

**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
September 28, 2020
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on June 22, 2020.
2. Consideration of the Minutes of the Meeting held on July 27, 2020.

PUBLIC HEARING

3. Petition No. A-733-20, Harold and Kristen Hendricks, request the following: Variance to Section 110-77 to reduce the front yard setback (that is established by the lot width) and eliminate the depth requirement to allow the construction of a principal structure. The subject property is located in Land Lot(s) 62 & 63 of the 4th District and fronts on Bankstown Road.
4. Petition No. A-734-20, Hibo and Carolyn Linares, request the following: Variance to Section 110-137. R-40 (d) (5), to reduce the rear yard setback from 30 feet to 6 feet to allow an existing residential structure to remain. The subject property is located in Land Lot 169 of the 5th District and fronts on DeVilla Trace.
5. Petition No. A-735-20, Joseph L. and Karen B. Radest, request the following: Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 33 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 63 of the 7th District and fronts on Diamond Pointe. **(Applicant had an issue with the notification sign and wishes to defer petition to October 25th).**
6. Petition No. A-736-20, Benigno Sanchez and Juana Araujo, owners, and Bianca Sanchez, agent, request the following: Variance to Sec. 110-133. R-70, (d) (5), to reduce the rear yard setback from 50 feet to 23 feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 256 of the 5th District and fronts on Ales Way.
7. Petition No. A-737-20, JALEN Properties, LLC, owner, and Jason Betsill, agent, request the following: Variance to Section 110-77 to reduce the front yard setback

(that is established by the lot width) and eliminate the depth requirement to allow the construction of a principal structure. The subject property is located in Land Lots 62 & 63 and fronts on Bankstown Road.

8. Petition No. A-738-20, Michael and Shannon Rhinehart, request the following:
Variance to Sec. 110-79 Residential accessory structures and their uses, (c) Number and size, (1) (a), to allow the amount of existing residential accessory structures per individual lot from two (2) to three (3) to remain. The subject property is located in Land Lot 44 of the 7th District and fronts on Hillside Drive.

This Public Hearing will be live-streamed at:

<https://livestream.com/accounts/4819394?query=fayette%20county&cat=account>

The call-in number of 770-305-5277 is provided for those who would like to make public comment during this Public Hearing.

PETITION NO. A-733-20
Harold & Kristen Hendricks
Parcel 0409025
Fayetteville, GA 30215
Public Hearing Date September 28, 2020

The subject property is located at Parcel # 0409025 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-77.to reduce the front yard setback (that is established by the lot width) and eliminate the depth requirement to allow the construction of a principal structure.

Sec. 110-77. - Lot width.

The lot width shall be met at the required setback and shall be maintained for a depth of 80 feet. **On a lot where the lot width is not met at the required setback, the setback will then be where the lot width is met and said lot width shall be maintained for a depth of 80 feet.**

History: The Minor Subdivision Plat of The Ridge at Bankstown was recorded on June 24, 2020. The applicant purchased the property on June 30, 2020.

The survey given shows the proposed location of the single-family residential structure 306 feet from the front yard property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering comments.

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: Approved.

WATER SYSTEM: This property is outside our current service area.

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 wife and I met with a builder and this is when we were informed of the meaning of the contiguous area. The lot 2 currently has a building line of 381 feet. We would like to be granted permission to move the building line closer to Bankstown Road by 75 feet. This would make the new building line be 306 feet. This would allow us to build our home at the highest point of our property. If the 75 feet can't be granted, any additional footage closer to Bankstown Road would be appreciated.

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 current building line is located on the backside of the property. The house would be placed on a downward slope and this raises concern there would be a possibility of flooding of our home.

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

Again we are concerned with possible runoff and flooding. Potentially over time causing erosion. The best place to build in our opinion and the builders is at the crown of the property.

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

We would like to be able to build at the crown of the property instead on the back side on the downward slope. This will still leave us more than enough of the 50 foot buffer on each side of our home.

- 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,**

It would be more aesthetically appealing to the eye and would enhance the value of our property and those around us.

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

We are asking to put the house on the best building spot on the property and still not affect any ordinances or concerns.

**A-733-20
Aerials**

Bankstown Road

**SUBJECT
PROPERTY**

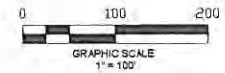
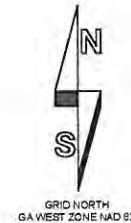
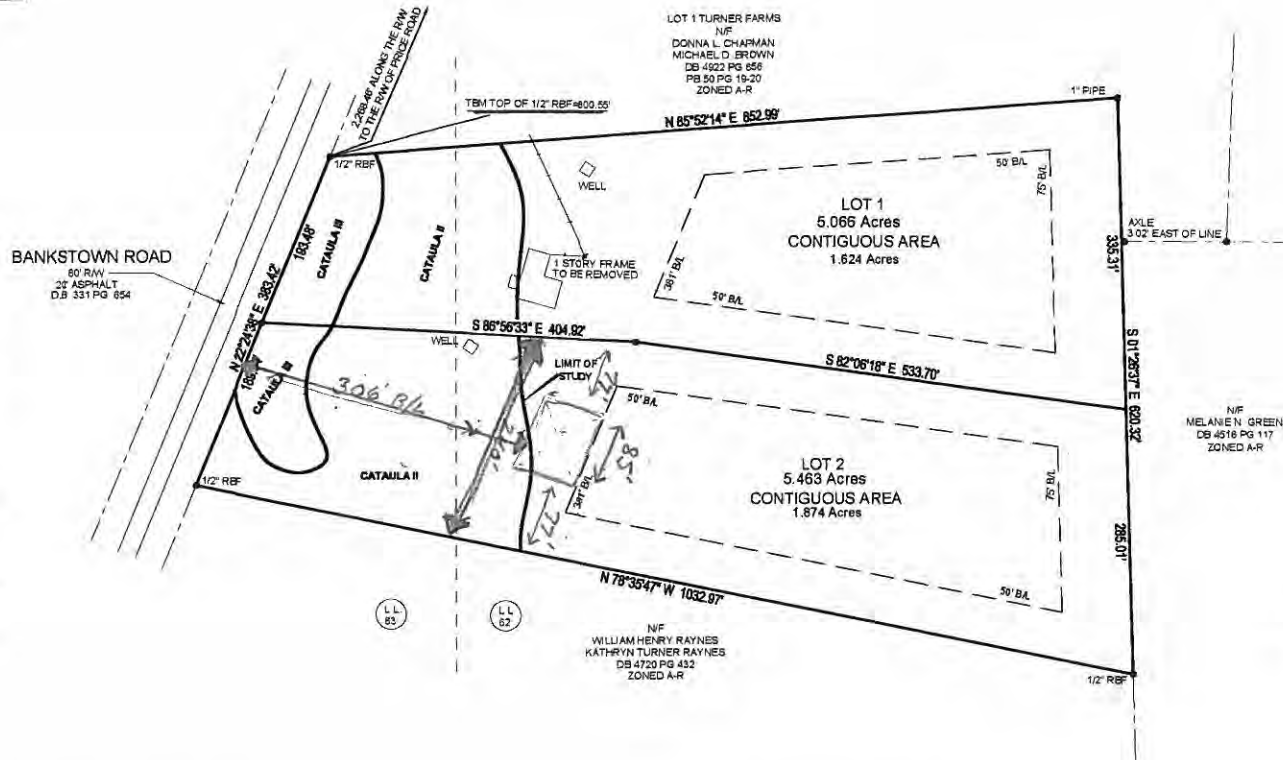


MINOR SUBDIVISION PLAT OF THE RIDGE AT BANKSTOWN

Convey
A 733 20

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
R.=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
BL=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK
PERFORMED DATE
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION
DB=DEED BOOK
PG=PAGE
PBL=PLAT BOOK
H#N=HOUSE NUMBER
UP=UTILITY POLE
R/W=RIGHT OF WAY
TBM=TEMPORARY BENCHMARK



SOIL SUITABILITY CODE LEGEND

- C1 Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.
- Permeability appears to improve with depth, conventional absorption field installed at the recommended depth should function effectively. Soils show evidence of a somewhat restrictive layer in the upper part of the profile.
- O1 Brief perching of water may cause problems for absorption fields installed in the upper part of the soil profile. Soils in the lower part of the soil profile appear to be well drained with texture and structure that should provide a suitable percolation rate.

SOIL INTERPRETIVE DATA

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table Indicators (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Cataula II	>72	30	2-8	12-18	—	0.10	C1
Cataula III	>96	30-40**	2-8	54-72	65	—	O1

Job No. 20-007

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 03/17/20

F.W.P.D.: 03/10/20

Revisions Date

PAGE 2 OF 2



Prepared For:

JALEN PROPERTIES, LLC

Property Location

Land Lot 62 & 63 Of The 4th Land District
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3064
rdgaskins79@gmail.com

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 160,500 FEET

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TOR TOTAL STATION

A-733-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Harold & Kristen Hendricks

MAILING ADDRESS: 155 Jericho Lane, Fayetteville, GA 30215

PHONE: 678-910-0808 E-MAIL: ktwist128@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 62-63 LAND DISTRICT 9th PARCEL 0409 025

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.463

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: Single family residential

PRESENT USE OF SUBJECT PROPERTY: single family residential

PROPOSED USE OF SUBJECT PROPERTY: Single family residential

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

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: August 24, 2020

Received from Kristen Hendricks a check in the amount of \$ 195

for application filing fee, and \$ 20 for deposit on frame for public hearing sign(s).

Date Paid: 7/17/2020 Receipt Number: _____

Check # 144

A-135-20

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:

Harold Mitchell Hendricks and Kristen Elizabeth Hendricks

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 _____ District, and (if applicable to more than one land district) Land Lot(s) _____ 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 _____ 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.

Harold Mitchell Hendricks
Signature of Property Owner 1

155 Jericho Lane, Fayetteville, GA 30215
Address

Kristen Elizabeth Hendricks
Signature of Property Owner 2

155 Jericho Lane, Fayetteville, GA 30215
Address

Howard L. Johnson
Signature of Notary Public

7/17/2020
Date

Howard L. Johnson
Signature of Notary Public

7/17/2020
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

JUSTIFICATION OF REQUEST

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

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

The current building line is located on the back side of the property. The house would be placed on a downward slope and this raises concern there would be the possibility of flooding of our home.

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

Again, we are concerned with possible runoff and flooding. Potentially over time causing erosion. The best place to build in our opinion and the builders is at the crown of the property.

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

We would like to be able to build at the crown of the property instead on the back side on the downward slope. This will still leave us more than enough of the 50 foot buffer on each side of our home.

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.

It would be more aesthetically appealing to the eye and would enhance the value of our property and those around us.

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

We are asking to put the house on the best building spot on the property and still not affecting any ordinances or concerns.

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

VARIANCE SUMMARY

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

My wife and I met with a builder and this is when we were informed of the meaning of the contiguous area. The lot 2 currently has a building line of 381 feet. We would like to be granted permission to move the building line closer to Bankstown Road by 75 feet. This would make the new building line be 306 feet. This would allow us to build our home at the highest point of our property. If the 75 feet can't be granted, any additional footage closer to Bankstown Road would be appreciated.

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 62 & 63 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 2, THE RIDGE AT BANKSTOWN SUBDIVISION, AS PER SAID SUBDIVISION FILED FOR RECORD IN PLAT BOOK 100, PAGES 338-339, FAYETTE COUNTY RECORDS. THE DESCRIPTION OF SAID PROPERTY AS CONTAINED ON SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

Out of Parent Parcel: 0409 025

Deed A 733-20

Return to:
Edge & Kimbell Law, LLC
401 Westpark Court
Suite 200
Peachtree City, GA 30269

File No.: PTC-20-1753

LIMITED WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 30th day of June, 2020 between

Jalen Properties, LLC, a Georgia Limited Liability Company,

of the State of Georgia, as party of the first part, hereinafter called Grantor and

Harold Mitchell Hendricks,

as party 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 HUNDRED FIFTY FIVE THOUSAND AND 00/100 Dollars (\$155,000.00)** AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **Lot 2 Bankstown Road, Brooks, GA 30205**

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-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 behoove 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 owning, holding or claiming by, through or under the said Grantor.

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

Signed, sealed and delivered in the presence of:

Naura Paige Wright
UNOFFICIAL WITNESS

Marlene Henderson
Notary Public
My Commission Expires: _____
SEAL:



Jalen Properties, LLC

By: *Jennifer Kit Betsill* (SEAL)
Jennifer Kit Betsill, Manager

PETITION NO. A-734-20
Hibo & Carolyn Linares
375 DeVilla Trace
Fayetteville, GA 30214
Public Hearing Date August 24, 2020

The subject property is located at 375 DeVilla Trace Fayetteville, GA 30214 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Section 110-137. R-40 (d) (5), to reduce the rear yard setback from 30 feet to 6 feet to allow an existing residential accessory structure to remain.

History: The Final Plat of Ponderosa Unit II was recorded on July 17, 1974. Tax Assessor's records indicate that the house was built in 1975. The applicant purchased the property in 1998.

As part of the fence permit process, staff is required to review the parcel. Through that review staff discovered the violation. The survey given shows the existing residential accessory structure 6 feet from the rear yard property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering comments on side yard setback variance request.

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT:

Petition	A-734-20
Location	Land Lot 169 of the 5th District Fronts on DeVilla Trace
Request	Variance to Section 110-137. R-40 (d) (5), to reduce the side yard setback from 30 feet to 6 feet to allow an existing shed to remain.
Reviewer	Bryan Keller
Date	July 27, 2020
Floodplain	The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0112E dated Sept 26, 2008. The property IS ADJACENT to floodplain delineated in the FC 2013 Future Conditions Flood Study. Any buildings or substantial improvements to existing building will need to meet the Fayette County Floodplain Ordinance.

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 There are **NO** state waters requiring a buffer on the property.

Groundwater The property **IS NOT** within a groundwater recharge area.

Stormwater The shed **IS** located within a drainage easement. It does not appear that the location of the shed will negatively affect the county owned and operated stormwater system under the road. The county is unaware if the location of the shed is causing issues with the existing drainage easement.

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

FIRE MARSHAL: Approved.

WATER SYSTEM: No comment at this time.

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 came into the office at the county to inquire about a fence permit and found that we needed to obtain information about the shed at the rear of the property. This shed was a replacement to two metal sheds that were located on or about the same location of the property when we purchased it.

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 septic drain-field lines takes up the majority of the lot behind the home to the building line.

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

Yes, there is not a garage on the property to place lawn/yard maintenance equipment as well as the equipment and chemicals for the pool. The home does not have a garage.

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

The whole rear of the home is septic leaving nowhere else to place the workshop.

- 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, the shed was replacement for two metal sheds that had deteriorated and our replacement has been in place for about 15-20 years at this point and no one has complained.

- 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 homes that have garage space but also have utility sheds on their lots as well.

Downing Court

**A-734-20
Aerials**

**SUBJECT
PROPERTY**

DeVilla Trace



Concept A-734-20

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	87.59'	60.00'	80.02'	N 82°57'17" W

**S.A. GASKINS
& ASSOCIATES, LLC.**

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
P.O. BOX 321 Brooks, Ga. 30205
sagaskins@bellsouth.net 770-460-9342 JOHN 3:16

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.



SURVEYORS CERTIFICATION

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.

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: Swinson A. Gaskins
SWINSON A. GASKINS, Sr. GEORGIA
REGISTERED LAND SURVEYOR NO.1620

DATE 07 / 01 / 2020



Prepared For:
Caroyle Linares

Subdivision: Ponderosa Unit Two P.B. 8, Pg. 145	Date: 07/01/20
Scale: 1" = 50'	F.W.P.D.: 06/30/20
County: Fayette, GA	Land Lot: 169
	District: 5th



LEGEND

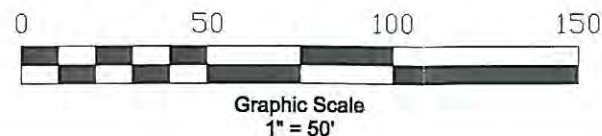
B/L=BUILDING LINE
C/L=CENTERLINE
CTP=CRIMP TOP PIPE
D.B.=DEED BOOK
D.E.=DRAINAGE EASEMENT
ESMT.=EASEMENT
EP=EDGE OF PAVEMENT
F.W.P.D.=FIELD WORK
PERFORMED DATE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
N/F=NOW OR FORMERLY
P.B.=PLAT BOOK
PG.=PAGE
P.O.B.=POINT OF BEGINNING
P/P=POWER POLE
RBF=REBAR FOUND
RBS=REBAR SET
R/W=RIGHT OF WAY
U/P=UTILITY POLE

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,200 FEET AND AN ANGULAR ERROR OF 00° 00' 01" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0106E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.



A-134-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Hibo & Carolyn Linares

MAILING ADDRESS: 375 DeVilla Trace, Fayetteville, GA 30214

PHONE: 770-716-0077-N E-MAIL: Hibojr912@comcast.net
678-200-6786-Cell

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 169 LAND DISTRICT 5th PARCEL 053904008

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.12

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: Residence Single Family

PROPOSED USE OF SUBJECT PROPERTY: Residence Single Family

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-734-20

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: C. B. Date: 7/15/2020

DATE OF ZONING BOARD OF APPEALS HEARING: August 24, 2020

Received from Carolyn Linares a check in the amount of \$ 175⁰⁰

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

Date Paid: July 15, 2020 Receipt Number: _____

A-734-20

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:

Hibo Linares, JR and Carolyn Linares
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) 169 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 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

375 Devilla Trace
Address FAYETTE, GA 30214

[Signature]
Signature of Property Owner 2

375 Devilla Trace
Address FAYETTEVILLE, GA 30214

N/A
Signature of Authorized Agent

N/A
Address

[Signature]
Signature of Notary Public

7/15/2020
Date

[Signature]
Signature of Notary Public

7/15/2020
Date

N/A
Signature of Notary Public

N/A
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

VARIANCE SUMMARY

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

____ We came into the office at the county to inquire about a fence permit and found that we needed to obtain information about the shed at the rear of the property. This shed was a replacement to two metal sheds that were located on or about the same location of the property when we purchased it.

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 Septic Drainfield takes up the majority of the lot behind the home to the building line.

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

____ Yes, there is not a garage on the property to place lawn / yard maintenance equipment as well as the equipment and chemicals for the pool. The home does not have a garage.

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

____ The whole rear of the home is septic leaving no where else to place the workshop.

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, the shed was a replacement for two metal sheds that had deteriorated and our replacement has been in place for about 15-20 years at this point and no one has complained.

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 homes that have garage space but also have utility sheds on thier lots as well.

11412 A-154-20

RETURN TO:
MORRIS & SCHNEIDER, P.C.
2781 WHITLEY ROAD
ATLANTA, GEORGIA 30339

FILED & RECORDED
FAYETTE COUNTY, GA.

'98 MAY 5 AM 9 18

36F0472A

WARRANTY DEED

W.A. BALLARD, CLERK

STATE OF GEORGIA
COUNTY OF FAYETTE

BOOK 1245 PAGE 662

This Indenture made this 26th day of March, in the year One Thousand Nine Hundred Ninety-Eight, between JOSEPH A. FARQUHAR, JR. and SANDRA M. ELLS, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and HIBO LINARES, JR. and CAROLYN LINARES, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'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,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 169 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 34, THE PONDEROSA, UNIT TWO, AS PER PLAT RECORDED IN PLAT BOOK 8, PAGE 145, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, FAYETTE COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 129.00
DATE 5-5-98
W.A. Ballard
CLERK OF SUPERIOR COURT

Subject to all easements and restrictions of record

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

Karen K. Rodriguez
Notary Public

Commission Expires 6-30-00

Joseph A. Farquhar, Jr.
JOSEPH A. FARQUHAR, JR. (Seal)

Sandra M. Ellis
SANDRA M. ELLS (Seal)

(Seal)



PETITION NO. A-736-20
Benigno Sanchez & Juana Araujo
175 Ales Way
Fayetteville, GA 30214
Public Hearing Date August 24, 2020

The subject property is located at 175 Ales Way Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Sec. 110-133. R-70, (d) (5), to reduce the rear yard setback from 50 feet to 23 feet to allow an existing accessory structure to remain

History: The Final Plat of Fairhaven Lakes was recorded on April 6, 2007. Tax Assessor's records indicate that the house was built in 2016 and the residential accessory structure was built in 2020. The applicant purchased the property in 2017.

The violation was brought to the Zoning staff's attention by the Building & Safety Department in April 2020. The Building Safety Department issued a stop work order on April 15, 2020. The site plan given shows the existing residential accessory structure 23 feet from the rear yard property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering issues with the requested rear yard setback variance.

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: Approved.

WATER SYSTEM: No comment at this time.

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 Benigno Sanchez and my wife are applying for this application. For the reason we built a storage house out in the back of our property that measures 10x15. We built without knowing there were regulations in Fayette County we were new to this County until the district came out to tell us to stop building. As we were inform to either apply for this application of take down we would like to get variance reducing the rear setback to 23 feet (from 50 feet) to allow the shed to remain as we wish to.

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 shed was put there in particular so that it could be away from the house not too close and so it would be away from the neighbors.

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

The shed was built from scratch so it cannot be moved it's the reason we would want to get permission for it to stay there and not get it taken down.

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

There are no particular piece of property involved that it would be too close to the house or such as neighbor's land.

- 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 granted there would be no such cause to the public good. If the relief is not granted we would have to take it down and have to go with any regulation are being told so.

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

There would be no rights being took from the zoning district. We would be willing to cooperate to do anything right with zoning district.

**A-736-20
Aerials**

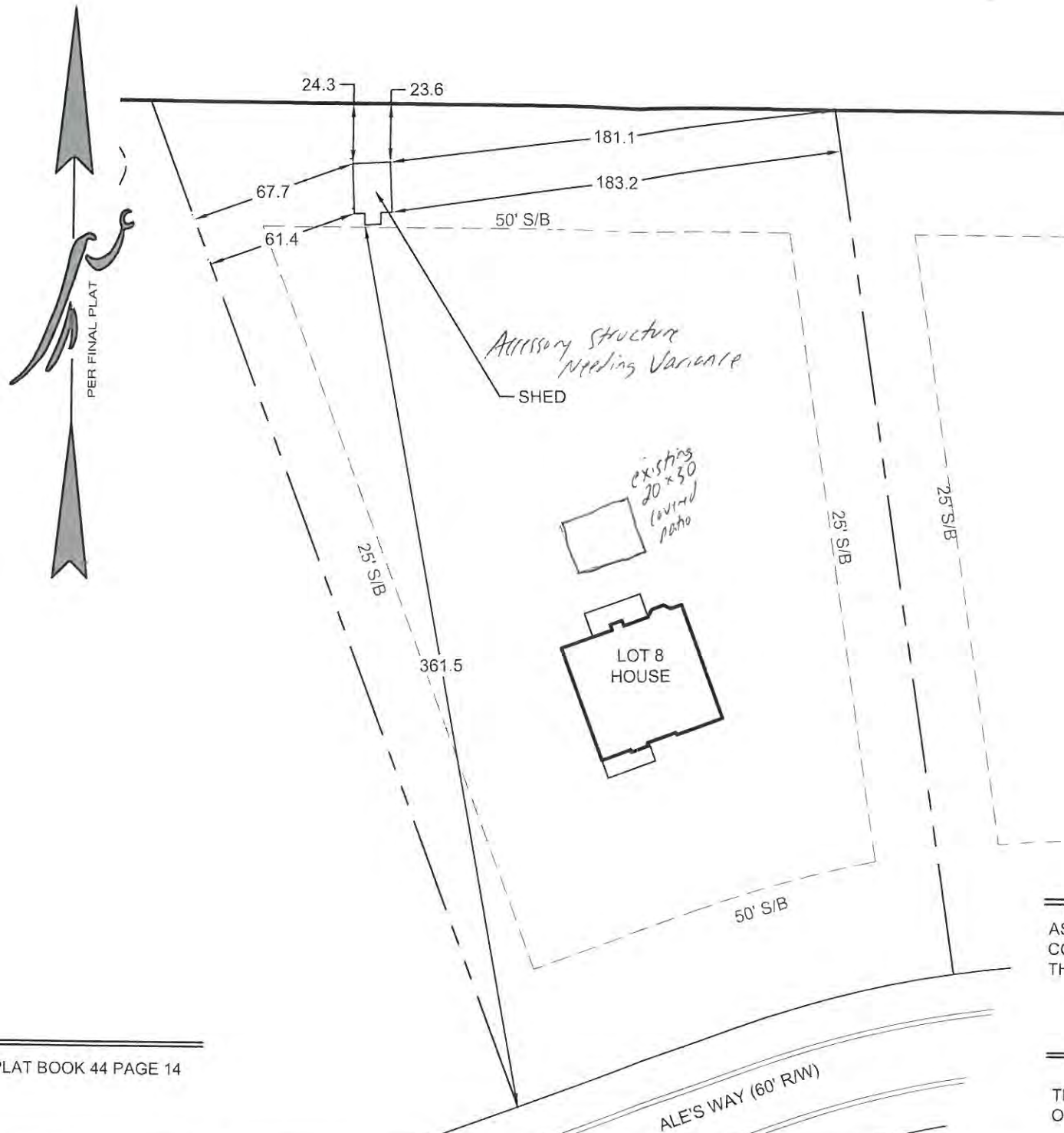
**SUBJECT
PROPERTY**

Ales Way

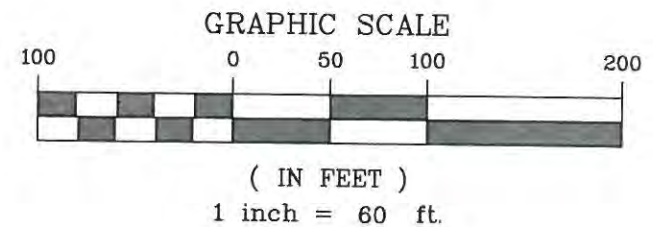


LEGEND

DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
LL	LAND LOT
OTP	OPEN TOP PIPE
RB	REBAR
IPF	IRON PIN FOUND
IPS	IRON PIN SET
CTP	CRIMP TOP PIPE
C&G	CURB & GUTTER
EOP	EDGE OF PAVEMENT
N/F	NOW OR FORMERLY
-E-	OVERHEAD POWER LINE
sq ft	SQUARE FOOT
REF	REFERENCE
CMF	CONCRETE MONUMENT FOUND
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
CD	CHORD DIRECTION
R/W	RIGHT-OF-WAY
P	PROPERTY LINE
C	CENTERLINE
ID	IDENTIFICATION
BOC	BACK OF CURB
DE	DRAINAGE EASEMENT
EOP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
C/O	SEWER CLEAN OUT
SSE	SANITARY SEWER EASEMENT
IPF	IRON PIN FOUND
IPS	IRON PIN SET
R/W	R/W MONUMENT
CP	CALCULATED POINT
PP	POWER POLE
FH	FIRE HYDRANT
WV	WATER VALVE
WM	WATER METER
SSM	SANITARY SEWER MANHOLE
GM	GAS METER
GV	GAS VALVE
ET	ELECTRIC TRANSFORMER
TP	TELEPHONE PEDESTAL
LP	LIGHT POST



A-736-20
concept



REFERENCES

FINAL PLAT INFORMATION FOR FAIRHAVEN LAKES, RECORDED IN PLAT BOOK 44 PAGE 14

FLOOD NOTE

AS SHOWN ON THE FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY COUNTY, GEORGIA, COMMUNITY PANEL #13113C0019E, DATED 09/26/2008 IT IS MY OPINION THAT NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL ZONE A AND ZONE AE FLOOD HAZARD ZONE.

SURVEY NOTES

TRACT ONE HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

FALCON DESIGN CONSULTANTS, LLC. ALL RIGHTS ARE RESERVED. ANY POSSESSION, REPRODUCTION OR OTHER USE OF THIS DOCUMENT WITHOUT PRIOR WRITTEN PERMISSION FROM FALCON DESIGN CONSULTANTS, LLC. IS EXPRESSLY PROHIBITED.

SHEET NUMBER:	DATE:	7-31-20
	SCALE:	1" = 60'
	DRAWN BY:	BGAYLOR
	REVIEWED BY:	BHATMAKER

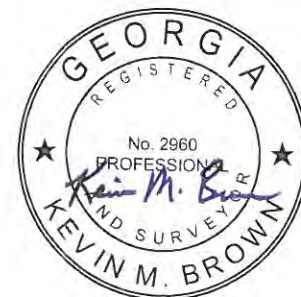
REVISIONS	
1.	
2.	
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4.	
5.	

1

THIS DOCUMENT IS NOT VALID
UNLESS IT BEARS THE
ORIGINAL SIGNATURE OF THE
REGISTRANT ACROSS THE
REGISTRANT'S SEAL.



Know what's below.
Call before you dig.
UTILITIES PROTECTION CENTER
1 (800) 282-7411 THROUGHOUT GEORGIA
OR DIAL 811



BUILDING ASBUILT
LOT 8
FAIRHAVEN LAKES
SUBDIVISION

LOCATED IN:
LAND LOT 256, 5th DISTRICT
FAYETTE COUNTY, GEORGIA



A-736-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Benigno Sanchez, Juana Arce

MAILING ADDRESS: 175 Ales Way Fayetteville GA 30214

PHONE: 470-454-3465 E-MAIL: lesliarce@gmail.com

AGENT FOR OWNERS: ~~AAA~~ Bianca Sanchez

MAILING ADDRESS: 175 Ales Way Fayetteville GA 30214

PHONE: 470-454-3465 E-MAIL: _____

PROPERTY LOCATION: LAND LOT 256 LAND DISTRICT 5th PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2 acres

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: single-family residential

PROPOSED USE OF SUBJECT PROPERTY: single-family residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-736-20

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 8/5/20

DATE OF ZONING BOARD OF APPEALS HEARING: Sept 28, 2020

Received from _____ ^{CASH} a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s). 145⁰⁰

Date Paid: 8/4/2020 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:

Benigno Sanchez Galindo / Juana Araujo
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 256 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2 acres acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

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

BENIGNO SANCHEZ G
Signature of Property Owner 1
175 ALES WAY FAYETTEVILLE
Address GA 30214

Juana Araujo
Signature of Property Owner 2
175 ALES WAY FAYETTEVILLE
Address GA 30214

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public
08/03/2020
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
SU. 110-133 R-70 (d)(5)	Rear setback 50'	23'	27'

VARIANCE SUMMARY

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

I Benigno Sanchez and my wife are applying for this application. For the reason we built a storage house out in the back of our property that measures 10x15. We built without knowing there were regulations in Fayette County we were new to this county until the district came out to tell us to stop building. As we were inform to either apply for this application or take it down we would like to get Variance reducing the rear Setback to 23 feet (from 50 feet) to allow the shed to remain as we wish too.

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 shed was put there in particular so that it could be away from the house not too close and so it would be away from the neighbors.

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

The shed was built from scratch so it can not be moved its the reason we would want to get permission for it to stay there and not get it taken down.

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

There are no Particular Piece of Property involved that would be too close to the house or such as neighbors land.

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 granted there would be no such cause to the public good. If the relief is not granted we would have to take it down and have to go with any regulation we being told so.

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

There would be no rights being took from the zoning district. We would be willing to cooperate to do anything right with zoning district.

RETURN TO:

McMichael & Gray, PC
2055 North Brown Road, # 250
Lawrenceville, GA 30043

Order No.: CON-171269-PUR

PURPOSE OF RE-RECORDING IS TO
ADD THE CORPORATE SEAL

JUL 11 2017

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF ROCKDALE

THIS INDENTURE, made this 21st day of June, 2017, between

D.R. Horton-Crown, LLC, a Delaware limited liability company

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

Benigno Sanchez Galindo and Juana Araujo

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

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) 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,

All that tract or parcel of land lying and being in Land Lot 256 of the 5th District, Fayette County, Georgia, being Lot 8 of Fairhaven Lakes, as shown on plat recorded in Plat Book 44, Pages 1-4, Fayette County, Georgia Records, which recorded plat is incorporated herein and made a part of this description.

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said 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 owning, holding or claiming by, through or under the said Grantor.

[Remainder of Page Intentionally Left Blank]

Doc ID: 010172530002 Type: WD
Recorded: 06/26/2017 at 09:30:00 AM
Fee Amt: \$427.80 Page 1 of 2
Transfer Tax: \$415.80
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

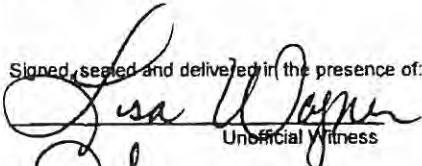

BK 4623 PG 87-88

Doc ID: 010186080002 Type: WD
Recorded: 07/18/2017 at 09:00:00 AM
Fee Amt: \$14.00 Page 1 of 2
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4630 PG 593-594

Deed A-736-20

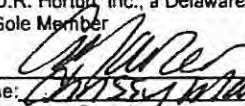
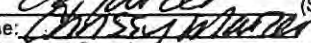
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: 11-13-20

D.R. Horton-Crown, LLC, a Delaware limited liability company

By: D.R. Horton, Inc., a Delaware corporation
Its: Sole Member

By:  (Seal)
Name: 
Its: Assistant Secretary



PETITION NO. A-737-20
JALEN Properties, LLC
Parcel 0409025
Fayetteville, GA 30215
Public Hearing Date September 28, 2020

The subject property is located at Parcel # 0409025 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-77.to reduce the front yard setback (that is established by the lot width) and eliminate the depth requirement to allow the construction of a principal structure.

Sec. 110-77. - Lot width.

The lot width shall be met at the required setback and shall be maintained for a depth of 80 feet. **On a lot where the lot width is not met at the required setback, the setback will then be where the lot width is met and said lot width shall be maintained for a depth of 80 feet.**

History: The Minor Subdivision Plat of The Ridge at Bankstown was recorded on June 24, 2020. The applicant purchased the property on June 30, 2020.

The survey given shows the proposed location of the single-family residential structure 306 feet from the front yard property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering comments.

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: Approved.

WATER SYSTEM: This property is outside our current service area.

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.

Owner request the front building to be reduced from 381' to 250' to bring the building site forward and out of the down-slope located at the 381' building setback. Currently placing the home at the platted 381' measurement will require not only a significant slope towards the front of the home, but placing the home at this location will put it behind the rear of the neighboring properties located at 434 and 426 Bankstown Road. Moving the home site forward will align it with the neighboring properties and keep the uniformity of the setbacks of previously constructed homes and will solve stormwater management issues created by placing it at the 381' distance. The distance of width at the proposed 250' build line would still be roughly 225'.

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.**

There are extraordinary and exceptional conditions related to the topography of the property that would affect the house built at the currently approved 381' distance.

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

The application of these regulations would in fact create a practical difficulty managing stormwater runoff towards the home at the 381' distances

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

These conditions are in fact peculiar to the particular piece of property located at lot 1 the Ridge at Bankstown. The current requirement on the width of the property having to be 250' at the build line is burdensome and creates a problem with uniformity of look with the recently constructed homes located at 426 and 434 Bankstown Road, Brooks, GA 30205. The issue with topography sloping strongly towards the currently approved 381' setback also creates a problem with managing stormwater runoff towards and around the home if it were to be constructed at the 381' distance. The topography does not become conducive to uniformity or proper stormwater management until you reach the proposed 250' setback.

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, if granted would in fact not cause substantial detriment to adjacent property owners in that, as stated previously, it would bring the build site forward and align the front of the home in a property and more aesthetic way. It would also prevent concentrated stormwater flow towards and around the home.

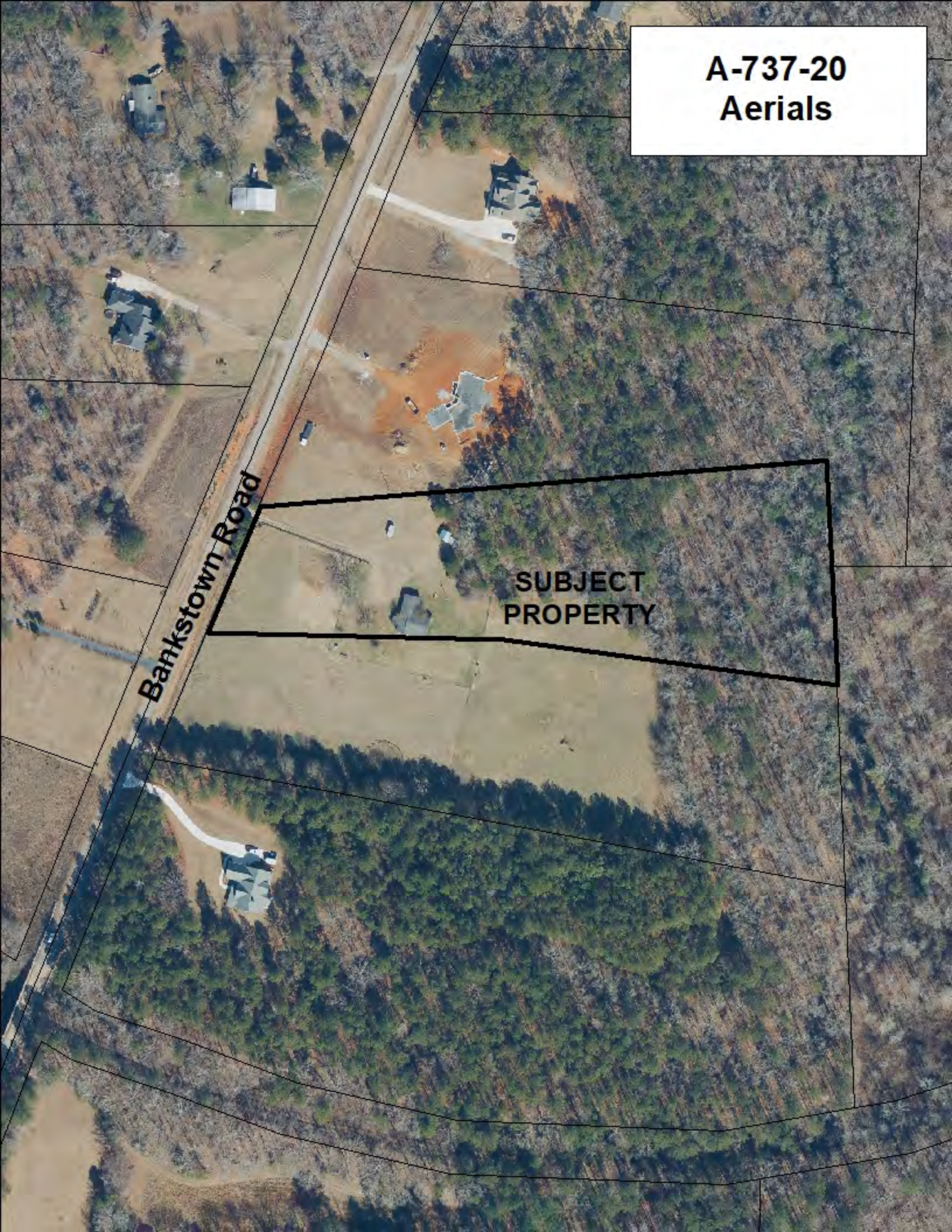
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

Adhering to the ordinance requiring 250' at the build line would deprive applicant of the benefit of not having the newly constructed home to be placed behind the front of each home constructed at adjacent properties. It would also deprive the applicant from having to deal with concentrated stormwater runoff towards and around the subject property to be constructed.

**A-737-20
Aerials**

Bankstown Road

**SUBJECT
PROPERTY**



A 737-20

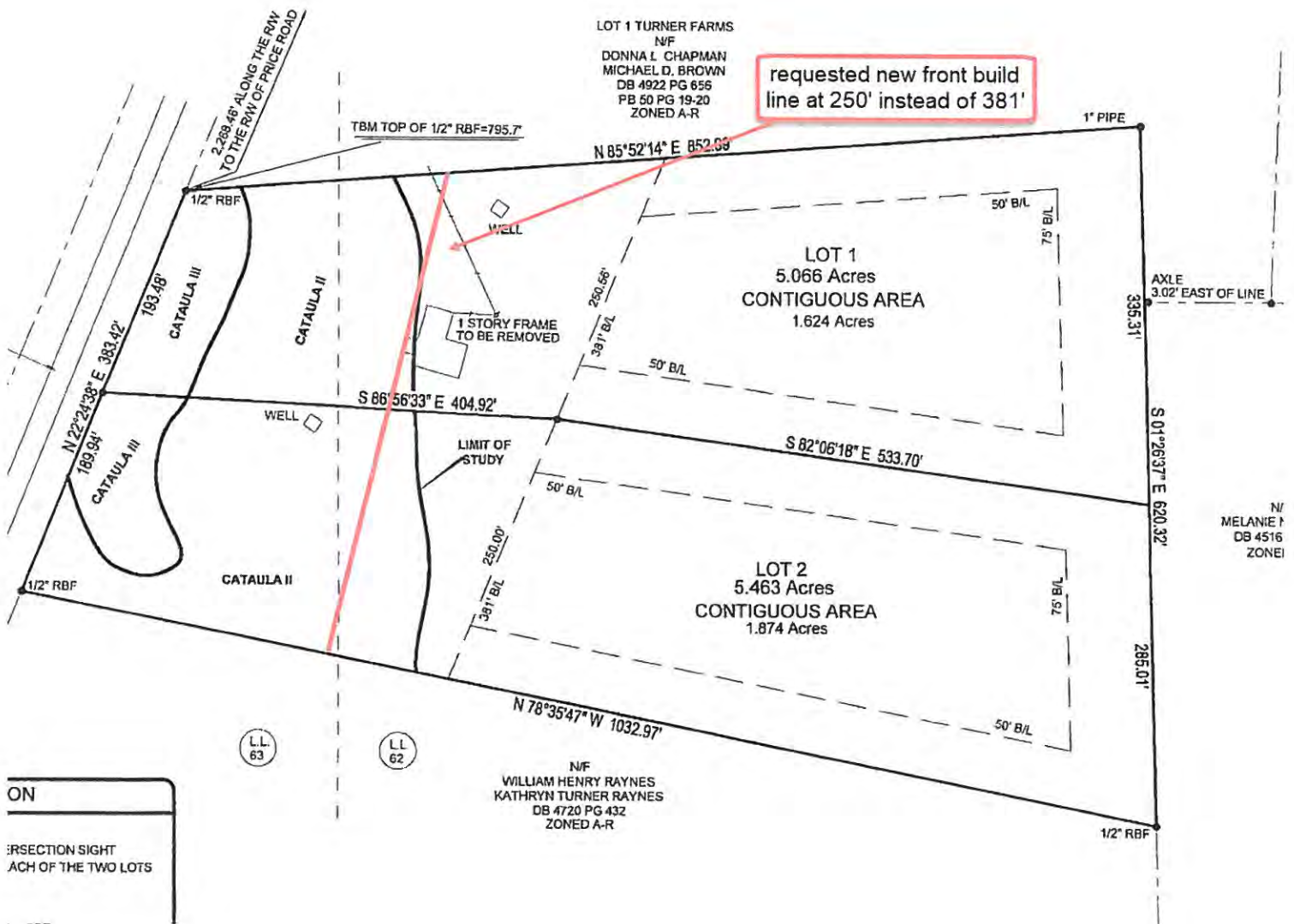
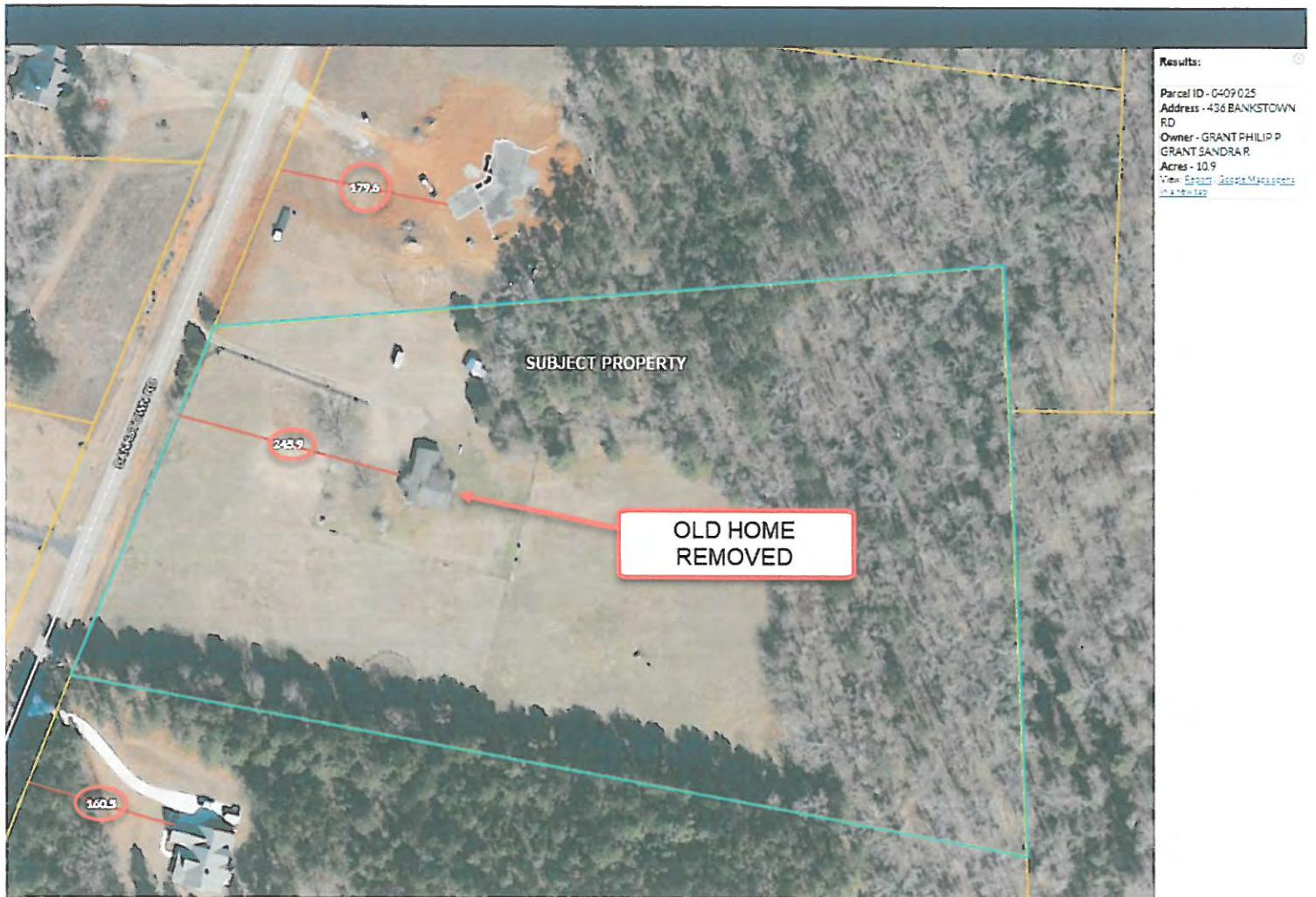


Image 2

A-737-20



A-737-26

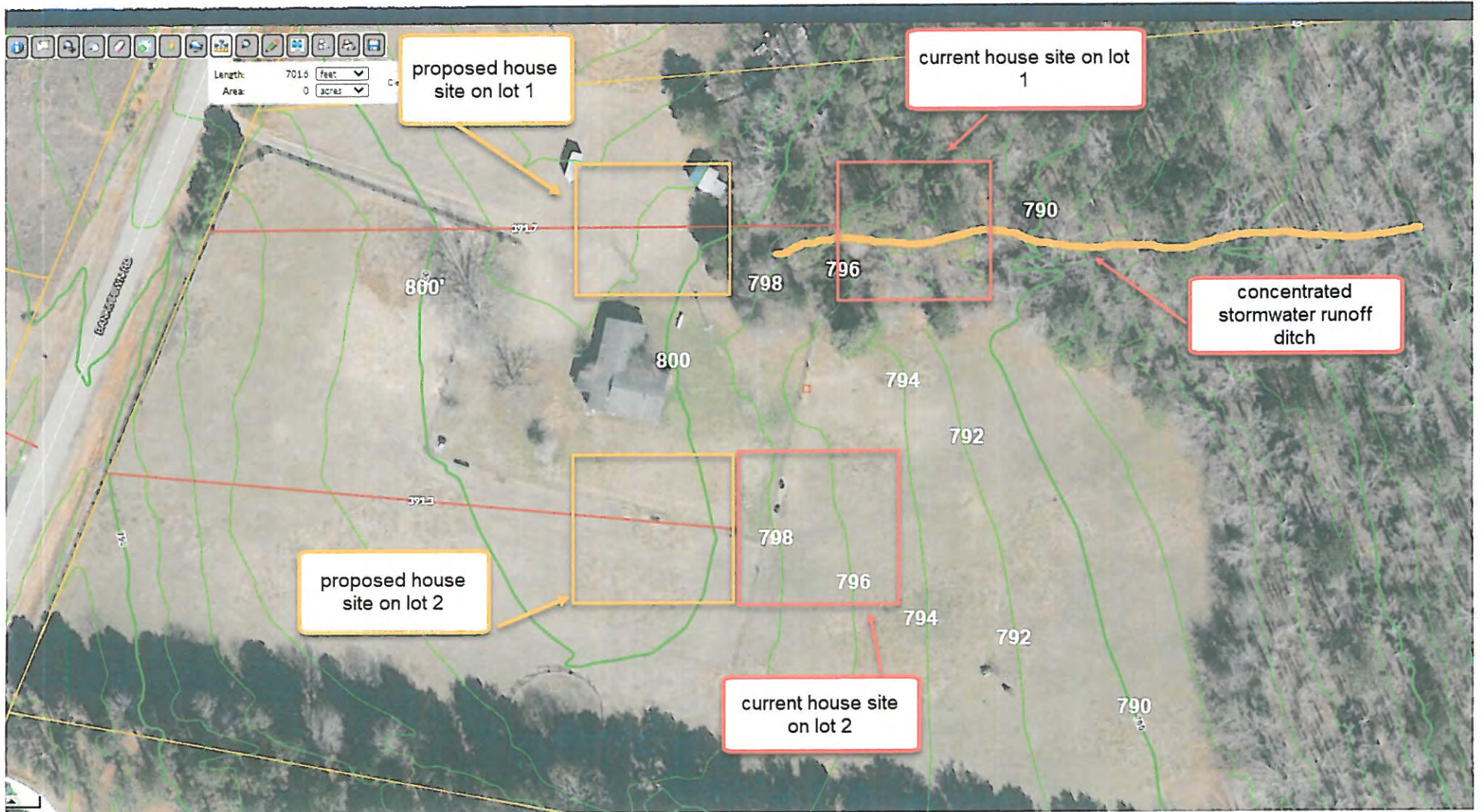


Image 1

A-151

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: JALEN Properties, LLC.

MAILING ADDRESS: 7770 Newnan Road, Suite D, Brooks, GA 30205

PHONE: 770.359.8280 E-MAIL: jbetsillusa@msn.com

AGENT FOR OWNERS: Jason Betsill

MAILING ADDRESS: 7770 Newnan Road, Suite D, Brooks, GA 30205

PHONE: 770.359.8280 E-MAIL: jbetsillusa@msn.com

PROPERTY LOCATION: LAND LOT 62 & 63 LAND DISTRICT 4th PARCEL portion of 0409 025

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.066

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: AR

PROPOSED USE OF SUBJECT PROPERTY: AR

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-737-20

☐ 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: September 28, 2020

Received from _____ a check in the amount of \$ _____

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

Date Paid: _____ Receipt Number: _____

A-737-20

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:

JALEN Properties, LLC.

Please Print Names

Lot 1 The Ridge at Bankstown, Bankstown Road, Brooks, GA 30205

Property Tax Identification Number(s) of Subject Property: portion of 0409 025

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 62 & 63 of the District, and said property consists of a total of 5.066 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to NA 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.

Jennifer K. Betsill
Signature of Property Owner 1

7770 Newnan Road, Suite D., Brooks, GA 30205

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Tammy Rochelle
Signature of Notary Public

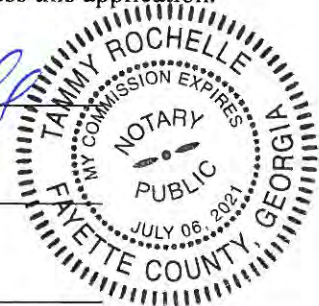
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

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

owner requests the front building line to be reduced from 381' to 250' to bring the building site forward and out of the down-slope located at the 381' building setback. currently placing the home at the platted 381' measurement will require not only a significant slope towards the front of the home, but placing the home at this location will put it behind the rear of the neighboring properties located at 434 and 426 Bankstown Road. Moving the home site forward will align it with the neighboring properties and keep the uniformity of the setbacks of previously constructed homes and will solve stormwater management issues created by placing it at the 381' distance. The distance of width at the proposed 250' build line would still be roughly 225'.

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.

There are extraordinary and exceptional conditions related to the topography of the property that would affect the house build at the currently approved 381' distance.

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

The applications of these regulations would in fact create a practical difficulty managing stormwater runoff towards the home at the 381' distance.

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

These conditions are in fact peculiar to the particular piece of property located at lot 1 the Ridge at Bankstown. The current requirement on the width of the property having to be 250' at the build line is burdensome and creates a problem with uniformity of look with the recently constructed homes located at 426 and 434 Bankstown Road, Brooks, GA 30205. The issue with topography sloping strongly towards the currently approved 381' setback also creates a problem with managing stormwater runoff towards and around the home if it were to be constructed at the 381' distance. The topography does not become conducive to uniformity or proper stormwater management until you reach the proposed 250' setback.


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, if granted would in fact not cause substantial detriment to adjacent property owners in that, as stated previously, it would bring the build site forward and align the front of the home in a property and more aesthetic way. It would also prevent concentrated stormwater flow towards and around the home.

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

Adhering to the ordinance requiring 250' at the build line would deprive applicant of the benefit of not having the newly constructed home to be placed behind the front of each home constructed at adjacent properties. It would also deprive the applicant from having to deal with concentrated stormwater runoff towards and around the subject property to be constructed.

Please return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 20-LAW-0013


Doc ID: 010855080002 Type: WD
Recorded: 03/12/2020 at 09:45:00 AM
Fee Amt: \$270.00 Page 1 of 2
Transfer Tax: \$245.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5007** PG **144-145**

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 6th day of March, 2020 between

Philip P. Grant and Sandra R. Grant

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

Jalen Properties, LLC

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

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

All that tract or parcel of land lying and being in Land Lots 62 and 63 of the 4th Land District of Fayette County, Georgia, and being shown as Tract #3 on a plat of survey dated 3/24/76 prepared by Lee Engineering Company for Ernest Turner and being more particularly described as follows:

Beginning at a point on the Eastern side of Bankstown Road 370.3 feet as measured North 21 degrees 00 minutes East along the Eastern side of Bankstown Road and the Northern right-of-way of the Central of Georgia Railroad; running thence North 21 degrees 00 minutes East along the Eastern side of Bankstown Road 370.3 feet to a point; running thence North 84 degrees 50 minutes East 898.6 feet to an iron pin; running thence South 2 degrees 28 minutes East 620 feet to a point; running thence North 79 degrees 38 minutes West 1071.8 feet, more or less, to the point of beginning; the said tract of land containing 10.86 acres, more or less, according to said survey of Lee Engineering Company.

LESS AND EXCEPT all that tract of land as shown on that certain Right of Way Deed dated 07/12/1983, filed for record 01/03/1985, recorded in Deed Book 331, page 668, aforesaid records.

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

Subject to restrictive covenants and easements of record.

p/6
SRG

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 Embury
Unofficial Witness

[Signature]
Notary Public

[Signature]
Philip P. Grant

[Signature]
Sandra R. Grant



A-738-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Michael & Shannon Rhinehart

MAILING ADDRESS: 155 Hillside Drive

PHONE: 601-927-3571 E-MAIL: shanne.lynn@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 25 LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.5

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: Storage of yard & RV equipment vehicle⁺

PROPOSED USE OF SUBJECT PROPERTY: Same as above.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-738-20

[] 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: September 28, 2020

Received from _____ a check in the amount of \$ _____

for application filing fee, and \$ _____ 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:

Michael / Shannon Rhinehart
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 _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2.5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

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

Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-133	2 accessory buildings structures	3 accessory buildings structures	1

VARIANCE SUMMARY

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

Structures

3 accessory ~~buildings~~ exist on property
 These buildings / structures provide storage
 for RV equipment, lawn mower & yard
 equipment as well as a 3-wheeler
 and 2 go-carts which would
 otherwise be left out in the open.

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.

we were told by Realtor prior to purchasing that due to no HOA and lot size we would be able to add/build a garage. This was a specific condition to purchasing this property.

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

The existing accessory buildings were built/placed prior to us buying the property. we were told we would be able to build/add an extra garage to house our car collection. Removing them would create financial hardship.

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

we had specific requirements when we were looking for a home to buy. we needed enough land to be able to build an additional garage for our collection of vehicles.

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.

These buildings are not visible by road or neighbors property. Both neighbors have no issue with these buildings. (+ helped install previous owner)

These buildings house our yard and RV equipment 3-wheeler / lawnmower / go cart

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

Other neighboring properties have multiple buildings. we should be allowed the same.

VARIANCE APPLICATION

FAYETTE COUNTY, GA

A COMPLETE VARIANCE APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT BY 12:00 NOON ON THE THIRD FRIDAY OF THE MONTH

Fayette County Planning and Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770- 305-5421
E-mail: zoning@fayettecountyga.gov

APPLICATION FILING FEES

Application Filing Fee: \$175.00 (plus \$25 for each additional variance requested)

Sign Deposit Fee: A \$20.00 deposit is required (per public hearing sign posted on property). If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. **The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.** Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 15 days before scheduled public hearing).

Number of copies to submit: 15 of the plat of property (if larger than 11" x 17")

Compliance with standards. Where an application to the board is initiated due to an existing violation of this chapter and said application is denied, the violation shall be required to be corrected within ten calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 30 calendar days.

owner paid using cash.

NEW 8/21

- CNB

**A-738-20
Aerials**

**SUBJECT
PROPERTY**

**Hillside
Drive**

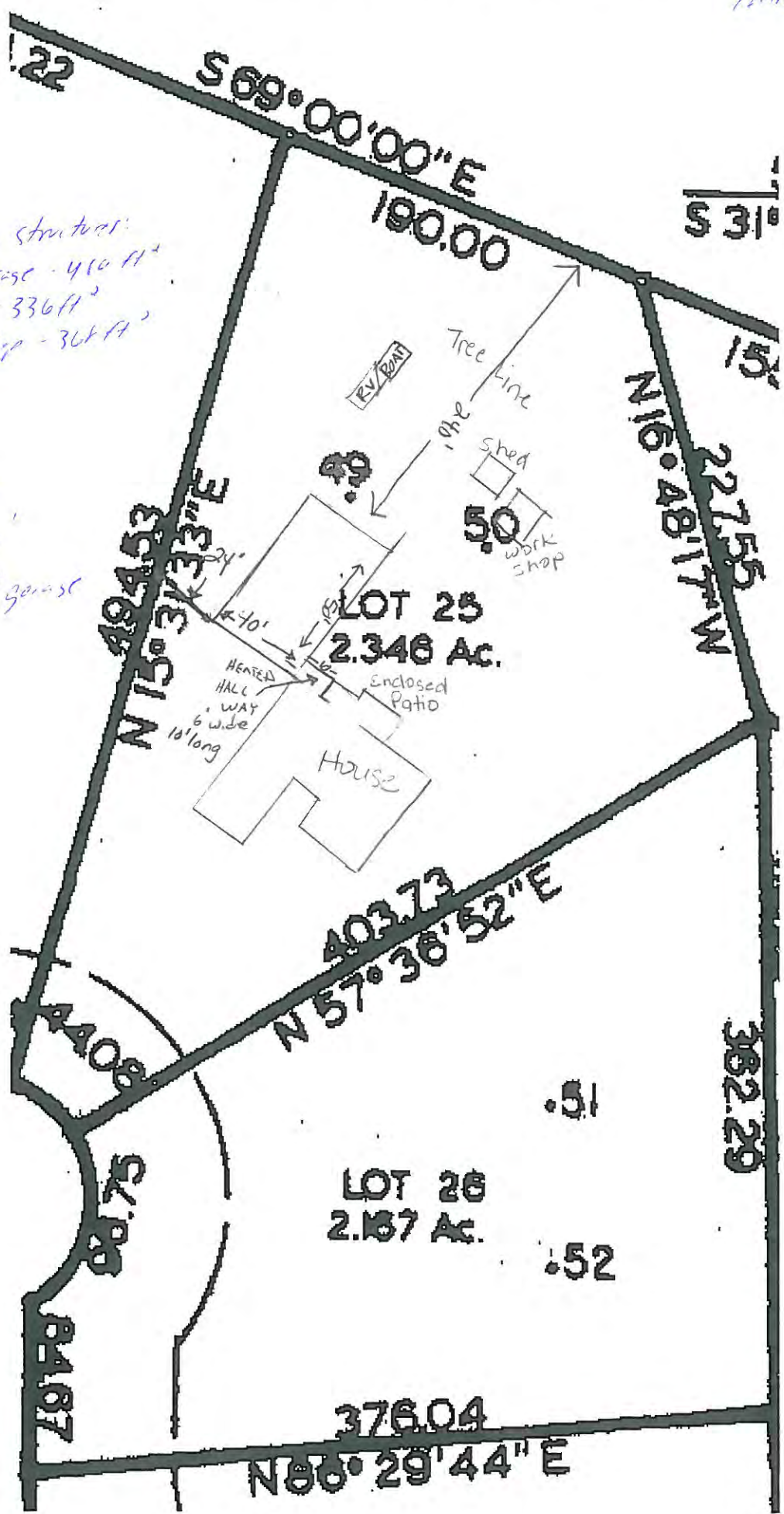


FOR INFO, CALL 981-2311

A-738-20
concept

- 3 accessory structures:
- 1) RV storage - 460 ft²
 - 2) shed - 336 ft²
 - 3) workshop - 360 ft²

proposed
40' x 50'
attached garage



A-738-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Michael & Shannon Rhinehart

MAILING ADDRESS: 155 Hillside Drive

PHONE: 601-927-3571 E-MAIL: shanne.lynn@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 25 LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.5

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: Storage of yard & RV equipment vehicle⁺

PROPOSED USE OF SUBJECT PROPERTY: Same as above.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-738-20

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

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DATE OF ZONING BOARD OF APPEALS HEARING: September 28, 2020

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for application filing fee, and \$ _____ 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:

Michael / Shannon Rhinehart
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 _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2.5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

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

Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110 -133	2 accessory bdgs structures	3 accessory bdgs structures	1

VARIANCE SUMMARY

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

Structures
 3 accessory ~~bdgs~~ exist on property
 These buildings / structures provide storage
 for RV equipment, lawn mower & yard
 equipment as well as a 3-wheeler
 and 2 go-carts which would
 otherwise be left out in the open.

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.

we were told by Realtor prior to purchasing that due to no HOA and lot size we would be able to add/build a garage. This was a specific condition to purchasing this property.

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

The existing accessory buildings were built/placed prior to us buying the property. we were told we would be able to build/add an extra garage to house our car collection. Removing them would create financial hardship.

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

we had specific requirements when we were looking for a home to buy. we needed enough land to be able to build an additional garage for our collection of vehicles.

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.

These buildings are not visible by road or neighbors property. Both neighbors have no issue with these buildings. (+ helped install previous owner)

These buildings house our yard and RV equipment
3-wheeler / lawnmower / go cart

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

Other neighboring properties have multiple buildings. we should be allowed the same.



Doc ID: 010490450001 Type: WD
Recorded: 09/28/2018 at 09:00:00 AM
Fee Amt: \$312.00 Page 1 of 1
Transfer Tax: \$302.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **4795** PG **168**

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
18-1488C/CASSI

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **25th day of September, 2018**, by and between **PEGGY JO COSTALES**, as party or parties of the first part, hereinafter referred to as "Grantor," and **MICHAEL A. RHINEHART and SHANNON L. RHINEHART**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, 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 44 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 25, FINAL PLAT OF SUNSET WEST, AS PER PLAT RECORDED IN PLAT BOOK 14, PAGE 102, REVISED IN PLAT BOOK 14, PAGE 105, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY THIS REFERENCED AND MADE A PART OF THIS DESCRIPTION.

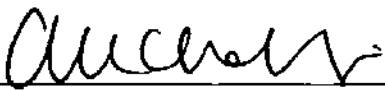
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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 this 25th day of September, 2018 in the presence of:


Unofficial Witness


PEGGY JO COSTALES


Notary Public
My Commission Expires:

[Notary Seal]

