

BOARD OF APPEALS

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

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
March 22, 2021
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on February 22, 2021

PUBLIC HEARING

2. Petition No. A-749-21, Alice P. Reeves and Robert R. Reeves, Owners, and Parrott Reeves Building, Agent, request the following:
 - 1) Variance to Sec. 110-94. Buffer. to remove the requirement to plant in the buffer per the planting requirements in chapter 104 of the Development Regulations to create a visual screen from abutting properties to the north side yard.
 - 2) Variance to Sec. 110-94 Buffer. to remove the requirement to plant in the buffer per the planting requirements in chapter 104 of the Development Regulations to create a visual screen from abutting properties to the east side yard.
 - 3) Variance to Sec. 110-94 Buffer. to remove the requirement to plant in the buffer per the planting requirements in chapter 104 of the Development Regulations to create a visual screen from abutting properties to the south side yard.

The subject property is located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.
3. Petition No. A-750-21, Tria Kreutzer & Joseph Carbone, Owners, request the following:
 - 1) Variance to Sec. 110-142. PUD-PRD, (f) (6), to reduce the rear yard setback from (the existing plat) 40 feet to 36 feet for an existing single-family residence.
 - 2) Variance to Sec. 110-142. PUD-PRD, (f) (6), to reduce the rear yard setback from (the existing plat) 40 feet to 31 feet for an existing deck.

3) Variance to Sec. 110-142. PUD-PRD, (f) (6), to reduce the rear yard setback from (the existing plat) 40 feet to 20 feet for the construction of a pool.

The subject property is located in Land Lot 255 of the 4th District and fronts on Pebble Beach Drive.

4. Petition No. A-751-21, Gordon S. & Elaine A. Dampier, Owners, request the following: Variance to Sec. 110-77. Lot width, to reduce the front yard setback (that is established by the lot width) from 450 feet to 427 feet to allow the principal structure to remain.
5. Petition No. A-752-21, Frederick M. Monderson & Keisha Monderson Johnson, Owners, and Keisha Monderson Johnson & Jonathan Johnson, Agents, request the following:
 - 1) Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 21 feet to allow an existing barn to remain.
 - 2) Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 47 feet to allow an existing garage to remain.

The subject property is located in Land Lot 20 of the 9th District and fronts on Peters Road.

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-749-21
Parrott Reeves Building
193 Flat Creek Trail
Fayetteville, GA 30214
Public Hearing Date M 22, 2021

The subject property is located at 193 Flat Creek Trail, Fayetteville, GA 30214 and is zoned O-I. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-94. Buffer. to remove the requirement to plant in the buffer per the planting requirements in chapter 104 of the Development Regulations to create a visual screen from abutting properties to the north side yard.
- 2) Variance to Sec. 110-94 Buffer. to remove the requirement to plant in the buffer per the planting requirements in chapter 104 of the Development Regulations to create a visual screen from abutting properties to the east side yard.
- 3) Variance to Sec. 110-94 Buffer. to remove the requirement to plant in the buffer per the planting requirements in chapter 104 of the Development Regulations to create a visual screen from abutting properties to the south side yard.

Section 110-3. Definitions,

Buffer means a portion of a lot which is set aside to provide a separation of uses from abutting lot

Sec. 110-94. – Buffer,

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer.

History: The Flat Creek Trail Overlay Zone was approved on August 7, 2020 by the Board of Commissioners. This overlay zone description and purpose are stated below:

Flat Creek Trail Overlay Zone. All property with a nonresidential zoning which has road frontage on Flat Creek Trail shall be subject to the following regulations, in addition to the zoning district requirements, and other development regulations which apply. The existing O-I properties on the northeast corner of Flat Creek Trail and SR 54 shall be exempt from these requirements as they were established under the SR 54 West Overlay Zone and that overlay zone will continue to apply to those properties. The intent of the overlay zone is to set standards specifically to Flat Creek Trail between SR 54 and Tyrone Road.

- a. The purpose of the SR 54 West Overlay Zone is to achieve the following:
 1. To maintain the residential and institutional character of the area; and

2. To control the architectural character and aesthetic quality of the development property with a nonresidential zoning.

Rezoning petition 1296-20 A-R to O-I, was approved by the Board of Commissioners on October 22, 2020. As a condition of the rezoning a non-residential site plan was required, see below:

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Sections 5-18. Screening Required and 5-19. Screening Standards of the Fayette County Zoning Ordinance and 8-159. **Fayette County Landscape and Buffer Requirements**, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

A meeting was held with the property owners in January 2021 to discuss with staff potential concerns for the buffer/plantings for the non-residential site plan. During that meeting staff addressed the owners concerns and informed them of the current ordinances. After the meeting the owners decided to request variances for the proposed buffers.

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.

Variance to remove all plantings and screening on the property lines.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. 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.**

This a 60 year old existing property with mature trees and scrubs. There are natural plantings buffers already in place. We hope to maintain to overall appearance of the property to the public and surrounding properties.

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

Only 2% of the site is affected by this project within 4.6 acres, yet plantings would be required over 1,294' of property line.

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

Such conditions are peculiar to the particular piece of property involved. The owners of this site are the same owners of the North 3 acres. There is already a nature border, hedge row between the two properties. The South borders a church which is similar use to this property and zoning would allow for a variance. The western property is agriculture. It is heavily wooded on both sides of the fence. The eastern property next to the roadway already has trees and scrubs would be added around signage.

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 site plan has been approved, except for this landscape plan. The site plan without the additional, required plantings would not cause an unsightly building or lot, rather it would retain the character of the building and property as it fits into the community.

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

Not all business in our area are adhering to the proper restrictions.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to the proposed variance request (A-749-21) concerning side and rear buffers.

ENVIRONMENTAL MANAGEMENT: No comments at this time.

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

PUBLIC WORKS/ENGINEERING: No Public Works comments on the requested buffer variances.

WATER SYSTEM: We have no comments regarding this petition.

**A-749-21
Aerials**

Flat Creek Trail

**SUBJECT
PROPERTY**

**Flat Creek
Baptist Church**



RESERVED FOR COURT CLERK

COUNTY REVIEW SIGNATURES

ENVIRONMENTAL MANAGEMENT DATE

COUNTY ENGINEER DATE

FIRE MARSHAL DATE

ENVIRONMENTAL HEALTH DATE

ZONING ADMINISTRATOR DATE

SIGHT DISTANCE CERTIFICATION

THE POSTED SPEED LIMIT ON FLAT CREEK TRAIL IS 40 MPH AND THE MINIMUM CORRESPONDING INTERSECTION SIGHT DISTANCE FOR DRIVEWAYS ONTO THE ROAD IS 445 FT.

I HEREBY CERTIFY THAT THE PROPERTY SHOWN MEETS OR EXCEEDS THE INTERSECTION SIGHT DISTANCE REQUIREMENTS, AS DETERMINED USING THE CRITERIA SET FORTH IN THE GDOT'S REGULATIONS FOR DRIVEWAY & ENCROACHMENT CONTROL MANUAL AND THE ASSHTO'S A POLICY ON GEOMETRIC DESIGN, LATEST EDITION.

Donald L. Perryman R.L.S. # 2135 1-8-21 DATE

ARCHITECT:

SHOWALTER ARCHITECTS
14 EASTBROOK BEND, SUITE 209 WAY
PEACHTREE CITY, GEORGIA 30269
BEN SHOWALTER
PHONE: 678-364-1599
EMAIL: BENSHOWALTER@SHOWALTERARCHITECTS.COM

24 HOUR CONTACT:

ALICE REEVES
PHONE: 770-632-5562

OWNER/DEVELOPER:

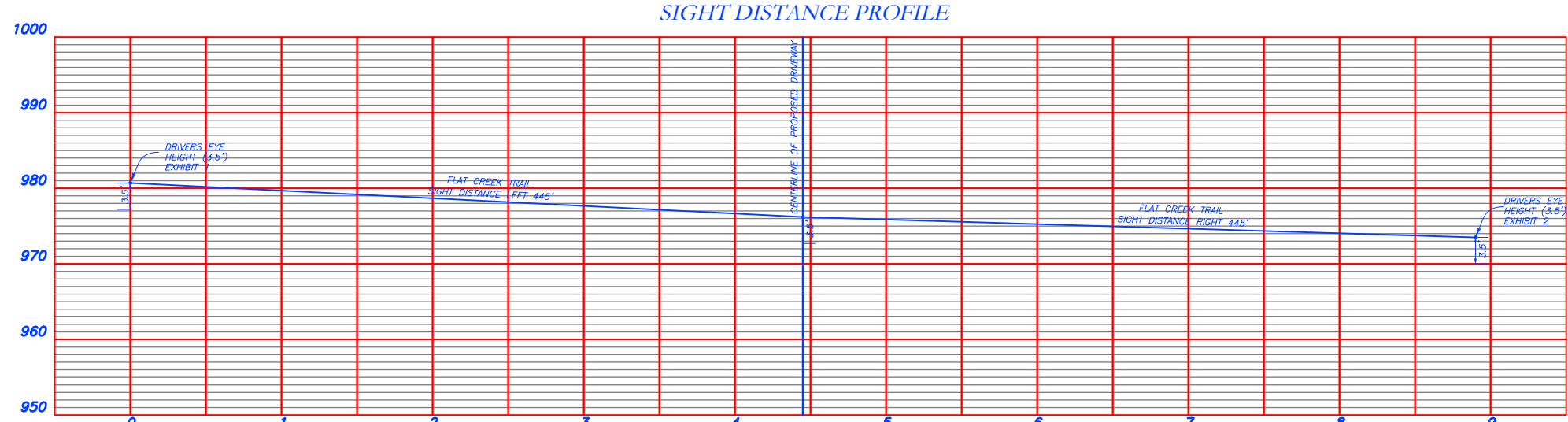
ALICE REEVES
193 FLAT CREEK TRAIL
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-632-5562

SURVEYOR:

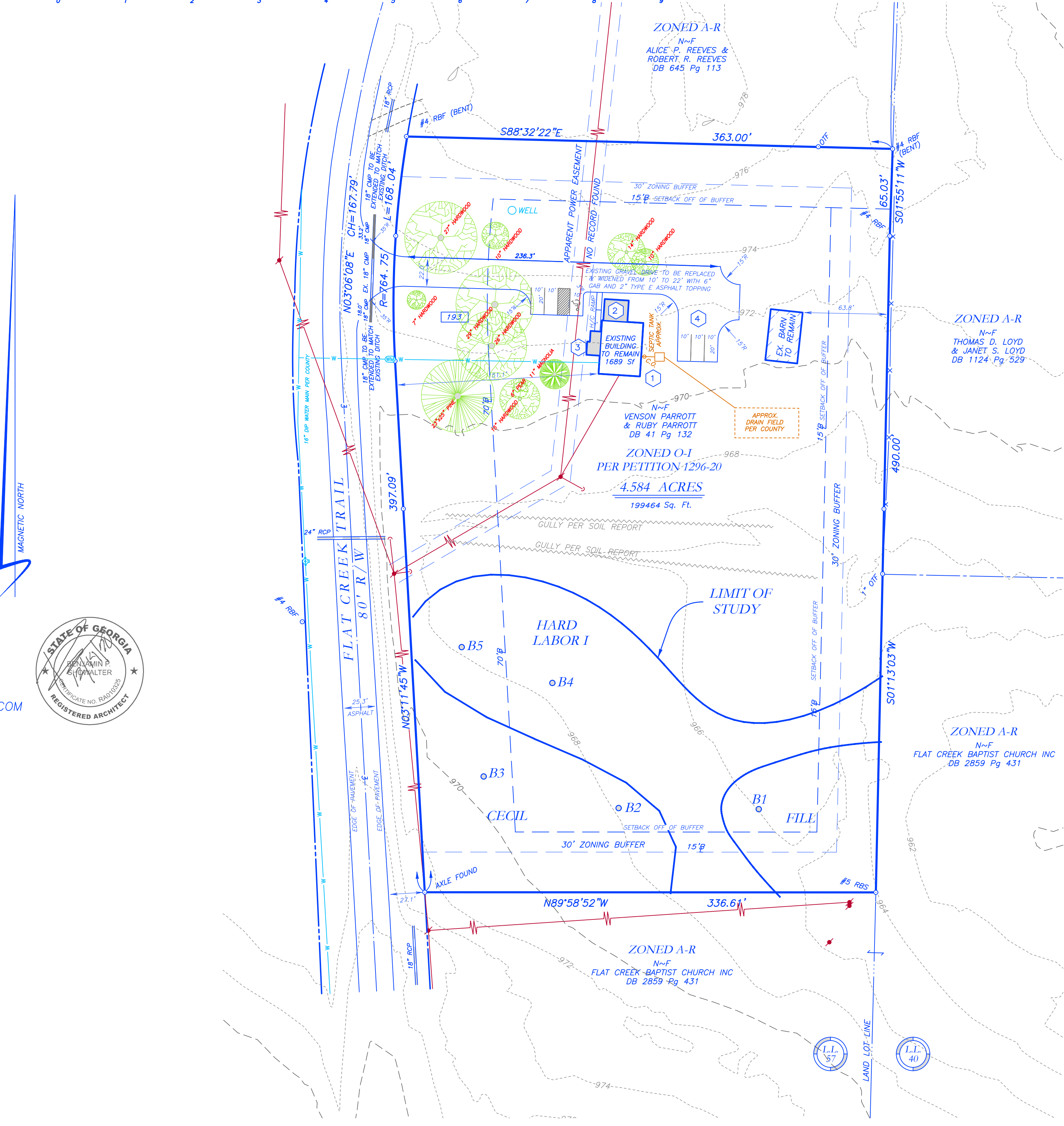
SURVEYS PLUS, INC.
3565 SOUTH COBB DRIVE
SMYRNA, GEORGIA 30080
PHONE: 770-444-9736
FAX: 770-444-9739

LEGEND

POB	POINT OF BEGINNING	⊗	FIRE HYDRANT
POC	POINT OF COMMENCEMENT	⊙	WATER VALVE
RBS	REBAR SET	⊙	WATER METER
RFB	REBAR FOUND	⊙	GAS METER
MP	MAG NAIL FOUND	⊙	POWER METER
MNF	MAG NAIL FOUND	⊙	ELECTRICAL BOX
MNS	MAG NAIL SET	⊙	POWER POLE
CRF	CAPPED REBAR FOUND	⊙	OVERHEAD ELECTRICAL
OTF	OPEN TOP PIPE FOUND	⊙	GUY WIRE
CMF	CONCRETE MONUMENT FOUND	⊙	ROOF DRAIN
DI	DITCH INLET	⊙	DROP INLET
YI	YARD INLET	⊙	JUNCTION BOX
OCS	OUTLET CONTROL STRUCTURE	⊙	SINGLE WING CATCH BASIN
JB	JUNCTION BOX	⊙	DOUBLE WING CATCH BASIN
DWCB	DOUBLE WING CATCH BASIN	⊙	HEAD WALL
HW	HEADWALL	⊙	SAFETY END SECTION
FES	FLARED END SECTION	⊙	UNDERGROUND GAS LINE
CMF	CORROGATED METAL PIPE	⊙	UNDERGROUND WATER LINE
RCP	REINFORCED CONCRETE PIPE	⊙	UNDERGROUND ELECTRIC LINE
SS	SANITARY SEWER	⊙	UNDERGROUND TELECOM
F.M.E.	FORCE MAIN EASEMENT	⊙	SANITARY SEWER LINE
S.S.E.	SANITARY SEWER EASEMENT	⊙	SANITARY SEWER MANHOLE
D.E.	DRAINAGE EASEMENT	⊙	CLEAN OUT
W.E.	WATER EASEMENT	⊙	GREASE TRAP
		⊙	FENCE
		⊙	BOLLARD
		⊙	SPOT ELEVATION

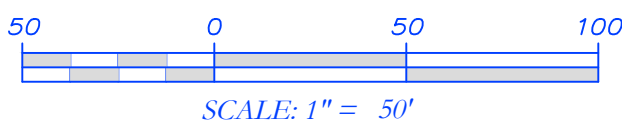


ARTERIAL SPEED (MPH)	2 Lanes	3 Lanes	3 Lanes	3 Lanes	4 Lanes	4 Lanes
30	335	310	355	335	375	355
35	360	335	385	365	405	385
40	445	415	475	445	500	475
45	500	465	530	500	565	530
50	555	515	560	555	625	585
55	615	575	620	615	685	645
60	665	625	670	665	750	710
65	720	675	725	720	815	775



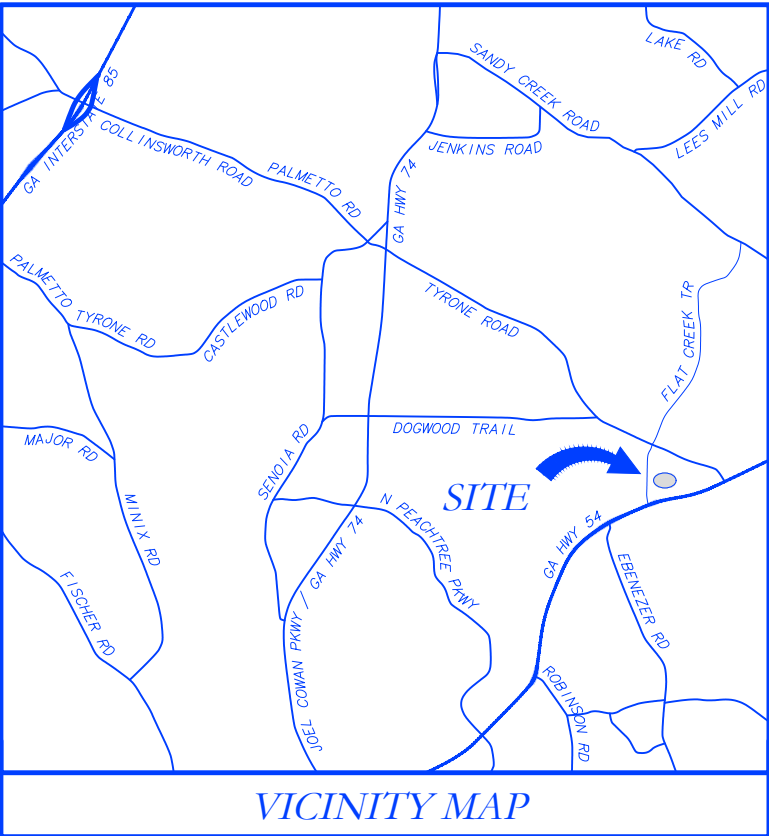
PROPOSED IMPERVIOUS AREA

10,601 Sq. Ft. (0.244 ACRES) (5.31%)



ON-SITE PARKING CALCULATIONS

BUILDING AREA: 1,689 Sq. Ft.
REQUIRED PARKING: 1 SPACE PER 300 Sq. Ft.
SITE PARKING REQUIREMENT: 6 SPACES
EMPLOYEE PARKING: 3 SPACES
CUSTOMER PARKING: 2 SPACES
HANDICAPPED PARKING: 1 SPACE
TOTAL PARKING: 6 SPACES



GENERAL NOTES

A LEICA ROBOTIC TOTAL STATION WITH A VIVA CS-15 DATA COLLECTOR WITH CARLSON SURV. CS SOFTWARE WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED A CLOSED TRAVERSE WITH A HORIZONTAL CLOSURE CALCULATED TO BE 1:112,141 WITH AN ANGULAR ERROR OF 2.8 SECONDS TO THE SQUARE ROOT OF THE TRAVERSE WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THE HORIZONTAL CLOSURE OF THIS PLAT HAS BEEN CALCULATED TO BE 1:1,153,860.

THIS FOLLOWING SETBACKS APPLY TO PROPERTIES ZONED (O-I) AS PER PETITION 1296-20 A-R TO I APPROVED ON 10/22/2020, PER FAYETTE COUNTY ZONING ORDINANCES. THIS PROPERTY IS LOCATED IN FLAT CREEK TRAIL OVERLAY ZONE

MINIMUM LOT AREA	43,560 Sq. Ft. (1 ACRE)
MINIMUM LOT WIDTH	125 FEET
FRONT SETBACK	70 FEET
SIDE SETBACK	15 FEET
REAR SETBACK	15 FEET

VERIFY THIS SETBACK INFORMATION WITH THE APPROPRIATE ZONING AUTHORITIES FOR SAID MUNICIPALITY.

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1311300083E AND THE DATE OF SAID MAP IS SEPTEMBER 26, 2008. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ON THIS PLAT ARE BASED ON VISIBLE ABOVE GROUND EVIDENCE. UNDERGROUND UTILITIES MAY EXIST IN THIS SITE THAT ARE NOT SHOWN ON THIS SURVEY.

A TITLE INSPECTION WAS NOT PERFORMED AS PART OF THIS SURVEY. EASEMENTS OR OTHER MATTERS OF TITLE MAY EXIST IN THE PUBLIC RECORD BUT ARE NOT SHOWN HEREON.

SURVEY REFERENCES

- REFERENCE A DEED OF GIFT TO ALICE I. PARROTT RECORDED IN DEED BOOK 536, PAGE 769.
- REFERENCE A MODIFICATION OF SECURITY DEED FOR FLAT CREEK BAPTIST CHURCH INC RECORDED IN DEED BOOK 2859, PAGE 431.
- REFERENCE A WARRANTY DEED TO ALICE P. REEVES AND ROBERT R. REEVES RECORDED IN DEED BOOK 645, PAGE 113.
- REFERENCE A QUITCLAIM DEED TO THE ESTATE OF VENSON AND RUBY PARROTT RECORDED IN DEED BOOK 4999, PAGE 85

PROPOSED IMPROVEMENT LIST

- EXISTING HOUSE TO BE REMODELED WITH NEW FACADE
- EXISTING PORCH TO BE ENCLOSED AND AIR CONDITIONED ALONG WITH NEW FACADE
- EXISTING PORCH TO BE REMODELED AND NEW STEPS WITH NEW FACADE AND HANDICAP ACCESSIBLE IMPROVEMENTS MADE
- EXISTING GRAVEL DRIVE TO BE PAVED WITH 1 HANDICAP PARKING SPACES ADDED, TWO CUSTOMER PARKING SPACES ADDED, AND THREE EMPLOYEE PARKING SPACES ADDED.

UTILITY SERVICE NOTES

THE SITE IS SERVED BY AN EXISTING FAYETTE COUNTY WATER SYSTEM TAP AND METER (AS SHOWN).

WELL ON-SITE IS NON-OPERATIONAL.

THE SITE'S SEWAGE DISPOSAL WILL BE SERVED BY AN INDIVIDUAL SEPTIC SYSTEM.

GROUND WATER RECHARGE NOTE

THE PROJECT IS LOCATED WITHIN GROUNDWATER RECHARGE AREA (EXEMPT FROM SUBMITTAL REQUIREMENTS PER SEC 104-464c)

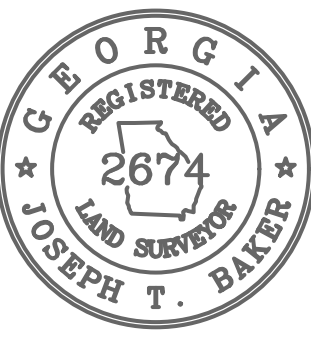
REFUSE NOTE

REFUSE WILL BE COLLECTED AND TAKEN TO THE COUNTY DUMP WEEKLY.

SURVEYOR'S 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 THAT PARCEL OR PARCELS ARE STATED HERE ON. 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 OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-17.

JOSEPH T. BAKER, LS # 2674 11-24-20 DATE



SITE PLAN FOR
ALICE REEVES
ACCOUNTING RESOURCES
LOCATED IN LAND LOT 57 OF THE 7th DISTRICT
FAYETTE COUNTY, GEORGIA
193 FLAT CREEK TRAIL, FAYETTEVILLE, GEORGIA
SP.2020-0008

SURVEYS PLUS, INC.
3565 SOUTH COBB DR., S.E.
SMYRNA, GEORGIA 30080
PHONE: (770) 444-9736
www.surveysplusinc.com
ALL TYPES OF SURVEYS PLUS ENGINEERING AND CONSTRUCTION MANAGEMENT



A 749-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Parrott Reeves Building

MAILING ADDRESS: 193 Flat Creek Trl, Fayetteville GA 30214

PHONE: 770 653-6682 E-MAIL: Alice@AcctResources.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 57 LAND DISTRICT 7 PARCEL 0713-013

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 4.584

ZONING DISTRICT: O-I

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Office-Institution

PROPOSED USE OF SUBJECT PROPERTY: Office-Institution

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-749-21

[] 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: February 22, 2021

Received from Parrott Reeves Building / Alice Reeves a check in the amount of \$ 245.⁰⁰

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

Date Paid: 2/15/2021 Receipt Number: 009648

A 749-21

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:

Robert Roger Reeves + Alice Parrott Reeves

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0713-013

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 57 of the District, and said property consists of a total of 4.584 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 of Property Owner 1

201 Flat Creek Trl
Address Fayetteville GA 30214

Alice Reeves
Signature of Property Owner 2

201 Flat Creek Trl
Address Fayetteville GA 30214

Signature of Notary Public

1-15-2021
Date

Signature of Notary Public

1-15-2021
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

Update A-749 21
Ans-17

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.

Variance to remove all plantings and screenings on the property
lines.

JUSTIFICATION OF REQUEST

Update/Answer
A-74921

The Fayette County Zoning Ordinance, Section 110-424 (b) states that in order to grant a variance, The Zoning Board of Appeals shall and must find 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.

This is a 60 year-old existing property with mature trees and scrubs. There are natural planting buffers already in place. We hope to maintain the overall appearance of the property to the public and surrounding properties.

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

Only 2% of the site is affected by this project within 4.6 acres, yet plantings would be required over 1,294' of property line.

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

The owners of this site are the same owners of the North 3 acres. There is already a nature border, hedge row between the two properties. The South borders a church which is a similar use to this property and zoning would allow for a variance. The Western property is agriculture. It is heavily wooded on both sides of the fence. The Eastern property next to the roadway already has trees and scrubs would be added around signage.

Update/Answer
A 749-21

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 hererin.

The site plan has been approved, except for this landscape plan. The site plan without the additional, required plantings would not cause an unsightly building or lot, rather it would retain the character of the building and property as it fits into the community.

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

Not all businesses in our area are adhering to the proper restrictions.

Doc ID: 010841810002 Type: QCD
 Recorded: 02/26/2020 at 10:30:00 AM
 Fee Amt: \$25.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4999 PG 85-86

Prepared by:

Mallett Consulting, Inc.
 101 Devant Street, Suite 804
 Fayetteville, GA 30214

State of Georgia
 County of Fayette

Quit Claim Deed

This indenture is made this 24th day of February, 2020,

by and between Alice P. and Robert R. Reeves (hereinafter "Grantor")

and The Estate of Venson and Ruby Parrott (hereinafter "Grantee")

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, convey and quitclaim unto the said Grantee forever all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying an being in Fayette County, Georgia, to-wit:
 IN WITNESS WHEREOF, Grantor has hereunto set a hand and seal the day and year first written above. (Property Description attached)

Alice Reeves
 Grantor

Alice Reeves
 Print Name

Signed, sealed and delivered in our presence:

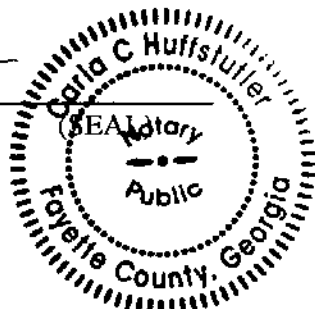
Heather
 Witness

Robert Reeves
 Grantor

Robert Reeves
 Print Name

Carla C. Huffstutler
 Notary Public

Comm Expires 10/8/22



Book: 4999 Page: 85 Seq: 1

Property Description:

Said property being contained within Land Lot 57 of the 7th District, Fayette County, Georgia and as further described and shown on a Boundary Survey dated 02-05-2020, prepared by Surveys Plus, Inc. for Mr. Tony Parrott.

Beginning at a point along the eastern Right of Way of Flat Creek Trail, at the northwest corner of a Parcel of Land now or formerly owned by Venson and Ruby Parrott, as shown on above referenced survey, said point being the **True Point of Beginning**;

Thence continuing northerly along said eastern Right of Way of Flat Creek Trail, along a curve to the right, having a radius of 764.75', for a distance of 74.64', curve subtended by a chord with a bearing of N 06-07-35 E, and a chord distance of 74.55', to a point;

Thence along a line with a bearing S 88-32-22 E, for a distance of 363.00', to a point;

Thence along a line with a bearing S 01-55-11 W, for a distance of 65.03', to a point;

Thence along a line with a bearing N 89-58-52 W, for a distance of 368.66', to a point, said point being the **True Point of Beginning**.

The parcel of land contained within being an area of approximately **25,489 Sq. Ft. (0.585 Acres)**

parcel 0713-0213

PETITION NO. A-750-21
Tria Kreatzer & Joseph Carbone
120 Pebble Beach Drive
Fayetteville, GA 30215
Public Hearing Date March 22, 2021

The subject property is located at 120 Pebble Beach Drive, Fayetteville, GA 30215 and is zoned PUD-PRD. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-142. PUD-PRD, (f) (6), to reduce the rear yard setback from (the existing plat) 40 feet to 36 feet for an existing single-family residence.
- 2) Variance to Sec. 110-142. PUD-PRD, (f) (6), to reduce the rear yard setback from (the existing plat) 40 feet to 31 feet for an existing deck.
- 3) Variance to Sec. 110-142. PUD-PRD, (f) (6), to reduce the rear yard setback from (the existing plat) 40 feet to 20 feet for the construction of a pool.

History: The Final Plat of Revised Whitewater Creek Community Phase Six was recorded on June 13, 1989. Tax Assessor's records indicate that the house was built in 1994 and the applicant purchased the property in 2013.

While researching the property staff found that the revised final plat shows the original lot with a curvature imprint at the rear property line, however the original deed (1994) shows the area added to the property after the plat was recorded (see attached). Staff was unable to find a revised final plat for lot 31-H showing the area being added to the lot. The original foundation survey (see attached) from 9/14/1993 shows the home built within the buildable area.

As part of the building permit process, a site plan is required. Through the site plan staff discovered the potential violations. The site plan given shows the single-family residence (36 feet), deck (31 feet), and proposed pool (20 feet) from the rear property line.

VARIANCE SUMMARY

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

We applied for a pool back in the summer of 2020. We were approved with our HOA on 7/2/2020 (see attached) then it went forward to the County for permitting. From the County, we come to find out that our house was built in the wrong place from its original survey (see attached). The house and deck both encroached the setbacks and were approved by all County

departments. Now we are faced with needing a variance for the house, deck, and pool for the rear property line.

Our home is in a private gated subdivision and our backyard is very secluded. Right behind the house the topography slopes down and at its lowest point goes back uphill creating a valley. The pool would be in this valley with a small stone wall against the upward hill. The backyard is beautifully landscaped and this design will also be included around the pool. At the top of the hill are trees and large bushes which divides the adjacent neighbors (who also has a pool), the far left side is the golf cart path then the golf course, the far right side is the side of the septic system and another neighbor in the distance but again divided by wooded are also it is difficult to see any neighbors yards at all from our back yards (see attached pictures).

We are respectfully requesting these variance so we too can enjoy outdoor living space with a pool.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. 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 on our piece of property due to the septic lines and storm drainage to the right of our home that it will not support a pool to the right of the property. Also, if the house was built in the original location we would have room for a pool in the backyard.

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

This particular piece of property will create a practical difficulties of unnecessary hardship due to the location of the septic and drainage lines so the pool would need built behind the home directly but this interferes slightly with the setback lines and therefore in need of variances.

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

The fact the original construction of the house was not built according to the original survey, and the final construction was approved by the County with the setback encroachment is very peculiar to the property. We had no idea about this issue until applying for a pool permit. The septic and drainage lines will not permit a pool in any other location on our property.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be

**granted for a use of land or building or structure that is prohibited by this Ordinance;
and,**

The location of the proposed pool would not cause any detriment to the public good or impair the purposes and intent of these regulations because our backyard is very private and a substantial distance from the neighbors and golf course. The backyard is like a valley then goes uphill as it progresses to the property line. The golf course only takes care of the land about 10 feet from the golf cart path (see attached), which is quite a distance from the proposed pool location as well. Many people in the subdivision have pools much closer to the golf cart path so the location should not have any adverse effect on anyone publicly using the golf course or neighbors living in the community.

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

Not allowing the variance would prohibit us from having a beautiful outdoor pool and space to enjoy as do most of our surrounding neighbors. We would like to enjoy those same rights as our neighbors.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: There are no Public Works issues with the requested variances.

ENVIRONMENTAL MANAGEMENT: EMD has no comment on this appeal.

FIRE MARSHAL: No requirements for us.

PUBLIC WORKS/ENGINEERING: There are no Public Works issues with the requested variances.

WATER SYSTEM: No comment at this time.

A-750-21

Pebble Beach Drive

**SUBJECT
PROPERTY**



Concept A-750-21

In my opinion this property appears not to lie within a 100 year flood plain according to F.I.R.M. #13113C0113F Dated 09/26/2008

Building Lines

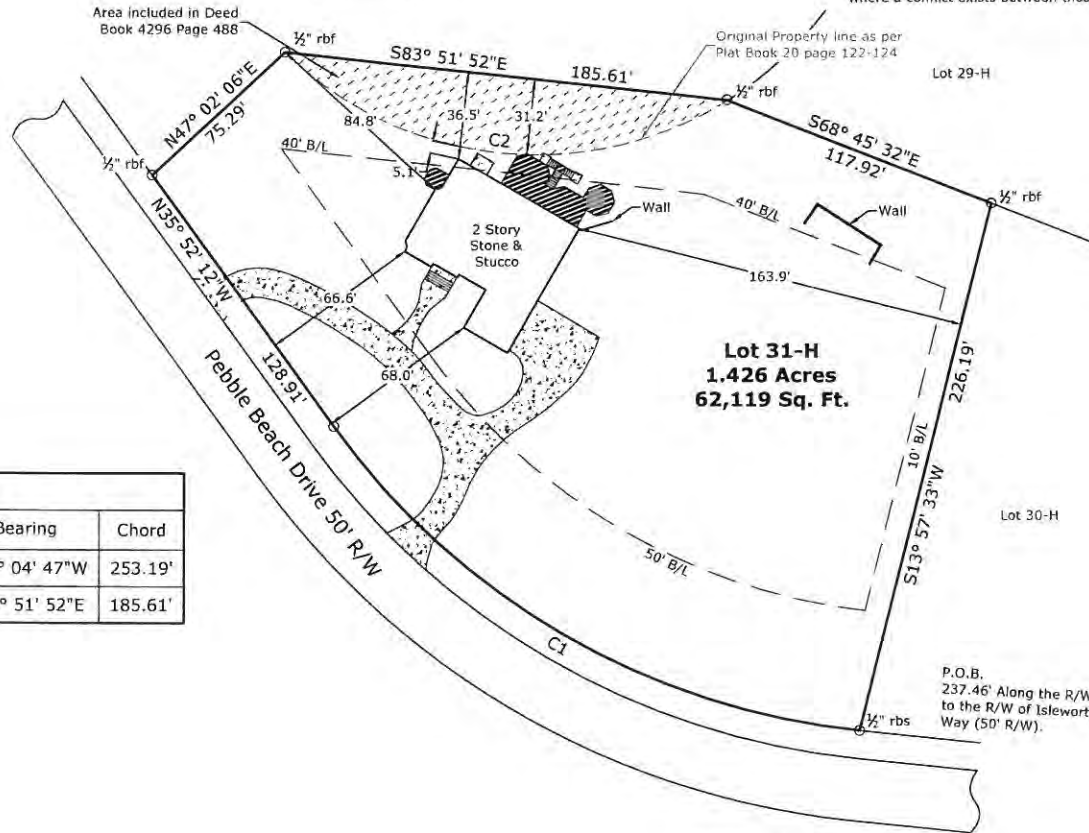
Front - 50'
Side - 10'
Rear - 40'

N/F
CC Whitewater, LLC

Area included in Deed Book 4296 Page 488

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

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



Curve Table

Curve #	Length	Radius	Bearing	Chord
C1	260.89'	308.68'	N60° 04' 47"W	253.19'
C2	200.12'	150.00'	S83° 51' 52"E	185.61'

Legend

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

Closure Data

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

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

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

Surveyor's Certificate:

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

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

2696
License NO.

08/03/2020
Date



Graphic Scale 1"= 50'

0 25 50 100

FOUR CORNERS
SURVEYING



Plat/Deed Book	Page
DB 4296	488
PB 20	122-124

Prepared For: Ronald Reagan & Nancy Reagan
Subdivision: Whitewater Creek Community Phase Six Address: 120 Pebble Beach Drive
Lot: 31-H Land Lot: 255 District: 4th County: Fayette County Georgia
Scale: 1"= 50' F.W.P.D.: 07/29/2020 Date: 08/03/2020 Drawn By: JCB Job No: 20-139

A-150-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Tria Kreutzer & Joseph Carbone
MAILING ADDRESS: 120 Pebble Beach Drive, Fayetteville, GA 30215
PHONE: 404-449-5547/404-556-1004 E-MAIL: tria@ATLJoe.com + Joe@ATLJoe.com
AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 355 LAND DISTRICT 4th PARCEL 04511-3020

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.420

ZONING DISTRICT: PUD-PRD

ZONING OF SURROUNDING PROPERTIES: PUD-PRD

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-750-21

☐ 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: _____

Received from Tria M. Kreutzer a check in the amount of \$ 245.00

for application filing fee, and \$ 30.00 for deposit on frame for public hearing sign(s).

Date Paid: 2/11/21 Receipt Number: _____

A-750-21

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:

Tria Kreutzer + Joseph Carbone

Please Print Names

Property Tax Identification Number(s) of Subject Property: 045113020

(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) 355 of the District, and said property consists of a total of 1.426 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.

Tria Kreutzer
Signature of Property Owner 1

Address

[Signature]
Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Cheryl M. Dial
Signature of Notary Public

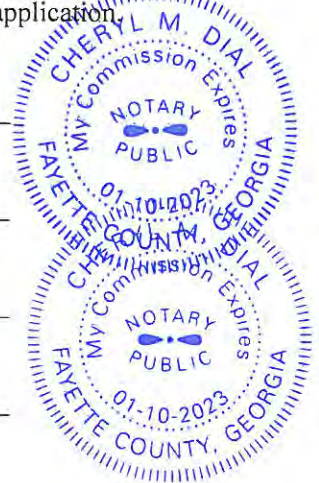
2/10/2021
Date

Cheryl M. Dial
Signature of Notary Public

2/10/2020
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.

See attached

Variance Summary:

We applied for a pool back in the summer of 2020. We were approved with our HOA on 7/2/2020 (see attached) then it went forward to the County for permitting. From the County, we come to find out that our house was built in the wrong place from its original survey (see attached). The house and deck both encroached the setbacks and were approved by all County departments. Now we are faced with needing a variance for the house, deck, and pool for the rear property line.

Our home is in a private gated subdivision and our backyard is very secluded. Right behind the house the topography slopes down and at its lowest point goes back uphill creating a valley. The pool would be in this valley with a small stone wall against the upward hill. The backyard is beautifully landscaped and this design will also be included around the pool. At the top of the hill are trees and large bushes which divides the adjacent neighbors (who also has a pool), the far left side is the golf cart path then the golf course, the far right side is the side of the septic system and another neighbor in the distance but again divided by wooded are also it is difficult to see any neighbors yards at all from our back yards (see attached pictures).

We are respectfully requesting these variance so we too can enjoy outdoor living space with a pool.

Justification of Request:

1. There are extraordinary and exceptional conditions on our piece of property due to the septic lines and storm drainage to the right of our home that it will not support a pool to the right of the property. Also, if the house was built in the original location we would have room for a pool in the backyard.
2. This particular piece of property will create a practical difficulties of unnecessary hardship due to the location of the septic and drainage lines so the pool would need built behind the home directly but this interferes slightly with the setback lines and therefore in need of variances.
3. The fact the original construction of the house was not built according to the original survey, and the final construction was approved by the County with the setback encroachment is very peculiar to the property. We had no idea about this issue until applying for a pool permit. The septic and drainage lines will not permit a pool in any other location on our property.
4. The location of the proposed pool would not cause any detriment to the public good or impair the purposes and intent of these regulations because our backyard is very private and a substantial distance from the neighbors and golf course. The backyard is like a valley then goes uphill as it progresses to the property line. The golf course only takes care of the land about 10 feet from the golf cart path (see attached), which is quite a distance from the proposed pool location as well. Many people in the subdivision have pools much closer to the golf cart path so the location should not have any adverse effect on anyone publicly using the golf course or neighbors living in the community.



Doc ID: 009220130003 Type: QCD
 Recorded: 09/17/2013 at 09:10:00 AM
 Fee Amt: \$239.00 Page 1 of 3
 Transfer Tax: \$225.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

QUIT CLAIM DEED

BK 4117 PG 214-216

848866

STATE OF GEORGIA
 COUNTY OF FAYETTE

This indenture, made this 16th day of August, 2013, between
Otto Cipolla & Elisa Cipolla & Tria Kreutzer (hereinafter referred
 to as "Grantor") and
Tria Kreutzer (hereinafter referred
 to as "Grantee".)

Wherever there is a reference herein to the Grantor of the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter and said terms include and bind the heirs, executors, administrators, successors and assign the parties hereto.

WITNESSETH

Grantor, for and in consideration of Two Hundred Twenty Five Thousand Dollars (\$225,000.00) received at and before the sealing and delivery of these presents the receipt of which is hereby acknowledged, has bargained, sold and by these presents does remise, convey and forever QUIT-CLAIM unto Grantee the following described property:

120 Pebble Beach Dr.
 Fayetteville, GA 30215-2760

Parcel
Id # 045113020

To have and to hold the said tract or parcel of land to Grantee, so that neither the Grantor nor its heirs, nor any other persons claiming under Grantor shall at any time, by any means or way, have, claim or demand any right or title to the aforesaid tract of parcel of land or appurtenances, or any rights thereof.

In witness whereof, Grantor has hereunto set its hands and seals the day and year first above written.

Signed, sealed and delivered

This 16 day of August 2013

in the presence of:

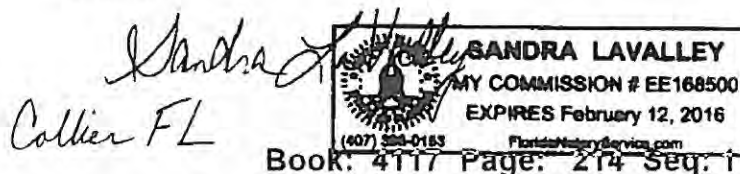
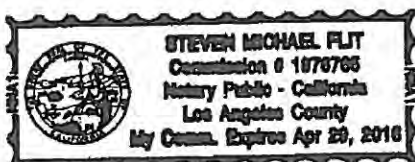
[Signature]
 Unofficial Witness Daniel Battaglia

[Signature]
 Notary Public

Tria Marie Kreutzer
 Grantor

[Signature]
 Grantor

Elisa Cipolla
 Grantor



NOTARY ACKNOWLEDGMENT

STATE OF GEORGIA}

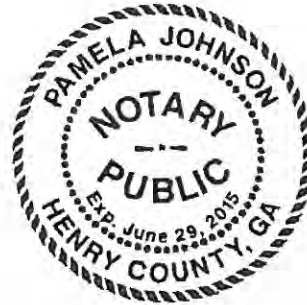
COUNTY OF FAYETTE} ss.

On August 20, 2013, before me, Pamela Johnson, personally appeared Tria Marie Kreutzer

Personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Pamela Johnson
My commission expires: 06/29/2015



Record & Return To:

Equity Settlement Services, Inc.
444 Route 111
Smithtown, NY 11787
Attn: Recording Dept.

A-750-21

SCHEDULE "A"

1-00843015

All that tract or parcel of land lying and being in Land Lot 255 of the 4th District of Fayette County, Georgia and being shown and delineated on a plat of survey prepared for John R. Watson and Pamela G. Watson by Delta Surveyors, Inc., Registered Land Surveyors dated April 4, 1994 and being more particularly described as follows:

Beginning at an iron pin on the Northerly right of way line of Pebble Beach Drive, 237.46 feet Westerly, as measured along the Northerly right of way line of Pebble Beach Drive, from the intersection of the Northerly right of way line of Pebble Beach Drive and the Westerly right of way line of Isleworth Way; thence Westerly and Northwesterly along the Northerly and Northeasterly right of way line of Pebble Beach Drive and following the curvature thereof, 260.82 feet to a point; thence North 35 degrees 52 minutes 11 seconds West, 128.91 feet to an iron pin; thence North 46 degrees 37 minutes 41 seconds East, 74.95 feet to an iron pin; thence south 84 degrees 12 minutes 04 seconds East, 185.96 feet to an iron pin; thence South 68 degrees 43 minutes 36 seconds East, 117.73 feet to an iron pin; thence South 13 degrees 35 minutes 33 seconds West, 226.17 feet to an iron pin located on the Northerly right of way line of Pebble Beach Drive and the point of beginning.

The improvements thereon being known as 120 Pebble Beach Drive, Fayetteville, GA 30215.

Tax Id #:045113020

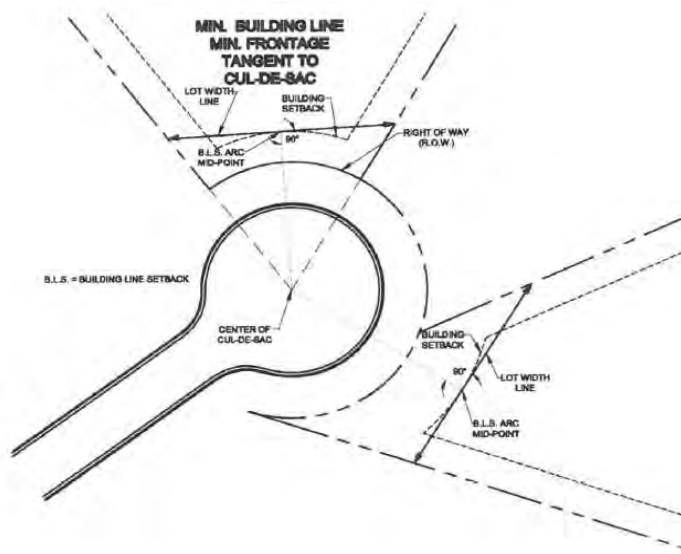
PETITION NO. A-751-21
Gordon S. & Elaine A. Dampier
155 Village Lake Court
Brooks, GA 30205
Public Hearing Date March 22, 2021

The subject property is located at 155 Village Lake Court, Brooks, GA 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-77. Lot width, to reduce the front yard setback (that is established by the lot width) from 450 feet to 427 feet to allow the principal structure to remain.

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.** Lot width shall be determined as the distance between lot lines either measured in a straight line parallel to the adjoining street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic). The principal structure shall be constructed within this area. Residential accessory structures and farm outbuildings, horse stables, auxiliary structures and greenhouses allowed in the A-R zoning district do not have to comply with the lot width at the building line; however, they shall comply with applicable setbacks and location requirements.



History: The Final Plat of Autumn Lake Estates was recorded on November 20, 2006. The RBLD-

08-20-075476 building permit was issued on October 15, 2020. Tax Assessor's records indicate that the applicant purchased the property in 2012.

As part of the building permit process for a new home, a foundation survey is required. Through the foundation survey staff discovered the violation. The foundation survey given shows the residence foundation 427 feet from the front property line.

VARIANCE SUMMARY

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

Current home location is at 427.8 feet from the right of way setback. Requesting to move right of way setback to 425 feet. The home was located at 450 feet from the paved portion of cul-de-sac based on a survey from 2013 provided to the property owners.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. 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 in question meets exceptional conditions based on the original survey by Conkle-Lane & Associates dated March 5th 2013 (attached) obtained by the property owners and provided to Johnston Homes did not include right of way lines as shown on the recorded plat. The home currently meets a 450 feet setback from the paved portion of the cul-de-sac as per the original survey and is located 427.8 feet from the right of way setbacks.

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

Having to deconstruct and remove foundation from the current location of the home would cause extreme hardship and result unforeseen cost to the property owners.

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

Environmental health requested home be pulled forward, closer to build lines due to soils behind the home site being more desirable and thus allowing for a convention septic system.

- 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,**

We have received verbal acceptance of the home site location from the adjacent property owner at lot 16 _ Matthew Wood and signed acceptance from property owners at lot 14 – George & Anne Cocolos (attached)

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

Zoning variance are granted based on right of way and other building setbacks such as easements.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections for the proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments for the appeal.

FIRE MARSHAL: No comments.

PUBLIC WORKS/ENGINEERING: No comments on the front yard setback variance request.

WATER SYSTEM: We have no comments regarding this petition.

A-751-21

**SUBJECT
PROPERTY**

**Village
Lake Court**

10/11/21 H-151-21
 Parcel 040902005
 A-R
 155 Village Lake Ct

REFERENCE PLAT:
 FINAL PLAT OF
 AUTUMN LAKE ESTATES
 BY JOSEPH L. ROBINSON, R.L.S.
 DATED 07-11-2006
 RECORDED IN PB. 43 PG. 94

PERMIT # RNEW-
 PARCEL # 040902005
 IMPERVIOUS AREA 7,950 SF

LEGEND
 LLL - LAND LOT LINE
 R/W - RIGHT-OF-WAY
 S/B - BUILDING SETBACK LINE
 RES - RESIDENCE
 AC - ACRES
 I.P.F. - IRON PIN FOUND
 I.P.S. - IRON PIN SET
 MFFE - MINIMUM FINISHED FLOOR ELEVATION
 FFE - FINISHED FLOOR ELEVATION

FLOOD NOTE
 THIS PROPERTY IS NOT LOCATED WITHIN
 ANY 100-YR FLOOD HAZARD AREA
 PER FIRM PANEL # '3113C0165E
 DATED 9/26/2008

CLOSURE STATEMENT:
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS
 A CLOSURE PRECISION OF ONE FOOT IN 497,450 FEET
 AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND
 WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT
 HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND
 TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.
 EQUIPMENT USED: TOPCON GTS 235W

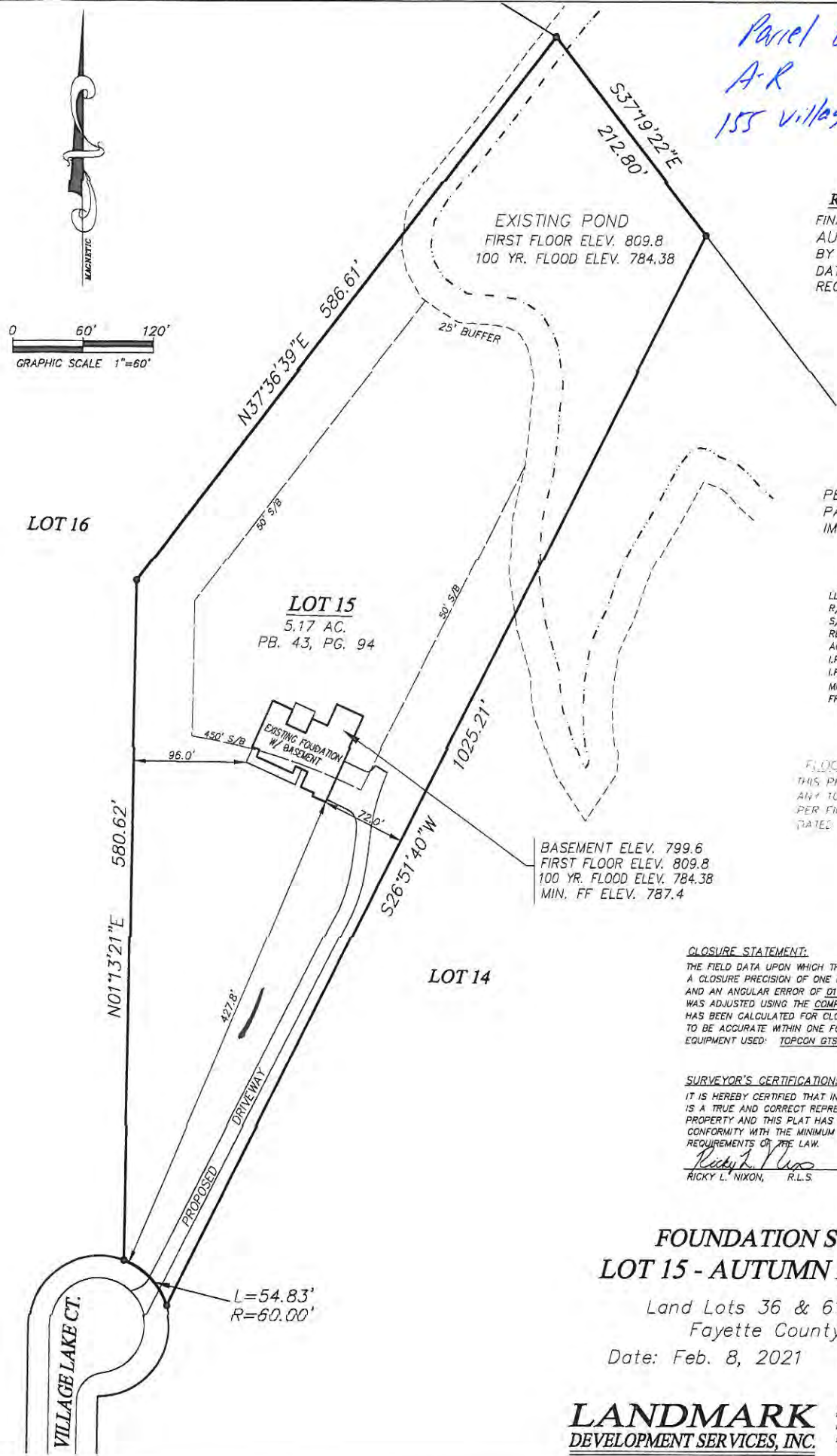
SURVEYOR'S CERTIFICATION:
 IT IS HEREBY CERTIFIED THAT IN MY OPINION THIS
 IS A TRUE AND CORRECT REPRESENTATION OF THIS
 PROPERTY AND THIS PLAT HAS BEEN PREPARED IN
 CONFORMITY WITH THE MINIMUM STANDARDS AND
 REQUIREMENTS OF THE LAW.
 Ricky L. Nixon 2-08-21
 RICKY L. NIXON, R.L.S. DATE



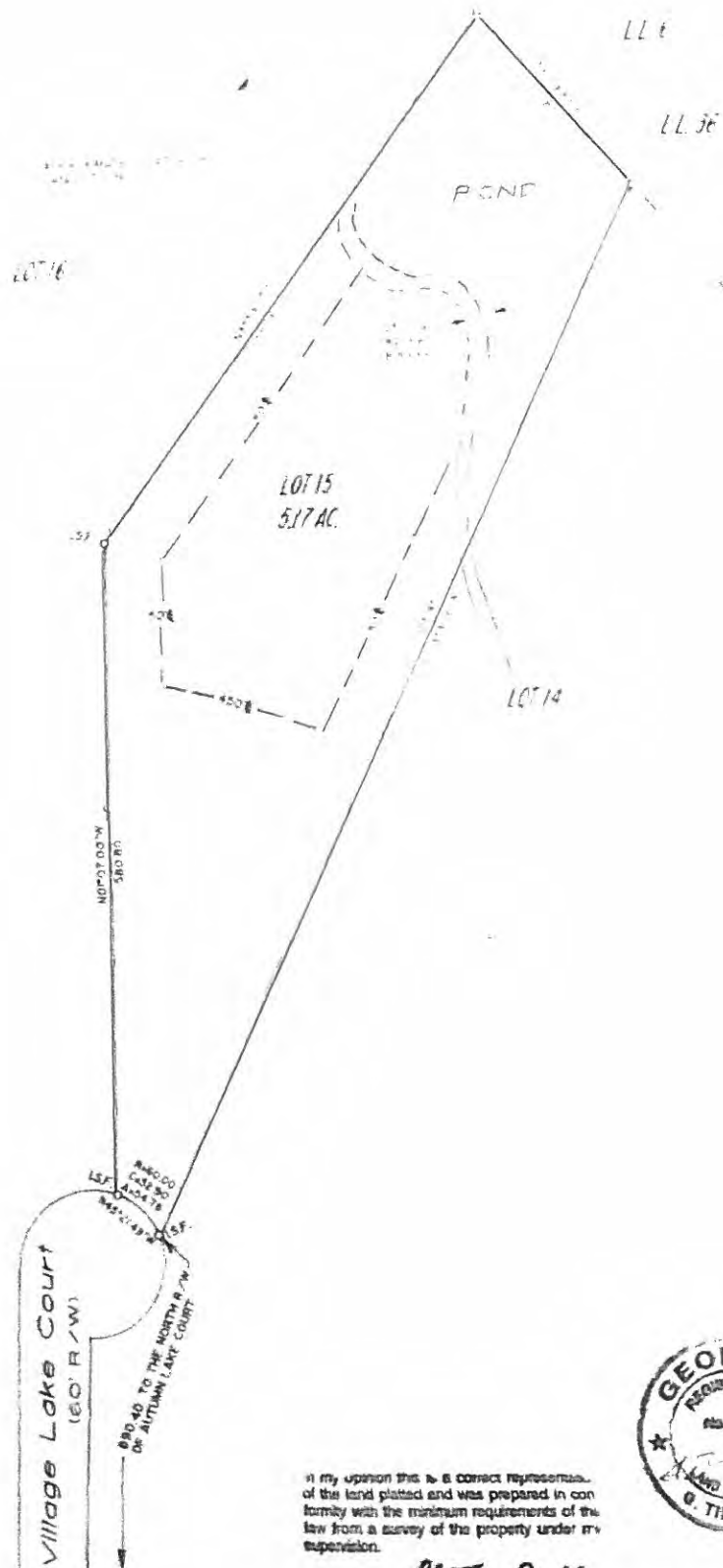
FOUNDATION SURVEY FOR LOT 15 - AUTUMN LAKE ESTATES

Land Lots 36 & 61, 4th District
 Fayette County, Georgia
 Date: Feb. 8, 2021 Scale: 1" = 60'

LANDMARK
DEVELOPMENT SERVICES, INC.
 6 Groover Road
 Newnan, GA 30265
 Phone: (404) 456-9519
 •land surveying
 •land planning
 •land development design
 •construction layout



Original Survey
155 Village Lake Ct



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

G. Tim Conkle
Ga. Reg. Land Surveyor No. 2011



PROFESSIONAL SURVEY

GORDON DAMPIER

Linear measurement made with EDM
angular measurements made with 10"
theodolite apparent angle error of 0.1"
per angle point, no adjustment made
Error of closure 1/26.5' x 100'

LOT 15 IN ALTIMA LAKE ESTATE
LOCATED IN LAND LOT 36 & 37
OF THE 4TH LAND DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 100' -- DATE: MAR 5, 2015

prepared by
conkle - lane & associates
planning consultants - land surveyors
griffin, georgia
p.o. box 845
770-226-8400

12084L15

A-751-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Gordon S & Elaine A Dampier

MAILING ADDRESS: 150 Hunters Walk Fayetteville, GA 30214

PHONE: 404-921-8274 **E-MAIL:** gsdampier@aol.com

AGENT FOR OWNERS: Johnston Homes (Matt Johnston)

MAILING ADDRESS: 150 Friendship Church Road Brooks, GA 30205

PHONE: 770-866-2607 **E-MAIL:** matt@jmjconstruction.us

PROPERTY LOCATION: LAND LOT 36 & 61 LAND DISTRICT 4 PARCEL 040902005

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.17

ZONING DISTRICT: Residential

ZONING OF SURROUNDING PROPERTIES: Residential

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-751-21

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff:  Date: 2/16/21

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from Johnston Homes a check in the amount of \$ 195⁰⁰

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

Date Paid: 3/1/2021 Receipt Number: 010006

A. 751-21

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:

Gordon S & Elaine A Dampier

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0409 02005

(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) 36 & 61 of the District, and said property consists of a total of 5.17 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Johnston Homes, LLC 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.

Gordon S. Dampier
Signature of Property Owner 1

150 Hunters Walk Fayetteville, Ga. 30214

Address

Elaine Champier
Signature of Property Owner 2

150 Hunters Walk Fayetteville, Ga. 30214

Address

[Signature]
Signature of Authorized Agent

150 Friendship Church Road Brooks, Ga. 30205

Address

Joni S. Coln
Signature of Notary Public

02/16/2021

Date

Joni S. Coln
Signature of Notary Public

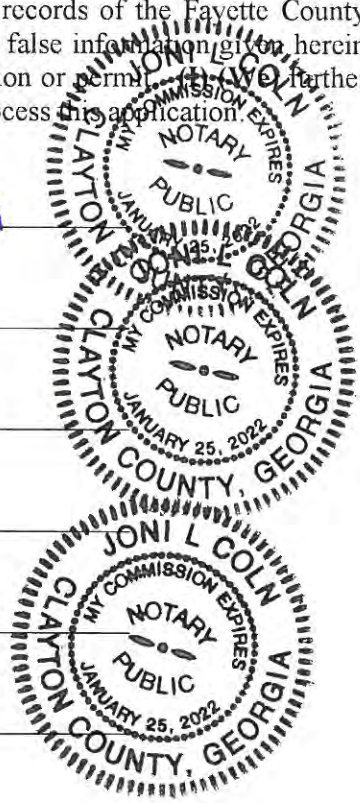
02/16/2021

Date

Joni S. Coln
Signature of Notary Public

02/16/2021

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
Right of Way	450ft	425ft	22.2

VARIANCE SUMMARY

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

Current home location is at 427.8ft from right of way setback. Requesting to move right of way setback to 425ft. The home was located at 450ft from the paved portion of cul-de-sac based on a survey from 2013 provided to the property owners.

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 in question meets exceptional conditions based on the original survey by Conkle - Lane & Associates dated March 5th, 2013

(attached) obtained by the property owners and provided to Johnston Homes did not include right of way lines as shown on the recorded plat.

The home currently meets a 450ft setback from the paved portion of the cul-de-sac as per the original survey and is located

427.8ft from the right of way setbacks.

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

Having to deconstruct and remove foundation from the current location of the home would cause extreme hardship

and result in unforeseen cost to the property owners.

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

Environmental health requested home be pulled forward, closer to build lines due to soils behind the home site

being more desirable and thus allowing for a conventional septic system

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.

We have received verbal acceptance of the home site location from the adjacent property owner at lot 16 – Matthew Wood

and signed acceptance from property owners at lot 14 – George & Anne Cocolles (attached)

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

Zoning variance are granted based on right of way and other bulding setbacks such as easements.

AFTER RECORDING RETURN TO:

SLEPIAN, SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GA 30269

12-5889

Doc ID: 008875780001 Type: WD
Recorded: 07/09/2012 at 08:30:00 AM
Fee Amt: \$89.00 Page 1 of 1
Transfer Tax: \$79.00
Fayette, Ga., Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3913 PG 732

A-751-21

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 3rd day of July, 2012, between GEORGE P. COCOLES AND ANNE COCOLES, as party or parties of the first part, hereinafter called Grantor, and GORDON S DAMPIER AND ELAINE A. DAMPIER, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP and not as tenants in common 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, transferred, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, transfer, 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:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 36 & 61 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 15, OF AUTUMN LAKE ESTATES SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 43, PAGE 92-95, 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 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
Notary Public
My commission expires

George P. Cocoles, by
Anne Cocoles, his attorney in fact
GEORGE P. COCOLES
ANNE COCOLES

PETITION NO. A-752-21
Frederick M. Monderson & Keisha Monderson Johnson
158 Peters Road
Fayetteville, GA 30214
Public Hearing Date March 22, 2021

The subject property is located at 158 Peters Road, Fayetteville, GA 30214 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 21 feet to allow an existing barn to remain.
- 2) Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 47 feet to allow an existing garage to remain.

Sec. 110-106. - Yards on a flag lot or a nonconforming landlocked lot.

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. **All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback per the zoning district of the property as measured from the closest right-of-way and whichever is greater shall apply.** Minor subdivision plats and final plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply.

History: The survey for 158 Peters Road was recorded on March 16, 2017. The RBLD-11-20-076295 building permit was processed in November 2020. Tax Assessor's records indicate that the applicant purchased the property in 2017.

As part of the building permit process for a new home, a foundation survey is required. Through the foundation survey staff discovered the violation. The site plan given shows the barn 21 feet from the front property line and the garage 47 feet from the property line.

VARIANCE SUMMARY

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

Due to existing structure of the barn and garage/carport being on the property we are requesting a variance. This came to our attention when we pulled a building permit for our new single-family residential home on our property. When the permit went out for review by the various county departments the encroachments were discovered.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. 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.**

This property, 158 Peter Road, Fayetteville, GA 30214, was sold to us with the existing structures home and barn, there are 43 acres total on his property and there should not be an issue with the space regarding acreage and room to provide the variances. The county also allowed 160 Peters Road to be re-parceled and sold as 5 acre farm in 1998 to SCOMA JAMES VIII knowing that the existing setbacks for the barn and house at 158 Peters already existed and were not at the code specified in the ordinances.

- 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 to this particular piece of property would create a practical difficulty or unnecessary hardship.

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

The shape of this lot and the fact that the buildings are existing to the property makes it peculiar.

- 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 once granted would not cause substantial detriment to the public good or impair the purposes or intent of these regulations.

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

Yes, a literal interpretation of this ordinance would deprive us of the same rights other owners in the same district are allowed to have.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This Dept. has no objections.

ENVIRONMENTAL MANAGEMENT: EMD has no comment for this appeal.

FIRE MARSHAL: Nothing required for us.

PUBLIC WORKS/ENGINEERING: No Public Works comments on the side yard setback variance requests.

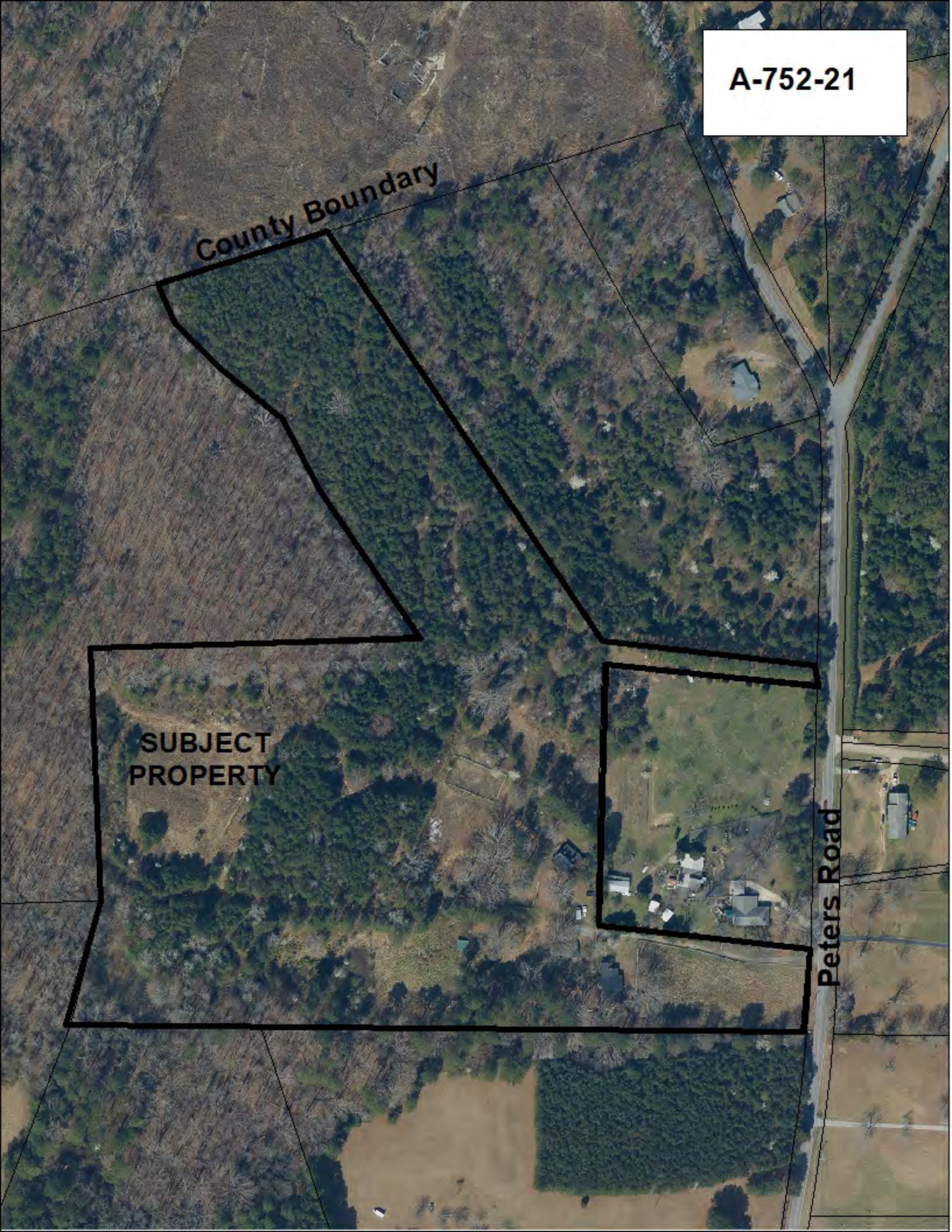
WATER SYSTEM: Fayette County Water System has reviewed the above referenced petition and has no comment at this time.

A-752-21

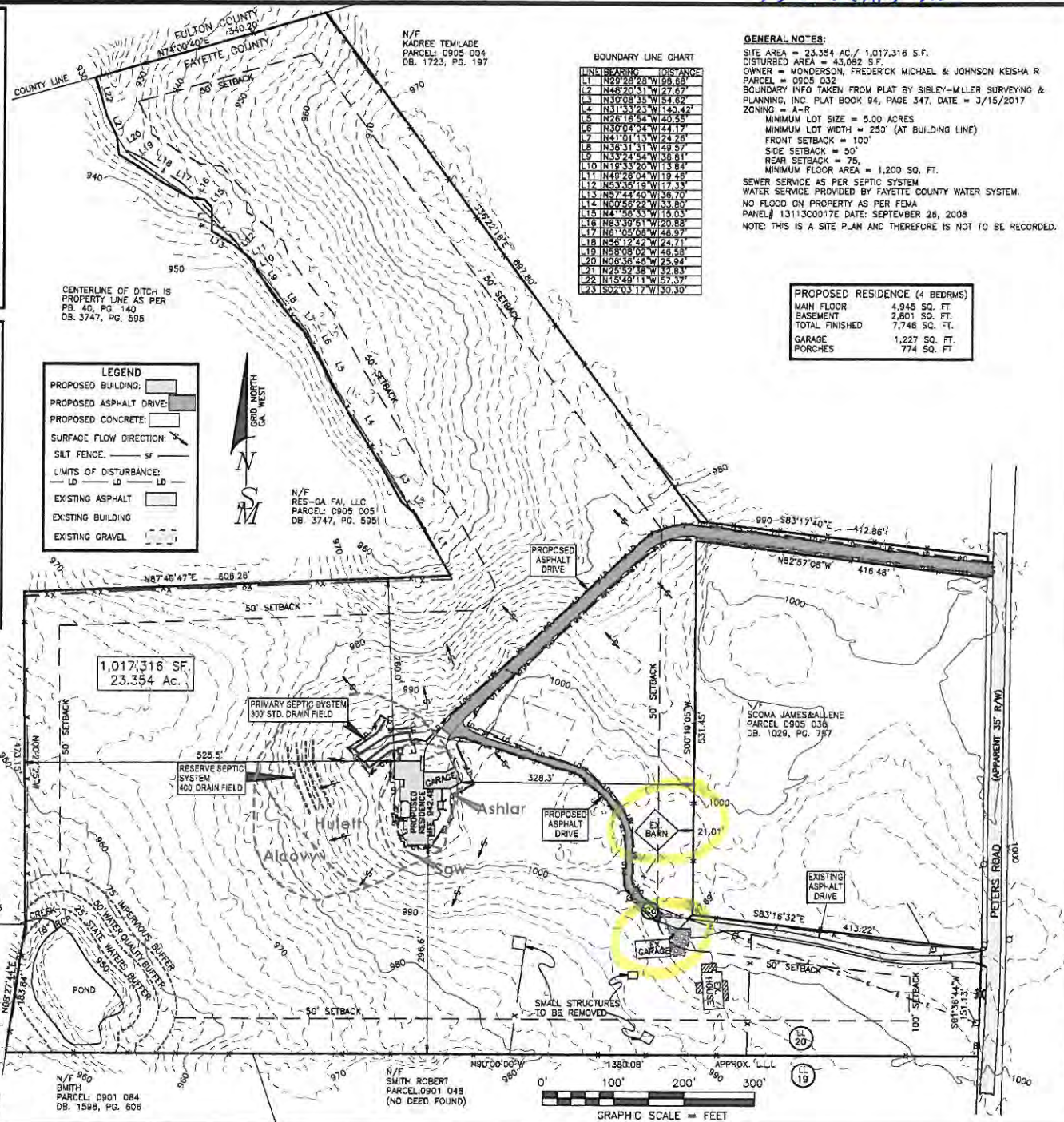
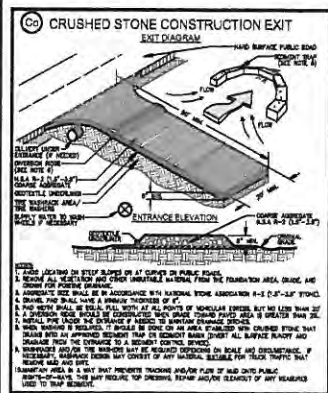
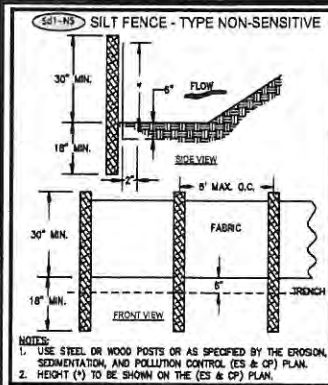
County Boundary

**SUBJECT
PROPERTY**

Peters Road



Contract A-752-21
158 Peters Rd



LINE	BEARING	DISTANCE
1	N29°28'22" W	39.58
2	N48°20'31" W	74.02
3	N30°08'35" W	54.62
4	N31°33'23" W	140.42
5	N26°18'54" W	40.55
6	N37°04'04" W	44.17
7	N37°04'04" W	44.17
8	N36°31'31" W	49.57
9	N33°24'54" W	36.81
10	N19°33'20" W	13.84
11	N48°28'04" W	7.98
12	N36°08'35" W	54.62
13	N37°44'40" W	36.70
14	N00°56'22" W	33.80
15	N41°56'33" W	15.03
16	N83°39'51" W	20.88
17	N81°05'12" W	46.98
18	N46°42'22" W	71.71
19	N48°08'02" W	48.57
20	N60°36'45" W	25.94
21	N25°52'38" W	52.83
22	N15°49'11" W	57.37
23	S02°03'17" W	30.50

GENERAL NOTES:
 SITE AREA = 23.354 AC. / 1,017,316 S.F.
 DISTURBED AREA = 43,082 S.F.
 OWNER = MONDERSON, FREDERICK MICHAEL & JOHNSON KEISHA R
 PARCEL = 0905 032
 BOUNDARY INFO TAKEN FROM PLAT BY SIBLEY-MILLER SURVEYING & PLANNING, INC. PLAT BOOK 94, PAGE 347, DATE = 3/15/2017
 ZONING = A-R
 MINIMUM LOT SIZE = 5.00 ACRES
 MINIMUM LOT WIDTH = 250' (AT BUILDING LINE)
 FRONT SETBACK = 100'
 SIDE SETBACK = 50'
 REAR SETBACK = 75'
 MINIMUM FLOOR AREA = 1,200 SQ. FT.
 SEWER SERVICE AS PER SEPTIC SYSTEM
 WATER SERVICE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
 NO FLOOD ON PROPERTY AS PER FEMA
 PANEL# 13113C0017E DATE: SEPTEMBER 26, 2008
 NOTE: THIS IS A SITE PLAN AND THEREFORE IS NOT TO BE RECORDED.

PROPOSED RESIDENCE (4 BEDRMS)

MAIN FLOOR	4,945 SQ. FT.
BASEMENT	2,801 SQ. FT.
TOTAL FINISHED	7,746 SQ. FT.
GARAGE	1,227 SQ. FT.
PORCHES	774 SQ. FT.

SIBLEY-MILLER
SURVEYING & PLANNING INC.
 212 WEST CAMPGROUND RD
 McDONOUGH, GA 30253
 PHONE: (770) 320-7555
 FAX: (770) 320-7333
 WWW.SIBLEYSURVEYING.COM

SITE PLAN
FREDERICK MICHAEL MONDERSON & KEISHA R JOHNSON MONDERSON
 158 PETERS RD. - 23.354 ACRES
 PARCEL = 0905 032
 LAND LOT 20, 9th DISTRICT
 FAYETTE COUNTY, GEORGIA

PROJECT #: B17010
SITE PLAN w/ SEPTIC
 DRAWN BY: JWS
 SCALE: 1" = 100'
 DATE: 11/11/2020

A 752-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Frederick M. Monderson, Keisha Monderson Johnson

MAILING ADDRESS: 158 PETERS ROAD, FAYETTEVILLE, GA 300214

PHONE: 678-633-1305 E-MAIL: kmonderson@gmail.com

AGENT FOR OWNERS: Keisha Monderson Johnson and Jonathan Johnson

MAILING ADDRESS: 2521 Kelman Place Dacula, GA 30019

PHONE: 678-633-1305 E-MAIL: kmonderson@gmail.com

PROPERTY LOCATION: LAND LOT 20 LAND DISTRICT 9th PARCEL 0905 032

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 23.35

ZONING DISTRICT: AGRICULTURAL RESIDENTIAL

ZONING OF SURROUNDING PROPERTIES: AGRICULTURAL RESIDENTIAL

PRESENT USE OF SUBJECT PROPERTY: AGRICULTURAL RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: AGRICULTURAL RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-752-21

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 2/16/21

DATE OF ZONING BOARD OF APPEALS HEARING: March 22, 2021

Received from Engle Solution Services Inc. a check in the amount of \$ 200⁰⁰

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

Date Paid: February 16, 2021 Receipt Number: 010008

A-752-21

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:

FREDERICK M. MONDERSON and KEISHA MONDERSON JOHNSON

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 9th District, and (if applicable to more than one land district) Land Lot(s) 20 of the District, and said property consists of a total of 23.35 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to KEISHA MONDERSON JOHNSON AND JONATHAN JOHNSON 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.

Keisha Monderson Johnson
Signature of Property Owner 1
2521 Kelman Place Decatur, GA 30019

Address

9

Signature of Property Owner 2

Address

[Signature]
Signature of Authorized Agent

Address

2521 Kelman Place Decatur, GA 30019

[Signature]
Signature of Notary Public

2/16/2021

Date

[Signature]
Signature of Notary Public

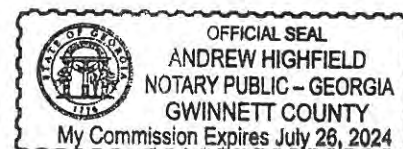
2/16/2021

Date

[Signature]
Signature of Notary Public

2/16/2021

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
BARN Section 110-125 (d) (6)	50	21	29
GARAGE CAR/ PORT Section 110-125 (d) (6)	50	47	3

VARIANCE SUMMARY

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

Due to existing structures of barn being on property we are requesting a variance.

Barn encroaching setback (Section 110-125 (d) (6) A-R zoning district)

Garage/Carport encroaching setback (Section 110-125 (d) (6) A-R zoning

district) This came to our attention when we pulled a building permit for our new single-family residential home on our property.

When the permit went out for review by the various County departments the encroachment were discovered.

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. This property, 158 Peters Road, Fayetteville, GA 30214, was sold to us with the existing structures home and barn, there are 43 acres total on his property and there should not be an issue with the space regarding acreage and room to provide the variances. The county also allowed 160 Peters road to be re parceled and sold as 5 acre farm in 1998 to SCOMA JAMES V III knowing that the existing set backs for the barn and house at 158 Peters already existed and were not at the code specified in the ordinances. The county should provide this variance to the
~~WONDERSON DONOHUE as it is unfair to us as the current property owners to fight an issue that was here when purchased this land.~~

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

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

The shape of this lot & the fact that the buildings are existing to the property makes it peculiar.

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 once granted would not cause substantial detriment to the public good or impair the purposes or intent of these regulations.** _____
- _____
- _____
- _____
- _____

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed. ~~NO NOT A LITERAL~~ ^{Yes} **A literal interpretation of this Ordinance would ~~not~~ deprive the applicant of any rights that others in the same zoning district are allowed.** _____
- _____
- _____
- _____
- _____


Return to:

Prepared by: Frederick Michael Monderson
158 Peters Road, Fayetteville, GA 30214

**STATE OF GEORGIA
COUNTY OF FAYETTE**

WARRANTY DEED

A 752 21



Doc ID: 010141050003 Type: WD
Recorded: 05/12/2017 at 09:50:00 AM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4603 PG 601-603

This Indenture made this May 1, 2017, by and between

Frederick Michael Monderson as party or parties of the first part, hereinafter referred to as "Grantor", and

Frederick Michael Monderson and Keisha Rochelle Monderson - Johnson as party or parties of the second part, hereinafter referred to as "Grantees" (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH THAT: Grantor for and in consideration of the sum of TEN AND NO/100 Dollars and other good and valuable considerations, ----- (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents Grantor does grant, bargain, sell, alien, convey and confirm unto the said Grantees, in fee simple, the following described property:

ALL THAT TRACT OR PARCEL OF LAND AND WATER LYING BEING IN LAND LOTS 18, 20 AND 21 OF THE 9th DISTRICT, FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED IN THE WARRANTY DEED BK4583 PG659-668 PROPERTY DESCRIPTION EXHIBIT "A" ATTACHED HERETO A, TOTAL OF 43.48 ACRES INCORPORATED HERIN BY REFERENCE AND COMBINED AND AS DESCRIBED BELOW

**PARCEL ID: 0905 032 158 Peters Road Fayetteville GA 23.30 Acres and
PARCEL ID: 0905 005 Lawrence Avenue 20.18 Acres**

ALL THAT TRACTS OR PARCEL OF LAND AND WATER LYING AND BEING IN LAND LOTS 18, 20 AND 21 OF THE 9th DISTRICT, FAYETTE COUNTY, GEORGIA, AS PER FAYETTE COUNTY GEORGIA COURT OF SUPERIOR COURT RECORDED AT PLAT BOOKS: BK4583 PG659-668; BK4583 PG669-671; BK4583 PG675-693; BK42 PG 140 AND BK49 PG209 FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

THIS CONVEYANCE is made subject to the following:

1. State and County ad valorem real property taxes and assessments for 2017 not yet due and payable and subsequent years
2. All zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land and water, 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 in **FEE SIMPLE**.

TOGETHER WITH all and singular the rights, members and appurtenances thereto, the same being, belonging, or in anywise appertaining (hereinafter collectively referred to as the "Premises").

TO HAVE AND TO HOLD the Premises, subject to the Exemptions, to the only proper use, benefit and behoof of Grantee, forever, in **FEE SIMPLE**, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all persons claiming by, through or under Grantor but not otherwise.

EXHIBIT A

Parcel One:

All that tract or parcel of land lying and being in Land Lot 20 of the 9th District of Fayette County, Georgia, being 23.354 acres as more particularly depicted on Survey for Frederick Michael Monderson by Sibley-Miller Surveying and Planning Inc. dated March 8, 2017 and recorded in Plat Book 49, Page 209, Fayette County, Georgia records which plat is incorporated herein by reference hereto.

Together with:

Parcel Two:

All that tract or parcel of land lying and being in Land Lots 18, 20 & 21 of the 9th District of Fayette County, Georgia, being shown as Tract Four 21.1833 acres, on plat of survey prepared for Lester Road Christian Church, Inc., formerly known as Buffington Road Christian Church, Inc., by W.W. Flowers, Jr., G.R.L.S. No. 1975, dated April 11, 2005, revised April 18, 2006, and May 10, 2006, recorded in Plat Book 42, page 140, Fayette County, Georgia records, which plat is herein by this reference and made a part of this description.

Being one and the same property as conveyed and described as Parcel Two in that Deed Under Power of Sale from First Atlantic 3, LLLP, a Georgia limited liability partnership to RES-GA FA1, LLC, a Georgia limited liability company at Deed Book 3747, Pages 595-599, Fayette County Georgia records.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 21 of the 9th District, Fayette County, Georgia, and being more particularly described as follows:

To find the true point of beginning, commence at the centerline intersection off Freeman Road and Newton Road; thence north 87 degrees 05 minutes 27 seconds east a distance of 608.93 feet to a ½" open top pipe found; thence north 00 degrees 27 minutes 17 seconds west a distance of 208.14 feet to a ½" open top pipe found; thence north 89 degrees 00 minutes 00 seconds east a distance of 442.41 feet to a ½" open top pipe found and the true point of beginning; thence south 43 degrees 57 minutes 31 seconds east a distance of 140.96 feet to a point; thence south 85 degrees 01 minute 46 seconds east a distance of 187.60 feet to a point; thence south 88 degrees 07 minutes 35 seconds east a distance of 135.35 feet to a point; thence north 57 degrees 40 minutes 56 seconds east a distance of 69.70 feet to a point; thence south 02 degrees 02 minutes 57 seconds west a distance of 104.39 feet to a point on the edge of a lake; thence leaving said lake, south 89 degrees 22 minutes 42 seconds west a distance of 473.03 feet to a nail found at a concrete monument; thence north 00 degrees 38 minutes 35 seconds west a distance of 194.36 feet to a ½" open top pipe found and the true point of beginning; said tract containing 1.00 acre, more or less, and being a portion of the property shown in Plat Book 42, page 140, Fayette County records.

A-752-21

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered
in the presence of:

Frederick Michael Monderson (Grantor)

[Signature]
Witness

Frederick Michael Monderson
(SEAL)

Angela S. Grant
NOTARY PUBLIC



My Commission Expires: 10.26.18