

**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
October 26, 2020
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on September 28, 2020.

PUBLIC HEARING

2. 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.
3. Petition No. A-739-20, Douglas M. and Pamela A. Carithers, request the following: Variance to Section 110-137. R-40 (d) (5), to reduce the rear yard setback from 30 feet to 10 feet to allow a residential accessory structure to be constructed. The subject property is located in Land Lot 165 of the 5th District and fronts on Savannah Court.
4. Petition No. A-740-20, Charles K. and Heidi B. Bridges, request the following: Variance to Section 110-125. A-R (d) (4) (a) (2), to reduce the front yard setback from 100 feet to 81 feet to allow a covered front porch to be constructed. The subject property is located in Land Lot 252 of the 4th District and fronts on McBride Road.
5. Petition No. A-741-20, Scott R. Sells, requests the following: Variance to Section 110-125. A-R (d) (d), to reduce the side yard setback from 50 feet to 4 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 193 of the 4th District and fronts on Carrolls Way.
6. Petition No. A-742-20, Ronnie W. Ard, Executor, request the following: Variance to Section 110-129. R-80 (d) (3), to reduce the minimum dimensional requirement of 2,500 square feet to 1,954 square feet to allow an existing primary residence to remain. The subject property is located in Land Lot 228 of the 4th District and fronts on Highway 85 South. **Applicant requests petition be withdrawn**

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-735-20
Joseph L. & Karen B. Radest
155 Diamond Pointe
Fayetteville, GA 30215
Public Hearing Date October 26, 2020

The subject property is located at 155 Diamond Pointe Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 33 feet to allow an existing residential accessory structure to remain.

History: The Final Plat of Platinum Ridge was recorded on December 24, 1980. Tax Assessor's records indicate that the house was built in 2006 and the residential accessory structure was built in 2014. The applicant purchased the property in 2019.

The former owner of the property permitted the existing residential structure in 2014. The site plan given for that building permit shows the residential accessory structure within the building area and not encroaching the setback, but the survey given by the present owner reveals that the structure is 33 feet from the property line.

As part of the building permit process, a site plan is required. Through the site plan staff discovered the violation. The site plan given shows the existing residential accessory structure 33 feet from the side yard property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering comments on requested side yard variance.

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT: While there is floodplain and watershed protection on the site EMD has no comment about the reduction in side yard setback.

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 am in the process of starting the pre-plan build of an external garage on my property. While submitting that application, a property survey that I paid for shows the pool house residing within 33 feet of the property line. This pool house was built in 2014 by the prior owners. In order to build my garage, I need a variance for the pool house.

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 is residential, the extraordinary circumstances was created by the prior property owner in 2014 as to the placement of the pool house.

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

Yes, the pool house was built in 2014 and the backyard is landscaped. Changing placement to the current owner would cause hardship.

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

The prior homeowner created this issue with the placement of the pool house. My property survey revealed it.

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

Moving the pool house will cause hardship.

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

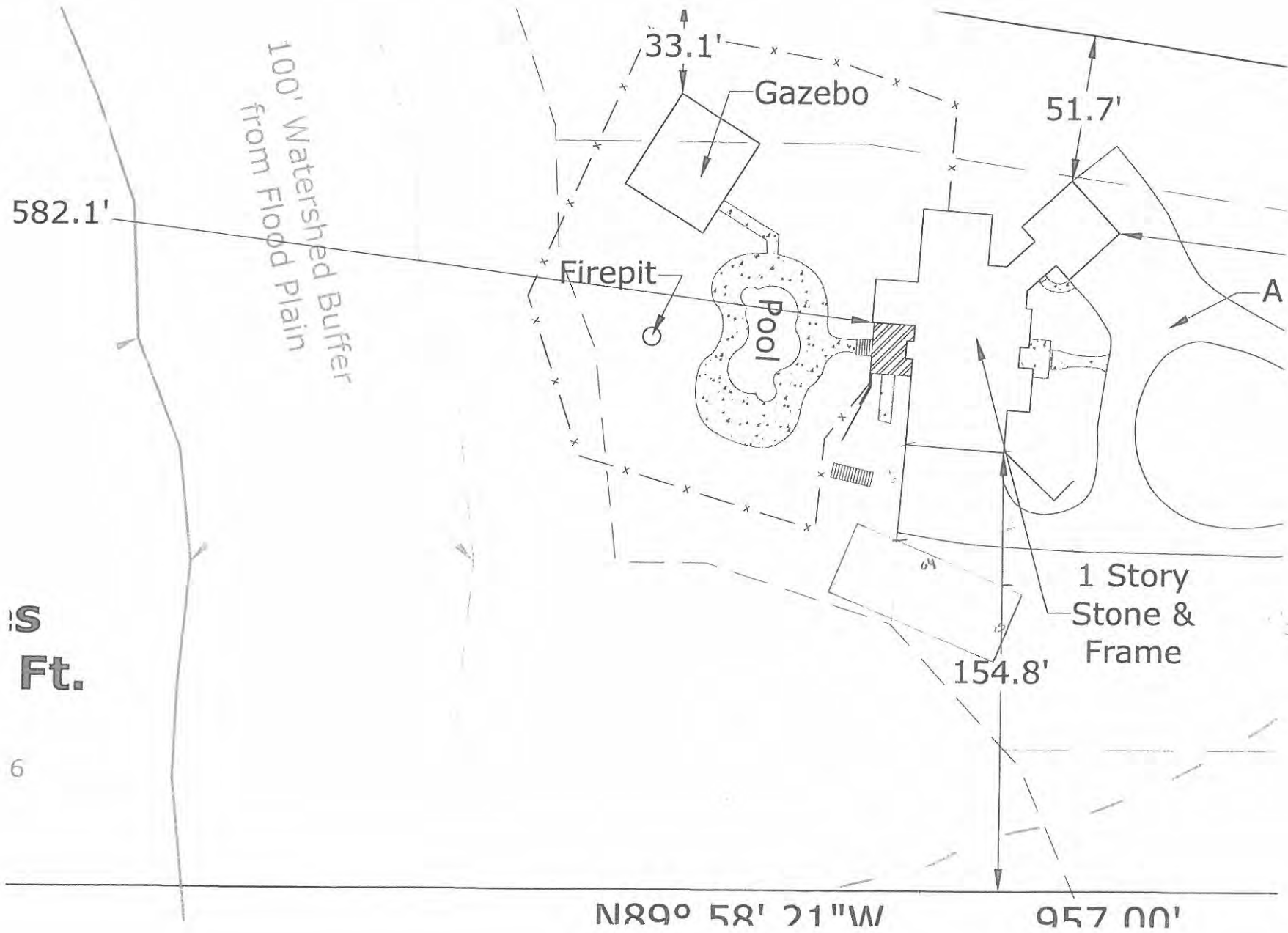
This would deprive me of having the pool house as others have in my development.

**A-735-20
Aerials**

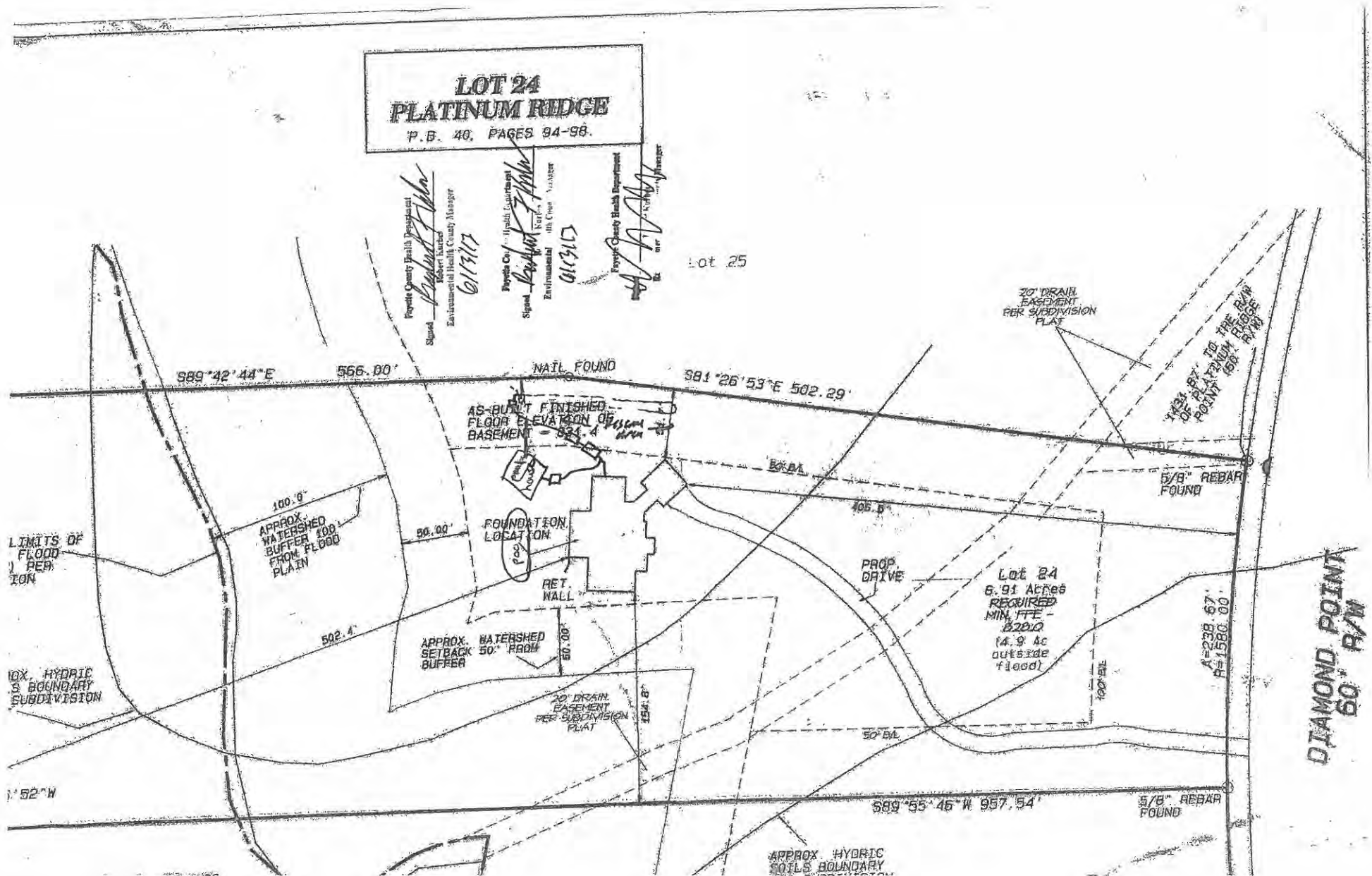
**SUBJECT
PROPERTY**

Diamond Pointe





is
Ft.



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Joseph L & Karen B Radest

MAILING ADDRESS: 155 Diamond Pointe, Fayetteville, GA 30215

PHONE: 770-731-0414 E-MAIL: joe@1steptech.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 2463 LAND DISTRICT 7 PARCEL 071606007

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 6.915 acres

ZONING DISTRICT: Fayette County A-R

ZONING OF SURROUNDING PROPERTIES: Residential

PRESENT USE OF SUBJECT PROPERTY: Primary Home

PROPOSED USE OF SUBJECT PROPERTY: Primary Home

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-735-20

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 7/30/2020

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

Received from Joseph L. + Karen B. Radest a check in the amount of \$ 175.00

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

Date Paid: 7/20/2020 Receipt Number: 007978

A-735 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:

Joseph L & Karen B Radest
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 2 District, and (if applicable to more than one land district) Land Lot(s) 24 63 of the District, and said property consists of a total of 6.915 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

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Signature of Notary Public

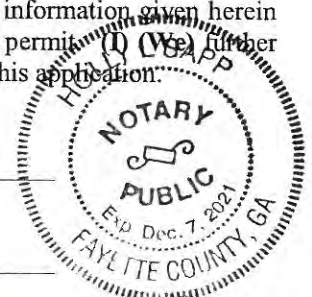
Date

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
Sec. 110-125 A-R (d)(6)	50'	33'	17'

VARIANCE SUMMARY

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

I am in the process of starting the pre-plan build of an external garage on my property. While submitting that application, a property survey that I paid for, shows the pool ^{pool house} ~~resides~~ within 3³/₈ feet of the property line. This ^{pool-house} ~~structure~~ was built in 2014 by the prior property owner. In order to build my garage, I need a variance for the ^{pool house} ~~pool~~.

JUSTIFICATION OF REQUEST

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

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

The property is residential, the extraordinary circumstance was created by the prior property owner in 2014 as to the placement of the pool ^{house} ~~gazebo~~.

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

Yes. The gazebo was built in 2014 and the backyard is landscaped. Changing placement to current owner would cause hardship.

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

The prior homeowner created this issue with the placement of the pool ^{house} ~~gazebo~~. My property never recreated it.

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

Moving the ^{pool house} ~~garage~~ will cause hardship.

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

This would deprive me of having the ^{pool house} ~~garage~~ as others have in my development.

11/10/19 A-135-20

Doc ID: 010650120001 Type: VD
 Recorded: 06/03/2019 at 09:30:00 AM
 Fee Amt: \$1,101.50 Page 1 of 1
 Transfer Tax: \$1,091.50
 Fayette, Ga. Clerk Superior Court
 Shella Studdard Clerk of Court
 BK 4879 PG 264

SLEPIAN SCHWARTZ & LANDGAARD
 42 EASTBROOK BEND
 PEACHTREE CITY, GEORGIA 30269
 (770) 486-1220
 19-0391A/CASSI

TAX PARCEL ID: 071606007

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 28th day of May, 2019, by and between KEVIN M. BROWN and CYNTHIA C. BROWN, as party or parties of the first part, hereinafter referred to as "Grantor," and JOSEPH L. RADEST and KAREN B. RADEST, 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 63 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 24, OF PLATINUM RIDGE SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 40, PAGES 94-98, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

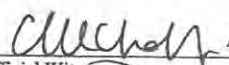
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

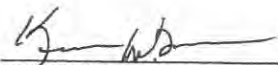
TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple.

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.

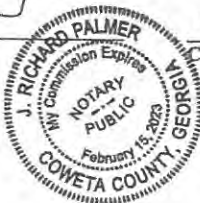
Signed this 28th day of May, 2019 in the presence of:


 Unofficial Witness


 KEVIN M. BROWN

Notary Public
 My Commission Expires:

[Notary Seal]




 CYNTHIA C. BROWN

PETITION NO. A-739-20
Douglas M & Pamela A Carithers
115 Savannah Court
Fayetteville, GA 30214
Public Hearing Date October 26, 2020

The subject property is located at 115 Savannah Court Fayetteville, GA 30214 and is zoned R-40. The applicant is requesting a Variance as follows:

- 1) Section 110-137. R-40 (d) (5), to reduce the rear yard setback from 30 feet to 10 feet to allow a residential accessory structure to be constructed.

History: The Final Plat of Savannah Place was recorded on February 14, 1985. Tax Assessor's records indicate that the house was built in 1987 and the applicant purchased the property in 1987.

As part of the building permit process, a site plan is required. Through the site plan staff discovered the potential violation. The site plan given shows the proposed accessory structure 10 feet from the rear property line.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT: EMD has 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.

Request to reduce rear yard setback to 10' for a storage building.

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 irregular shape of the property limits the ability to construct a storage building on the rear yard of the property without being more visible and close to the road.

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

If the storage building is located per the existing setbacks, it would be essentially in the front yard as viewed from the street due to the shape of the property.

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

The property is irregular and limited by the shape.

- 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 variance would allow the structure to be located out of the front portion of the property.

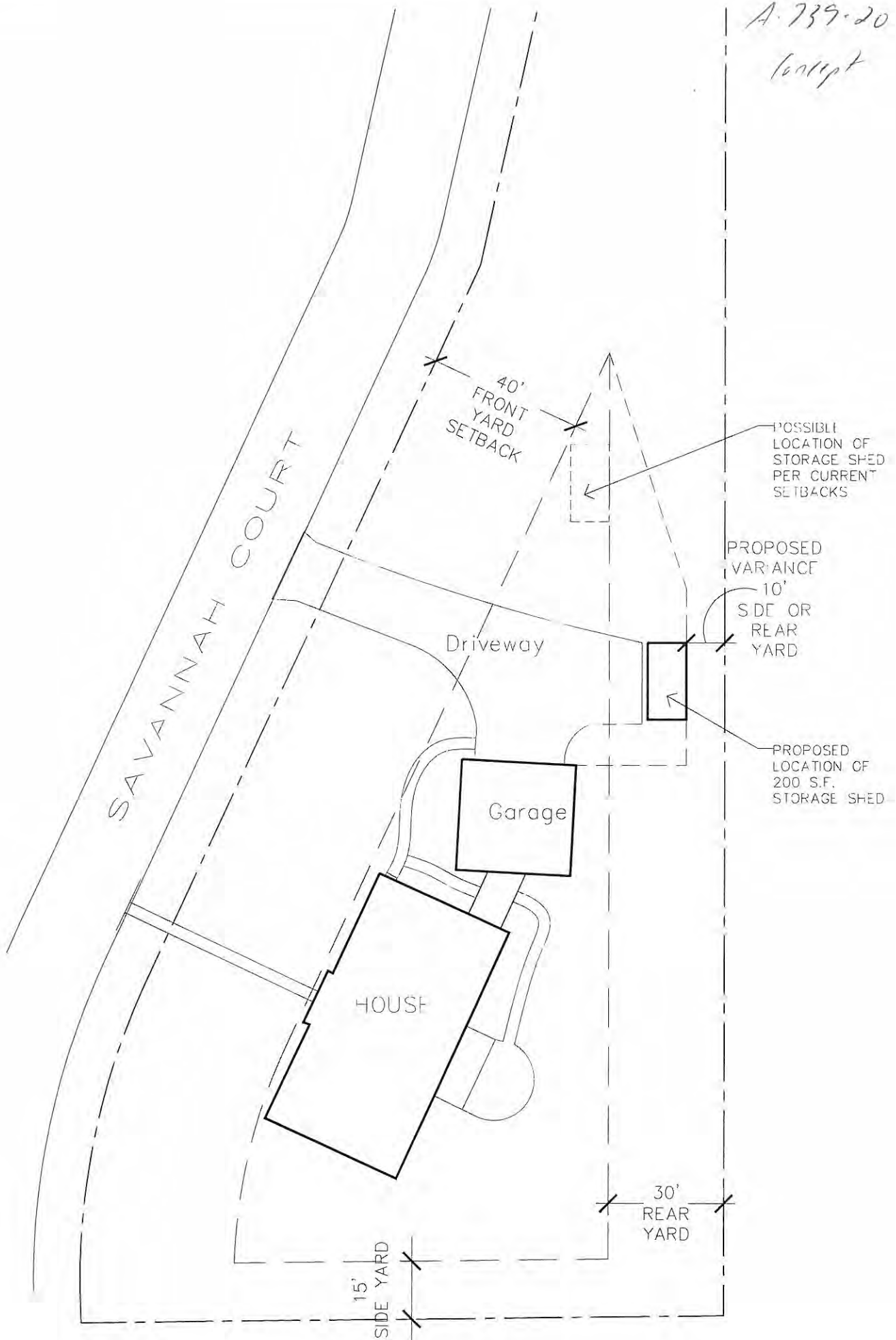
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

**A-739-20
Aerials**



A. 739-20

concept



11-15720

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Douglas M & Pamela A Carithers

MAILING ADDRESS: 115 Savannah Ct. Fayetteville, Ga 30214

PHONE: 770-461-5277 E-MAIL: doug@dmcarithers.com

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 165 LAND DISTRICT 5 PARCEL 9

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.0 Acres

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40 East & West, A/R South

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-739-20

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: ~~8/27/2020~~ 9/29/2020

DATE OF ZONING BOARD OF APPEALS HEARING: October 26, 2020

Received from Doug & Pamela Carithers a check in the amount of \$ 175.00

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

Date Paid: 9/17/2020 Receipt Number: 008518

Total

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:

DOUGLAS M. CARITHERS
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.

[Signature]
Signature of Property Owner 1
115 Savannah Ct Fayetteville
Address

[Signature]
Signature of Notary Public
9-18-2020
Date

NOTARY PUBLIC
HOWARD E. JOHNSON
MY COMMISSION EXPIRES
SEPTEMBER 24, 2022
FAYETTE COUNTY, GA

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec 110-137 R-40 (d)(5)	Rear Yard Setback- 30'	Reduce to 10' Setback	20'

VARIANCE SUMMARY

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

Request to reduce rear yard setback to 10' for a storage building.

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 irregular shape of the property limits the ability to construct a storage building on the site yard of the property without being more visible and closer to the road.

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

If the storage building is located per the existing setbacks, it would be essentially in the front yard as viewed from the street due to the shape of the property.

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

The property is irregular and limited by the shape.

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 variance would allow the structure to be located out of the front portion of the property.

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

WARRANTY DEED^{BOOK} 439^{PAGE} 386

STATE OF GEORGIA

COUNTY OF FAYETTE

This indenture made this 2nd day of April, in the year one thousand nine hundred eighty seven, between

BOB PEARSON

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

DOUGLAS M. CARITHERS and PAM A. CARITHERS

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 (\$10.00) DOLLARS 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:

All that tract or parcel of land lying and being in Land Lot 165 of the 5th District, Fayette County, Georgia, being Lot 9, Savannah Place, as per plat by T. E. C. Engineers and Planners, Inc. dated 1/15/85, recorded in Plat Book 15, page 151, Fayette County Records, said plat is expressly incorporated herein and made a part of this description by reference.

GEORGIA, Fayette County
Clerk's Office Superior Court
Filed for record April 3 1987
1:00 P. M.
Recorded in Book 439 Page 386
This 3 day of April 1987
W. A. Ballard
Clerk

Fayette County, Georgia
Real Estate Transfer Tax
Paid 2250 Date 4-3-87
Clerk of Superior Court

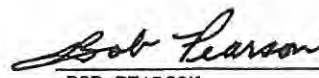
To have and to hold the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in fee simple.

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.

In witness whereof, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in presence of:


WITNESSES:
April 2, 1987
DATE


BOB PEARSON (SEAL)

(SEAL)

(SEAL)

My commission expires: 2/19/88

PETITION NO. A-740-20
Charles K. & Heidi B. Bridges
657 McBride Road
Fayetteville, GA 30215
Public Hearing Date October 26, 2020

The subject property is located at 657 McBride Road Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-125. A-R (d) (4) (a) (2), to reduce the front yard setback from 100 feet to 81 feet to allow a covered front porch to be constructed.

History: The subject property is a non-conforming lot of record and is 2.33 acres in size. Tax Assessor's records indicate that the house was built in 1972 and the applicant purchased the property in 2002.

As part of the building permit process, a site plan is required. Through the site plan staff discovered the potential violation. The site plan given shows the proposed addition to be 81 feet from the front property line.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: Approved.

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.

Our home at 657 McBride Road is a legal non-conforming lot. We plan to do a home renovation and addition. The proposed house plans would add a covered front porch to the existing

structure. The proposed front porch would be 81.0' from the road. The current structure is 82.4' from the road. We are requesting a variance to 100' setback in order to add the front porch as shown in the architectural drawings.

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 is a legal non-conforming lot that does not meet current A-R standards. The lot is an oddly shaped triangle and is less than 5 acres.

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

The property is a legal non-conforming lot. Adding the proposed front porch on our home renovation would be a difference of 1.4' in the setback (currently 82.4' to 81.0').

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

Due to the shape of the lot (pie/triangle) an arc exists across the front and leads to a point in the back. Setback is not the same across front of structure. Lot is less than 5 acres.

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

Relief would be a benefit to our neighbors. We seek the variance in order to make significant improvements to the existing house. Such improvements will increase our property value which would benefit 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.**

Due to the property being a legal non-conforming lot, we are unable to proceed with home renovations as our neighbors would. We require a variance to allow our setback to change 1.4' from what it is currently. That variance would still allow 81.0' of front setback.

**A-740-20
Aerials**

**SUBJECT
PROPERTY**

McBride Road



REFERENCE: DEED BOOK 2000, PAGES 462- 463, BOUNDARY LINE AGREEMENT
IN DEED BOOK 1588, PAGES 91-93 AND BOUNDARY LINE AGREEMENT
IN DEED BOOK 1588, PAGES 87-90

NOTES:

1. THIS IS A RETACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 2000, PAGES 462-463, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER: CHARLES K. BRIDGES PER DEED BOOK 2000, PAGES 462-463, FAYETTE COUNTY, GEORGIA RECORDS AS OF 11-07-2002.
3. THIS SURVEY WAS AUTHORIZED BY KEVIN BRIDGES.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. RECORD BEARING APPLIED TO WEST PROPERTY LINE.
6. BUILDING LINES SHOWN ARE PER CONVERSATION WITH THE FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT ON 07-23-2020. ANY NEW CONSTRUCTION THAT EXTENDS OVER A BUILDING LINE MAY BE SUBJECT TO THE GRANT OF A VARIANCE. THE FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT SHOULD BE CONSULTED IN THIS MATTER.

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	272.10'	15°55' 31"	75.63'	75.39'	38.06'	S 32°55' 08" W
2	605.35'	05°01' 07"	53.02'	53.01'	26.53'	S 43°13' 06" W
3	639.13'	14°49' 31"	165.38'	164.92'	83.15'	S 51°48' 03" W
4	225.20'	25°51' 23"	101.63'	100.77'	51.70'	S 75°09' 10" W

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 20,909 ft. and an angular error of 8 seconds per angular point, and is UNADJUSTED. A GEOMAX 7000 SD was used to obtain linear and angular measurements.

It is my professional opinion, that this plat is true and correct representation of the land plotted, has been prepared to meet the minimum standards and requirements, and has been computed for closure and has been found to be accurate within one foot in 207,025 feet.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 CERTIFICATION REQUIRED IN BARRE RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, BUFFERS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

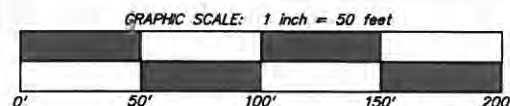
W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OF NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES, BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS. UNDERGROUND UTILITIES SITES ARE BEING LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER MATTERS. NO LIABILITY IS ASSUMED FOR LOSS THAT WOULD AFFECT A PROPERTY, NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

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 SUSTAINABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned hereby certifies that this plat complies with the standards and rules of professional 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.

Larry C. Shumshick, Ga. PLS No. 2343

07-21-2020
Date



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.



S 56°22' 43" E 50.13' TO A
MAGNETIC NAIL FOUND AT THE
APPROXIMATE CENTERLINE
INTERSECTION OF MCBRIDE
ROAD AND BELLFAIR RUN

In my professional opinion, this property
does not lie within the 100 year flood plain
as shown on the FLOOD INSURANCE RATE MAP.
Map Number: 13113C0114E
Dated: SEPTEMBER 26, 2008

LSF000701

land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

KEVIN BRIDGES

LAND LOT: 252

4th DISTRICT

FAYETTE COUNTY, GA.

SCALE: 1" = 50'

DATE OF SURVEY: 07-09-20

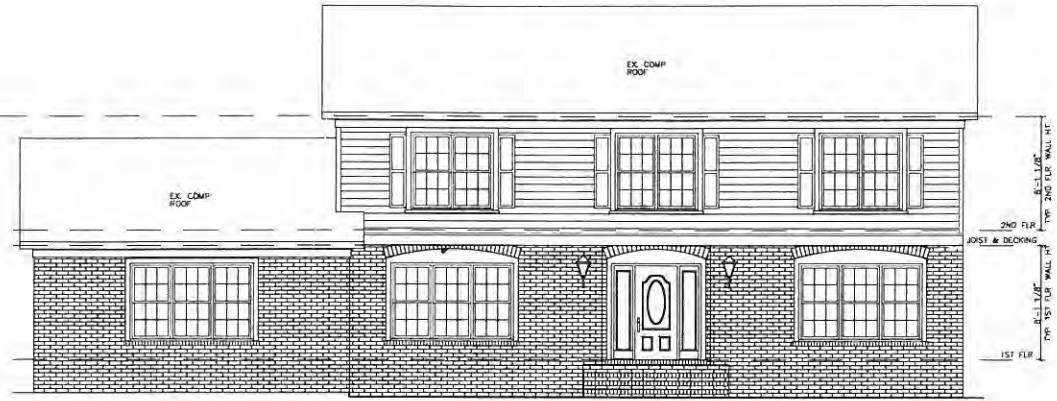
DATE OF DRAWING: 07-21-20

REVISÉ:

JOB NO. 0001082

A-740 20
 Proposed exterior

LEGEND	
4	DETAIL NUMBER
9	SHEET NUMBER



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

GENERAL PLAN NOTES
 1. ALL MEASUREMENTS TO BE SITE VERIFIED



DESIGN • PLANNING • PALETTES
 4199 101 WOOD PARK COURT
 LUCKER, GEORGIA 30084
 PH: 404 441 6807 FX: 770 948 0074
 WWW.CSDESIGNGROUPLLC.COM
 CSDESIGNGROUPLLC.COM

CLIENT INFORMATION:
 KEVIN & HEIDI
 BRIDGES
 657 MCBRIDE ROAD
 FAYETTEVILLE, GA 30215
 (770) 722-4443
 CONTACT: KEVIN BRIDGES

PROJECT INFORMATION:
 BRIDGES HOME REMODEL/ADDITION
 657 MCBRIDE RD FAYETTEVILLE, GA 30215
 Front Elevation
 DESIGNED BY: C. SAMUDA 03/11/20
 SCALE:
 1/8"=1'-0" & 1/4"=1'-0"

REVISIONS		
No.	Date	Revisions
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

SHEET NUMBER:
 A1

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HOME SITE ADDRESS: 657 MCBRIDE ROAD FAYETTEVILLE, GA 30215

RELEASE FOR CONSTRUCTION

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Charles K. & Heidi B. BridgesMAILING ADDRESS: 657 McBride Rd, Fayetteville, GA 30215PHONE: 404 805-5044 E-MAIL: heidi2772@yahoo.comAGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 252 LAND DISTRICT 4 PARCEL 0449 034TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.33ZONING DISTRICT: A-RZONING OF SURROUNDING PROPERTIES: A-RPRESENT USE OF SUBJECT PROPERTY: ResidentialPROPOSED USE OF SUBJECT PROPERTY: Residential(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-740 20☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Completeby Staff: [Signature] Date: 9/16/2020DATE OF ZONING BOARD OF APPEALS HEARING: OCTOBER 26, 2020Received from HEIDI & KEVIN BRIDGES a check in the amount of \$ 175⁰⁰for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s). 195⁰⁰ totalDate Paid: 9/16/2020 Receipt Number: 008517

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
Sr. 110-125 A R (d)(4)(a)(2)	100' front yard setback	81' setback for front porch	19 feet

VARIANCE SUMMARY

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

Our home at 657 McBride Rd is a legal non-conforming lot. We plan to do a home renovation and addition. The proposed house plans would add a covered front porch to the existing structure. The proposed front porch would be 81.0' from the road. The current structure is 82.4' from the road. We are requesting a variance to the 100' setback in order to add the front porch as shown in the architectural drawings.

JUSTIFICATION OF REQUEST

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

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

The property is a legal non-conforming lot that does not meet current A-R standards. The lot is an oddly shaped triangle and is less than 5 acres.

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

The property is a legal non-conforming lot. Adding the proposed front porch on our home renovation would be a difference of 1.4' in the setback (currently 82.4' to 81.0').

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

Due to the shape of the lot (pie/triangle), an arc exists across the front and leads to a point in the back. Setback is not the same across front of structure. Lot is less than 5 acres.

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

Relief would be a benefit to our neighbors.

We seek the variance in order to make significant improvements to the existing house.

Such improvements will increase our property value which would benefit 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.

Due to the property being a legal non-conforming lot, we are unable to proceed with home renovations as our neighbors would.

We require a variance to allow our setback to change 1.4' from what it is currently. That variance would still allow 81.0' of front set back.

A-740 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:

Charles K. Bridges, Heidi B. Bridges
Please Print Names

Property Tax Identification Number(s) of Subject Property: 04-49-00-034

(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) 252 of the District, and said property consists of a total of 2.33 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

657 McBride Rd Fayetteville, GA
Address
30215

Heidi B. Bridges
Signature of Property Owner 2

657 McBride Rd, Fayetteville, GA
Address
30215

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

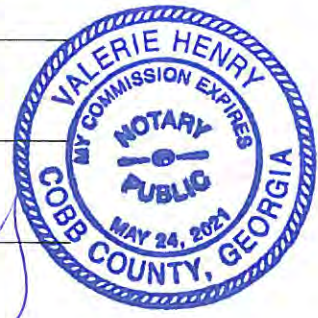
9/15/20
Date

[Signature]
Signature of Notary Public

9/15/20
Date

Signature of Notary Public

Date



A 740-20 1/10/02

4

RETURN TO:

**SLEPIAN & SCHWARTZ, LLC
42 EASTBROOK BEND
PEACHTREE CITY, GA 30269**

FILED & RECORDED
FAYETTE COUNTY, GA.

NOV 7 PM 2 29

SHEILA STUDDARD CLERK

BOOK 2000 PAGE 484

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF OF FAYETTE

THIS INDENTURE, made this 1st day of November, 2002, between CHARLES K. BRIDGES, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CHARLES K. BRIDGES AND HEIDI B. BRIDGES, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP and not as tenants in comon as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable 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 Grantees, as joint tenants with right of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in Fee Simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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

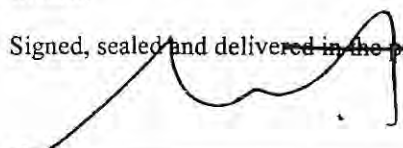
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants with right of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

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

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

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

Signed, sealed and delivered in the presence of:



Witness



CHARLES K. BRIDGES

A 740 20 Deed

EXHIBIT A (LEGAL DESCRIPTION)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 252 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA BEING MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT OF SURVEY AS PREPARED BY BUSBEE SURVEYING CO., INC. RICKY BUSBEE, G.R.L.S. NO 2487, DATED 6/8/95 AND WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED AS FC

BEGINNING AT AN IRON PIN FOUND ON THE NORTHERLY RIGHT OF WAY OF MCBRIDE ROAD, NORTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, A DISTANCE OF 1790.74 FEET EASTERLY FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF MCBRIDE ROAD (A FIFTY FOOT RIGHT OF WAY) AND THE WESTERLY LAND LOT LINE OF LAND LOT 252, AFORESAID DISTRICT; RUNNING THENCE, NORTH 01 DEGREES 20 MINUTES 04 SECONDS EAST, A DISTANCE OF 526.48 FEET TO AN IRON PIN PLACED; RUNNING THENCE SOUTH 47 DEGREES 12 MINUTES 28 SECONDS EAST, A DISTANCE OF 233.14 FEET TO AN IRON PIN FOUND; RUNNING THENCE, SOUTH 48 DEGREES 54 MINUTES 27 SECONDS EAST, A DISTANCE OF 193.61 FEET TO AN IRON PIN FOUND; RUNNING THENCE, IN SOUTHWESTERLY DIRECTION FOLLOWING THE CURVATURE OF NORTHERLY RIGHT OF WAY OF MCBRIDE ROAD, AN ARC DISTANCE OF 193.97 FEET, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING OF SOUTH 69 DEGREES 16 MINUTES 28 SECONDS WEST, A CHORD DISTANCE OF 190.09 FEET TO THE POINT OF BEGINNING. THIS BEING A PORTION OF THE SAME PROPERTY AS CONVEYED BY WARRANTY DEED AS RECORDED IN DEED BOOK 103, PAGE 426, FAYETTE COUNTY, GEORGIA RECORDS AS MODIFIED BY BOUNDARY LINE AGREEMENTS AT DEED BOOK 1588, PAGE 87 AND DEED BOOK 1588, PAGE 91.

PETITION NO. A-741-20
Scott R. Sells
215 Carrolls Way
Fayetteville, GA 30214
Public Hearing Date October 26, 2020

The subject property is located at 215 Carrolls Way Fayetteville, GA 30214 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 4 feet to allow an existing residential accessory structure to remain.

History: The survey for 215 Carrolls Way was recorded on December 23, 1971. Tax Assessor's records indicate that the house was built in 1974 and the applicant purchased the property in 2020.

As part of the building permit process, a site plan is required. Through the site plan staff discovered the potential violation. The site plan given shows the proposed addition to be 4 feet from the front property line. Staff was unable to find any permits associated with the existing barn.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL HEALTH: No objection to proposed side yard setback variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: Approved.

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.

We purchased home at this address and the barn is within the 50' setback of the side yard property line. A corner of a concrete slab is over this property line. That corner will be cut and

removed. The barn is very old and has been here a long time apparently, we would like permission for it to stay and be given a written variance if the encroachment is removed.

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 barn has been in place a minimum of 20 years already. Two previous owners ago I assume.

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

It would be an unnecessary hardship to remove this structure.

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

This shed was existing when I purchased in 2020 and we suspect it has been in place since 2000.

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

Relief would not cause any detriment. You can't even see the structured from outside the lot.

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

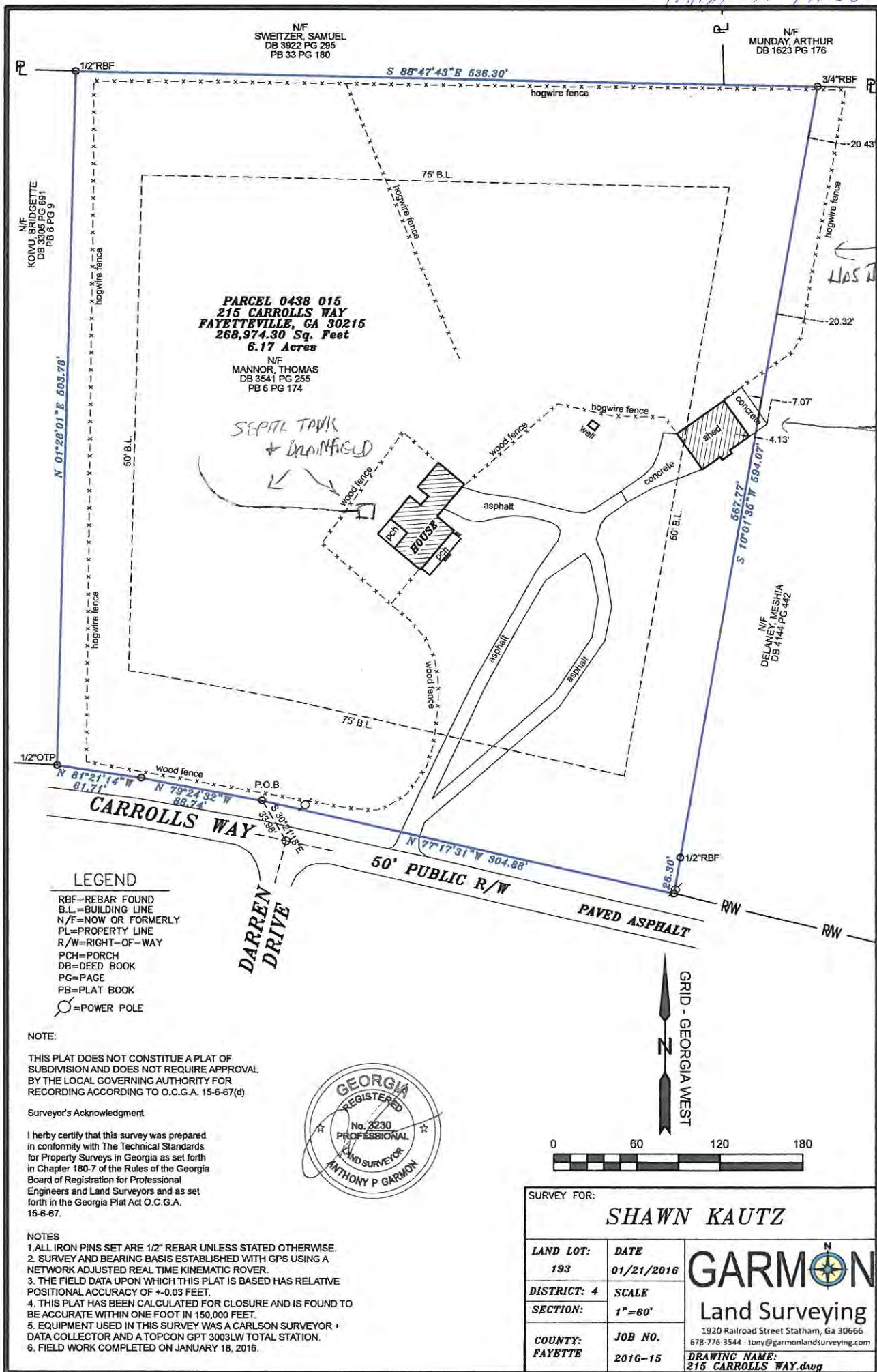
A concrete pad does encroach on my neighbors. Once it is removed it will no longer be a detriment. I do have a right to have a storage shed in this area but I will remove the pad removing the detriment.

**A-741-20
Aerials**

**SUBJECT
PROPERTY**

Carrolls Way

Correct A-791-20



A 741-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Scott R Sells

MAILING ADDRESS: 215 Canopus Lpy Fayetteville GA 30214

PHONE: (678) 571-8930 E-MAIL: SCOTTSSELLSPARTYOF4@GMAIL.COM

AGENT FOR OWNERS: SAME AS ABOVE

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 0193 LAND DISTRICT 04 PARCEL 0438015

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 6

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R ; R-20

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-741-20

[] 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: 9-23-2020

DATE OF ZONING BOARD OF APPEALS HEARING: OCTOBER 26, 2020

Received from Scott R. Sells a check in the amount of \$ 175⁰⁰

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

Date Paid: 9/24/2020 Receipt Number: 008516 (Sages)

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 25(d)(6)	50' side setback	4' from s.r.	56 feet

VARIANCE SUMMARY

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

WE PURCHASED HOME AT THIS ADDRESS AND THE BARN
 IS WITHIN THE 50' SETBACK OF THE SIDE PROPERTY
 LINE. A CORNER OF A CONCRETE SLAB IS OVER THE
 PROPERTY LINE. THAT CORNER WILL BE CUT &
 REMOVED. THE BARN IS VERY OLD AND HAS BEEN HERE
 A LONG TIME APPARENTLY. WE WOULD LIKE PERMISSION FOR
 IT TO STAY & BE GIVEN A WRITTEN VARIANCE IF THE
 ENCLAVEMENT IS REMOVED.

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 BARN HAD BEEN IN PLACE A MINIMUM OF 20 YEARS
ALREADY. I'VE PREVIOUS DIVERS OLD I ASSUME.

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

IT WOULD BE A UNNECESSARY HARDSHIP TO REMOVE
THIS STRUCTURE.

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

THE SHED WAS EXISTING WHEN I PURCHASED IN 2020 AND
WE SUSPECT IT HAS BEEN THERE SINCE 2000

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

RELIEF WOULD NOT CAUSE ANY DETRIMENT. YOU CANT
EVEN SEE THE STRUCTURE FROM OUTSIDE THE LOT

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

A CONCRETE PAD DOES ENCLOSE ON MY NEIGHBOR. ONCE
IT IS REMOVED IT WILL NO LONGER BE A DETRIMENT.
I DO HAVE A RIGHT TO HAVE A STORAGE SHED IN THIS
AREA BUT I WILL REMOVE THE PAD REMOVING THE
DETRIMENT.

C
A 741 20
MCD



Doc ID: 010970490001 Type: WD
Recorded: 08/17/2020 at 10:15:00 AM
Fee Amt: \$405.00 Page 1 of 1
Transfer Tax: \$380.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5095 PG 497

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
20-1436J/JULIE

TAX PARCEL ID: 0438 015

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 12th day of August, 2020, by and between MARIE CHRISTINE KAUTZ and SHAWN RICHARD KAUTZ, as party or parties of the first part, hereinafter referred to as "Grantor," and SCOTT SELLS and RACHAEL SELLS, 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 193 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 6 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED BY PLAT OF C.E. LEE ENTITLED "SURVEY FOR JOHN D. HARTZOG", DATED DECEMBER 23, 1971 AS RECORDED IN PLAT BOOK 6, PAGE 174, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE THERETO AS FULLY AS IF SET OUT HEREIN. BEING IMPROVED PROPERTY KNOWN AS 215 CARROLLS WAY ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FAYETTE COUNTY, GEORGIA.

THIS BEING THE EXACT SAME PROPERTY CONVEYED TO THOMAS N. MANNOR AND RACHEL MANNOR VIA WARRANTY DEED FROM PATRICE D. CHANDLER AS RECORDED IN DEED BOOK 3541, PAGE 255, FAYETTE COUNTY RECORDS.

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 12th day of August, 2020 in the presence of:

Unofficial Witness



Notary Public
My Commission Expires:

[Notary Seal]

MARIE CHRISTINE KAUTZ

SHAWN RICHARD KAUTZ