

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
April 26, 2021
7:00 P.M.**

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

PUBLIC HEARING

2. 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.

3. Petition No. A-754-21, W&W Realty Co, LLP, Owner, and All Span Builders, Inc/S. Neal Brown, Agent, request the following: Variance to Section 110-173. Transportation corridor overlay zone. (3) General state route overlay zone (d) Architectural standards. (1) To allow a flat roof with parapet walls instead of a gabled roof with a minimum pitch of 4.5 inches in one foot. The subject property is located in Land Lot 253 of the 4th District and fronts on Highway 85 South.
4. Petition No. A-755-21, Max H. Fuller, Owner, requests the following: Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 42 feet to allow an existing carport to remain. The subject property is located in Land Lot 233 of the 4th District and fronts on Goza Road.
5. Petition No. A-757-21, Shakiya C. Henderson, Owner, requests the following:
 - 1) Variance to Sec. 110-79. Residential accessory structures and their uses, (e) Residential accessory structures located in a front yard, to allow an existing shed to remain.
 - 2) Variance to Section 110-137. R-40, to reduce the front yard setback from 50 feet (as required in 1978 when the subdivision was platted) to 7 feet to allow an existing shed to remain.

The subject property is located in Land Lot 228 of the 5th District and fronts on Kenwood Road.

6. Petition No. A-758-21, Jimmy & Gloria Smith, Owners, and Cymona West, Agent, request the following: Variance to Section 110-133. R-70, (d) (6), to reduce the side yard setback from 20 feet (per the final plat) to 5 feet for an existing garage that is under construction. The subject property is located in Land Lot 192 of the 5th District and fronts on Camelot Drive.

This Public Hearing will be live-streamed at:

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

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

PETITION NO. A-752-21
Frederick M. Monderson & Keisha Monderson Johnson
158 Peters Road
Fayetteville, GA 30214
Public Hearing Date April 26, 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.

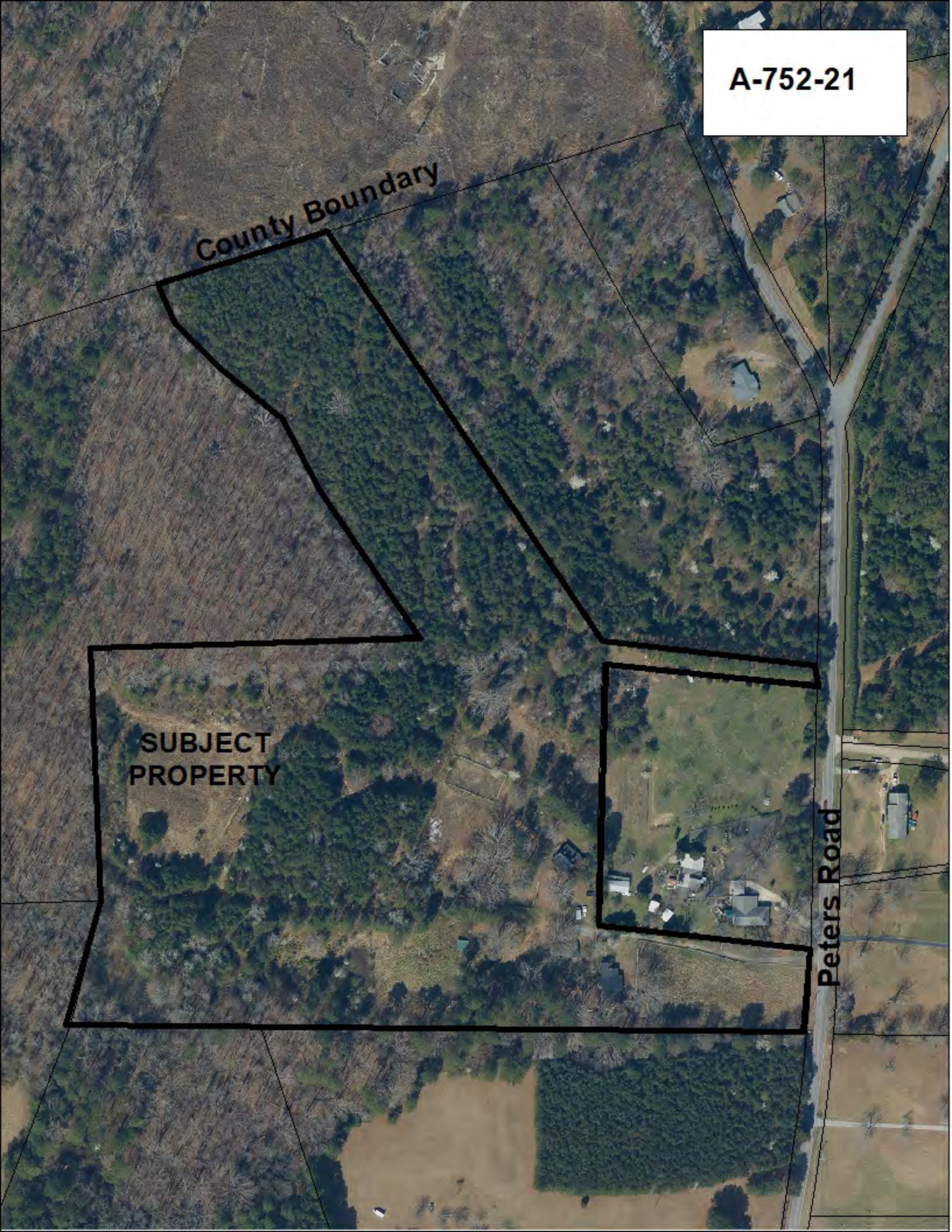
WATER SYSTEM: Fayette County Water System has reviewed the above referenced petition and has no comment at this time.

A-752-21

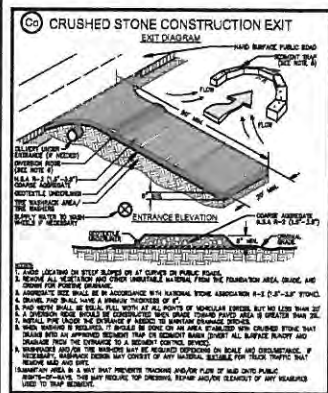
County Boundary

**SUBJECT
PROPERTY**

Peters Road

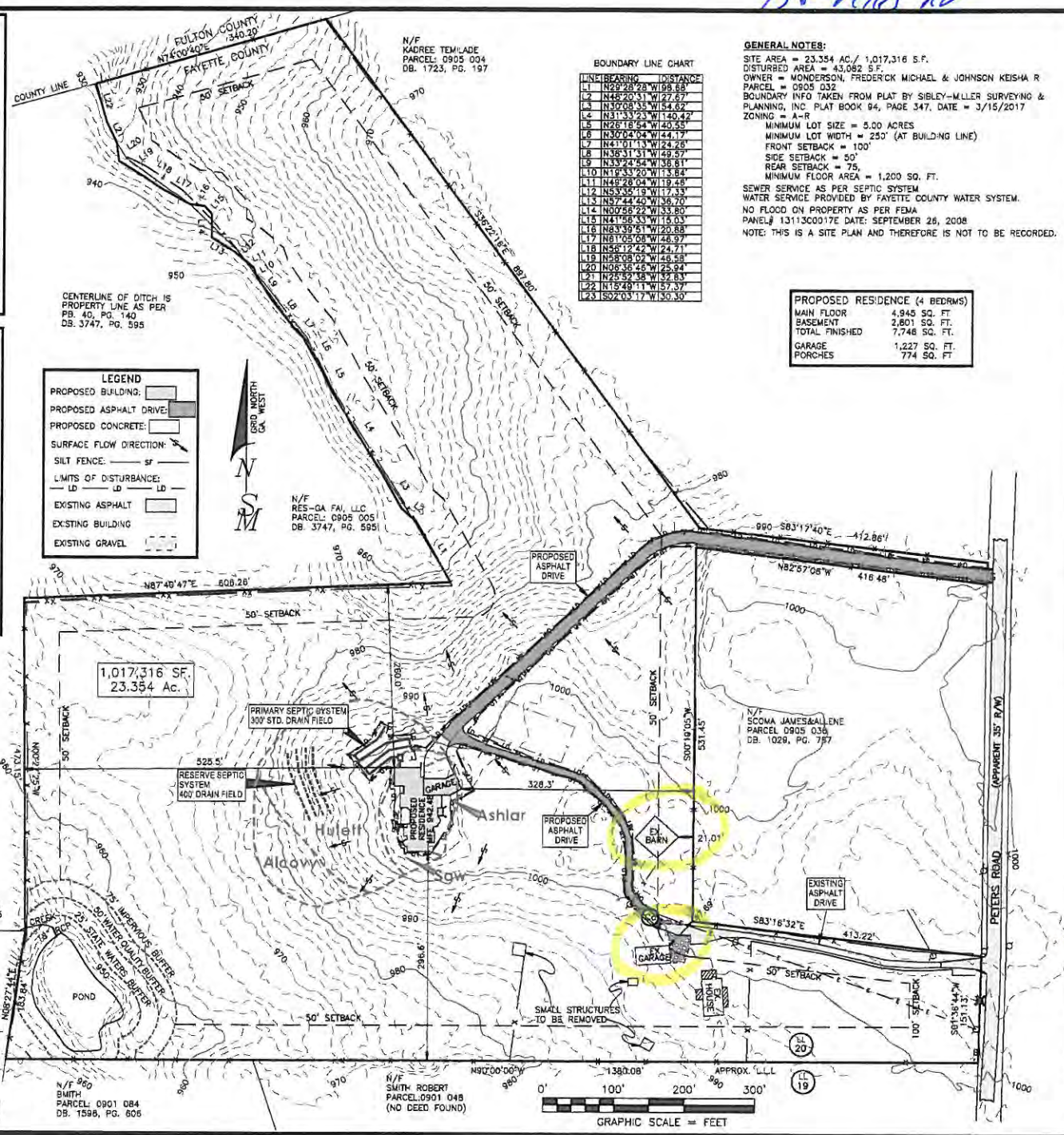



SITE AREA = 23,354 AC / 1,017,316 S.F.
 DISTURBED AREA = 43,082 S.F.
 OWNER = WUNDERSON, FREDERICK MICHAEL & JOHNSON KEISHA R
 PARCEL = 0905 032
 BOUNDARY INFO TAKEN FROM PLAT BY SIBLEY-MALLER SURVEYING &
 PLANNING, INC. PLAT BOOK 84, PAGE 347. DATE = 3/15/2017
 ZONING = A-R
 MINIMUM LOT SIZE = 5.00 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
 NOTE# 1311300017E DATE: SEPTEMBER 26, 2008
 NOTE: THIS IS A SITE PLAN AND THEREFORE IS NOT TO BE RECORDED.



BOUNDARY LINE CHART		
LINE	BEARING	DISTANCE
1	N 20° 23' 22" W	53.87
2	N 20° 31' W	62.87
3	N 30° 08' 35" W	54.62
4	N 31° 33' 23" W	140.42
5	N 26° 18' 54" W	40.55
6	N 30° 04' 04" W	44.15
7	N 30° 04' 04" W	44.15
8	N 36° 31' 31" W	49.57
9	N 33° 24' 54" W	36.81
10	N 19° 33' 20" W	15.84
11	N 48° 26' 04" W	19.48
12	N 48° 26' 04" W	19.48
13	N 57° 44' 40" W	36.70
14	N 00° 56' 22" W	33.80
15	N 41° 56' 33" W	15.03
16	N 83° 39' 51" W	20.88
17	N 81° 05' 08" W	46.97
18	N 42° 42' 42" W	46.97
19	N 58° 08' 02" W	46.58
20	N 00° 36' 46" W	25.94
21	N 25° 52' 38" W	32.83
22	N 74° 49' 11" W	57.37
23	S 02° 03' 17" W	30.30

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.



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

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

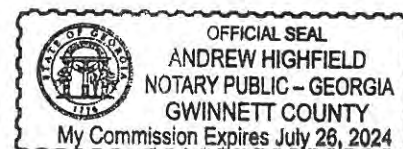
2/16/2021

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 PROPERTY 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.

A-782-21

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

PETITION NO. A-754-21
W&W Realty Co., LLP
1552 Highway 85 South
Fayetteville, GA 30215
Public Hearing Date April 26, 2021

The subject property is located at 1552 Highway 85 South, Fayetteville, GA 30215 and is zoned C-H. The applicant is requesting a Variance as follows:

1. Variance to Section 110-173. Transportation corridor overlay zone. (3) General state route overlay zone (d) Architectural standards. (1) To allow a flat roof with parapet walls instead of a gabled roof with a minimum pitch of 4.5 inches in one foot.

General state route overlay zone. All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This overlay zone specifically excludes SR 54 West Overlay Zone, SR 85 North Overlay Zone, SR 74 North Overlay Zone, SR 138 and North SR 314 Overlay Zone and the Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. The architectural standards of this overlay zone specifically excludes the L-C zoning district, for which other architectural standards have been established.

- a. *Purpose.* The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. **To protect the aesthetics for existing and future residential areas in this highway corridor.**
- d. *Architectural standards.* Structures shall maintain a residential character. Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.
 1. **A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including** gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.

History: C-H zoning appears on the 1971 Zoning Map. Staff has been unsuccessful in finding the petition and files for the zoning. Tax Assessor's records indicate that the convenience store with gas station was built in 1960 and the applicant purchased the property in 2012. On January 25, 2021 the Zoning Board of Appeals approved a variance (A-745-20) to Section 110-144, C-H (d) (3)(a)(1), to reduce the front yard setback from 75 feet to 35 feet to allow the construction of a fuel island

canopy.

DEPARTMENTAL COMMENTS

GA DEPARTMENT OF TRANSPORTATION: There are no comments concerning this variance from GDOT; however if the existing accesses are modified in any form a GDOT special encroachment will need to be obtained, the applicant should be made aware of this.

ENVIRONMENTAL HEALTH: This department has no objection to the proposed variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: No Comment.

WATER SYSTEM: We have no comment regarding this variance.

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 are asking for the Board to approve an architectural option of removing the 4.5/12 gable roof slope (specified in Sec 110-173 Transportation Corridor Overlay Zone), to a flat roof design hidden by parapet walls and canopy mansard (Examples of this design attached). The previous approved variance (A-745-20) acknowledged the property constraints of this parcel. As further design has uncovered, the enlargement of this facility would require a mechanical court yard which would obstruct the rear sidewalk and parking area. By approving this variance, allowing the MEP Equipment Placement on roof, the new facility would keep its historic architectural character and conform to setbacks previously approved. This will allow for the additional parking and vehicular circulation presented in the January Hearing.

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.**

Yes, mechanical footprint too large for pedestrian and motor vehicle traffic clearance.

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

4.5 on 12 roof pitch prevents mechanical equipment from being placed on roof.

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

Additional parking and vehicular circulation cannot be maintained without mechanical equipment being placed on roof.

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,**

There would be no detriment to the public good.

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

Yes.

A-754-21

SR 85

**SUBJECT
PROPERTY**



Variance Concept A-754-21

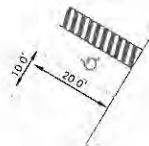
AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA
AS PER COMMUNITY - PANEL NUMBER 13113C0113E DATED: SEPTEMBER 26, 2008

GENERAL NOTES:

OWNER: W&W REALTY
ADDRESS: 1552 HWY 85 S.
PARCEL: 0450 070
ZONED: C-H (HIGHWAY COMMERCIAL DISTRICT)
MINIMUM LOT AREA: 43,560 SQ. FT. (1 ACRE)
FRONT SETBACK: 75'
REAR SETBACK: 15'
SIDE SETBACK: 15'
50' TRANSITIONAL BUFFER WHERE ADJOINS R. ZONED PROPERTY.
SEWER AS PER SEPTIC SYSTEM
WATER AS PER FAYETTE COUNTY
EXISTING BUILDING = 2,341 SQ. FT.
EXISTING FUEL CANOPY = 40'x50'
OLD WELL HOUSE = 80 SQ. FT.

PROPOSED BUILDING = 8,025 SQ. FT.
PROPOSED FUEL CANOPY = 164'x25'
PROPOSED PARKING = 37 SPACES,
INCLUDES 3 HANDI-CAP

PARKING DETAIL



ALL EXISTING STRUCTURES WILL BE REMOVED AND REPLACED WITH NEW STRUCTURES PER SITE PLAN

LEGEND	
PROPOSED BUILDING	
WOODEN POWER POLE	
EX. OVERHEAD POWER LINES	
HANDICAP PARKING	
EX. = EXISTING	
RCP = REINFORCED CONCRETE PIPE	
EX. SEPTIC TANK LID	



VARIANCE REQUEST NOTE:

VARIANCE REQUEST IS FOR ACCOMMODATIONS FOR THE FUEL CANOPY AND ISLANDS TO ENCRoACH THE BUILDING SETBACKS

OWNER/DEVELOPER

W&W REALTY
41 DODD STREET
FAIRBURN, GA. 30213

24 HOUR CONTACT
JOHN DAVIS
PHONE (404) 456-3857
jdavis@greenalco.com

N/F SMITH
DB 4422 PG 678
PB 48 PG 18
0450 027
ZONED R-70



PROJECT # 619028
SITE PLAN FOR VARIANCE

DRAWN BY: PWF
SCALE: 1" = 40'
DATE: 10/23/2020

SHEET 1 OF 1



SITE PLAN FOR VARIANCE

W&W REALTY
2.712 ACRES
LAND LOT 253, 4th DISTRICT
FAYETTE COUNTY, GEORGIA

SIBLEY-MILLER SURVEYING & PLANNING INC.

212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE (770) 320-7555
FAX (770) 320-7333
www.sibleysurveying.com

• TOPOGRAPHICAL SURVEYS
• LAND SURVEYING
• LAND PLANNING
• CONSTRUCTION LAYOUT
• LAND DEVELOPMENT DESIGN
• CIVIL ENGINEERING

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- *TOPOGRAPHICAL SURVEYS
- *LAND SURVEYING
- *LAND PLANNING
- *CONSTRUCTION LAYOUT
- *LAND DEVELOPMENT DESIGN
- *CIVIL ENGINEERING

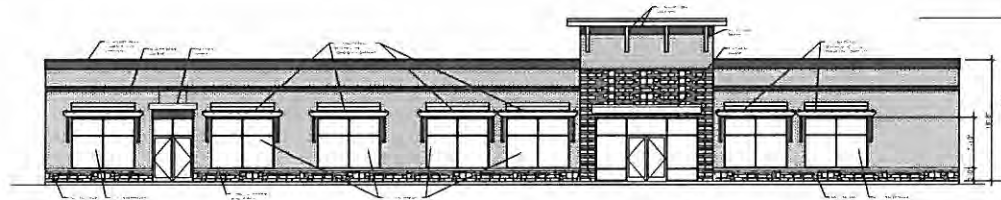
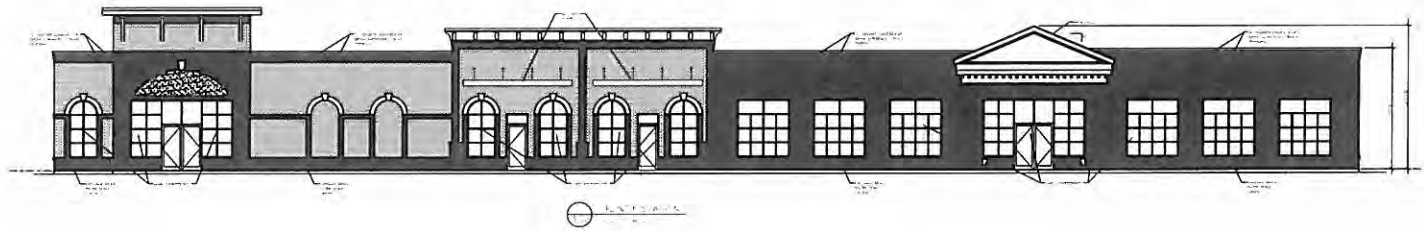
Examp 4 A-754-21



Example A-754-21



Example A 754.21



EXAMPLES
OF
ELEVATIONS
OF FAST
PROJECTS

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: W+W Realty Co., LLP.

MAILING ADDRESS: P O Box 127 FAIRBURN GA 30213

PHONE: 770.964.6125 E-MAIL: EDWYATTE@GREENOILCO.COM
JMCOOK@GREENOILCO.COM

AGENT FOR OWNERS: ALL SPAN BUILDERS INC / S NEAL BROWN

MAILING ADDRESS: 240 PATRICIA LANE FAYETTEVILLE, GA 30214

PHONE: 770.461-5548 E-MAIL: NEAL@ALLSPANBUILDERS.COM

PROPERTY LOCATION: LAND LOT 253 LAND DISTRICT 4th PARCEL 0460070

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.712

ZONING DISTRICT: C-H

ZONING OF SURROUNDING PROPERTIES: A-R / R70

PRESENT USE OF SUBJECT PROPERTY: CONVENIENCE STORE WITH GAS

PROPOSED USE OF SUBJECT PROPERTY: SAME

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-754-21

☐ 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: April 26, 2021

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

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

Date Paid: _____ Receipt Number: _____

A-754-21

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:

W & W REALTY CO., LLP - EDWARD C. WYATT, WILLIAM P. WYATT

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0450070

(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) 253 of the District, and said property consists of a total of 2.712 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to S. Neal Brown Jr / All Span Builders Inc 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

362 Lee's Mill Rd - Fayetteville GA

Address

[Signature]

Signature of Property Owner 2

385 Lee's Mill - Fayetteville GA

Address

Signature of Authorized Agent

240 Patricia Lane Fayetteville, GA 30214

Address

[Signature]

Signature of Notary Public

3-18-2021

Date

[Signature]

Signature of Notary Public

3/18/2021

Date

[Signature]

Signature of Notary Public

3/18/2021

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
110-173 Transportation Overlay Corridor Zone	4.5 / 12 Gabled Roof Slope	Flat Roof with Parapet Walls	N/A

VARIANCE SUMMARY

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

We are asking for the Board to approve an architectural option of removing the 4.5 / 12 gable roof slope (specified in Sec 110-173 Transportation Corridor Overlay Zone), to a flat roof design hidden by parapet walls and canopy mansard (Examples of this design attached). The previous approved variance (A-745-20) acknowledged the property constraints of this parcel. As further design has uncovered, the enlargement of this facility would require a mechanical court yard which would obstruct the rear sidewalk and parking area. By approving this variance, allowing the MEP Equipment Placement on roof, the new facility would keep its historic architectural character and conform to setbacks previously approved. This will allow for the additional parking and vehicular circulation presented in the January Hearing.

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.

Yes, mechanical footprint too large for pedestrian and motor vehicle traffic clearances.

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

4.5 on 12 roof pitch prevents mechanical equipment from being placed on roof.

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

Additional parking and vehicular circulation cannot be maintained without mechanical equipment being placed on roof.

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.

There would be no detriment to the public good.

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

Yes

A-745-20
Deed A-754-21

Doc ID: 008896910001 Type: VD
Recorded: 08/07/2012 at 09:05:00 AM
Fee Amt: \$350.00 Page 1 of 1
Transfer Tax: \$340.00
Fayette Co. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3927 PG 640

Record and Return to:
Glover & Davis, P.A.
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
1P22018 Co.

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 30th day of July, 2012, between T & D Grocery & Gas, Inc., a Georgia Corporation, as party or parties of the first part, hereinafter called Grantor, and W & W Realty Co., L.P., 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 in hand paid at and before the sealing and delivery of these presents, and for other valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon.

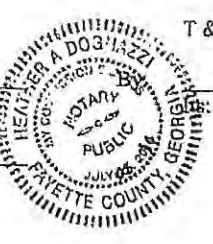
SUBJECT to restrictive covenants and general utility easements of record.

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

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

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

Signed, sealed and delivered
in the presence of:
[Signature]
Witness
[Signature]
Notary Public



T & D Grocery & Gas, Inc.

[Signature]
Dean H. Pope, President



(CORPORATE SEAL)

PETITION NO. A-755-21
Max H. Fuller
335 Goza Road
Fayetteville, GA 30215
Public Hearing Date April 26, 2021

The subject property is located at 335 Goza Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 42 feet to allow an existing carport to remain.

History: The survey for Oakley Family of Lot 4 for 335 Goza Road was recorded on November 15, 1974 in Book 8 and Page 173. Tax Assessor's records indicate that the house was built in 1987 and according to the deed the applicant purchased the property in 1989.

As part of the subdivision process, a survey is required. Through the survey staff discovered the violations. The detached residential accessory structure survey shows the structure located in the 42 feet from the side yard setback.

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 want to separate our property to give our grandson 5 acres to build on. After surveying the lot we found out that the building is only 42.2 feet off the property line. It has been this way for 35 years. We are asking for a 738 variance to bring the building in compliance.

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.**

When the property was built 35 years ago the carport was put in the most sensible location.

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

In the 35 years the carport has been here it has not caused any issue with neighbors and would be

difficult to move.

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

When the property was built 35 years ago the carport was put in the most sensible location.

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 carport has not caused any issue in the 35 years it has been there.

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

We would like to continue using our carports that has been here on our property for 35 years.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This Dept. has no objections to the proposed variance.

ENVIRONMENTAL MANAGEMENT: No comment.

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

PUBLIC WORKS/ENGINEERING: No Public Works / Engineering comments.

WATER SYSTEM: We have no comment regarding the variance request.

A-755-21

**SUBJECT
PROPERTY**

Goza Road



RECORD NORTH
PB:8 PG:173

Course	Bearing	Distance
L1	S 53°31'05" W	69.04'
L2	S 53°09'58" W	38.20'
L3	S 53°32'59" W	198.34'
L4	S 53°16'20" W	68.22'
L5	S 53°36'03" W	37.72'
L6	S 53°36'03" W	86.79'
L7	S 55°23'47" W	61.98'
L8	S 57°45'43" W	77.55'
L9	S 61°14'56" W	29.48'
L10	N 14°34'24" W	197.58'

S 89°31'57" W 889.63' TO THE WEST L.L.L. OF L.L. 233

ADJ. P/L
AXLE FOUND
393.42'

LOT UTILITY NOTE:

ALL LOTS TO BE SERVED BY FAYETTE COUNTY WATER SYSTEM AND INDIVIDUAL SEPTIC TANK SYSTEM.

EASEMENT NOTE:

NO RECORDED EASEMENTS FOUND BY THIS OFFICE FOR EXISTING SUBJECT PARCEL NUMBER 0447 057.

LEVEL III SOIL SURVEY:

I, ERIC A. HAMILTON DO HEREBY CERTIFY THAT THE LEVEL III SOIL SURVEY INFORMATION PROVIDED ON THE SOIL MAP WAS PERFORMED BY AES IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES' CURRENT MANUAL FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS.

SIGNATURE OF SOIL CLASSIFIER _____

COMPANY ADDRESS & TELEPHONE Applied Environmental Sciences, Inc.

90-F Glenda Trace, #327 Newnan, Georgia 30265 (678) 262-4020

REGISTRATION / LICENSE NO. _____

VARIANCE REQUEST:

SHALL BE OBTAINED FOR THE (CARPORT/SHED) FROM THE ZONING BOARD OF APPEALS WITHIN 180 DAYS OF APPROVAL OF THIS PLAT OR STRUCTURE WILL BE REMOVED.

WETLAND DELINEATION:

NO WETLANDS EXIST ON SUBJECT PROPERTY PER THE NATIONAL WETLANDS INVENTORY, BUT ANY WETLAND WHICH MAY BE ON THE SITE ARE UNDER JURISDICTION OF THE ARMY CORP OF ENGINEERS.

SIGHT DISTANCE CERTIFICATION:

THE POSTED SPEED LIMIT ON GOZA ROAD IS 45 MPH AND THE MINIMUM CORRESPONDING INTERSECTION SIGHT DISTANCE FOR DRIVEWAYS ONTO THE ROAD IS 500 FEET. I HEREBY CERTIFY THAT (LOT 1) 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, LATEST EDITION AND THE ASSHTO'S A POLICY ON GEOMETRIC DESIGN.

BY: CHRIS W. ROBERTSON GA RLS #3195 DATE: 12-21-2020

ENVIRONMENTAL MANAGEMENT DEPARTMENT:

APPROVAL SIGNATURE: _____
DATE: _____

ENVIRONMENTAL HEALTH DEPARTMENT:

APPROVAL SIGNATURE: _____
DATE: _____

ZONING ADMINISTRATOR:

APPROVAL SIGNATURE: _____
DATE: _____

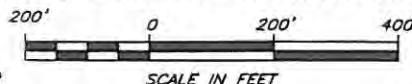
DIMENSIONAL REQUIREMENTS:

CURRENT ZONING: A-R (AGRICULTURAL-RESIDENTIAL DISTRICT)
MINIMUM LOT SIZE: 5 ACRES (217,800 SQUARE FEET)
MINIMUM CONTIGUOUS AREA: 0.60 ACRES (FREE AND CLEAR)
MINIMUM LOT WIDTH: 250 FEET
MINIMUM FLOOR AREA: 1,200 SQ. FEET
MINIMUM FRONT SETBACK: 100' MAJOR / 75' MINOR
MINIMUM SIDE SETBACK: 50'
MINIMUM REAR SETBACK: 75'

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

MINOR FINAL PLAT - SHEET INDEX:

SHEET 1 OF 2 = OVERALL PROPERTY BOUNDARY AND NEW LOT LAYOUT.
SHEET 2 OF 2 = LEVEL 3 SOIL STUDY OVERLAY FOR NEW LOT LAYOUT.



N/P
JOHN LEE McLUCAS JR.
JOHN LEE McLUCAS SR.
& WILLIE BRYAN
PN: 0447 023
ZONED: A-R
DB: 4823 PG: 709



OWNER'S CERTIFICATE:

WE, THE UNDERSIGNED OWNER(S) AND/OR MORTGAGEE(S) OF THE MINOR FINAL PLAT, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

OWNER: _____ DATE: _____

MORTGAGEE: _____ DATE: _____

FAYETTE COUNTY FLOOD NOTE:

LOT 1 - AS REQUIRED BY ART. IV OF THE DEVELOPMENT REGULATIONS A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY. (MFFE = 820.69)
SITE BENCHMARK:
VERTICAL DATUM = NAVD 1988
DATUM BENCHMARK = EGPS GNSS REF. NETWORK

LOT 1:
THERE ARE NO EXISTING STRUCTURES ON THIS LOT.

FAYETTE COUNTY GROUNDWATER RECHARGE NOTE:

SUBJECT SITE NOT WITHIN GROUND WATER RECHARGE AREA.

LEGEND:

AC. = ACRES
SF. = SQUARE FEET
P.B. = PLAT BOOK
D.B. = DEED BOOK
PG. = PAGE
PN = PARCEL NUMBER
ADJ. P/L = ADJOINING PROPERTY LINE
N/P = NOW OR FORMERLY
R/W = RIGHT-OF-WAY
C/L = CENTER LINE
P/L = PROPERTY LINE
LP = LIGHT POLE
PP = POWER POLE
L.L.L. = LAND LOT LINE
L.L. = LAND LOT
OTPF = OPEN TOP PIPE FOUND
IPF = IRON PIN FOUND
IPS = IRON PIN SET (1/2" RE-BAR)

STORMWATER MAINTENANCE:

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

WATERSHED PROTECTION DISTRICT:

THIS PROPERTY IS LOCATED WITHIN THE WOOLSEY CREEK WATERSHED PROTECTION DISTRICT. ANY STATE WATERS THAT MAY EXIST ON THIS PROPERTY MAY REQUIRE A 100' WATERSHED PROTECTION BUFFER AND A 50' WATERSHED PROTECTION SETBACK, A TOTAL OF 150'.

SURVEY DATA:

TOTAL AREA = 20.236 ACRES / 881,479 SQ. FEET
PLAT CLOSURE: 1' IN 341,874 FEET

LOT 1 TOTAL AREA = 5.000 ACRES / 217,800 SQ. FEET
CONTIGUOUS AREA = 0.705 ACRES / 30,710 SQ. FEET
PLAT CLOSURE: 1' IN 301,023 FEET

LOT 2 TOTAL AREA = 15.236 ACRES / 663,679 SQ. FEET
CONTIGUOUS AREA = 6.336 ACRES / 275,988 SQ. FEET
PLAT CLOSURE: 1' IN 330,835 FEET

CONTIGUOUS AREA DESCRIPTION:

A BUILDABLE LOT IN (A-R ZONING) HAS AT MINIMUM 0.6 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.

EQUIPMENT USED:

GEOMAX ZOOM 40 DIRECT TOTAL STATION
FIELD CLOSURE: 1' IN 15,933 FEET
ANGULAR ERROR: 3" PER ANGLE POINT
ADJUSTED BY: COMPASS RULE

PLAT AND DEED REFERENCES:

1. PLAT BOOK: 8 PAGE: 173
2. DEED BOOK: 1242 PAGE: 552-556
3. DEED BOOK: 3837 PAGE: 59

PLAT GENERAL NOTES:

1. THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
2. 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) 15-8-67 AS AMENDED BY HB 78 (2017), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
3. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED IN THE TITLE BLOCK AND OR THE CERTIFICATION. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.
4. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL IN CONTRASTING INK.
5. IN MY OPINION THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAPS (FIRM) #13113C0118E AND 13113C0160E WITH EFFECTIVE DATE OF SEPTEMBER 26, 2008. THE FLOOD HAZARD AND BASE FLOOD ELEVATIONS SHOWN HEREON ARE BASED ON FAYETTE COUNTY FLOOD STUDY.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND GASKINS / CHRISTOPHER BROTHERS MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
7. BEARINGS ARE RELATED TO PLAT BOOK: 8 PAGE: 173 OF COWETA COUNTY RECORDS.

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN

CL: W. Robertson

12-21-2020

BY: CHRIS W. ROBERTSON GA RLS #3195

DATE:

DRAWN BY: CAF
CHECKED BY: CWR
FILE: 04_0233
FIELD DATE: 11-18-20
OFFICE DATE: 12-21-20
SCALE: 1" = 200'

REVISIONS:
1) FAYETTE COUNTY COMMENTS
DATE: 03-01-2021

SHEET:
1 OF 2

Gaskins
ENGINEERING • SURVEYING • PLANNING • CONSULTING • CONSTRUCTION MGMT

Christopher BROTHERS
www.gcsurvey.com LSF# 789
24 Jackson Street, Newnan, GA 30263
Phone: (770) 253-3193

MINOR FINAL PLAT OF:
RYAN RICHARDSON ESTATE

OWNER/DEVELOPER:
MAX H. FULLER
ADDRESS: 335 GOZA RD - FAYETTEVILLE, GEORGIA
CONTACT NUMBER: 770-301-4882

LOCATED IN LAND LOT 233
4th LAND DISTRICT
FAYETTE COUNTY, GA.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Max H. Fuller

MAILING ADDRESS: 335 Goza Rd. Fayetteville, GA 30215

PHONE: 770-301-4882 **E-MAIL:** max@freshbru.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

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

PROPERTY LOCATION: LAND LOT 233 **LAND DISTRICT** 4 **PARCEL** 3

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 15.236

ZONING DISTRICT: Agriculture/Residential

ZONING OF SURROUNDING PROPERTIES: Agriculture/Residential

PRESENT USE OF SUBJECT PROPERTY: Agriculture/Residential

PROPOSED USE OF SUBJECT PROPERTY: Agriculture/Residential

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-75-21

☐ 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: April 26, 2021

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

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

Date Paid: _____ Receipt Number: _____

A 755-21

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:

Max H. Fuller

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 233 District, and (if applicable to more than one land district) Land Lot(s) 4 of the _____ District, and said property consists of a total of 5 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.

Max H. Fuller
Signature of Property Owner 1

Jennifer L. Hobson
Signature of Notary Public

Address 335 Goza Rd. Fayetteville, GA
30215

3-18-2021
Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

My Commission Expires 01-23-2023



A-755-21

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:

Max H. Fuller

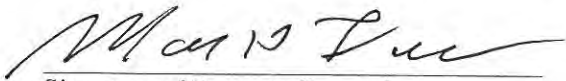
Please Print Names

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 233 District, and (if applicable to more than one land district) Land Lot(s) 4 of the _____ District, and said property consists of a total of 15.236 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

Address 335 Goza Rd. Fayetteville, GA
30215

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address



Signature of Notary Public

3.18.2021
Date

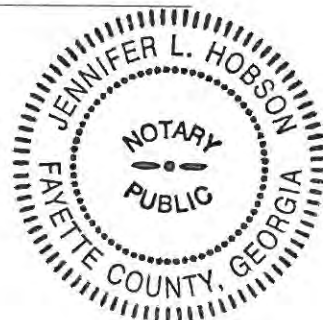
Signature of Notary Public

Date

Signature of Notary Public

My Commission Expires 01-23-2023

Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

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

We want to separate our property to give our grandson a lot to build on. After surveying lot we find out lot is going to be narrow & had 150' watershed setback & 50' property line setbacks. Given those restrictions we are requesting a variance on the 50' property line to 20' ft. ~~to~~ on South west side to build house.

See additional
justification on
following pages

JUSTIFICATION OF REQUEST

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

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

The lot being narrow and having 150 feet setback on the watershed of the NE side and a 50 foot setback on the SW side.

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

Very difficult to situate a ~~home~~ ^{home} on the property

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

Lot is very narrow and has sloping ~~elevation~~ ^{elevation} with 150' of watershed setback

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

_____ Would have no effect on the regulations

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

_____ Literal interpretation of the ordinance would make it difficult to build a home that is acceptable.

Additional Variance Information Emailed from Customer April 2, 2021:

Variance Summary

Provide a detailed and specific summary of the request(s)

-- We want to separate our property to give our grandson 5 acres to build on. After surveying the lot we found out that the building is only 42.2 feet off the property line. It has been this way for 35 years. We are asking for a 7.8 variance to bring the building in compliance.

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
-- When the property was built 35 years ago the carport was put in the most sensible location.
- 2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship
-- In the 35 years the carport has been here it has not caused any issue with the neighbors and would be difficult to move.
- 3) Such conditions are peculiar to the particular piece of property involved
-- When the property was built 35 years ago the carport was put in the most sensible location.
- 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 carport has not caused any issue in the 35 years it has been there.
- 5) A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed
-- We would like to continue using our carport that has been here on our property for 35 years.

Recordation Requested By:

Sharon N. Fuller
335 Goza Road
Fayetteville, Georgia 30215

After Recording Mail To:

Max and Sharon Fuller
335 Goza Road
Fayetteville, Georgia 30215



Doc ID: 008048520003 Type: GLR
Filed: 05/01/2009 at 08:30:00 AM
Fee Amt: \$12.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **3515** PG **336-338**

QUITCLAIM DEED

TITLE OF DOCUMENT

State of Georgia

Fayette County

Order No. 5943792

THIS INDENTURE, made this 1st day of April in the year of our Lord Two
Thousand nine (2009), between

Sharon N. Fuller, a married woman, as party or parties of the first part, hereinafter called
Grantor,

WHOSE address is 335 Goza Road, Fayetteville, Georgia 30215,

AND

**Max Fuller and Sharon N. Fuller, husband and wife as joint tenants with right of survivorship
and not as tenants in common**, as party or parties of the second part, hereinafter called Grantee,

WHOSE mailing address is 335 Goza Road, Fayetteville, Georgia 30215,

*The words "Grantor" and "Grantee" are 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
DOLLAR (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and
before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has
granted, bargained, sold and conveyed and by these presents does hereby bargain, sell, remise,
release, and forever quit-claim unto Grantee all right, title interest, claim or demand which the
Grantor has or may have had in and to the following described property situated in Fayette
County, Georgia, to wit:

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

MORE commonly known as: 335 Goza Road, Fayetteville, Georgia 30215
Assessor's Parcel Number: 0447 057

Prior Recorded Doc. Ref.: Type of Document - Deed: Recorded _____; DB _____,
PG _____, Doc. No. _____

With all rights, members and appurtenances to the said described premises in anywise appertaining or belonging;

However, subject to any Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record;

To have and to hold the said described premises unto the Grantee, so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

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

Signed, sealed and delivered in the presence of:

Sharon N. Fuller
Sharon N. Fuller

Jennifer L. Hobson
Unofficial Witness Signature

Jennifer L. Hobson
Unofficial Witness Printed Name

[Signature]
Notary Public

NOTARY STAMP/SEAL

Jason Randolph
Printed Name of Notary Public
My Commission Expires: 12-25-11
Date: 4-1-09



Form No. 3301 (01/08)
Short Form Commitment

ORDER NO: 5943792n
FILE NO: 5943792n
CUSTOMER REF: 000687207161

Exhibit "A"

Real property in the City of **FAYETTEVILLE**, County of **FAYETTE**, State of **GEORGIA**, described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA; BEING TRACT 4 AS SHOWN BY PLAT OF C.E. LEE ENTITLED "SURVEY FOR OAKLEY FAMILY" DATED NOVEMBER 7, 1974 AND RECORDED IN PLAT BOOK 8 AT PAGE 173, RECORDS OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED BY INDIVIDUAL PLAT OF SAID TRACT BY C. E. LEE ENTITLED "SURVEY FOR ANNIE O. DRAKE", DATED NOVEMBER 7, 1974 AND RECORDED IN PLAT BOOK 8 AT PAGE 172, SAID RECORDS, BEING MORE PARTICULARLY DESCRIBED FOLLOWS:

TO ARRIVE AT THE POINT OF BEGINNING HEREOF, START AT THE SOUTHWEST CORNER OF LAND LOT 233 AFORESAID (WHICH CORNER IS ALSO THE COMMON CORNER OF LAND LOTS 216, 217 AND 232 OF SAID STATE, COUNTY AND DISTRICT); GO THENCE NORTHWARDLY, AS MEASURED ALONG THE WEST LINE OF LAND LOT 233 AFORESAID, A DISTANCE OF ONE HUNDRED SIXTY-THREE AND NINE TENTHS (163.9) FEET TO AN IRON PIN ON THE NORTHWESTERLY SIDE OF THE RIGHT-OF-WAY SIXTY (60) FEET IN WIDTH FOR AN IMPROVED PUBLIC ROAD KNOWN AS GOZA ROAD; THENCE NORTHEASTWARDLY, AS MEASURED ALONG AND FOLLOWING THE CURVATURE OF THE NORTHWESTERLY SIDE OF THE RIGHT-OF-WAY FOR SAID GOZA ROAD, TWO THOUSAND NINE AND TWO TENTHS (2,009.2) FEET TO AN IRON PIN AT THE SOUTHEAST CORNER OF TRACT 3 AS SHOWN ON THE AFORESAID PLAT OF C. E. LEE FOR THE OAKLEY FAMILY; FROM THE POINT OF BEGINNING THUS DETERMINED, RUNNING THENCE NORTH, 35 DEGREES AND 43 MINUTES WEST, ONE THOUSAND SEVEN HUNDRED SEVENTEEN AND FIVE TENTHS (1,717.5) FEET TO AN IRON PIN AT THE NORTHEAST CORNER OF TRACT 3 AS SHOWN BY THE AFORESAID PLAT FOR THE OAKLEY FAMILY; THENCE NORTH, 89 DEGREES AND 19 MINUTES EAST, SIX HUNDRED TWENTY SEVEN AND FIVE TENTHS (627.5) FEET TO AN IRON PIN AT THE NORTHWEST CORNER OF TRACT 5 AS SHOWN BY THE AFORESAID PLAT FOR THE OAKLEY FAMILY; THENCE SOUTH 42 DEGREES AND 19 MINUTES EAST, ONE THOUSAND THREE HUNDRED SIXTY THREE AND SEVEN TENTHS (1,363.7) FEET TO AN IRON PIN AT THE SOUTHWEST CORNER OF TRACT 5 AFORESAID AND ON THE NORTHWESTERLY SIDE OF THE RIGHT-OF-WAY FOR SAID GOZA ROAD; THENCE SOUTHWESTWARDLY, AS MEASURED ALONG THE NORTHWESTERLY SIDE OF THE RIGHT-OF-WAY FOR SAID GOZA ROAD FOR THE RESPECTIVE COURSES AND DISTANCES SHOWN ON SAID PLAT FOR THE OAKLEY FAMILY (RESPECTIVELY SOUTH 52 DEGREES AND 56 MINUTES WEST, THREE HUNDRED SIXTY SIX AND TWO TENTHS (366.2) FEET; THENCE SOUTH, 54 DEGREES AND 1 MINUTE WEST, ONE HUNDRED NINETY NINE AND FIVE TENTHS (199.5) FEET; THENCE SOUTH, 58 DEGREES AND 7 MINUTES WEST, NINETY SEVEN AND NINE TENTHS (97.9) FEET; THENCE SOUTH, 62 DEGREES AND 53 MINUTES WEST, SEVEN AND THREE TENTHS (7.3) FEET AN AGGREGATE OF SIX HUNDRED SEVENTY AND NINE TENTHS (670.9) FEET BACK TO THE IRON PIN AT THE POINT OF BEGINNING; SAID TRACT CONTAINING 20.58 ACRES, MORE OR LESS.

APN #: 0447 057

PETITION NO. A-757-21
Shakiya C. Henderson
654 Kenwood Road
Fayetteville, GA 30214
Public Hearing Date April 26, 2021

The subject property is located at 654 Kenwood Road, Fayetteville, GA 30214 and is zoned R-40. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-79. Residential accessory structures and their uses, (e) Residential accessory structures located in a front yard, to allow an existing shed to remain.
- 2) Variance to Section 110-137. R-40, to reduce the front yard setback from 50 feet (as required in 1978 when the subdivision was platted) to 35 feet to allow an existing shed to remain

Section 110-3. Definitions,

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

History: The Revised Final Plat of Ashley Park Unit Two was recorded on December 1, 1978 in Book 11 and Page 62. Tax Assessor's records indicate that the house was built in 1984, and according to the deed the applicant purchased the property in 2013.

A Code Enforcement officer passed by the property on October 19, 2020 and discovered the violation and opened a case. The officer informed the homeowner that the shed either needed to be relocated on the property or a variance would need to be requested. The owner applied for the variance on March 15, 2021. The survey given shows the shed 7 feet from the property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Public Works / Engineering comments.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: We have no comment regarding the variance request.

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 the owner of a 12 X 8 double door shed which is located on my property, legally considered being placed in my front yard (Placed more than 15' from side yard property line, 35' from front property line). On the date of 10/19/2020, I was notified by a city representative that I was "Encroaching in right of wall building". The City official notified me that he was driving down Kenwood Road, which is the main road in which my home sits, and immediately noticed this shed was in the wrong location. I followed up with a call the same day, and was asked to visit Fayette County Code Enforcement Office. Upon doing so, I was made aware of the next steps needed to be made if I chose not to relocate the shed. I am here seeking a variance due to the specific topography of my land. The flat land acreage is limited on my property. I placed my shed on the 7' line due to that location being exactly where my steeped sloped lot descends at more than a 45 degrees angle. My home is built on a basement foundation which took into account of the 50' legal placement of the home, but behind my home is wetland. I have a creek that extends across my entire property in the rear, a septic tank within the 40' range of the front of my home, a sloped driveway that helps with the flow of water and a pool. I am currently correcting in-proper water flow surrounding my home, and placing my shed anywhere behind the 50' line would cause the shed to shift/sink, and degenerate from added moisture and unstable foundation support.

JUSTIFICATION OF REQUEST

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

There are extraordinary conditions pertaining to my piece of property due to its Topography. My property has a steeped slope, between 35-45 degree angles. The 50' line behind where the shed is currently placed is located within or across the creek. I do not have access to place the shed on the other side of the creek. The wetland on my property is one of the reasons I have had 2 oak trees fall on my property last year, roots were not able to sustain the overflowing of creek during heavy rainfalls (year after year). I attempted to place the shed around healthy tree, and flat land.

- 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 an unnecessary hardship due to the shed requiring flat, dry land. I understand the placement of the shed interferes with the setback; if flat land was accessible behind the 50' line, I would

not have this difficulty. My pool is built on the opposite side of my home, as to my reasons not being able to relocate the shed there.

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

The conditions as describes is peculiar to my piece of property; sloped lot, shape of accessible land usage, construction of home built with wetland in the rear. My home is also a risk of flooding, this will increase the chances of mold in the shed, if placed with 10' of the creek.

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

Relief if granted would not cause substantial detriment to the public good. My home is on a private piece of land. My neighbor's homes are built more than 300' away from my property. This substantial distance is also divided by the creek. The placement of this shed does not affect the neighborhood, or community in any way.

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

A literal interpretation of this ordinance would deprive me of similar rights other residents in my zoning districts currently have. Every sing family resident have the right to own and use a shed for proper storage of items. Due to the wetland of my property, I am asking for a variance to store items in a dry space on the "front yard" of my sloped lot.

A-757-21

Kenwood Road

**SUBJECT
PROPERTY**

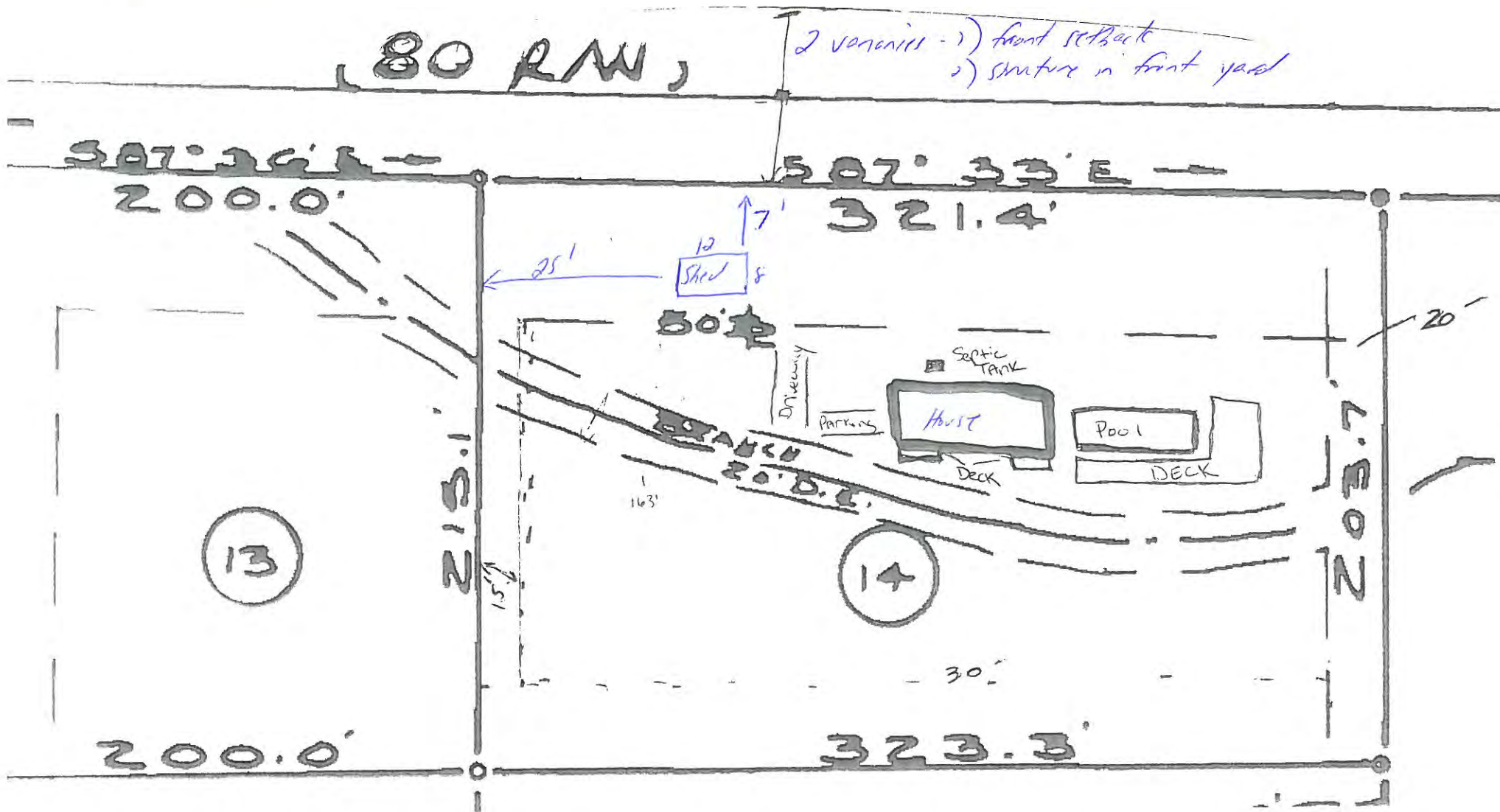


654 Kennel Rd

City + A - 757-21

80 RW,

2 variances - 1) front setback
2) structure in front yard



Scale
1:50

A-151-21



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Shakiya C. Henderson

MAILING ADDRESS: 654 Kenwood Rd Fayetteville, GA 30214

PHONE: 770-744-3044 E-MAIL: shenderson0203@gmail.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 228 LAND DISTRICT 5th PARCEL 0549 071

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.55 Acres

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40, AR

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-757.21

[] 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: APRIL 26, 2021

Received from SHAKIYA C. HENDERSON a check in the amount of \$ 175

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

Date Paid: _____ Receipt Number: _____

A-757-21

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:

Shakiya Henderson
Please Print Names

Property Tax Identification Number(s) of Subject Property: 05-49-071

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 228 of the District, and said property consists of a total of 1.55 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Shakiya Henderson 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.

Shakiya C. Henderson
Signature of Property Owner 1
654 Kenwood Rd. Fayetteville, GA 30214
Address

Howard R. Jones
Signature of Notary Public
3-12-2021
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

A-757-21

Mail body:

Variance Summary

I am the owner of a 12x8 double door shed which is located on my property, legally considered being placed in my front yard (Placed more than 15ft from side property line, 35ft from front property line). On the date of 10/19/2020, I was notified by a city representative that I was "Encroaching in right of way building". The city official notified me that he was driving down Kenwood Rd., which is the main road in which my home sits, and immediately noticed this shed was in the wrong location. I followed up with a call the same day, and was asked to visit Fayette County Code Enforcement Office. Upon doing so, I was made aware of the next steps needed to be made if I chose not to relocate the shed. I am here seeking a variance due to the specific topography of my land. The flat land acreage is limited on my property. I placed my shed on the 35ft line due that location being exactly where my steeped sloped lot descends at more than a 45 degree angle. My home is built on a basement foundation which took into account of the 50ft legal placement of the home, but behind my home is wetland. I have a creek that extends across my entire property in the rear, a septic tank within the 40ft range of the front of my home, a sloped driveway that helps with the flow of water, and a pool. I am currently correcting in-proper water flow surrounding my home, and placing my shed anywhere behind the 50ft line would cause the shed to shift/sink, and degenerate from added moisture and unstable foundation support.

Justification Of Request

1. There are extraordinary conditions pertaining to my piece of property due to its Topography. My property has a steeped slope, between 35-45 degree angle. The 50ft line behind where the shed is currently placed, is located within or across the creek. I do not have access to place the shed on the other side of the creek. The wetland on my property is one of the reasons I have had 2 oak trees fall on my property last year, roots were not able to sustain the overflowing of creek during heavy rainfalls (year after year). I attempted to place the shed around healthy trees, and flat land.

2. The application of these regulations to this particular piece of property would create an unnecessary hardship due to the shed requiring flat, dry land. I understand the placement of the shed interferes with the setback lines; if flat land was accessible behind the 50ft line, I would not have this difficulty. My pool is built on the opposite side of my home, as to my reasons not being able to relocate the shed there.

3. The conditions as describes is peculiar to my piece of property; Sloped Lot, Shape of Accessible Land Usage, Construction of Home built with Wetland in the rear. My home is also at risk of a flooding, this will increase the chances of mold in the shed, if placed within 10ft of the creek.

4. Relief if granted would not cause substantial detriment to the public good. My home is on a private piece of land. My neighbors homes are built more than 300ft away from my property. This substantial distance is also divided by the creek. The placement of this shed does not affect the neighborhood, or community in any way.

5. A literal interpretation of this ordinance would deprive me of similar rights other residents in my zoning districts currently have. Every single family resident have the right to own and use a shed for proper storage of items. Due to the wetland of my property, I am asking for a variance to store items in a dry space on the "front yard" of my sloped lot.

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.

Please See attached.

JUSTIFICATION OF REQUEST

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

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

Please See attached

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

111

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

111


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.

101

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

101

Please return
REO Department
Aldridge|Connors, LLP
Fifteen Piedmont Center
3575 Piedmont Road, N.E., Suite 500
Atlanta, GA 30305
File #**12-02044**
Property Address:
654 KENWOOD RD / FAYETTEVILLE, GA 30214


Doc ID: 009079830005 Type: WD
Recorded: 04/08/2013 at 08:30:00 AM
Fee Amt: \$18.00 Page 1 of 5
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4036** PG **668-672**

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE, made effective on the **29TH** of **MARCH, 2013** between

Federal National Mortgage Association

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

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

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

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

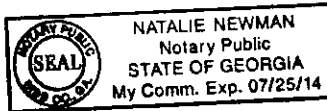
TO HAVE AND TO HOLD said property, together with all and singular rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE; and the said Grantor will warrant and forever defend the right and title to the above described property, unto the Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has caused this instrument to be made effective on the date first above written.

Signed, sealed and delivered this 28 day
of MARCH, 2013, in the presence of:

Santasha Smith
Unofficial Witness Santasha Smith

Natalie Newman
Notary Public
My Commission Expires:
[Attach Notary Seal]



**Federal National Mortgage Association
By and through their duly appointed
attorney-in-fact Aldridge Connors,
LLP by Power of Attorney recorded
herewith.**

J. Curran D. Bowen
**By: J. Curran D. Bowen
as its: ATTORNEY IN FACT**

Exhibit "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 228 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 14, BLOCK C, UNIT TWO OF ASHLEY PARK SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 11, PAGE 62, RECORDS, OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS BY REFERENCE INCORPORATED HEREIN AND MADE FOR A PART THEREOF.

THIS CONVEYANCE IS MADE SUBJECT TO ALL ZONING ORDINANCES, EASEMENTS
AND RESTRICTIONS OF RECORD AFFECTING SAID DESCRIBED PROPERTY.

EXHIBIT

Deed Book 50595 Pg 218
 Filed and Recorded Nov-14-2011 03:06pm
 2011-0312746
 Cathelene Robinson
 Superior Court
 Fulton County, Georgia

LIMITED POWER OF ATTORNEY TO EXECUTE DOCUMENTS

FEDERAL NATIONAL MORTGAGE ASSOCIATION AKA FANNIE MAE, a corporation organized and existing under the laws of the United States of America, having an office for the conduct of business at 14221 Dallas Parkway, Suite 1000, Dallas, Texas 75254, constitutes and appoints Aldridge Connors, LLP, organized under the laws of the State of Georgia, with an office for the conduct of business at 780 Johnson Ferry Road, Suite 600, Atlanta, Georgia 30342, as its true and lawful Attorney-in-Fact, and in its name, place, and stead and for its use and benefits, to do all things, execute, endorse, and acknowledge all documents customary and reasonably necessary and appropriate for the escrow or closing of sales and the conveyance of real properties owned by Fannie Mae in the State of Georgia. Such powers shall include, but are not limited to, the following:

1. Deeds transferring the real property and improvements owned by Fannie Mae;
2. Settlement/Closing Statements;
3. Affidavits and Indemnifications as to Debts and Liens;
4. Tax Proration Agreements;
5. Seller's Affidavits and Agreements;
6. Errors and Omissions Correction Agreements; and
7. Execution of any other approved document as directed by Fannie Mae.

The rights, powers, and authority of the Attorney-in-Fact to exercise the rights and powers herein granted shall commence and be in full force and effect until the first to occur of the following:

1. December 31, 2014; or
2. the execution and recording of a Termination of Limited Power of Attorney by Fannie Mae of such rights, powers, and authority.

EXECUTED this 13th day of April, 2011.

Christy N. Metcalfe
 Witness
 Name: Christy N. Metcalfe

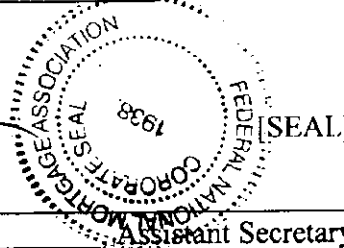
Linda Sims
 Witness
 Name: Linda Sims

FANNIE MAE

Elonda Crockett Vice President

Attest:

Heidi Jones Assistant Secretary



Deed Book 50595 Pg 219
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

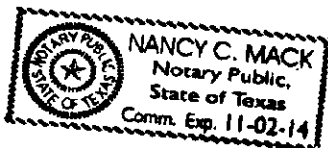
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF DALLAS

On this 13th day of April, 2011, before me appeared Elonda Crockett and Heidi Jones, to me personally known, whose names are subscribed to the foregoing instrument and who, being by me duly sworn, did say that they are, respectively, the Vice President and Assistant Secretary of Fannie Mae, a federal chartered corporation organized and existing under the laws of the United States, having its principal office in the City of Washington, District of Columbia, and that the seal affixed to said instrument is the corporate seal of said corporation by authority of its board of directors, and said Vice President and Assistant Secretary acknowledged said instrument to be the free act and deed of said corporation.

[SEAL]



Nancy C Mack
Notary Public

PETITION NO. A-758-21
Jimmy & Gloria Smith
420 Camelot Drive
Fayetteville, GA 30214
Public Hearing Date April 26, 2021

The subject property is located at 420 Camelot Drive, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-133. R-70, (d) (6), to reduce the side yard setback from 20 feet (per the final plat) to 5 feet for an existing garage that is under construction.

History: The Final Plat of Beverly Manor was recorded on May 3, 1985 in Book 16 and Page 4. Tax Assessor's records indicate that the house was built in 1987, and according to the deed the applicant purchased the property in 2016.

Building Official passed by the property on February 20, 2021 and discovered the violation an issued a stop work order (see attached). The Building Official informed the homeowner that the garage needed a variance to remain in that location. The owner applied for the variance on March 17, 2021. The survey given shows the garage 5 feet from the property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No Public Works / Engineering comments.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: We have no comment regarding the variance request.

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.

Mrs. Smith decided to have a garage built for Mr. Smith while he was out of town on business.

She started the project and after it had commenced she mentioned to her son in conversation what she was planning to do. Her son asked if the job had been permitted and found out that it had not been. At that time he stopped the project himself and went ahead and applied for a permit. The job was stopped prior to the County coming out and placing a stop work order on it.

JUSTIFICATION OF REQUEST

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

The current location of the garage is only place we can place the structure because there is a drop off behind the home. Additionally, the septic tank and fill lines for the home is on the other side.

- 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 difficulty and unnecessary hardship because there is already an existing structure that is close to completion.

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

There is septic tank and fill lines on the other side of the home and there is a drop off in back of the home on both sides.

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

It's should not and the neighbors on the right hand side where the structure is currently located have provided a notarized document stating such.

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

Yes, it would deprive from having the additional storage and garage areas to securely store antiques cars and other belongings.

A-758-21

**SUBJECT
PROPERTY**

Camelot Drive



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

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Jimmy & Gloria Smith

MAILING ADDRESS: 420 Camelot Drive Fayetteville, GA 30214

PHONE: 404-518-4372 **E-MAIL:** jmsinvestments2@gmail.com

AGENT FOR OWNERS: Cymona West

MAILING ADDRESS: PO Box 1107 Conley, GA 30288

PHONE: 678-725-1512 **E-MAIL:** cymonacasey@yahoo.com

PROPERTY LOCATION: LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: _____

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: _____

PROPOSED USE OF SUBJECT PROPERTY: _____

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-758-21

☐ 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: April 26, 2021

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

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

Date Paid: _____ Receipt Number: _____

A-758-21

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:

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 Cymona West 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

420 Camelot Drive Fayetteville, GA 30214
Address

[Signature]

Signature of Property Owner 2

420 Camelot Drive Fayetteville, GA 30214
Address

[Signature]

Signature of Authorized Agent

PO Box 1107 Conley, GA 30288
Address

[Signature]

Signature of Notary Public

3/17/21
Date

[Signature]

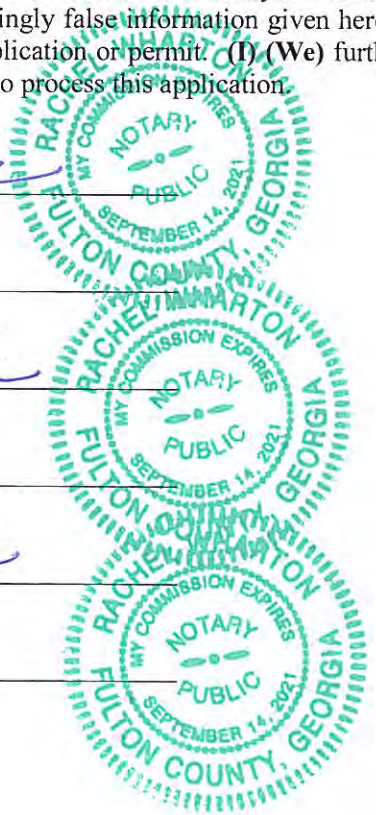
Signature of Notary Public

3/17/21
Date

[Signature]

Signature of Notary Public

3/17/21
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.

Mrs. Smith decided to have a garage built for Mr. Smith while he was out of town on business.
She started the project and after it had commenced she mentioned to her son in conversation
what she was planning to do. Her son asked if the job had been permitted and found out that
it had not been. At that time he stopped the project himself and went ahead and applied for
a permit. The job was stopped prior to the county coming out and placing a stop work order on it.

JUSTIFICATION OF REQUEST

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

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

The current location of the garage is the only place we can place the structure because there is a drop off behind the home. Additionally, the septic tank & fill lines for the home is on the other side.

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 difficulty and unnecessary hardship because there is already an existing structure that is close to completion.

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

There is a septic tank and fill lines on the other side of the home and there is a drop off in back of the home on both sides.

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.

Its should not and the neighbors on the right hand side where the structure is currently located
have provided a notazied document stating such.

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

Yes it would deprive them from having the additional storage and garage areas to
securely store antique cars and other belongings.

Doc ID: 010040180002 Type: WD
 Recorded: 12/07/2016 at 10:10:00 AM
 Fee Amt: \$362.00 Page 1 of 2
 Transfer Tax: \$350.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK **4543** PG **584-585**

Record and Return to:
 Lueder, Larkin & Hunter, LLC
 3800 Camp Creek Pkwy, Bldg 1800, Suite 102
 Atlanta, GA 30331
 File No.: GA-CC-16-0179-PUR

LIMITED WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

This document has been
 altered or had whiteout on
 it when it was received for
 filing in the Clerk's Office
DA/16 *12-7-16*
 Initial date

THIS INDENTURE, made this 2nd day of December, 2016, between

86/16
 LOUIS BURDEN aka Louis R. Burden, III

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

JIMMIE M. SMITH AND GLORIA P. SMITH
 As Joint Tenants with Rights of Survivorship and Not as Tenants in Common

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

WITNESSETH: That Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

See Attached Exhibit "A"

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

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

Signed, sealed and delivered
 in the presence of:

GRANTOR:

[Signature]
 Unofficial Witness

[Signature] (SEAL)
 Louis Burden

[Signature]
 Notary Public
 My Commission Expires:
 [Notary Seal]

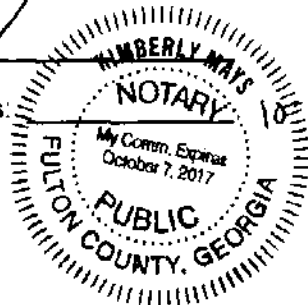


EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 192 and 193 of the 5th District Fayette County Ga. being Lot 4, Beverly Manor Estates Subdivision, Section 12, as per plat recorded in Plat Book 16, Page 4, Fayette County, Ga. Records, which recorded plat is incorporated herein by this reference and made a part of this description.