BE SET

LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
N/F NOW OR FORMERLY
EP IRON PIN FOUND
OTF OPEN TOP PIPE
IPS IRON PIN SET (CAPPED 1/2" REBAR)
R/W RIGHT-OF-WAY
BFE BASE FLOOD ELEVATION
SSMH SANITARY SEWER MAINHOLE
EP EDGE OF PAVEMENT
LL LAND LOT
UP UTILITY POLE
PL PROPERTY LINE
DB DEED BOOK
PB PLAT BOOK
PG PAGE
LP LIGHT POLE
OU OVERHEAD UTILITY



VICINITY MAP
N.T.S.

MCCANN LAND SURVEYORS
2819 ROLAND ROAD
THOMASTON, GA 30286

SUBJECT PROPERTY

OWNER: KEITH & RHONDA LOGAN
SITE ADDRESS: 625 HOOD AVENUE, FAYETTEVILLE, GA 30214
TRACT I AREA: 1.977 ACRES
TRACT II AREA: 1.000 ACRES
(2 LOTS TOTAL)
ORIGINAL PARCEL #0529 026
REFERENCE: DEED BOOK 4188 - PAGE 614
DEED BOOK 231 - PAGE 248
DEED BOOK 948 - PAGES 216-217
PLAT BOOK 10 - PAGE 1

GENERAL NOTES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. THEREFORE, THE UNDERSIGNED AND CHARLES D. MCCANN GAPS #2245 MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN. NO EASEMENTS WERE FOUND OR PROVIDED WHILE PRODUCING THIS SURVEY.

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION, BELIEF AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED ON HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET HORIZONTAL AT THE 95% CONFIDENCE LEVEL.

THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY USING A GEOMAX ZENITH 35 PRO BASE AND ROVER GPS RECEIVERS, IN COMBINATION WITH A LEICA TSP3 1203 R300 ROBOTIC TOTAL STATION. (DATE OF LAST FIELD VISIT: AUGUST 13, 2019)

THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 312,857 FEET.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS: GRID NORTH AS DEFINED BY NAD 83 AND NAD 88 (GEOID 12A) DATUM, GEORGIA WEST ZONE, AND DETERMINED THROUGH RTK-GPS METHODS UTILIZING A GNSS REAL TIME NETWORK SOLUTION BY MCCANN LAND SURVEYORS.

NO PORTION OF THIS SITE APPEARS TO BE IN A SPECIAL FLOOD AREA AS DEFINED BY THE FAYETTE COUNTY F.E.M.A. F.I.R.M. COMMUNITY PANEL NUMBER 13113 C 0103 E, DATED SEPTEMBER 26, 2008.

TRACT I & TRACT II CONTAIN OR ARE ADJACENT TO A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY. AS REQUIRED BY ART. IV OF THE DEVELOPMENT REGULATIONS A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY.

THERE ARE NO VISIBLE WETLANDS ON THIS PROPERTY.

THERE ARE NO VISIBLE GROUNDWATER RECHARGE AREAS ON THIS PROPERTY.

FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT.

BOTH LOTS TO BE SERVICED BY THE CITY OF FAYETTEVILLE SEWER AND WATER.

RECONFIGURATION SURVEY FOR:

KEITH LOGAN

FAYETTE COUNTY, GA

5TH DISTRICT

LAND LOT 132

MCLS JOB
#19018

DRAWN BY: NDW CHECKED BY: CDM & CAM

ISSUE DATE: 8-14-19

DRAWING NUMBER
1 OF 1

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Rhonda and Keith Logan

MAILING ADDRESS: 625 Hood Avenue, Fayetteville, Ga 30214

PHONE: 404-514-1083 **E-MAIL:** klogan2560@gmail.com

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **E-MAIL:** _____

PROPERTY LOCATION: LAND LOT 132 LAND DISTRICT 5th PARCEL 0529-026

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.964

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: Vacant


PROPOSED USE OF SUBJECT PROPERTY: Single Family Residential

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-711-19

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 9/20/2019

DATE OF ZONING BOARD OF APPEALS HEARING: OCTOBER 28th, 2019

Received from KEITH LOGAN a check in the amount of \$ 175⁰⁰

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

Date Paid: 9/20/2019 Receipt Number: _____

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 110-137 R-40(d)(6)	side yard 15 ft	12 feet	3 feet

VARIANCE SUMMARY

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

I would like to subdivide my current property. While going thru the Survey process I realized that

current home would not meet the requirement of 15 Ft side yard setback. So my request from

Zoning staff is a variance of 3 feet. The actual requirement not met is 2 1/2 ft shy.

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.

Subdividing existing property would be consistent with the other developed homes in area. So by
by converting land into a flag lot would only be reasonable.

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

Yes this would be an unnecessary hardship, because of the property is literally 2 1/2 ft shy of the
requirement of 15 ft setback. I would have to remove the left corner of garage to be in compliance.
(see survey)

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

Survey shows that there is plenty of land to property in question. Directly across street houses are
built on a 1/4 acre of land. Existing house will be 1 acre and new construction will be on 2 acres.

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.

No this would not cause a detriment to the public. There is enough land to do the new build on also
enough room for heavy equipment operators to enter and exit safely with enough turn around to not
put public in danger.

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

All other requirements have been met for R-40 standards. Only request from this board is to allow the
the 2 1/2 foot variance to comply for set back requirements.

Doc ID: 009353110001 Type: WD
 Recorded: 05/01/2014 at 09:00:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4188 PG 614

Return To:
 Morris|Hardwick|Schneider, LLC
 1933 Highway 34 East
 Newnan, GA 30265
 File Number: NWN-140300140S

WARRANTY DEED

State of GEORGIA
 County of COWETA

This indenture made this 11th day of April, 2014, between

Rhonda Logan

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

Rhonda Logan and Keith R. Logan

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 of 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 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 132 of the 5th District, Fayette County, Georgia, and being more particularly described as follows: Commence at an iron pin located on the Northerly right of way of Hood Avenue (an 80 foot right of way) which iron pin is located 160.0 feet Westerly along said right of way from the intersection of said right of way with the Easterly line of said Land Lot 132; run thence West along said right of way 295.1 feet to a point; run thence North 460.0 feet to a point; run thence Easterly 289.0 feet to a point; run thence South 429.9 feet to an iron pin located on the Northerly right of way of Hood Avenue and the True Point of Beginning. Being part of a 4.98 acre tract shown on a survey for William Pye, recorded in Plat Book 6, page 114 Fayette County Records, Georgia.

Subject to all easements and restrictions of record

This conveyance is made subject to that certain security deed from Rhonda Logan to Academy Mortgage Corporation, dated 04/11/14, in the original amount of \$157,142.00 of even date and recorded simultaneously herewith, 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.

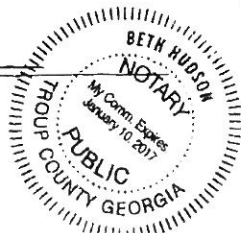
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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:

Ashley Embrey
 Witness

[Signature]
 Notary Public
 My Commission Expires:



[Signature] (Seal)
 Rhonda Logan

PETITION NO. A-712-19
191 Hardy Road
Brooks, GA 30205
Public Hearing Date October 28, 2019

The subject property is zoned A-R and located at 191 Hardy Road. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 20 feet to allow the construction of an accessory structure.

History: The subject property's survey was prepared on June 25, 1987 and recorded on October 31, 2017 in Plat Book 50 and Pages 100. Tax Assessor's records indicate that the house was built in 2018, and according to the deed the applicant purchased the property in 2019.

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 would like to build a detached garage. Our property has a 50' side setback, which does not allow us to proceed with the construction. Therefore, we are applying for a variance to move the setback 30', so the new setback would be 20'. Explanations for why the building location cannot be in other areas on the property are explained in the following pages.

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 property is 5 acres but narrow and long. This is the most feasible location to build a detached garage. In this location the driveway will not extended. The area between the house property line in very narrow.

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

Would not be able to build due to other explanations. It would not be practical to build the garage 2 acres behind the house.

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

We are not able to build a garage in any other location near the house due to other necessities:

- 1) Well is behind the house.
- 2) Sceptic tank on right side of house.
- 3) Leach bed in front of house.

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 garage will be right next to the house, will resemble the house, and will be in good taste for any future neighbors. Currently the lot on that side is undeveloped and consists of woods. There will be no negative impact on future neighbors.

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

Neighbors on the street have had variances approved for accessory structures and will have no negative impact.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No comment.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

WATER SYSTEM: No conflict.

A-712-19

**SUBJECT
PROPERTY**

Hardy Road

A-712-19

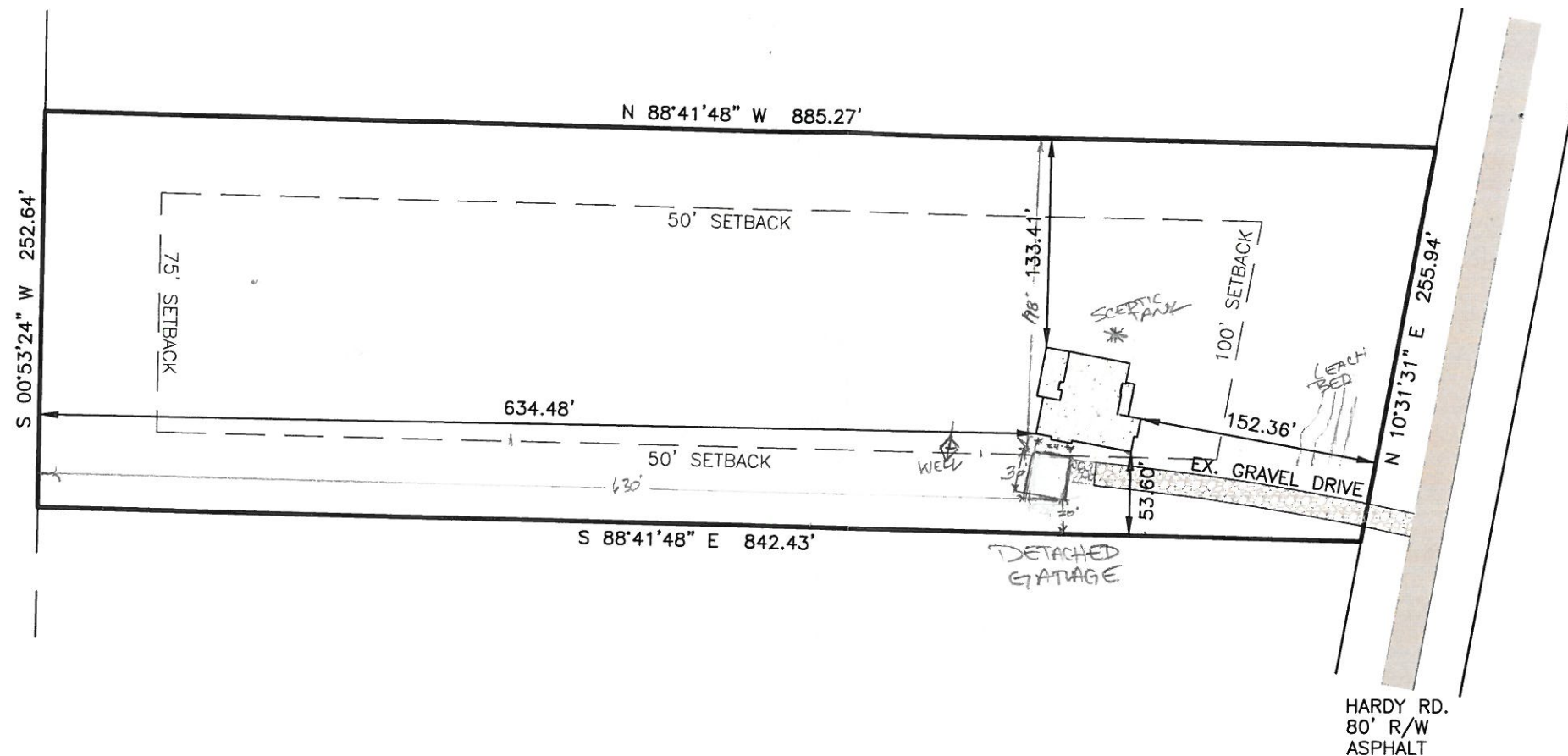
PERMIT# RNEW-06-18-057908
FAYETTE COUNTY DOES NOT ACCEPT RESPONSIBILITY FOR
ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN,
OR THE LACK OF ONE, INDICATED BY THIS PLAT.
THERE ARE NO WETLANDS ON THIS PROPERTY AS PER
NATIONAL WETLANDS INVENTORY.
THIS PROPERTY DOES NOT HAVE ANY STATE WATERS.
IMPERVIOUS AREA = 3,294 SQ. FT. (FOUNDATION)

LEGEND

EX. CONCRETE FOUNDATION

EX. ASPHALT

EX. GRAVEL



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HASA CLOSURE PRECISION OF ONE
FOOT IN 57,895 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT
AND WAS ADJUSTED USING THE COMPASS RULE THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.
EQUIPMENT USED: TOPCON GTS-313.

FLOOD NOTE:

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT
LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY FIRM PANEL
NUMBER: 13113C0165E ----- DATED: SEPTEMBER 26, 2008.

NOTES:

OWNER: UPSCALE HOMES
PHONE: (404) 569-2550
PARCEL# 0407 059
TRACT 1 PB. 50 PG. 100
SITE ADDRESS: 191 HARDY RD
ZONED: A-R
MINIMUM LOT SIZE = 5.00 ACRES
MINIMUM LOT WIDTH = 250' (AT BUILDING LINE)
FRONT SETBACK = 75'
SIDE SETBACK = 50'
REAR SETBACK = 75'
MINIMUM FLOOR AREA = 1,200 SQ. FT.
LOT AREA = 5.01 ACRES



SIBLEY-MILLER

SURVEYING & PLANNING INC.

2062 HWY. 42 NORTH
MCDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www.sibleysurveying.com

FOUNDATION SURVEY

UPSCALE HOMES
191 HARDY RD.
LAND LOT 40, 4th. DISTRICT
FAYETTE COUNTY, GEORGIA



PROJECT NO.: L18079
FOUNDATION SURVEY

DRAWN BY: TLM

SCALE: 1" = 100'

DATE: 9-26-18

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: JEREMY & LISA KLINGER

MAILING ADDRESS: 191 HARDY RD, Brooks, GA 30205

PHONE: 470-728-3449 E-MAIL: JEREMY.KLINGER26.2@gmail.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

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

PROPERTY LOCATION: LAND LOT 40 LAND DISTRICT 4th PARCEL 0407059

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: R-A

PROPOSED USE OF SUBJECT PROPERTY: R-A

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-712-19

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 9/20/2019

DATE OF ZONING BOARD OF APPEALS HEARING: OCTOBER 28, 2019

Received from JEREMY P. KLINGER a check in the amount of \$ 175⁰⁰

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

Date Paid: Jeremy Klinger Receipt Number: 6967150 sign
6967149 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:

JEREMY & LISA KLINGER
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0407 059

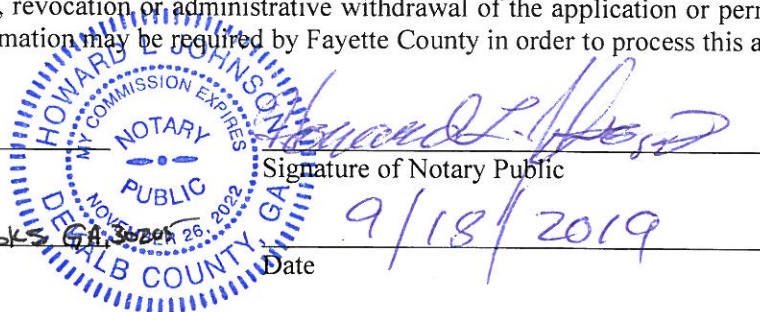
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the A1A District, and (if applicable to more than one land district) Land Lot(s) 40 of the District, and said property consists of a total of 5.01 acres (legal description corresponding to 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

191 HARDY RD, Brooks, GA 30205
Address



[Signature]
Signature of Notary Public

9/18/2019
Date

Signature of Property Owner 2

191 HARDY RD, Brooks, GA 30205
Address

Signature of Notary Public

Date

N/A
Signature of Authorized Agent

191 HARDY RD, Brooks, GA 30205
Address

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-125(d)(6) 110-79	50' SETBACK	20' SETBACK	30'

VARIANCE SUMMARY

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

WE WOULD LIKE TO BUILD A DETACHED GARAGE. OUR PROPERTY HAS
SIDE
 A 50' SETBACK, WHICH DOES NOT ALLOW US TO PROCEED WITH
 THE CONSTRUCTION. THEREFORE, WE ARE APPLYING FOR A VARIANCE
 TO MOVE THE SETBACK 30', SO THE NEW SETBACK WOULD BE
 20'. EXPLANATIONS FOR WHY THE BUILDING LOCATION CANNOT
 BE IN OTHER AREAS ON THE PROPERTY ARE EXPLAINED IN THE
 FOLLOWING PAGES.

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 PROPERTY IS 5 ACRES BUT NARROW AND LONG. THIS IS
MOST FEASIBLE
THE ONLY SUITABLE LOCATION TO BUILD A DETACHED GARAGE.
IN THIS LOCATION THE DRIVEWAY WILL NOT EXCEED
EXTENDED,
THE AREA BETWEEN THE HOUSE'S PROPERTY LINE IS VERY
NARROW.

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

WOULD NOT BE ABLE TO BUILD DUE TO OTHER EXPLANATIONS.
IT WOULD NOT BE PRACTICAL TO BUILD THE GARAGE 2 ACRES
BEHIND THE HOUSE.

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

WE ARE NOT ABLE TO BUILD A GARAGE IN ANY OTHER LOCATION
NEAR THE HOUSE DUE TO OTHER NECESSITIES: 1.) WELL IS
BEHIND THE HOUSE 2.) SEPTIC TANK ON RIGHT SIDE OF HOUSE
3.) LEACH BED IN FRONT OF HOUSE.

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 GARAGE WILL BE RIGHT NEXT TO THE HOUSE, WILL RESEMBLE
THE HOUSE, AND WILL BE IN GOOD TASTE FOR ANY FUTURE
NEIGHBORS. CURRENTLY THE LOT ON THAT SIDE IS UNDEVELOPED
AND CONSISTS OF WOODS. THERE WILL BE NO NEGATIVE
IMPACT ON FUTURE NEIGHBORS.

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

NEIGHBORS ON THE STREET HAVE HAD VARIANCES APPROVED
FOR ACCESSORY STRUCTURES & WILL HAVE NO NEGATIVE
IMPACT.


CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

A-712-19

Please return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 19-LAW-1224


Doc ID: 010672660002 Type: WD
Recorded: 07/08/2019 at 09:50:00 AM
Fee Amt: \$501.90 Page 1 of 2
Transfer Tax: \$489.90
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4894** PG **496-497**

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 2nd day of July, 2019 between

Upscale Homes, Inc.

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

Jeremy Philip Klinger and Lisa Winslow Klinger as Joint Tenants With Right of Survivorship

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 40 of the 4th District of Fayette County, and being more particularly described as follows:

Beginning at an iron pin located at the intersection of the Northerly boundary of Land Lot 40 with the Westerly right of way of Hardy Road (an 80' right of way); thence proceed South 89 degrees 19' 53" West a distance of 885.27 feet to an iron pin located at the common intersection of Land Lots 39, 40, 57, and 58; thence proceed in a Southerly direction along the Westerly boundary of Land Lot 40 a distance of 252.64 feet to an iron pin; thence proceed North 89 degrees 19' 53" East a distance of 842.43 feet to an iron pin located on the Westerly right of way of Hardy Road; thence proceed North 08 degrees 33' 15" East a distance of 255.94 feet to an iron pin and the POINT OF BEGINNING.

The subject tract or parcel of land contains a total of 5.01 acres, and is depicted as Lot Number 1 on a plat of survey prepared for Edna Weeks, et al, by Kenneth Edward Presley, Registered Land Surveyor, dated June 25, 1987 and recorded in Plat Book 50, Page 100, Fayette County, Georgia records. Such plat of survey is, by this reference, incorporated in and made a part hereof.

Subject to restrictive covenants and easements of record.

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

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