

The Fayette County Board of Appeals public hearing will be held on May 18, 2020. The meeting room will be open to the public, but in an abundance of caution concerning the COVID-19 (coronavirus), prior to entry of the Public Meeting Room, a representative with the Department of Health will be on-site to take temperatures. If deemed to have an elevated temperature of 100.4 degrees or higher, visitors will not be allowed to enter the building. The meeting will be livestreamed and the call-in number 770-305-5277 is provided for those who would like to make public comment on any of the petitions.

**BOARD OF APPEALS**

Marsha A. Hopkins, Chair
Tom Waller, Vice-Chair
Therol Brown
John Tate
Bill Beckwith

STAFF

Pete Frisina, Director
Chanelle Blaine, Zoning Administrator
Howard Johnson, P & Z Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
May 18, 2020
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on February 24, 2020.

PUBLIC HEARING

2. Petition No. A-716-20, Charlotte Chancellor, Owner, requests the following: Variance to Section 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to 12 feet for the construction of a residential accessory structure. The subject property is located in Land Lot 41 of the 5th District and fronts on Hilo Road.
3. Petition No. A-719-20, Allen & Reagan Moscon, Owners, request the following:
1) Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, (1) (a) to allow a detached garage to be located 110 feet from the principal structure, as opposed to the maximum of 35 feet. 2) Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, (d) (1) to allow a detached garage to not be connected to the principal structure. The subject property is located in Land Lot 3 of the 5th District and fronts on Harris Road.
4. Petition No. A-720-20, Charlene Denney, Owner, requests the following: Variance to Sec. 110-79 Residential accessory structures and their uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lot(s) 42 and 55 of the 7th District and fronts on Adams Road.
5. Petition No. A-721-20, Faye Hodge & Marvin Mund, Owners, request the following: Variance to Sec. 110-79 Residential accessory structures and their uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lots 163 of the 4th District and fronts on Massengale Road and Grooms Road.

6. Petition No. A-723-20, Scott & Wendy Marlow, Owners, request the following: Variance to Sec. 110-133. R-70, (d) (4) (a) (2), to reduce the front yard setback off Antioch Rd from 75 feet to 74 feet to allow a detached garage to remain. The subject property is located in Land Lot 216 of the 4th District and fronts on Rosemont Trace and Antioch Road.
7. Petition No. A-724-20, Estate of Josephine Ballard, David Ballard, Executor, and Amanda Mask Loyd, Agent, request the following: 1) Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 30 feet to allow an existing barn to remain on the proposed Tract 1. 2) Variance to Sec. 110-125 A-R, (d) (4) (b) to reduce the front yard setback from 75 feet to 25 feet to allow the existing single-family residential home to remain on the proposed Tract 2. 3) Variance to Sec. 110-125, (d) (4) (b) to reduce the front yard setback from 75 feet to 59 feet to allow the existing barn and lean-to to remain on the Proposed Tract 2. The subject property is located in Land Lot 181 of the 4th District and fronts on Mudbridge Road.
8. Petition No. A-725-20, Mask Road Brooks Residence Trust/William Pettis, Owner, requests the following: Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 15 feet to allow an existing barn to remain. The subject property is located in Land Lot(s) 4 and 29 of the 4th District and fronts on Mask Road.
9. Petition No. A-726-20, Stacie McCullough, Owner, Nick McCullough, Agent, request the following: Variance to Sec. 110-133 R-70, (d) (6) to reduce the side yard setback from 25 feet to 20 feet to allow a single family residence under construction to remain. The subject property is located in Land Lot 47 of the 7th District and fronts on Lees Lake Road.

PETITION NO. A-716-20
Charlotte Chancellor
349 Hilo Road
Fayetteville, GA 30215
Public Hearing Date March 23, 2020

The subject property is located at 349 Hilo Road, Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Section 110-137. R-40 (d)(6), to reduce the side yard setback from 15 feet to 12 feet for the construction of a residential accessory structure.

History: Rezoning petition 438-82, A-R to R-40, was approved by the Board of Commissioners on June 10, 1982. The rezoning Resolution and Board minutes do not indicate any conditions regarding side yard setbacks placed on the rezoning. In the 1980 zoning ordinance, the R-40 Zoning District required a 15 foot side yard setback, as currently required. The Revised Final Plat was recorded on June 24, 1986 and was approved and signed by the County Departments with a 25 foot side yard setback.

Tax Assessor's records indicate that the house was built in 1984, and according to the deed the applicant purchased the property in 2014

Code Enforcement went out to the property on January 9, 2020 based on a complaint from a neighbor for a separate incident, while at the property the Code Enforcement Officer discovered the violation. The survey given shows the partially constructed residential accessory structure 12 feet from the property line.

On February 6, 2020 the Planning Commission approved to reduce the 25 foot side yard setback on Lot 2 (Revised Final Plat for Huntington South Unit 5) to 15 feet as currently required by the R-40 Zoning District to revise the revised final plat.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering issues with proposed side yard setback variance.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

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.

Carport shed at end of driveway 18' X 20' side variance to property line is 15 feet. Rear of carport is 12 feet from property line.

Due to location of the septic tank and septic lines locating building in back yard would make it inaccessible.

JUSTIFICATION OF REQUEST

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

Location of septic tank and septic lines would not allow access to building.

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

As stated above the location of septic tank and lines would make building inaccessible if I am required to relocate.

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

Copy of plat with location of septic and lines are noted.

- 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,**

Location of carport is at the end of the driveway. Front façade will be covered with same siding as house.

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

There are other buildings set closer to the variance in this district.

A-716-20

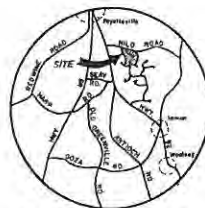
Hilo Road

Merrydale Drive

SUBJECT
PROPERTY



HUNTINGTON SOUTH
UNIT FOUR



VICINITY MAP

NOT TO SCALE

MAGNETIC NORTH

REVISED

DATE 6-16-86
SIGNED [Signature]

APPROVED BY THE COUNTY ENGINEER
FAYETTE COUNTY, GEORGIA
DATE: 6-16-86
SIGNED: [Signature]
County Engineer

DATE 6-16-86
SIGNED [Signature]

APPROVED BY THE COUNTY ENGINEER
FAYETTE COUNTY, GEORGIA
DATE: JUNE 20, 1986
SIGNED: [Signature]
County Engineer
APPROVED BY THE FAYETTEVILLE - FAYETTE COUNTY
PLANNING COMMISSION
DATE: 6-24-86
SIGNED: [Signature]
Secretary

DATE 6-16-86
SIGNED [Signature]

WE, THE UNDERSIGNED OWNER (S) AND/OR MORTGAGEE (S) OF THE HUNTINGTON SOUTH SUBDIVISION, UNIT FIVE, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GRANTS SHOWN ON THIS PLAN.
OWNER: Thomas B. Chaudhry
DATE: 6-17-86
MORTGAGEE: [Blank]
DATE: [Blank]
FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, ON THE LACK OF ONE INDICATED BY THIS PLAN.

SIGNED [Signature]
DATE 6-17-86

I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision. That all monument locations are correctly shown and that the property will comply with the same.
SIGNED [Signature]
DATE 6/29/86
SURVEYOR [Signature]
Georgia Registration No. 528

C-CURVE TABLE

NO.	ANGLE	MIN.	MAX.	MIN.	MAX.
1	15°	10.00	100.00	10.00	100.00
2	30°	20.00	200.00	20.00	200.00
3	45°	30.00	300.00	30.00	300.00
4	60°	40.00	400.00	40.00	400.00
5	75°	50.00	500.00	50.00	500.00
6	90°	60.00	600.00	60.00	600.00

NOTES

1. Iron Pin (1/2" Rebar) set on all lot corners unless noted otherwise.
2. D.T. - Computer Drainage Easement.
3. Setback - 10' 0".
4. Surrounding setbacks.

T.B.M. EL: 899.74
X on hooded sta 1+50
right Dunwoody Lane.

Setbacks:
Front 60'
Side 25'
Rear 30'

HUNTINGTON SOUTH
(FUTURE)

DEVELOPED BY
CHANDLER & WALDROP, INC.
P.O. BOX 273 PAYETTEVILLE, GA. 30214
461-1228

REVISED

FINAL PLAN FOR
HUNTINGTON SOUTH
UNIT FIVE
LOCATED IN
LAND LOTS 41 & 42, BOTH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 100' (1" = 100')

PLANNING COMMISSION DECISIONS

DATE: February 6, 2020

FAYETTE COUNTY PLANNING COMMISSION has heard the request by Charlotte Chancellor this 6th day of February, 2020 for the purpose of reducing the 25 foot side yard setback as indicated on the Final Plat for Lot 2 of Huntington South Subdivision to 15 feet as currently required by the R-40 Zoning District Contiguous Areas for Residential Development and that the Fayette County Planning Commission recommends that this application be:

X ^{A-O} Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____



JOHN H. CULBRETH SR, CHAIRMAN



DANNY ENGLAND, VICE-CHAIRMAN



BRIAN HAREN



AL GILBERT

ABSENT

ARNOLD MARTIN, III

Remarks:

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Charlotte Chancellor

MAILING ADDRESS: 349 Hilo Rd Jaxa GA 30215

PHONE: 770-486-1954 E-MAIL: cchancellor3530@att.net

AGENT FOR OWNERS: —

MAILING ADDRESS: —

PHONE: — E-MAIL: —

PROPERTY LOCATION: LAND LOT 4 LAND DISTRICT 5th PARCEL 051202002

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: residence

PROPOSED USE OF SUBJECT PROPERTY: residence

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-716-20

[] 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: March 23, 2020 May 18, 2020
~~February 24, 2020~~

Received from CHARLOTTE CHANCELLOR a check in the amount of \$ 175⁰⁰

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

Date Paid: February 10, 2020

Receipt Number: 7154152 - App
7154153 - Sign

A-716-20

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:

Charlotte Chancellor

Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5 District, and (if applicable to more than one land district) Land Lot(s) 41 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 self to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of **(my) (our)** knowledge and belief. Further, **(I) (We)** understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. **(I) (We)** understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. **(I) (We)** further acknowledge that additional information may be required by Fayette County in order to process this application.

[Signature]

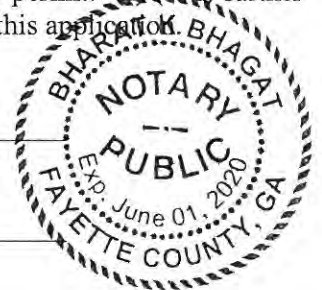
Signature of Property Owner 1

[Signature]

Signature of Notary Public

1/16/2020

Date



Address

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

A-716-20

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
Property side	25 feet	12 ft	13 feet

VARIANCE SUMMARY

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

Carport shed at end of driveway - 18' x 20'
Side variance to property line is ¹⁵~~25~~ ft.
Rear of carport is 12 feet from property line.

Due to location of septic tank and septic lines, locating building in back yard would make it inaccessible.

A 7/6-20

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.

Location of septic tank and septic lines would not allow access to building.

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

As stated above the location of septic and lines would make building inaccessible if I am required to relocate

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

Copy of plat with location of septic & lines are noted

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.

Location of carport is at end of drive.
Front Facade will be covered with
same siding as house.

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

There are other buildings set closer
to the variance in this district

A-7/16-20

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
14-1047CK/CINDY

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **31st day of July, 2014**, by and between **KAYLA R. SEABOLT**, as party or parties of the first part, hereinafter referred to as "Grantor," and **CHARLOTTE CHANCELLOR**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 2, OF HUNTINGTON SOUTH SUBDIVISION, UNIT V, AS PER PLAT RECORDED AT PLAT BOOK 14, PAGE 27, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

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


TO HAVE AND TO HOLD the Property, 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 Grantee, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

Signed, sealed and delivered in the presence of:


KAYLA R. SEABOLT


Unofficial Witness

Notary Public
My Commission Expires:

[Notary Seal]



PETITION NO. A-719-20
Allen & Reagan Moscon
565 Harris Road
Fayetteville, GA 30215
Public Hearing Date March 23, 2020

The subject property is located at 565 Harris Road, Fayetteville, GA 30215 and is zoned R-72. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, (1) (a) to allow a detached garage to be located 110 feet from the principal structure, as opposed to the maximum of 35 feet.

Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, (d) (1) to allow a detached garage to not be connected to the principal structure.

Section 110-3.- Definitions

Yard, front, means the area between the property line adjacent to a street and the front building line, extending the full width of the lot.

History: The Final Plat of Blalock Estates was recorded on March 30, 2018 in Book 100 and Page 94-95. Tax Assessor's records indicate that the applicant purchased the property in 2019.

As part of the permitting process for a detached garage, a survey is required. Through the survey staff discovered the violations. The detached garage survey given for the building permit shows the foundation greater than 35 feet (i.e. 110 feet) from the principal structure and in the front yard.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments on the requested variances for the accessory structure.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

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 variance request is for building a detached garage in the front yard of our home, at a distance greater than 35 feet and without an attached breezeway. The house is a large home that sits on a narrow 2.48 acre lot. On the west side of the home the lot is terraced and has brickwork, an underground gas tank, gas lights, trees, roses, and other plantings. On the east side of the home there is not enough distance between the house and the setback line and there are underground utilities (water and electricity). The back of the property contains two active septic systems (one for the upper floors and one for the basement) that preclude the building of a garage behind the home. The house also has a circular driveway that we would continue to utilize; the garage would be placed as close to the house as possible, without impeding the use of the existing driveway.

JUSTIFICATION OF REQUEST

- 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 in question is a narrow, 2.48 acre lot with the majority of yard in front of the home. The side yards are narrow and the backyard is filled with two active septic systems. The house does not sit square on the property, so the sides of the home are not parallel with the property lines, making one corner of the home closer to the property line. On the west side of the home the lot is terraced and has brickwork, an underground gas tank, gas lights, trees, roses, and other plantings. On the east side of the home there not enough space between the house and the setback line and there are underground utilities (water and electricity).

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

If this variance is not granted, we will be unable to build a garage to store our vehicles lawn mower and other tools. All the homes in Blalock Estates will have a garage.

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

The house originally sat on 9+ acres, which were divide and rezoned to R-72 in 2019 to form Blalock Estates. With the new lot lines there is considerable space in the front yard and very little space on the side yards, with the backyard dominated by two septic systems. Our home is the only pre-existing home in Blalock Estates. The other homes are being built after the

new lot lines were established, and all have garages.

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 would be well within any setback lines and will allow for the storage of items that otherwise would be left in public view. The garage will be situated so the smallest footprint will face the street and such that the doors will not face the street.

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

Most homes have a garage to house vehicles and to store lawn equipment and other tools. The three other homes being built in Blalock Estates will all have garages. The front of the house is the only area suitable, or large enough, for a garage.

A-719-20

SUBJECT
PROPERTY

Harris Road

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: ALLEN AND REAGAN MOSCON

MAILING ADDRESS: 565 HARRIS ROAD FAYETTEVILLE, GA 30215

PHONE: 713-201-7773 E-MAIL: asmoscon@gmail.com

AGENT FOR OWNERS: NA

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 3 LAND DISTRICT 5th PARCEL 0502 017

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.479

ZONING DISTRICT: R-72

ZONING OF SURROUNDING PROPERTIES: R-72, A-R, PUD

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL-SINGLE FAMILY

PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL-SINGLE FAMILY

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-719-20

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: CB Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: March 23, 2020

Received from REAGAN & ALLEN MOSCON a check in the amount of \$ 175⁰⁰

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

Date Paid: 2/19/2020 Receipt Number: 9177924-Sign

9177820-App

A 719 20

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:

ALLEN S. MOSCON AND REAGAN W. MOSCON
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0502 017

(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) 3 of the District, and said property consists of a total of 2.479 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.

Allen S. Moscon
Signature of Property Owner 1

505 HARRIS RD.
Address FAYETTEVILLE, GA 30215

Reagan W. Moscon
Signature of Property Owner 2

565 Harris Rd.
Address Fayetteville, GA 30215



Howard L. Pitts
Signature of Notary Public

2/19/2020
Date

Howard L. Pitts
Signature of Notary Public

2/19/2020
Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

565 Harris Road Fayetteville, Georgia 30215
Allen & Reagan Moscon

VARIANCE SUMMARY:

This variance request is for building a detached garage in the front yard of our home, at a distance greater than 35 feet and without an attached breezeway. The house is a large home that sits on a narrow 2.48 acre lot. On the west side of the home the lot is terraced and has brickwork, an underground gas tank, gas lights, trees, roses, and other plantings. On the east side of the home there is not enough distance between the house and the setback line and there are underground utilities (water and electricity). The back of the property contains two active septic systems (one for the upper floors and one for the basement) that preclude the building of a garage behind the home. The house also has a circular driveway that we would continue to utilize; the garage would be placed as close to the house as possible, without impeding the use of the existing driveway.

JUSTIFICATION OF REQUEST:

1. The property in question is a narrow, 2.48 acre lot with the majority of yard in front of the home. The side yards are narrow and the backyard is filled with two active septic systems. The house does not sit square on the property, so the sides of the home are not parallel with the property lines, making one corner of the home closer to the property line. On the west side of the home the lot is terraced and has brickwork, an underground gas tank, gas lights, trees, roses, and other plantings. On the east side of the home there not enough space between the house and the setback line and there are underground utilities (water and electricity).
2. If this variance is not granted, we will be unable to build a garage to store our vehicles, lawn mower, and other tools. All the other homes in Blalock Estates will have a garage.
3. The house originally sat on 9+ acres, which were divided and rezoned to R-72 in 2019 to form Blalock Estates. With the new lot lines there is considerable space in the front yard and very little space on the side yards, with the backyard dominated by two septic systems. Our home is the only pre-existing home in Blalock Estates. The other homes are being built after the new lot lines were established, and all have garages.
4. The garage would be well within any setback lines and will allow for the storage of items that otherwise would be left in public view. The garage will be situated so the smallest footprint will face the street and such that the doors will not face the street.
5. Most homes have a garage to house vehicles and to store lawn equipment and other tools. The three other homes being built in Blalock Estates will all have garages. The front of the house is the only area suitable, or large enough, for a garage.

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec 110-79 Accessory Structures	structure could be maximum of 35 feet from principal structure	Detached structure will be 110 feet from principal structure.	75'
Sec 110-79 Accessory Structures	Residential accessory structures in - front yard must be attached to principal structure.	Allow a detached structure to not be attached.	

VARIANCE SUMMARY

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

- SEE ATTACHED -

A-719-20

Record and Return to:
Weissman PC
5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328

File No.: PC135-19-1520-RC

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 30th day of September, 2019 by and between **RODWRIGHTCORP**, a Georgia corporation, as party or parties of the first part, hereinafter called Grantor, and **Allen S. Moscon and Reagan W. Moscon**, 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 DOLLARS AND NO/100 (\$10.00) AND OTHER 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, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HERETO

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

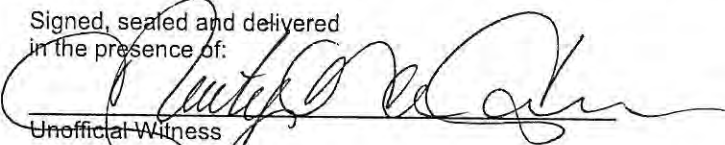
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, as joint tenants and not as tenants in common, for and during 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.

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 herein.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and is the intention of the parties hereto to hereby create in Grantee a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.


Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My Commission Expires: _____

RODWRIGHTCORP, a Georgia corporation

BY: 
Roderick Allen Wright
ITS: CEO, CFO & Secretary

CORPORATE SEAL



A-719 20

EXHIBIT "A"

File No.: PC135-19-1520-RC

All that tract or parcel of land lying and being in Land Lot 3 of the 5th District, Fayette County, Georgia, being Lot 1, Blalock Estates, as per plat recorded in Plat Book 100, Pages 94-95, Fayette County, Georgia Records, which plat is incorporated herein by reference and made a part of this description; being known as 565 Harris Road, according to the present system of numbering property in Fayette County, Georgia.

PETITION NO. A-720-20
Charlene Denney
337 Adams Road
Fayetteville, GA 30214
Public Hearing Date March 23, 2020

The subject property is located at 337 Adams Road, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79 Residential accessory structures and their uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern.

History: Tax Assessor's records indicate that the applicant purchased the property in 1987. At some point in the late 1980's a Zoning Compliance letter for a building permit was issued by the Building Safety department for a 2,400 square foot metal barn/farm-out building (see attached). At that time Planning & Zoning had a policy that allowed R-70 property that met A-R dimension requirements to have A-R structures and uses such as farm-out buildings and livestock. That policy ended in 1998, and R-70 zoned property currently can only have residential accessory structures.

As part of the permitting process for a detached residential structure, elevations are required. Through the review of the elevations staff discovered the violation. The detached accessory structure elevations given for the building permit shows the siding in a vertical pattern instead of the required horizontal pattern.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments on the requested variances for the accessory structure.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT:

Floodplain The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0155E dated Sept 26, 2008. The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.

Wetlands The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development

affecting wetlands.

Watershed The lake on the property **IS NOT** subject to a Watershed Protection buffer requirement and but **IS** subject to the state 25 foot undisturbed buffer.

Groundwater The property **IS** within a groundwater recharge area.

Stormwater This development **IS NOT** subject to the Post-Development Stormwater Management Ordinance.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

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.

My request for the variance is based on the fact that the current building has existed for 33+ years and it simply needs to be replaced in kind like it stands now. The footers and slab are situated for a direct replacement and the power service is adequately sized for a direct replacement. By allowing us to replace the existing building with the same building components and systems it will save us a lot of additional cost of foundations, footers and electrical service. The building will not affect any of the neighboring homes nor will it impact anyone in any nearby zoning districts. I have enclosed sample drawings of the new building and picture of the existing building. We request that we be allowed this variance to install a new metal building as shown in the documents "attached".

JUSTIFICATION OF REQUEST

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

The piece of property is an existing 2400 square foot butler building. The building currently is 33 years old and needs a tremendous amount of work. The current building as attached in the photo is used to store farm equipment, vehicles and personal belonging. Due to its size and existing slab the building must maintain its current footprint and cannot be relocated. Our request would be to replace the building with same construction materials but with presentable features.

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

The building has existed in the same location for more than 33 years. Due to the cost of concrete, footers and other structural/utility cost these could exceed an additional 40,000.00 + dollars to remove and reinstall. The current concrete is in great condition and would remain. We would install new steel framing and a metal building on the existing footprint. This would be more appealing than the existing building currently in place.

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

The building has been exclusive to its appearance and location for 33+ years. Again, we simply want to make it new again rather than patch and paint and leave it in place as it looks now. See attached photos of plans and pictures.

- 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 subject building would remain in its original location on the existing slab and would not impair or present issue to the public nor any regulatory issues. The building will stand as it has and currently for the last 33+ years. The consistent use of the property will be used as it has been used for the past 33+ years.

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

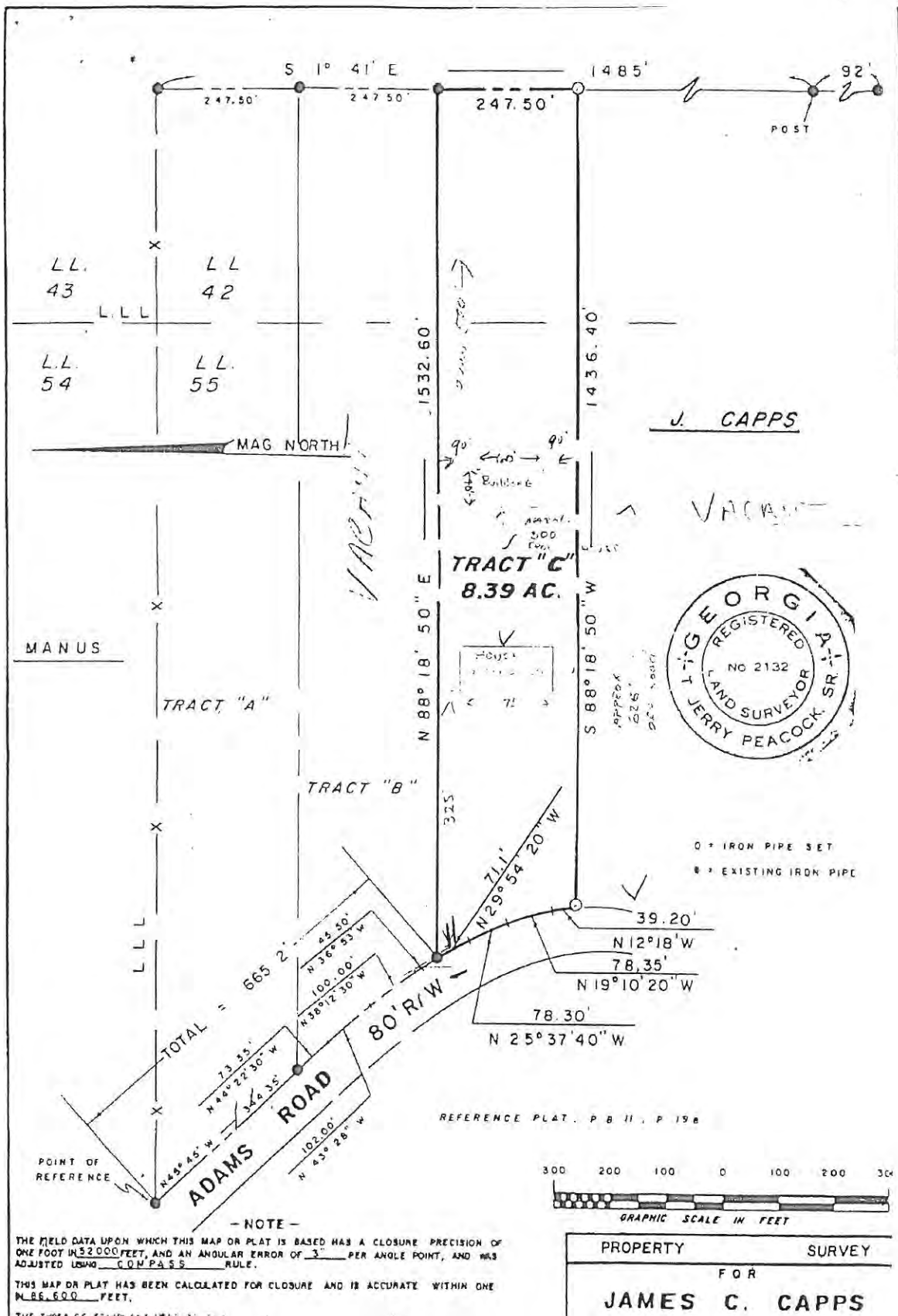
Approval of this variance would not impact neighbors or negatively impact anyone within this zoning district. Other residents have a right to have an accessory structure.

A-720-20

Edenton Estates Drive

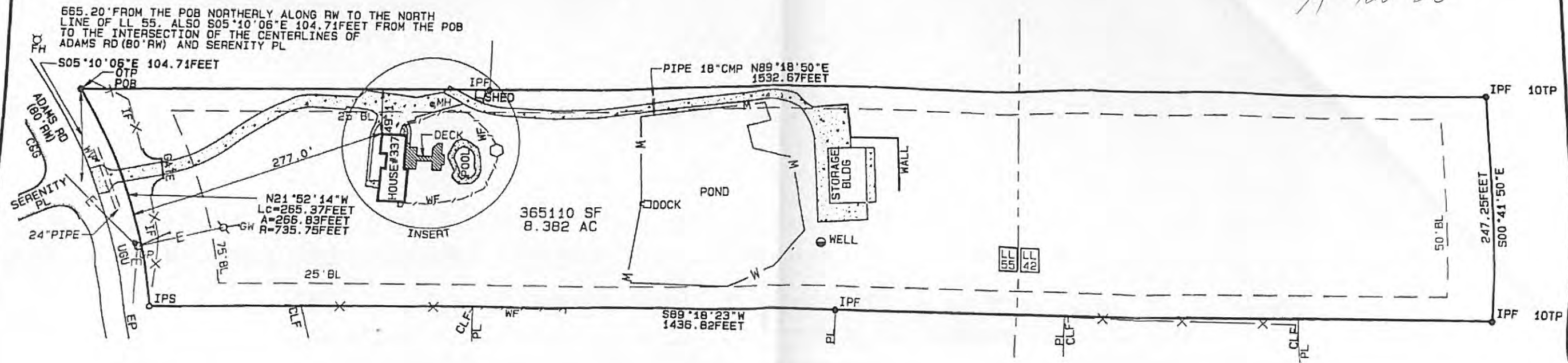
**SUBJECT
PROPERTY**

Adams Road



A-720-20

A-720-20



PROPERTY IS ZONED R-70

BUILDING SETBACKS
FRONT SET BACK 75', SIDES 25', REAR 50'

PRECISION NOTE

THE FIELD DATA DATED 7-10-2012 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 70,824 FEET AND AN ANGULAR ERROR OF 1 SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 2,310,461 FEET. TOPCON GTS-3005 USED FOR ANGULAR AND LINEAR MEASUREMENTS

FLOOD NOTE:

THIS PROPERTY IS NOT IN A FEMA FLOOD AREA AS SHOWN ON FIRM PANEL 13113C0083E FAYETTE CO UNINC & INC AREAS 09/25/2008 AS ZONE X

SURVEYORS NOTES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST. UTILITIES ARE VISIBLE AND ABOVE GROUND. NO SUBSURFACE INVESTIGATION WAS PERFORMED.

REF: FAYETTE COUNTY SUPERIOR COURT
DEED BOOK 433, 626-627
SHOWN AS TRACT C ON THE PLAT BY T JERRY PEACOCK, RLS, DATED 1-23-1987, PREPARED FOR JAMES C CAPPS

THIRD PARTY DISCLAIMER

THIS PLAT IS FOR THE EXCLUSIVE USE OF CHARLENE DENNEY. USE BY THIRD PARTIES IS AT THEIR OWN RISK

- SYMBOLS**
- ⊕ FIRE HYDRANT
 - ⊙ UTILITY POLE
 - ⊙ SEWER MANHOLE
 - ⊙ WATER METER
 - ⊙ WATER VALVE
 - ⊙ UNDERGROUND UTILITY
 - ⊙ AIR CONDITIONER
 - ⊙ GAS METER
 - ⊙ LIGHT POLE
 - ⊙ GUY WIRE



SHEET SIZE 13" X 19"
GRAPHIC SCALE 1"=100'

0' 100' 200'

- LEGEND**
- AC - ACRES
 - BL - BUILDING SETBACK LINE
 - CSG - CURB AND GUTTER
 - CLF - CHAIN LINK FENCE
 - CONC - CONCRETE
 - DB - DEED BOOK
 - DIP - OVERHEAD GOES UNDERGROUND
 - CO - SEWER CLEAN OUT
 - DB, PG - DEED BOOK, PAGE
 - E- - ELECTRIC LINE
 - EP - EDGE OF PAVEMENT
 - FH - FIRE HYDRANT
 - FT - FEET
 - GW - GUY WIRE
 - JB - JUNCTION BOX
 - IF - IRON FENCE
 - IPF - IRON PIN FOUND
 - IPS - IRON PIN SET (1/2" R/B)
 - LL - LAND LOT
 - LLL - LAND LOT LINE
 - LP - LIGHT POLE
 - MH - SANITARY SEWER MANHOLE
 - N/F - NOW OR FORMERLY
 - OTP - OPEN TOP PIPE
 - PB, PG - PLAT BOOK, PAGE
 - PL - PROPERTY LINE
 - POB - POINT OF BEGINNING
 - RB - REBAR
 - RCP - REINFORCED CONCRETE PIPE
 - RW - RIGHT OF WAY
 - SF - SQUARE FEET
 - TPOB - TRUE POINT OF BEGINNING
 - UP - UTILITY POLE
 - UGU - UNDERGROUND UTILITY
 - W- - WATER EDGE
 - WF - WOOD FENCE
 - WM - WATER METER
 - WV - WATER VALVE

SHEET 1 OF 2

DATE: 7-10-2012

JOB#ADAMS337
DRAWN BY BAC

SURVEY FOR
CHARLENE DENNEY
BEING
397 ADAMS ROAD
FAYETTEVILLE, GA 30214-4412
LOCATED IN
LAND LOTS 42 & 55, DISTRICT 7
FAYETTE COUNTY, GEORGIA

Compass Surveying, Inc.
9337 Meadow Gate Lane
Jonesboro, Georgia 30236
Tel 404-550-9512
BCaldwell@CompassSurveying.com

ORIGINAL

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Charlene Denney

MAILING ADDRESS: 337 Adams Road, Fayetteville, Ga. 30214

PHONE: 770-295-8820 **E-MAIL:** cdenney@peachtreemechanical.com

AGENT FOR OWNERS: Richard Denney (owner son)

MAILING ADDRESS: 145 Edenton Estates Drive, Fayetteville, Ga. 30214

PHONES: 404-971-1714 **E-MAIL:** rdenney@peachtreemechanical.com

PROPERTY LOCATION: LAND LOT 42 and 55 LAND DISTRICTS 7th Fayette County
PARCEL (Tract C)

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 8.39 acres

ZONING DISTRICT: District 1

ZONING OF SURROUNDING PROPERTIES: District 1/Residential R-4 Zone R-70

PRESENT USE OF SUBJECT PROPERTY: Personal/Storage

PROPOSED USE OF SUBJECT PROPERTY: Personal/Storage

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-720-20

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Harold L. [Signature] Date: 02/19/2020

DATE OF ZONING BOARD OF APPEALS HEARING: March 23rd, 2020

Received from RICHARD DENNEY a check in the amount of \$ _____ for

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

Date Paid: 2/19/2020 Receipt Number: 9177920-App
7177921-Sign

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Charlene M. Denney

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0712046

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 42 and 55 of the District, and said property consists of a total of 8.39 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Richard L Denney 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 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.

Charlene Denney
Signature of Property Owner 1

Melanie Y. Haas
Signature of Notary Public

337 Adams Road Fayetteville Ga. 30214

Address

2-19-20
Date

Signature of Property Owner 2

Melanie Y. Haas
Signature of Notary Public

NA

Address

2-19-20
Date

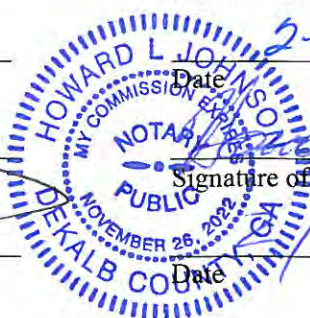
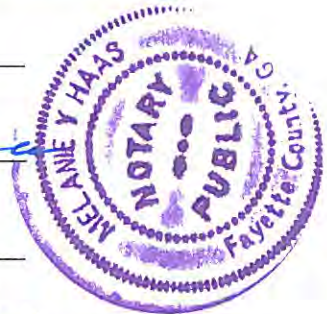
[Signature]
Signature of Authorized Agent

[Signature]
Signature of Notary Public

145 Edenton Estates, Fayetteville, Ga. 30214

Address

2/19/2020
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
Section 110-79 Residential Accessory Structures and their uses. (g) Architectural Standards.	Horizontal Pattern Siding	Vertical Pattern Siding	

VARIANCE SUMMARY

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

My request for the variance is based on the fact that the current building has existed for 33+ years and it simply needs to be replaced in kind like it stands now. The footers and slab are situated for a direct replacement and the power service is adequately sized for a direct replacement. By allowing us to replace the existing building with the same building components and systems it will save us a lot of additional cost of foundations, footers and electrical service.

The building will not affect any of the neighboring homes nor will it impact anyone in any nearby zoning districts.

I have enclosed sample drawings of the new building and a picture of the existing building. We request that we be allowed this variance to install a new metal building as shown in the documents "attached".

JUSTIFICATION OF REQUEST

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

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

The piece of property is an existing 2400 square foot butler building. The building currently IS 33 years old
And needs a tremendous amount of work. The current Building as attached in the photo is used to store farm equipment,
Vehicles and personal belongings. Due to its size and existing slab the building must maintain its current footprint and cannot
be relocated. Our request would be to replace the building with the same construction materials but with presentable features.

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

The building has existed in the same location for more than 33 years. Due to the cost of concrete, footers and other
Structural/Utility cost these could exceed an additional 40,000.00+ dollars to remove and reinstall. The current concrete is in
great condition and would remain. We would install new steel framing and a metal building on the existing footprint.
This would be more appealing than the existing building currently in place.

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

The building has been exclusive to its appearance and location for 33+ years. Again, we simply want to make it new again
Rather than patch and paint and leave it in place as it looks now. See attached photos of plans and pictures

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 subject building would remain in its original location on the existing slab and would not impair or present issue to the public nor any regulatory issues. The building will stand as it has and currently for the last 33+ years. The Consistent use of the property will be used as it has been used for the past 33+ years.

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

Approval of this variance would not ^{impact} ~~negatively~~ my neighbors or negatively impact anyone within this zoning district. Other residents have a right to have an accessory structure.

Fayette County
CERTIFICATE
of
ZONING COMPLIANCE

DISTRICT 7th, LAND LOT 42 & 55, LOT SIZE 8.39 ac
ZONING DIST. R-70, PROPOSED USE Barn farm-out building, SQ. FT. 60x40 - 2400 s.f.
PROPOSED USE _____, SQ. FT. _____

Road Frontage(s) Adams Road

DOT Curb Cut Permit No. (State Routes Only) existing

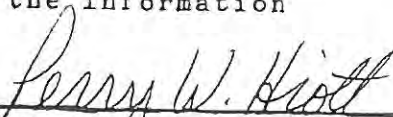
Property Owner Dickie L. & Charlene M. Denney

Address 4918 Kings Hwy, Douglasville, Phone: 920-0216

Applicant same

Address _____ Phone: _____

The property described on the attached deed and plat complies with all requirements of the Fayette County Zoning Ordinance and the Subdivision Regulations based on the information submitted.


Perry W. Hiott
Zoning Administrator

ZONING ADMINISTRATOR'S USE ONLY

1980 Tax Maps split off 52 ac tract Dist. Regs.

1986 Tax Maps James C. Capps General Provisions _____
R-70

Zoning Map R-70 Other Collector Road

FEMA Maps ok Setbacks: 20 F 20 S 50 R
see attached for setbacks

Special Instructions: Driveway must be at least 400' a part per Section 3.7
Development Regulation.

Use of this structure shall be for farming
and/or the raising of livestock only.

WARRANTY DEED

BOOK 433 PAGE 626

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 4th day of February, in the year one thousand nine hundred eighty-seven, between

JAMES C. CAPPS

of the County of Clayton, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

DICKIE L. DENNEY and CHARLENE M. DENNEY

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

Other valuable consideration and Ten----- (\$10.00) DOLLARS 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,

All that tract or parcel of land lying and being in Land Lots 42 and 55 of the 7th District of Fayette County, Georgia and being 8.39 acres and designated as Tract "C" on a plat of survey dated 1-23-87, prepared by T. Jerry Peacock, Sr., Registered Land Surveyor, for James C. Capps, and being more particularly described by reference to said plat as follows:

BEGINNING at an iron pin on the Northeasterly right-of-way of Adams Road, which said point is located 665.20 feet, as measured Southeasterly along the northeasterly right-of-way of Adams Road (80 foot right-of-way), from the intersection of the Northeasterly right-of-way of said Adams Road with the Northerly line of said Land Lot 55, said district, thence North 88° 18' 50" East a distance of 1532.60 feet to an iron pin; thence South 1° 41' East a distance of 247.50 feet to an iron pin; thence South 88° 18' 50" West a distance of 1436.40 feet to an iron pin on the Northeasterly right-of-way of said Adams Road; thence Northwesterly along the Northeasterly right-of-way of Adams Road and following the curvature thereof 266.95 feet, more or less, to the point of beginning.

Subject to restrictions and easements attached hereto as Exhibit "A".

GEORGIA, Fayette County

Clerk's Office Superior Court

Filed for record March 4 1987

8:00 A. M.

Recorded in Book 433 Page 626

This 4 day of March 1987

J. D. Ballard

Clerk

Fayette County, Georgia

Real Estate Transfer Tax

Paid 42.00 Date 3-4-87

Clerk of Superior Court

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.

PETITION NO. A-721-20
Faye Hodge & Marvin Mund
140 Massengale Road
Brooks, GA 30205
Public Hearing Date March 23, 2020

The subject property is located at 140 Massengale Road, Fayetteville, GA 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79 Residential accessory structures and their uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern.

Section 110-169 Conditional use approval.

w. Farm outbuildings, including horse stables, auxiliary structures, and greenhouses. 6. **Lot size five to ten acres, one detached farm outbuilding**, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.

History: The subject property's survey was recorded on January 31, 1994 in Plat Book 24 and Pages 138. Tax Assessor's records indicate that the house was built in 1996, and according to the deed the applicant purchased the property in 1996.

As part of the permitting process for a detached residential structure, elevations are required. Through the review of the elevations staff discovered the violation. The detached metal accessory structure elevations given for the building permit shows the siding in a vertical pattern instead of the required horizontal pattern.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments on requested architectural standards,

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

The applicant provides the following information:

VARIANCE SUMMARY

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

Request for variance is as follows. Request to install vertical siding building on property as an additional structure. Varying from code by vertical seams versus horizontal seams. Variance requested due to more rural area in county with agricultural residential areas on each side of property.

JUSTIFICATION OF REQUEST

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

Not as such. Variance is based on appearance of building requesting vertical sides as matching the area. Versus a building with horizontal sides as per code.

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

The hardship of following the specific guideline of a horizontal side building would create a hardship of a custom built structure. This custom built structure would not match the other buildings in the area of agricultural style. Whereas the requested vertical side building would not be custom built could be pre fab that would match the other agricultural structures and buildings in the area surrounding the property.

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

Not as such. Conditions of installing the vertical wall structure on this property are limited by its size. Whereas other properties in the area of larger acreage have buildings on them with vertical sides. This building would allow extra storage for vehicles and equipment that would allow indoor storage and prevent them from being parked visibly on the property.

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

Relief would not cause detriment to the public good or impair the intent of the regulation.

The reason behind this is the Property around the area is primarily agricultural with horses and cows on the adjacent lots. The look of an agricultural style building with vertical sides would not appear out of place in the area.

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

Other properties in the area with more acreage are allowed multiple building with vertical sides. While in this same area this building under application would not appear out place. However due to property size we must comply with a regulation that is meant for more residential areas. That arguably in this case may even make the in question building appear more out of place with horizontal sides versus vertical.

A-721-20

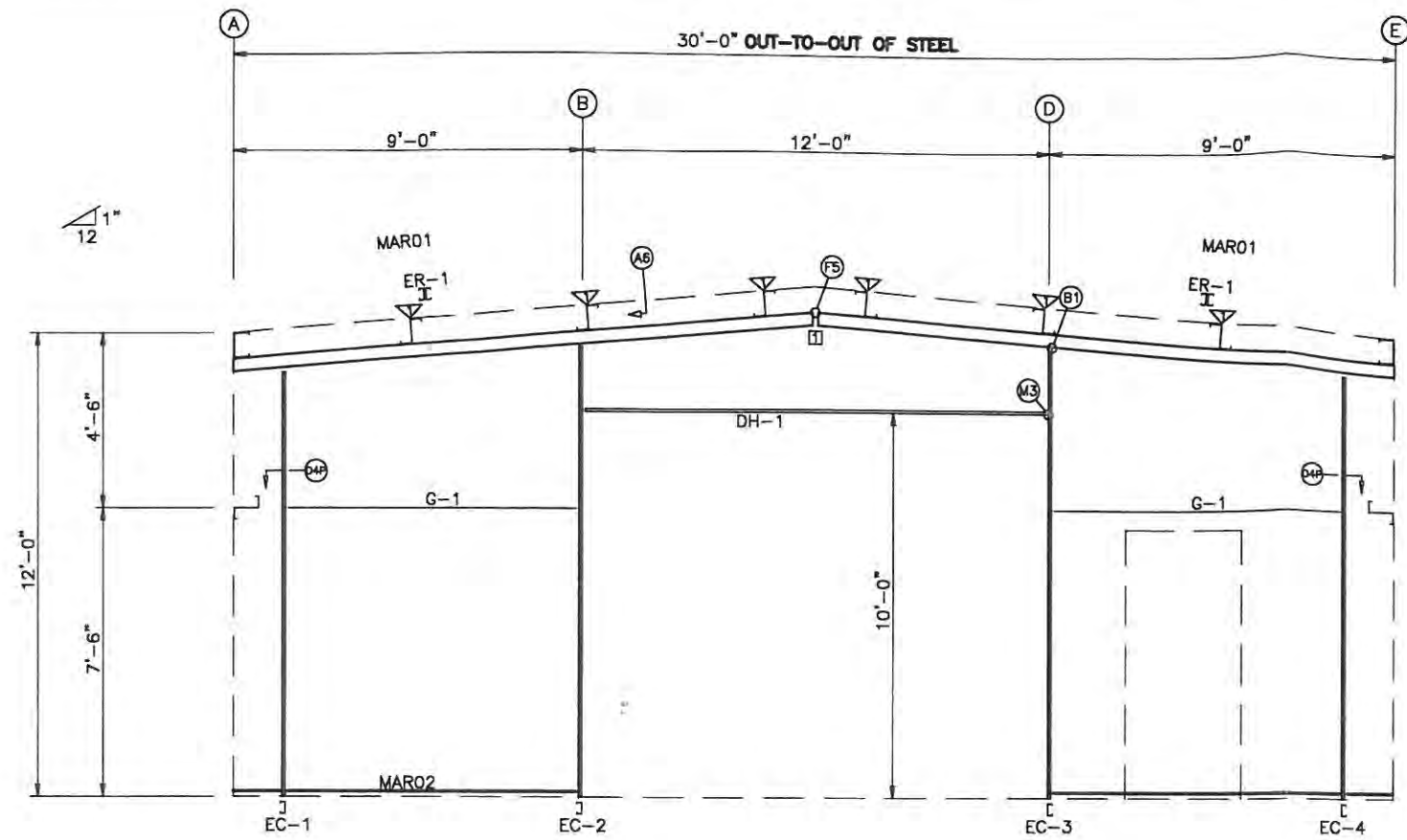
SUBJECT
PROPERTY

Massengale Road

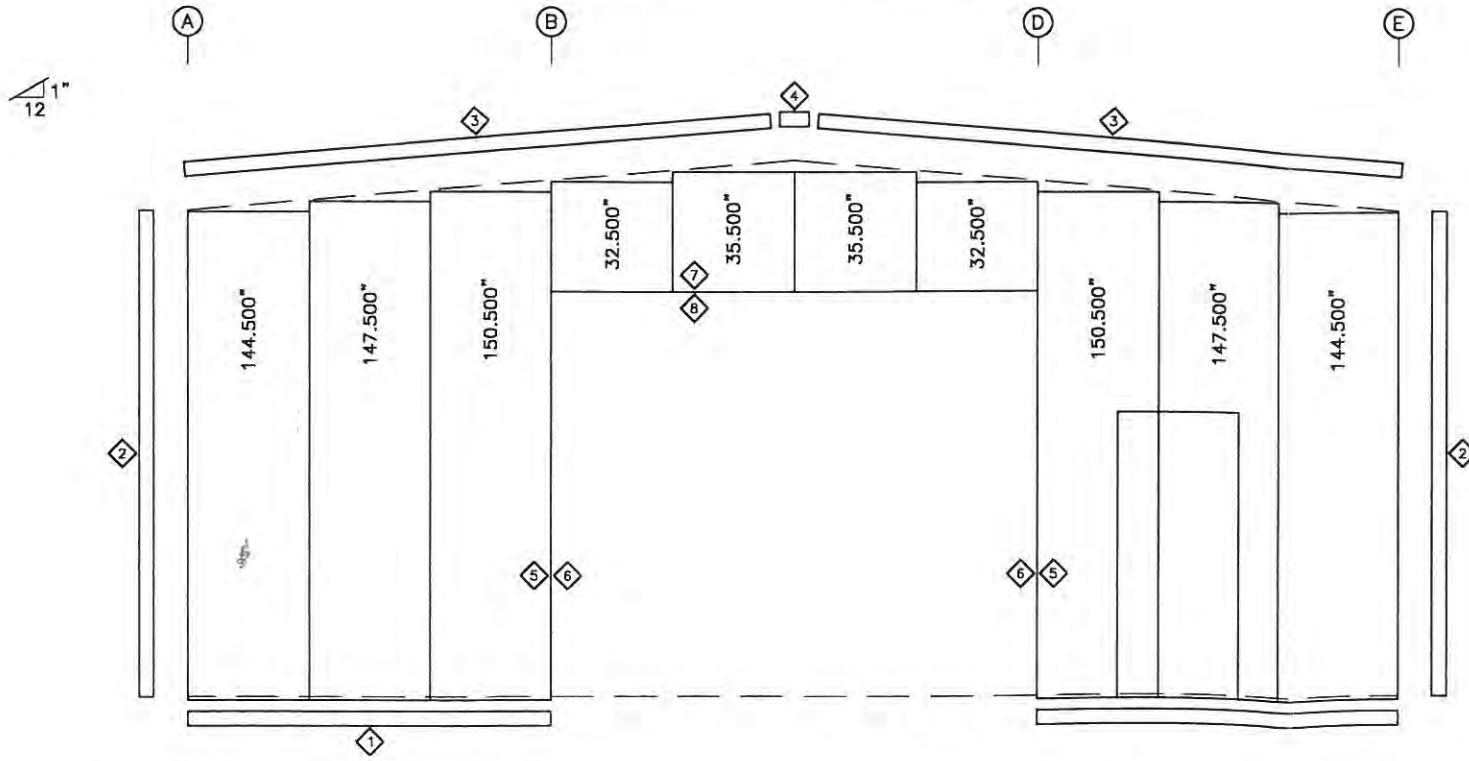
Grooms Road



A-721-20



ENDWALL FRAMING: FRAME LINE 1



RAYETTE COUNTY
BUREAU OF FIRE PREVENTION

ENDWALL SHEETING & TRIM: FRAME LINE 1
PANELS: 26 Ga. CW - Undefined color C

BOLT TABLE FRAME LINE 1				
LOCATION	QUAN	TYPE	DIA	LENGTH
ER-1/ER-1	4	A325	1/2"	2"
Columns/Raf	6	A325	1/2"	2"

TRIM TABLE FRAME LINE 1			
ID	PART	LENGTH	DETAIL
1	BSD01	122.000	TRIM_201
2	OCA01	242.000	TRIM_79
3	RTA02	242.000	TRIM_2
4	MPB01	26.440	
5	CCA121	121.000	TRIM_19
6	JTA121	121.000	TRIM_98
7	CCA145	145.000	TRIM_19
8	HTA148	148.000	TRIM_98

MEMBER TABLE FRAME LINE 1		
MARK	PART	LENGTH
EC-1	W08S075	129.250
EC-2	W08S075	136.938
EC-3	W08S075	136.938
EC-4	W08S075	129.250
ER-1	W08SD075	179.438
DH-1	J08C060	144.000
G-1	08Z054	83.500

FLANGE BRACE TABLE FRAME LINE 1			
ID	#	MARK	CLIP
1	1	FBE01	


CONNECTION PLATES FRAME LINE 1	
ID	MARK/PART
1	NCR03

This endwall framing is not designed
for future expansion.

ENDWALL FRAMING PLAN

GENERAL NOTES

- STD. ROD/CABLE SIZES PER PART PREFIX ARE:
ROD
RDB- = 5/8" ROD
RDC- = 3/4" ROD
RDD- = 7/8" ROD
RDE- = 1" ROD
RDF- = 1 1/8" ROD
RDG- = 1 1/4" ROD
CABLE
CAA- = 1/4" CABLE
CAB- = 3/8" CABLE
CAC- = 1/2" CABLE
- ROD/CABLE BRACING THAT OCCURS IN FLUSH OR INSET GIRT CONDITIONS WILL REQUIRE FIELD SLOTTING OF GIRT WEBS TO ALLOW FOR BRACING.
- FRAMED OPENINGS WHICH ARE FIELD LOCATED WILL REQUIRE FIELD CUTTING OF GIRTS AND SHEETING.
- THIS DRAWING IS NOT TO SCALE.

PROJECT NAME DANIEL PERKINS 140 MASSENGALE ROAD, BROOKS, GA. 30205	PEAK STEEL BUILDINGS PO BOX 1275 MADISON, GA 30650 PHONE: (844) 333-PEAK FAX: (706) 343-1988
CUSTOMER NAME DANIEL PERKINS BROOKS, GA. 30205	
JOB NUMBER S20Q8057A	SHEET TITLE
	
SHEET E5 of 6	

GEORGIA, FAYETTE COUNTY
 Filed and Recorded this 31 day
 of JAN, 1994.
 Book 24, Page 138

W.D. Ballard

A-721 20

GEORGIA
 Filed on
 of 31
 Book
24



In my opinion this is a correct representation
 of the land plotted, and was prepared in con-
 formity with the minimum requirements of the
 law from a survey of the property under my
 supervision.

G. Tim Conkle

Ga. Reg. Land Surveyor No. 2801

1" = 200'
 0 100 200 400

prepared by
conkle - lane & associates

planning consultants - land surveyors
 griffin, georgia
 404-228-8400

Linear measurements made with E.D.M.
 angular measurements made with 10"
 theodolite apparent angle error of 0.1'
 per angle point, no adjustment made
 Error of closure 1/32, 500'

PROPERTY SURVEY FOR

FAYE HODGE

LOCATED IN LANDLOT 163
 OF THE 4TH LAND DISTRICT
 FAYETTE COUNTY, GEORGIA
 SCALE: 1" = 200' -- DATE: JAN. 6, 1994

conkle -
 planning

6767F6431

6576F6431

BOOK 24 PAGE 138

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Fay Hodge & Marvin Mund

MAILING ADDRESS: 140 Massengale Road Brooks GA 30205

PHONE: 770-460-6675 E-MAIL: _____

AGENT FOR OWNERS: Daniel & Alaina Perkins

MAILING ADDRESS: Same as above

PHONE: 678-350-3835 E-MAIL: alainaperkins1123@yahoo.com

PROPERTY LOCATION: LAND LOT 163 LAND DISTRICT 4 PARCEL 0436080

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.21

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: Res/Ag

PROPOSED USE OF SUBJECT PROPERTY: Res/Ag

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-721-20

[] 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: March 23, 2020

Received from Daniel & Alaina Perkins a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 40⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: 2/21/2020 Receipt Number: _____

A 721-20

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:

Fay Hodge + Marvin Mund
Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4 District, and (if applicable to more than one land district) Land Lot(s) 1103 of the District, and said property consists of a total of 5.21 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Alaina Perkins 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.

Fay K. Hodge
Signature of Property Owner 1

140 Massengale Rd. Brooks, GA
Address 30205

Marvin Mund
Signature of Property Owner 2

140 Massengale Rd. Brooks GA
Address 30205

Alaina Perkins
Signature of Authorized Agent

140 Massengale Rd. Brooks
Address GA 30205

[Signature]
Signature of Notary Public

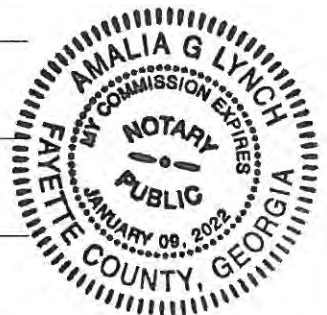
21st FEBRUARY 2020
Date

[Signature]
Signature of Notary Public

21st FEBRUARY 2020
Date

[Signature]
Signature of Notary Public

21st FEBRUARY 2020
Date



A 721 20

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec 110-79 Residential Accessory Structures	Siding must be a horizontal pattern	Construction of a metal accessory structure with vertical pattern.	

VARIANCE SUMMARY

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

See attached

211 Print Center
Building
Peachtree City, Georgia 30269

QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 12th day of June, in the year one thousand nine hundred Ninety-Six, between ACIE E. HODGE AND FAY K. HODGE, of the County of FAYETTE, and the State of GEORGIA, as party or parties of the first part, hereinafter called Grantor, and ACIE E. HODGE, FAY K. HODGE, MARVIN MUND AND OPHELIA MUND of the county of Fayette, and the State of Georgia, 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 163, 4TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 5.21 ACRES, AS SHOWN ON A PLAT OF SURVEY ENTITLED, "PROPERTY SURVEY FOR FAYE HODGE", PREPARED BY CONKLE-LANE & ASSOCIATES, DATED JANUARY 6, 1994, RECORDED IN PLAT BOOK 24, PAGE 138, FAYETTE COUNTY SUPERIOR COURT RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION OF THE PROPERTY.

FILED & RECORDED
FAYETTE COUNTY, GA.

'96 JUL 10 AM 8 21

W.A. BALLARD, CLERK

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID
DATE 7-10-96
W.A. Ballard
CLERK OF SUPERIOR COURT

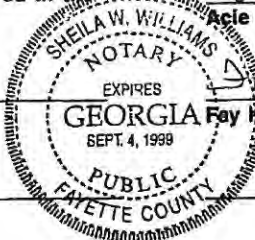
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

(Unofficial witness)

(Notary Public)



Acie E. Hodge (Seal)

Fay K. Hodge (Seal)

(Seal)

BOOK 1077 PAGE 441

PETITION NO. A-723-20
Scott & Wendy Marlow
100 Rosemont Trace
Fayetteville, GA 30215
Public Hearing Date March 23, 2020

The subject property is located at 100 Rosemont Trace, Fayetteville, GA 30215 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Sec. 110-133. R-70, (d) (4) (a) (2), to reduce the front yard setback off Antioch Rd from 75 feet to 74 feet to allow a detached garage to remain.

History: On January 23, 1986, the Board of Commissioners approved rezoning request (557-86) to rezone 95.02 acres from A-R to R-70 for a residential subdivision (Stubbs Plantation). The application was approved with three (3) recommended conditions as follows:

1. To the owner's agreement to the following site development considerations:
 - a. To limit the design speed of all subdivision streets to 25 miles per hour.
 - b. To provide a minimum sight-distance of 400 feet along Antioch Road.
 - c. To provide a 150-foot long deceleration lane with an additional 50-foot taper at any street exit /entrance along Antioch Road, and to provide acceleration lanes if so recommended by the County Engineer.
 - d. That lot 41 shall be the only lot on the east side of Antioch Road which shall have direct access to Antioch Road, and that no more than one lot on the west side of Antioch Road shall have direct access to Antioch Road.
 - e. That no more than two (2) cul-de-sacs combined with no more than one (1) driveway curb cut provide access to lots along the west side of Antioch Road.
 - f. That all structures shall be set back a minimum of 80 feet from the right-of-way of Antioch Road.**
2. That in accordance with the owner's proposal, the minimum house size shall be 1,500 square feet of heated floor area.
3. That the County Engineer shall monitor development and enforce sediment and erosion control ordinances to aid in the protection of the adjacent property of John Sorrow.

The Final Plat of Stubbs Plantation was recorded on November 6, 1986 in Plat Book 17 and Pages 78. Tax Assessor's records indicate that the applicant purchased the property in 2011.

On January 23, 2019, the Board of Commissioners approved 5-0 to delete a rezoning condition on Lot 1 of the Stubbs Plantation Subdivision. By deleting the rezoning condition of an 80 foot front yard setback off of Antioch Road it allows the front yard setback to go to 75 feet as