

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
May 24, 2021
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on April 26, 2021

PUBLIC HEARING

2. Petition No. A-753-21, Angela Culver, Owner, requests the following: Variance to Sec. 110-125. A-R, (d) (4) (b), to reduce the front yard setback (Old Greenville Road) from 75 feet to 25 feet to allow a barn to remain. The subject property is located in Land Lot 135 of the 4th District and fronts on Brooks Woolsey Road and Old Greenville Road.
3. 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.
4. Petition No. A-759-21, Harold & Helena DeRienzo, Owners, request the following:
 - 1) Variance to Section 110-136. R-45 (d) (4) (2), to reduce the front yard setback from (the existing plat) 80 feet (Banks Road) to 12 feet to allow an existing shed to remain.
 - 2) Variance to Section 110-136. R-45 (d) (4) (2), to reduce the front yard setback from (the existing plat) from 80 feet (Banks Road) to 44 feet to allow an existing playground to remain.

The subject property is located in Land Lot 151 of the 5th District and fronts on Sugarland Trail, Banks Road, and Highway 54 East.

5. Petition No. A-760-21, Cole & Kristen Crowe, Owners, and Randy Crowe, Crowe & Jones Realty, Agent, request the following:
 1. Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 34 feet to allow a wooden storage shed to remain.
 2. Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 9 feet to allow a concrete block building to remain.

3. Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 12 feet to allow a concrete pad to remain.

The subject property is located in Land Lot 6 of the 5th District and fronts on Mask Road.

6. Petition No. A-761-21, Denise Burke, Owner, and Brad Craven, Agent, request the following:
 1. Variance to Sec. 125-79. A-R, (d) (4) (a) (1), to reduce the front yard setback from 100 feet to 49 feet to allow for the construction of a primary residence.
 2. Variance to Sec. 125-79. A-R, (d) (5), to reduce the rear yard setback from 75 feet to 22 feet to allow for the construction of a primary residence.

The subject property is located in Land Lot 7 of the 6th District and fronts on Highway 74 South.

7. Petition No. A-762-21, Philip N. Foster, Owner, requests the following: Variance to Section 110-79. Residential accessory structures and their uses, (e) Residential accessory structures located in a front yard, to allow an existing shed to remain. The subject property is located in Land Lot 55 of the 5th District and fronts Hilo Road.

This Public Hearing will be live-streamed at:

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

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

PETITION NO. A-753-21
Angela L. Culver
581 Brooks-Woolsey Road
Fayetteville, GA 30215
Public Hearing Date May 24, 2021

The subject property is located at 581 Brooks-Woolsey 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) (4) (b) to reduce the front yard setback from 75 feet to 25 feet to allow an existing carport 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.

Sec. 110-76. - Front yard setback and common area.

The ***front yard setback*** shall be measured from the street right-of-way (existing or required, whichever is greater). Street right-of-way is based on the classification of the street (see chapter 104, development regulations, and the county thoroughfare plan.

History: The survey for Michael S. Schisler & Teresa D. Schisler was recorded on May 19, 1999 in Book 32 and Page 15. Tax Assessor's records indicate that the house was built in 1988 and according to the deed the applicant purchased the property in 2020.

As part of the permitting process, a survey is required. Through the review process staff discovered the violation. The survey of the barn shows the structure located in the 25 feet from the property line. Staff was unable to find any permits for the existing barn.

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.

Applicant requests a variance to reduce the front yard setback from 75 feet to 26 feet along Old Greenville Road, which is a dirt road running along the side of applicant's property, to permit a barn to remain in the location where it has been for approximately 30 years. Applicant recently purchased the property and was unaware of any issue with the barn's location. The recorded plat (found in Plat Book 32 at Page 15) shows Old Greenville Road as a 40' easement. From conversation with the previous owners, the applicant understands that the County has widened the original dirt road and, to do so, came further onto the property now owned by the applicant. To the applicant knowledge, the County has never condemned the easement and has never paid any money for the easement.

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

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

The barn was constructed around 1990, well before the applicant ever owned the property. From a review of the recorded deeds, it appears that Old Greenville Road was simply an easement granted to neighboring property owners by a previous owner of the subject property.

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

The applicant did not build the barn and was unaware of any issue with it until she filed for a permit to install a pool. Demolishing the barn will result in significant costs to the applicant to correct a problem she did not create.

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

As stated above, it appears that Old Greenville Road was simply an easement. It is unclear if the County has obtained ownership of the road through prescriptive easement. If the road is merely an easement, no variance is needed. It is the applicant's understanding that there are no records showing that the County ever paid for the easement or any records showing that a previous owner transferred ownership of the easement to the County by gift or otherwise.

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 barn is buffered by thick vegetative growth and backs up to a dirt road used mostly by neighbors. The barn has been in its location for about 30 years with no complaints.

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

The property is located in a rural part of the County. While the applicant is unsure of the history of the construction of the barn, it appears to have been built in the same time as the house. If so, the County was aware of its location. Additionally, there are no records showing any ownership rights the County may have to Old Greenville Road. The recorded plat shows the road as an easement that lies partially on the applicant's property. In any event, the applicant did not create the issue and, like other innocent landowners, respectfully

requests relief from the 75 foot setback through this variance.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: N/A

PUBLIC WORKS/ENGINEERING: No Engineering / Public Works comments on setback variance for existing barn.

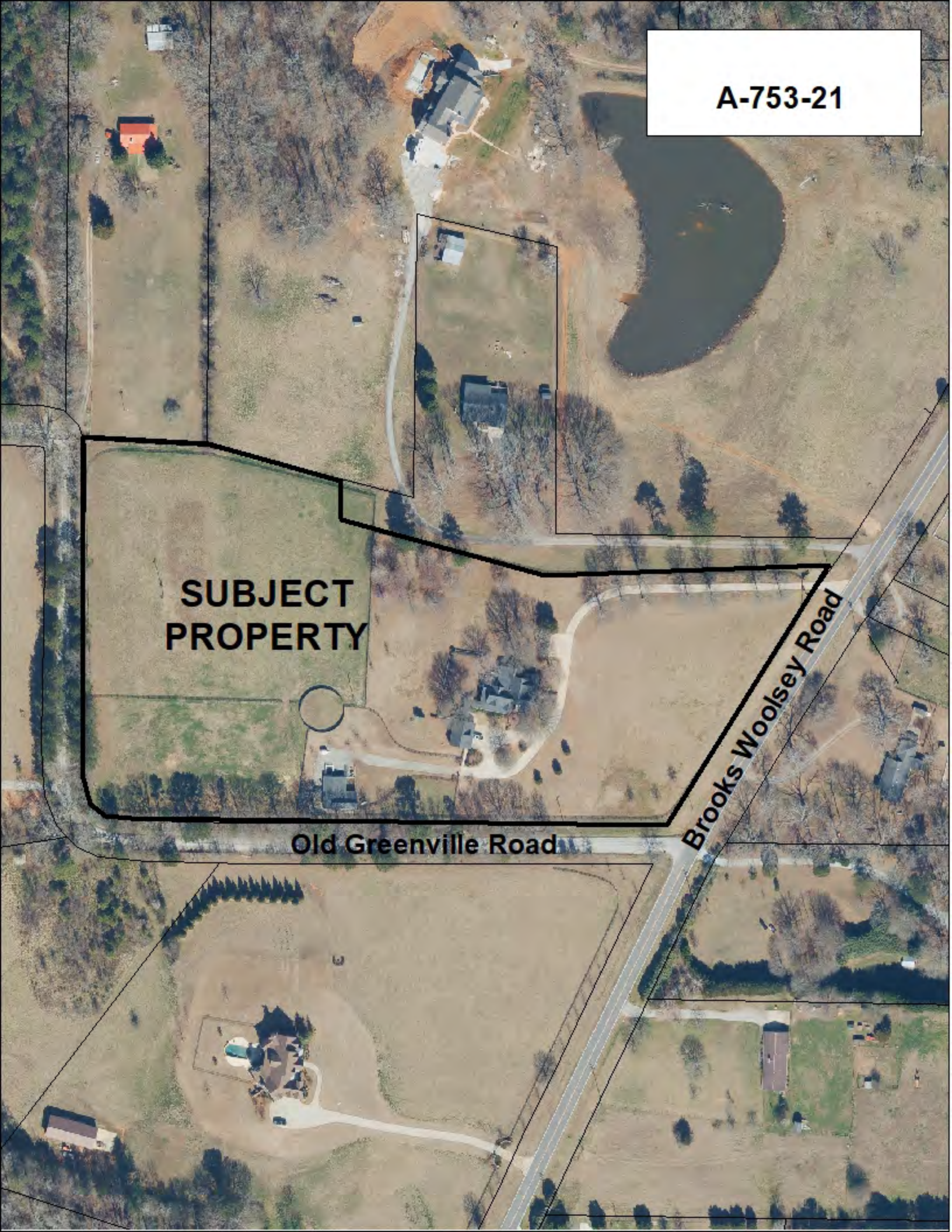
WATER SYSTEM: FCWS has no concern regarding this variance. There is no water availability along Old Greenville Rd at this location but water is available by FCWS along Brooks Woolsey Rd by a 20" DIP water main.

A-753-21

**SUBJECT
PROPERTY**

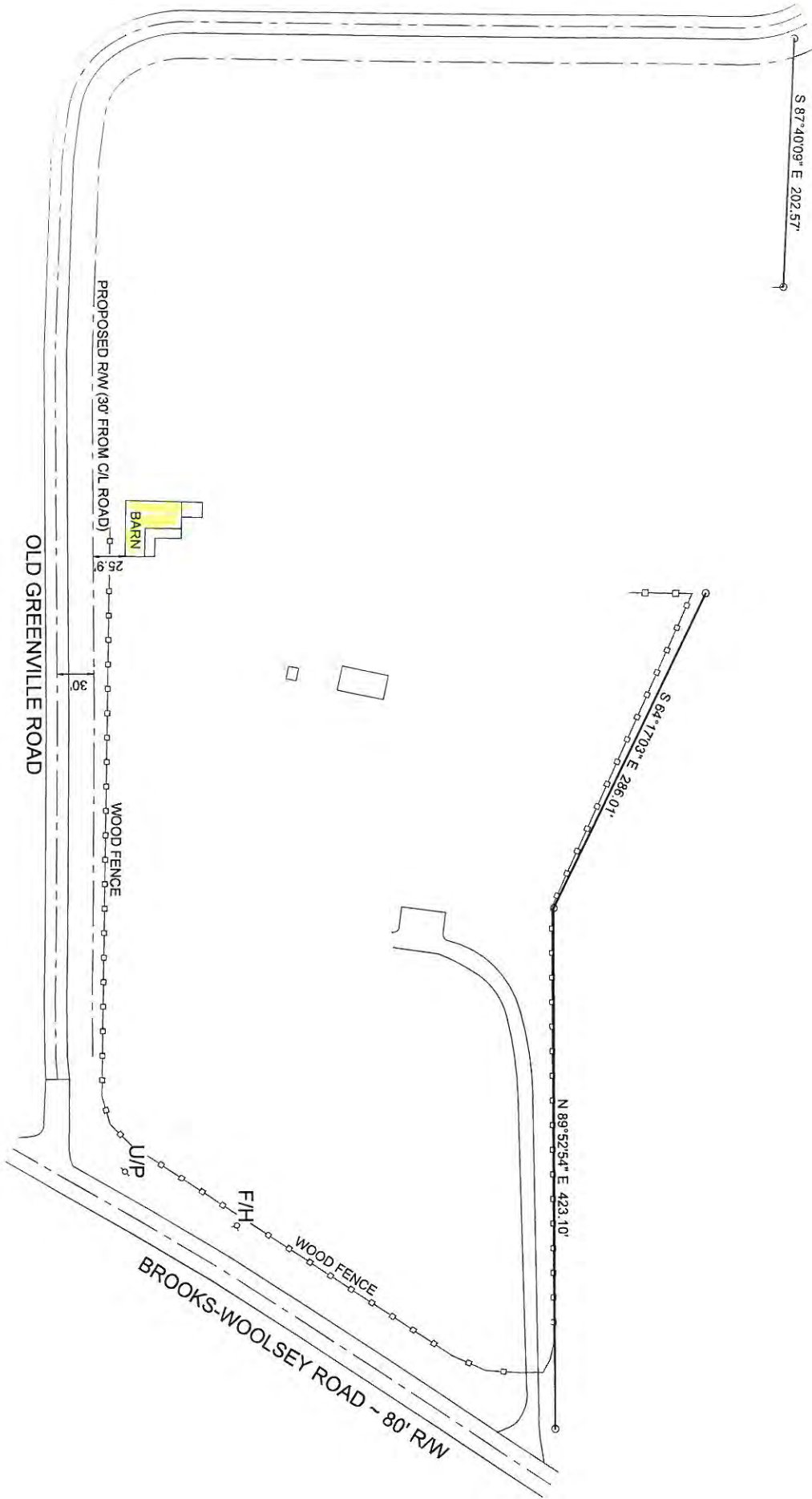
Old Greenville Road

Brooks Woolsey Road



A-753-21
concept

581
Brooks
Woolsey



THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

GRID NORTH
WEST ZONE
NAD 83

FLOOD STATEMENT:
BY GRAPHIC PLOTTING ONLY. THIS LOT IS LOCATED ON COMMUNITY PANEL No. 13113C0155E,
WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
NO PORTION OF THIS PROPERTY LIES WITHIN IN A 100 YEAR FLOOD HAZARD AREA.

CLOSURE STATEMENT:
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 32,767 FEET AND AN ANGULAR ERROR
OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN
ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE
OBTAINED USING A LIECA TS02 TOTAL STATION.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING
PARCEL OR PARCELS OF LAND AND DOES NOT
SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE
ANY CHANGES TO ANY REAL PROPERTY
BOUNDARIES. THE RECORDING INFORMATION OF
THE DOCUMENTS, MAPS, PLATS, OR OTHER
INSTRUMENTS WHICH CREATED THE PARCEL OR
PARCELS ARE STATED HEREON. RECORDATION OF
THIS PLAT DOES NOT IMPLY APPROVAL OF ANY
LOCAL JURISDICTION, AVAILABILITY OF PERMITS,
COMPLIANCE WITH LOCAL REGULATIONS OR
REQUIREMENTS, OR SUITABILITY FOR ANY USE OR
PURPOSE OF THE LAND. FURTHERMORE, THE
UNDERSIGNED LAND SURVEYOR CERTIFIES THAT
THIS PLAT COMPLIES WITH THE MINIMUM
TECHNICAL STANDARDS FOR PROPERTY SURVEYS
IN GEORGIA AS SET FORTH IN THE RULES AND
REGULATIONS OF THE GEORGIA BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS AND AS SET FORTH IN
O.C.G.A. SECTION 15-6-67.

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

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

DATE 4 / 19 / 2021

N/F
DONALD EUGENE & JANET MASK SIMMONS
D.B. 869, PG. 329
P.B. 47, PG. 88

N/F
NICOLE WALRAVEN
D.B. 5111, PG. 126

N/F
CICELY FOSTER
D.B. 5132, PG. 681

N/F
JOHN & ANN BENNAMAN
D.B. 1131, PG. 662
P.B. 28, PG. 180

60' INGRESS/EGRESS
EASEMENT
D.B. 343, PG. 596

N 89°52'54" E 423.10'

11.219 Acres
488687 S.F.

CONCRETE DRIVE

BRICK
COLUMNS

BROOKS WOOLSEY ROAD - 80' RW
24' ASPHALT PAVEMENT WIDTH

OLD GREENVILLE ROAD
18' +/- GRAVEL ROAD WIDTH
40' EASEMENT, P.B. 32 PG. 15
NO RIGHT-OF-WAY DEED FOUND

N/F
ALLEN ATHA
D.B. 4104, PG. 436
P.B. 47, PG. 88

N/F
ALLEN AND NATALIE ATHA
D.B. 3947, PG. 449
P.B. 45, PG. 9

LEGEND:

RBF = REBAR FOUND
RBS = REBAR SET
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
PL = PROPERTY LINE
C/L = CENTERLINE
P.O.B. = POINT OF BEGINNING
B/L = BUILDING SETBACK LINE
ESMT. = EASEMENT
FH = FIRE HYDRANT
EP = EDGE OF PAVEMENT
N/F = NOW OR FORMERLY
N.T.S. = NOT TO SCALE
F.W.P.D. = FIELD WORK
PERFORMED DATE
DB = DEED BOOK
PB = PLAT BOOK
PG = PAGE
U/P = UTILITY POLE
L/P = LIGHT POLE
RW = RIGHT OF WAY
SF = SQUARE FEET
= HOUSE NUMBER

NOTE:

THIS SURVEY DOES NOT
CONSTITUTE A TITLE SEARCH BY
SURVEYOR. ALL INFORMATION
REGARDING RECORD
EASEMENTS, ADJOINERS AND
OTHER DOCUMENTS THAT
MIGHT AFFECT THE QUALITY OF
TITLE TO TRACT SHOWN WERE
NOT SUPPLIED TO THIS OFFICE.

Job No. SA21-039A

Drawn By: M.W.R. Reviewed By: S.A.G.

Issue Date: 4/19/2021

F.W.P.D.: 4/7/2021

Revisions Date

PAGE 1 OF 1



Prepared For:

ANGELA L. CULVER

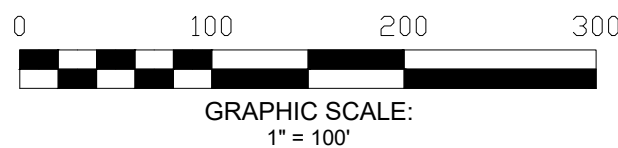
Property Location

Land Lot 135 Of The 4th Land District
Fayette County, Georgia

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

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
770-460-9342
sagaskins@bellsouth.net

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	289.26'	3295.42'	289.16'	S 31°01'16" W



GEORGIA, FAYETTE COUNTY
Filed and Recorded this 3 day
of May, 19 99 9:30 A.M.
Book 132 Page 15
W. A. Bell

A-753-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: ANGELA L. CULVER

MAILING ADDRESS: 581 BROOKS WOOLSEY ROAD FAYETTEVILLE, GA 30215

PHONE: 678-548-3532 E-MAIL: ANGELA.CULVER@METRICMARKETER.COM

AGENT FOR OWNERS: SELF

MAILING ADDRESS: _____

PHONE: _____

E-MAIL: _____

PROPERTY LOCATION: LAND LOT 135 LAND DISTRICT 4TH PARCEL 0427-059
0427-064

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: ~~11.23~~ 7.2

ZONING DISTRICT: 01

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL / AGRICULTURAL

PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL / AGRICULTURAL

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

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: 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-753-21

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:

ANGELA L. CULVER

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0427-059

(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) 134, 135, 154, 155 of the District, and said property consists of a total of 7.21123 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by means 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

561 ECHOES WOODSEY ROAD FAYETTEVILLE, GA 30215
Address

Signature of Notary Public

3-19-2022
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-76	75 feet	26 feet	49 feet

VARIANCE SUMMARY

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

Applicant requests a variance to reduce the front yard setback from 75 feet to 26 feet along Old Greenville Road, which is a dirt road running along the side of applicant's property, to permit a barn to remain in the location where it has been for approximately 30 years. Applicant recently purchased the property and was unaware of any issue with the barn's location. The recorded plat (found in Plat Book 32 at Page 15) shows Old Greenville Road as a 40' easement. From conversations with the previous owners, the applicant understands that the County has widened the original dirt road and, to do so, came further onto the property now owned by the applicant. To the applicant's knowledge, the County has never condemned the easement and has never paid any money for the easement.

JUSTIFICATION OF REQUEST

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

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

The barn was constructed around 1990, well before the applicant ever owned the property.

From a review of the recorded deeds, it appears that Old Greenville Road was simply an
easement granted to neighboring property owners by a previous owner of the subject property.

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

The applicant did not build the barn and was unaware of any issue with it until she filed for
a permit to install a pool. Demolishing the barn will result in significant costs to the applicant
to correct a problem she did not create.

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

As stated above, it appears that Old Greenville Road was simply an easement. It is
unclear if the County has obtained ownership of the road through prescriptive easement.

If the road is merely an easement, no variance is needed. It is the applicant's understanding
that there are no records showing that the County ever paid for the easement or any records
showing that a previous owner transferred ownership of the easement to the County by gift
or otherwise.

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 barn is buffered by thick vegetative growth and backs up to a dirt road used mostly by neighbors. The barn has been in its location for about 30 years with no complaints.

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

The property is located in a rural part of the county. While the applicant is unsure of the history of the construction of the barn, it appears to have been built in the same time as the house. The applicant assumes the previous owners obtained the necessary permits. If so, the county was aware of its location. Additionally, there are no records showing any ownership rights the County may have to Old Greenville Road. The recorded plat shows the road as an easement that lies partially on the applicant's property. In any event, the applicant did not create the issue and, like other innocent landowners, respectfully requests relief from the 75 foot setback through this variance.

Please return to:
Lawson, Beck & Sandlin, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 20-LAW-3379

A-783-21
CERTIFIED TO BE A
TRUE AND CORRECT
COPY OF THE ORIGINAL
DOCUMENT



STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 4th day of December, 2020 between

Teresa D. Schisler AKA Teresa Duncan Schisler

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

Angela L. Culver

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

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

All that tract or parcel of land lying and being in Land Lot 135 of the 4th District of Fayette County, Georgia, and being more particularly described as follows:

To find the True Point of Beginning commence at an iron pin located at the common corner of Land Lots 134, 135, 154 and 155 of the 4th District of Fayette County, Georgia; run thence in an Easterly direction along the North Land Lot line of Land Lot 135 a distance of 960.4 feet to a point; run thence South 00 degrees 12 minutes East a distance of 936.9 feet to a point; run thence South 88 degrees 00 minutes 00 seconds East a distance of 206.5 feet to a point; run thence 76 degrees 04 minutes 12 seconds East a distance of 256.34 feet to a point; run thence South 01 degrees 22 minutes 34 seconds West a distance of 62.05 feet to the true point of beginning; from the true point of beginning thus established run thence South 76 degrees 37 minutes 00 seconds East a distance of 270.90 feet to a point; run thence North 89 degrees 04 minutes 16 seconds East a distance of 424.5 feet to an iron pin located on the Northwesterly right-of-way of Brooks Fayetteville Road (80 foot right-of-way); run thence South 32 degrees 23 minutes 19 seconds West along the Northwest right-of-way of Brooks Fayetteville Road a distance of 468.80 feet to a point; run thence South 89 degrees 38 minutes 56 seconds West a distance of 391.00 feet to a point; run thence North 05 degrees 46 minutes 09 seconds West a distance of 456.40 feet to the point of beginning.

The foregoing courses and distances are taken from a plat of survey dated April 22, 1987 by Larry C. Shimshick, Registered Surveyor, on boundary data taken or computed from a plat by C. E. Lee, Registered Land Surveyor dated October 17, 1986.

ALSO

All that tract or parcel of land lying and being in Land Lot 135 of the 4th District, Fayette County, Georgia; being more particularly described as follows:

A-753-21

TO FIND THE POINT OF BEGINNING, Begin at an iron pin set marking the intersection of the Northwestern right of way of Woolsey-Brooks Road (80 right of way) with the center line of Old Greenville Road (40' Easement); run thence South 89 degrees 30 minutes 02 seconds West along the centerline of Old Greenville Road, 513.38 feet to an iron pin set AND THE POINT OF BEGINNING; continuing South 89 degrees 30 minutes 02 seconds West, 375.31 feet to an iron pin found; thence North 00 degrees 20 minutes 07 seconds West, 589.93 feet to an iron pin found; thence South 88 degrees 56 minutes 10 seconds East 202.87 feet to an iron pin set; thence South 77 degrees 04 minutes 51 seconds East, 17.98 feet to an iron pin set; thence South 15 degrees 18 minutes 11 seconds East, 600.15 feet to an iron pin set and THE POINT OF BEGINNING.

Less and except the rights of others in and to the use of any portion of caption property lying and being within the right of way of Old Greenville Road.

The property described herein as Tract "C" and contains 4.00 acres in a survey prepared for Michael S. Schisler and Teresa D. Schisler by Delta Surveyors, Inc. dated 4/10/90.

Subject to restrictive covenants and 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 claiming by through or under Grantor.

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

Signed, Sealed and delivered in the presence of:

Andrew S. Loh

Unofficial Witness

Carin B Dixon

Notary Public



Teresa D. Schisler AKA Teresa Duncan Schisler
Teresa D. Schisler AKA Teresa Duncan Schisler

PETITION NO. A-758-21
Jimmy & Gloria Smith
420 Camelot Drive
Fayetteville, GA 30214
Public Hearing Date May 24, 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 and 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



Concert A-758-21

**LOT 4
BEVERLY MANOR ESTATES
SECTION 12**
PLAT BOOK 16, PAGE 4

S/D PLAT NOTE:
THERE IS A 10 FOOT DRAINAGE EASEMENT
CENTERED ON EACH LOT LINE AND EACH
NATURAL DRAINAGE WAY UNLESS OTHERWISE
SHOWN.

RESERVED FOR CLERK OF SUPERIOR COURT

- LEGEND**
- A/C = AIR CONDITIONER
 - B/L = BUILDING LINE
 - G.M. = GAS METER
 - G.W. = GUY WIRE
 - L.L. = LAND LOT
 - M.B. = MAIL BOX
 - OH-U = OVERHEAD UTILITIES
 - OTP = OPEN TOP PIPE
 - P.M. = POWER METER
 - R/W = RIGHT-OF-WAY
 - S/D = SUBDIVISION
 - U/P = UTILITY POLE
 - W.M. = WATER METER



FLOOD NOTE:
IN MY OPINION, THIS PROPERTY DOES
NOT LIE WITHIN A SPECIAL FLOOD
HAZARD AREA AS SHOWN ON THE
FLOOD INSURANCE RATE MAP.
MAP NUMBER: 13113C0101E
DATED: SEPTEMBER 26, 2008

HOWEVER, ACCORDING TO THE FAYETTE COUNTY
ENVIRONMENTAL MANAGEMENT DEPARTMENT, THIS
LOT DOES CONTAIN A FLOOD HAZARD AREA BASED
OFF FAYETTE COUNTY'S PRIVATE STUDY. ELEVATIONS
SHOWN ARE PER CROSS SECTIONS PROVIDED BY THE
ENVIRONMENTAL MANAGEMENT DEPARTMENT.

NOTES:

- THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT
AS RECORDED IN DEED BOOK 4543, PAGES 584-585 AND PLAT
BOOK 16, PAGE 4, FAYETTE COUNTY, GEORGIA RECORDS.
- CURRENT OWNER: JAMIE M. SMITH AND GLORIA P. SMITH
PER DEED BOOK 4543, PAGES 584-585 FAYETTE COUNTY
RECORDS AS OF 12-07-2016.
- THIS SURVEY WAS AUTHORIZED BY JERMAINE AND GLORIA
SMITH.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- RECORD BEARING APPLIED TO SOUTH PROPERTY LINE.
- BUILDING SETBACKS SHOWN PER REFERENCED PLAT.
- LOCATION OF THE 100 YEAR FLOOD PLAIN ON THE
NORTHERN SIDE OF THIS CREEK IS NOT SHOWN AS IT
WAS OUTSIDE THE SCOPE OF WORK.
- ELEVATIONS SHOWN ON THIS PLAT ARE BASED OFF EGPS
REAL TIME NETWORK (NAVD83)

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

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

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

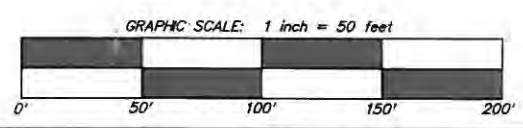
THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE
UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES,
REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING
TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK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

BUFFER NOTE:
25' STATE WATERS BUFFER SHOWN PER PHONE CONVERSATION WITH THE
FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT. ALL
ENVIRONMENTAL RESTRICTIONS SHOULD BE VERIFIED WITH THE PROPER
GOVERNING AUTHORITY BEFORE ANY LAND PLANNING OR LAND DISTURBANCE
BEGINS.

**ALUMINUM FENCE OVER
PROPERTY LINE FOR 53.3' ±
(OVER 3.8' ± AT GREATEST
POINT)**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or
create a new parcel or make any changes to any real property boundaries. The recording
information of the documents, maps, plats, or other instruments which created the parcel or
parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY
LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR
REQUIREMENTS, OR SUITABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned
land surveyor certifies that this plat complies with the minimum technical standards for property
surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration
for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Larry C. Shimshick
Larry Shimshick, Ga. PLS No. 2343
02-25-2021
Date



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

**W.D. Gray and
Associates, Inc.**
LSF000701

land surveyors - planners
160 GREENCASTLE ROAD SUITE E TYRONE
GEORGIA 3029C
PH. 770-486-7552 FAX 770-486-0496

**Foundation Location on Addition Only
For Review and Approval by Governing Municipality Only**

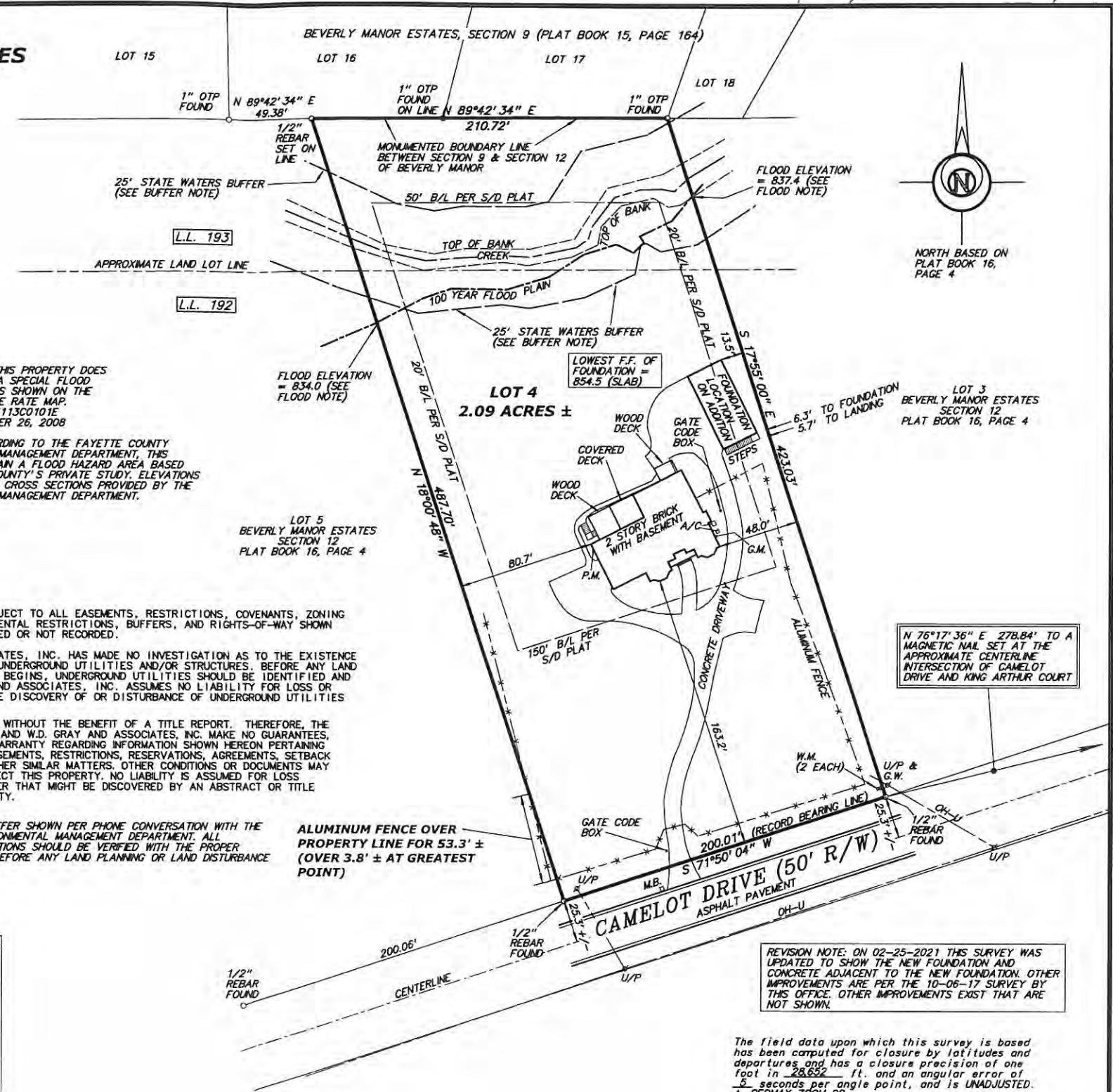
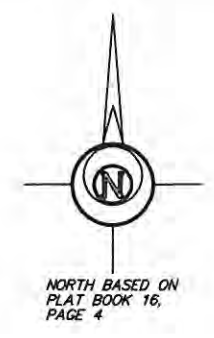
PREPARED FOR:

JERMAINE and GLORIA SMITH

LAND LOTS: 192 & 193	DATE OF SURVEY: 10-04-17 TO 10-06-17
5th DISTRICT	DATE OF DRAWING: 10-06-17
FAYETTE COUNTY, GA	REVISED: 02-25-21 TO SHOW FOUNDATION LOCATION ON ADDITION
SCALE: 1" = 50'	JOB NO. 1709012

The field data upon which this survey is based
has been computed for closure by latitudes and
departures and has a closure precision of one
foot in 315,692 ft. and an angular error of
5 seconds per angle point, and is UNADJUSTED.
A GEOMAX ZOOM 80
was used to obtain linear and angular measure-
ments.
It is my professional opinion, that this plat
is true and correct representation of the land
platted, has been prepared to meet the minimum
standards and requirements of law, and has been
computed for closure and has been found to be
accurate within one foot in 315,692 feet.

REVISION NOTE: ON 02-25-2021 THIS SURVEY WAS
UPDATED TO SHOW THE NEW FOUNDATION AND
CONCRETE ADJACENT TO THE NEW FOUNDATION. OTHER
IMPROVEMENTS ARE PER THE 10-06-17 SURVEY BY
THIS OFFICE. OTHER IMPROVEMENTS EXIST THAT ARE
NOT SHOWN.



Pool Permit Research for 420 Camelot Drive Fayetteville, GA 30214

Variance Petition #: A-758-21

- Permit Application: 12/12/2017
- Permit Issued (RPOL-12-17-10173) Date: 12/18/2017
- Permit Revision (RR1R-01-18-062637) Date: 1/11/2018
- Certificate of Occupancy (Residential) issued 5/3/2019

Staff reviewed the pool permit for 420 Camelot Drive and there is no indication that the concrete slab on the eastside property line was included in the pool permitting process. Also, staff reached out to the pool installer and they stated that the slab was not included with the permit (see attached). A revision to the pool permit was for the hardscape stepping stones be replaced with a concrete bridge.

Chanelle Blaine

From: chuck@southernpoolsandoutdoorliving.com
Sent: Wednesday, May 5, 2021 9:42 AM
To: Chanelle Blaine
Cc: jeff@southernpoolsandoutdoorliving.com
Subject: RE: 420 Camelot Drive (Previous Pool Permit Question)

External Email Be cautious of sender, content, and links

Chanelle,

The pool permit that Southern Pools and Outdoor Living submitted and was approved for in Dec of 2017 did not include a concrete slab.

Please confirm receipt of this correspondence.

Chuck Hutto (USMC Retired)
Southern Pools &
Outdoor Living

----- Original Message -----

Subject: 420 Camelot Drive (Previous Pool Permit Question)
From: Chanelle Blaine <cblaine@fayettecountyga.gov>
Date: Wed, May 05, 2021 9:03 am
To: "chuck@southernpoolsandoutdoorliving.com"
<chuck@southernpoolsandoutdoorliving.com>

Good morning Chuck,

Please send me an email dictating what happen between the homeowner of 420 Camelot Drive and your pool company regarding the concrete slab on the eastside property line. Was this slab included with the pool permit? This statement will be used as evidence in a Zoning Board of Appeals meeting regarding a variance request made by the homeowner.

Thank you so much,
Chanelle Blaine

Fayette County offices have reopened to the general public but in abundance of caution, concerning Coronavirus (COVID-19), we request our residents continue to contact us via phone, email, or our website to keep any exposure to a minimum.

Chanelle N. Blaine, AICP

Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770-305-5162



Fayette County Department of Building Safety

Phone: 770-305-5403

Fax: 770-305-5212

NO: RPOL-12-17-10173

CERTIFICATE OF OCCUPANCY

RESIDENTIAL

In accordance with Chapter 5, of the Fayette County Code, the building or structure described below has been inspected for compliance with the requirements of the current state mandated version of the International Residential Code® in conjunction with the Georgia State Amendments and no violations of the construction codes or other laws that are enforced by the Department of Building Safety have been found.

Building Permit Number: RPOL-12-17-10173

Building/Structure Address: 420 Camelot DR, Fayetteville Georgia 30214

Owner Name: Jermaine Smith

Owner Address: 420 Camelot, Georgia - 30214

Description for which Certificate is issued: Gunite pool w/heated spa

DIRECTOR DEPARTMENT OF BUILDING SAFETY: JOE SCARBOROUGH

Special Stipulations and Conditions of the Building Permit:

Inspector: Chris Honeycutt

Date & Time: 5/3/2019

Important Information Regarding your Permit!

From the Permit Tab located at the Top of your Project Tab Row, Download the Permit and Print. This document must be weather protected and located where it will be visible from the Road/Street for Inspections. When ready for Inspection use either the IVR or SAGES Application to schedule your Inspection. This Permit is valid for 180 days from the Issue Date. The Permittee is responsible for Permit Completion, Inspections and any Recall or Other fees.



Fayette
COUNTY

Department of
Building Safety
Permit

Permit NO. : RPOL-12-17-10173

Permit Type : RPOL

Work Classification : New-Fayette

Permit Status : Issued

Permit Note :

140 Stonewall Avenue West Suite 201

Fayetteville, GA 30214

Phone: (770) 305 5403

Fax (770) 305 5212

Permit Issued Date: 12/18/2017

Project Address	Parcel No.	Tract No.	Block No.	Lot No.	Section	Township
420 Camelot DR, Fayetteville Georgia 30214				4		

Owner Information	Address	Phone	Cell
Jermaine Smith	420 Camelot Fayetteville Georgia 30214	4045184372	4045184372

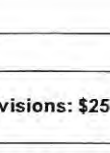
Contractor(s)	Phone	Primary Contractor	Required Inspections:
Jeff Maday	6786140703		For Inspections call: (770) 305 5404

	Valuation
	Total Sq. Feet

FEE #	TYPE	FEE AMOUNT	AMOUNT DUE	STATUS	STATUS DATE
Total		\$0.00	\$0.00		

Total	Amt Paid	Amt Due
\$300.00	\$300.00	

420 Camelot DR, Fayetteville Georgia 30214

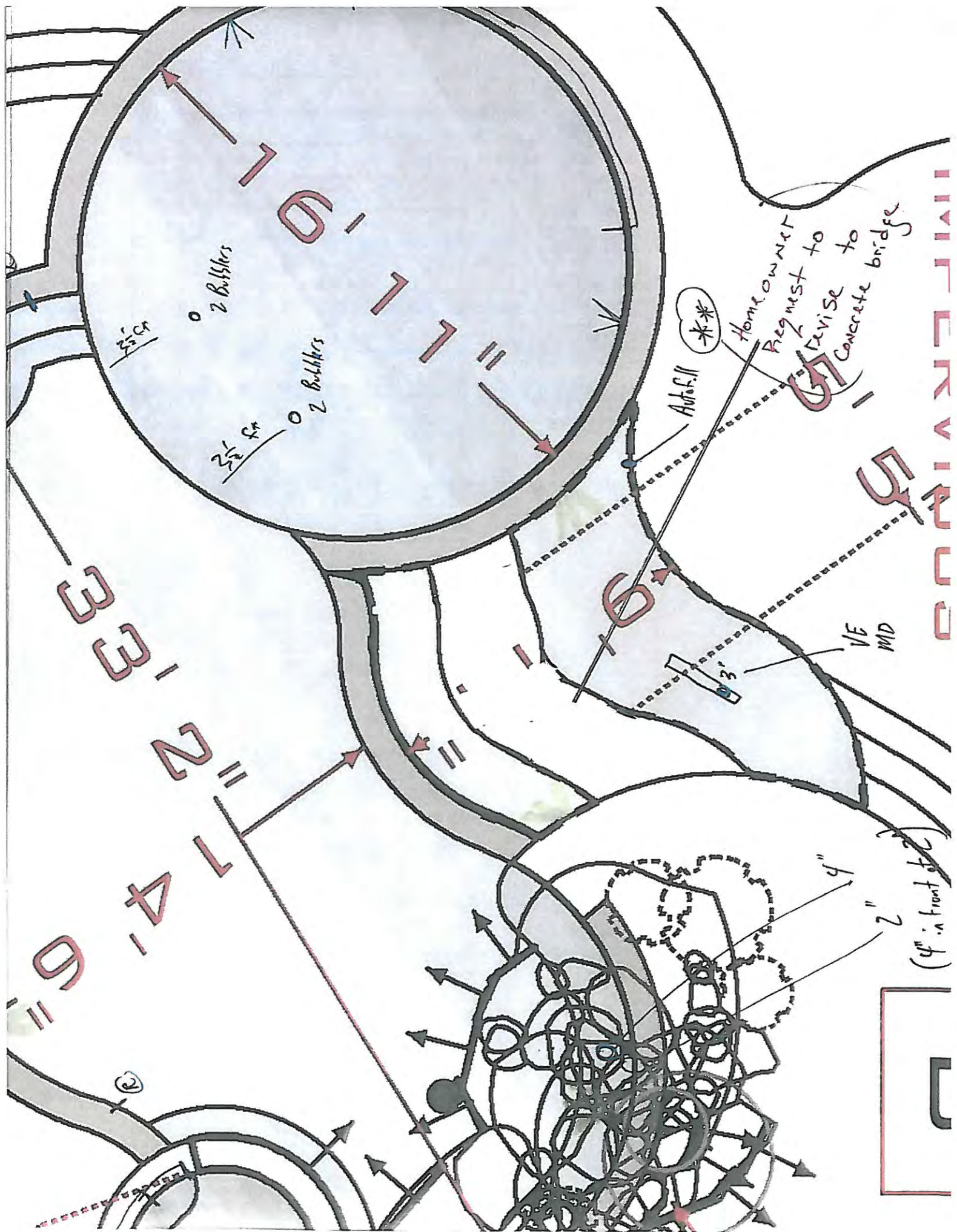
	<h2 style="margin: 0;">FAYETTE COUNTY</h2> <p style="margin: 0;"><i>Department of Building Safety</i></p> <p style="margin: 0;">140 Stonewall Avenue West · Suite 201 · Fayetteville, GA 30214</p> <p style="margin: 0;">Phone: 770-305-5403 Fax 770-305-5212</p> <p style="margin: 0;">RESIDENTIAL PERMIT REVISION APPLICATION</p>	
1. Fees:	2. Site Address	
Residential Revisions: \$25	420 Camelot Dr Fayetteville, Ga	
3. DESCRIPTION OF REVISION	Is the Project Revision going outside the Original Approved Footprint: <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A	
Client request hard scape stepping stones be replaced with concrete bridge.		
4. INDICATE IF ANY BELOW WERE ADDED:		
<input type="checkbox"/> ELECTRICAL <input type="checkbox"/> MECHANICAL <input type="checkbox"/> FUEL GAS <input type="checkbox"/> PLUMBING		
5. SQUARE FOOTAGES / BUILDING VALUATION OF THE REVISION:		
Added Heated Space: 0	Building Valuation: 500.	
Added Unheated Space: 0		
6. APPLICANTS INFORMATION		
First Name: Chuck Address: P.O Box 2742 State: Georgia Phone No: 7706913622 Email: chuck@southernpoolsandoutdoorliving.com	Last Name: Hutto City: Peachtree City Zip: 30269 Fax No:	
7. AUTHORIZED PERMIT AGENT INFORMATION: (IF NEW ONE ADDED OR CHANGED ONLY)		
First Name: Address: State: <input type="text"/> Phone No:	Last Name: City: Email: Fax No:	
Company Name:		
<h2 style="margin: 0;">STRUCTURE SPECIFICS</h2>		
Length: 41'	No. of Units:	No. of Bedrooms:
Width: 24'	Stories:	No. of Bathrooms:
No. of Fireplaces:	Fire Sprinklers: <input type="text"/>	Comments:
SELECT APPROPRIATE VALUE FOR EACH CATEGORY:		
FOUNDATIONS: <input type="text"/>	FIREPLACE: <input type="text"/>	GARAGE: <input type="text"/>
GENERATOR: <input type="text"/>	POOL / SPA: Gunite <input type="text"/>	BASEMENT FINISH: <input type="text"/>

CHIMNEY:	♥	PATIO:	♥	SOLAR PANELS:	♥
SAUNA:	♥	BARN / SHED:	♥	SUNROOM:	♥
BONUS ROOM:	♥	COMMERCIAL KITCHEN:	♥	WATER FEATURE:	♥

DECK / PORCH SIZE # 1:		DECK / PORCH SIZE #2:		DECK/PORCH SIZE #3:	
DECK / PORCH # 1:	♥	DECK / PORCH # 2:	♥	DECK / PORCH # 3:	♥
DECK # 1 – STRUC. MAT:	♥	DECK # 2 – STRUC. MAT:	♥	DECK # 3 – STRUC. MAT:	♥
FOOTING:	♥	FOUNDATION WALLS:	♥	ROOF FRAMING:	♥
FLOOR FRAMING:	♥	RETAINING WALLS:	♥	ROOF COVERING MATERIAL:	♥
FINISHED FLOOR:	♥	WINDOW SASH:	♥	WALL FRAMING:	♥
EXTERIOR WALL PRIMARY COVERING:	♥	EXTERIOR WALL SECONDARY COVERING:	♥		
HEATING SYSTEM # 1:	♥	HEATING SYSTEM # 2:	♥	HEATING SOURCE:	♥
Is all Equip. & Ducts located 100% in Thermal Envelope?	♥	Is all Equip. & Ducts located 100% in Thermal Envelope?	♥	WATER HTG SOURCE:	♥
WASTE DISPOSAL:	♥	WATER SOURCE:	♥		
WATER HEATING SYS#1	♥	WATER HEATING SYS#2	♥	ELECTRICAL SVC. SIZE: 400	♥
				Will current project require:	♥
ELECTRICAL UTILITY:	♥	WALL INSULATION:	♥	FLOOR INSULATION:	♥
ATTIC INSULATION:	♥	VAULTED CEILING #2 INSULATION:	♥		
VAULTED CEILING #1 INSULATION:	♥			SHOWER PAN / LINER #1:	♥
Insulation RValue: R		Insulation RValue: R		SHOWER PAN / LINER #2:	♥
BASEMENT WALL INSULATION:	♥	CRAWLSPACE WALL / FLOOR:	♥		

Applicant Signature:

Applicant Date: 01/11/2018



Address:

420 Camelot DR, Fayetteville Georgia 30214

Parcel Number:**FAYETTE COUNTY**

Department of Building Safety

140 Stonewall Avenue West · Suite 201 · Fayetteville, GA
30214

Phone: 770-305-5403 Fax 770-305-5212

RESIDENTIAL PERMIT APPLICATION

IS THIS PERMIT APPLICATION THE RESULT OF A STOP WORK ORDER BEING PLACED ON THE PROJECT PROPERTY? ☐ Yes ☒ No**1. PROPOSED PROJECT:** *(If you have questions about which selection to make please contact the Building Department)*Does your Project go outside the original footprint: ☐ Yes ☒ No

<input type="radio"/> ORES Addition	<input type="radio"/> ORES Demolition	<input type="radio"/> ORES Enclosure	<input type="radio"/> ORES Finish	<input type="radio"/> ORES New Structure
<input type="radio"/> ORES Moving a Structure	<input checked="" type="radio"/> ORES Pool	<input type="radio"/> ORES Rebuild	<input type="radio"/> ORES Renovation - Remodel	<input type="radio"/> ORES Repair
<input type="radio"/> ORES ReRoof	<input type="radio"/> ORES Water Recycling System			

2. DESCRIPTION OF WORK: *(If you have questions about which selection to make please contact the Building Department)*

New-Fayette

Is this a Heated Pool, Spa or Hot Tub ? ☒ Yes ☐ NoDo you have Niche / Nicheless lights? ☒ Yes ☐ NoIs Manf / Mobile Home located in a Mobile Home Park ? ☐ Yes ☐ No**3. INDICATE IF ELECTRICAL, MECHANICAL, FUEL GAS AND/OR PLUMBING ARE INCLUDED (AFFIDAVITS REQUIRED):**☒ ELECTRICAL ☐ MECHANICAL ☐ FUEL GAS ☒ PLUMBING**4. SQUARE FOOTAGES / BUILDING VALUATION (from - ICC Building Valuation Data – most recent version):**Heated
Space: 50

Building Valuation or Estimated Construction Cost: \$ 120000.00

Unheated
Space: 700

FOR DEMO or RENOVATION / REMODEL – YEAR BUILT:

For Construction prior to 1978,
refer to this [EPD Brochure](#),
complete and upload
these Forms - [EPD Pre-
Renovation Form](#) and [EPD -
Hazard Acknowledgement Form](#).**5. OWNER INFORMATION:**

First Name: Jermaine		Last Name: Smith		Phone: 4045184372	
Street Address: 420 Camelot		City: Fayetteville		State: Georgia ♥ Zip: 30214	
Email:					
6. SITE INFORMATION					
Foreman / Superintendent - First Name: Jeff			Foreman / Superintendent - Last Name: Maday		
Foreman / Superintendent - Phone #: 6786140703			Foreman / Superintendent - Email: jeff@southernpoolsa		
Does your project require a Driveway Cut: <input type="radio"/> Yes <input checked="" type="radio"/> No			Is project located on: <input type="radio"/> County Rd <input type="radio"/> GA State Hwy <input checked="" type="radio"/> Subdivision <input type="radio"/> NA		
Is your Project Located in: <input type="radio"/> The Town of Brooks <input type="radio"/> The Town of Woolsey <input checked="" type="radio"/> Unincorporated Fayette County					
Subdivision: Beverly Manar Lot Number: 4 Land Lot: 192 & 193 Lot size: 2.09 Acres District Number: 5th					
License Type :		<input type="radio"/> Owner Builder <input type="radio"/> Contractor <input checked="" type="radio"/> Limited Specialty / Traditional Specialty / Installer			
Agent Type :		<input type="checkbox"/> Authorized Agent <input type="checkbox"/> Qualified Agent <input checked="" type="checkbox"/> NA			
7. APPLICANT / AUTHORIZED AGENT:			8. BUILDER / CONTRACTOR / INSTALLER / COMPANY INFORMATION:		
First Name: Chuck Last Name: Hutto Company Name: Southern Pools and Outdoor Living Street Address: P.O Box 2742 City: Peachtree City State: Georgia ♥ Zip: 30269 Phone: 7706913622 Fax:			First Name: Jeff Last Name: Maday Company Name: Southern Pools and Outdoor Living Street Address: P.O Box 2742 City: Peachtree City State: Georgia ♥ Zip: 30269 Phone: 6786140703 Fax:		
Email Address for Inspection Status Notifications: (Enter comma separated Email Addresses for multiple) chuck@southernpoolsandoutdoorliving.com					
9. LICENSING INFORMATION:					
BLDR. LIC. NO:		BLDR. QA LIC. NO:			
BLDR. CO. LIC. NO:		BUS. OR OTHER LIC. NO: OT17-003920			
10. METHOD FOR MEETING ENERGY CODE COMPLIANCE:			11. MANUFACTURED HOME:		
Energy Code	Comp. Tools	Comp. Methods	Manufacturer / Make / Model: Year Manufactured: VIN / Manufacturer ID, NO.: DCA Label NO.:		

Scope of Work

To build an in ground pool and spa

STRUCTURE SPECIFICS

Length: 41'

No. of Units:

No. of Bedrooms:

Width: 24'

Stories:

No. of Bathrooms:

No. of Fireplaces:

Fire Sprinklers:

Comments:

SELECT APPROPRIATE VALUE FOR EACH CATEGORY:

FOUNDATIONS:



FIREPLACE:



GARAGE:



GENERATOR:



POOL / SPA: Gunite



BASEMENT FINISH:



CHIMNEY:



PATIO:



SOLAR PANELS:



SAUNA:



BARN / SHED:



SUNROOM:



BONUS ROOM:



COMMERCIAL KITCHEN:



WATER FEATURE:



DECK / PORCH SIZE # 1:

DECK / PORCH SIZE #2:

DECK/PORCH
SIZE #3:

DECK / PORCH # 1:



DECK / PORCH # 2:

DECK / PORCH #
3:

DECK # 1 – STRUC. MAT:



DECK # 2 – STRUC. MAT:

DECK # 3 –
STRUC. MAT:

FOOTING:



FOUNDATION WALLS:



ROOF FRAMING:



FLOOR FRAMING:



RETAINING WALLS:



ROOF COVERING



FINISHED FLOOR:



WINDOW SASH:



WALL FRAMING:



EXTERIOR WALL PRIMARY COVERING:

EXTERIOR WALL SECONDARY
COVERING:

HEATING SYSTEM # 1:



HEATING SYSTEM # 2:

HEATING
SOURCE:Is all Equip. & Ducts located 100%in
Thermal Envelope?:Is all Equip. & Ducts located 100%in
Thermal Envelope?:WATER HTG
SOURCE:

WASTE DISPOSAL:



WATER SOURCE:



WATER HEATING SYS#1



WATER HEATING SYS#2



ELECTRICAL SVC. 400



ELECTRICAL UTILITY:		SIZE:	
		Will current project require:	
ATTIC INSULATION:		WALL INSULATION:	FLOOR INSULATION:
VAULTED CEILING #1 INSULATION:		VAULTED CEILING #2 INSULATION:	
Insulation RValue: ^R		Insulation RValue: ^R	SHOWER PAN / LINER #1:
BASEMENT WALL INSULATION:		CRAWLSPACE WALL / FLOOR:	SHOWER PAN / LINER #2:

Obligation. The Fayette County Department of Building Safety (FCDBS) has no obligation to explain every requirement, construction code, ordinance or law prior to or during the course of this project. Any and all construction codes, ordinances or laws are enforceable at any time, with or without prior notification.

Validity of permit. The issuance of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the construction codes or of any other ordinance. Permits presuming to give authority to violate or cancel the provisions of the construction codes or ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the FCDBS from requiring the correction of errors in the construction documents and other data. The FCDBS is also authorized to prevent occupancy or use of a structure where in violation of the construction codes or of any other ordinances of this jurisdiction.

Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. The determination as to whether work was suspended shall be based on the most recent inspection approval date.

Placement of permit. Work for which a permit is required shall not be commenced until the building permit or copy thereof is posted on the site of the work until the completion of the project. The posted permit shall be visible from the street and maintained in such location by the permittee until final approval has been granted by the FCDBS.

Inspection record card and approved construction documents. Work for which a permit is required shall not be commenced until the permittee has made available an inspection record card and approved construction documents on the premises and in such a position to allow the FCDBS convenient access and use. These items shall be protected from the elements and maintained in such location by the permittee until final approval has been granted by the FCDBS.

Public duty, warranty and quality control. The permitting, plans examination or inspection conducted with regard to a building or structure in accordance with Chapter 5 of the Fayette County Code (this code) constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter. Any duty created by or based on this code is transferred to the public, and no private cause of action is created by a breach of such duty. This code shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any building or structure from any damages to persons or property caused by defects, nor shall the FCDBS be held as assuming any such liability by reason of the inspections or plans examinations authorized by this code or any permits or certificates issued under this code. The FCDBS checks for substantial compliance with this code, but reviews and inspections performed by the FCDBS pursuant to this Chapter do not create any guarantee or warranty that buildings, structures or service equipment have been constructed in accordance with all provisions of this code. The permitting, plans examination, or inspection of any building, structure, system, element, or construction document shall not be construed as a warranty of the physical condition or adequacy of such building, structure, system, element, or construction document, including without limitation a representation or warranty that a building or structure is complete, that it is in compliance with this code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality or workmanship. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated therein. The amount and quality of inspection and other services provided is discretionary with the FCDBS and may vary in response to the amount of staff, work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes

made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Willful and prejudicial departure from or disregard of construction documents in any material respect without the approval of the FCDBS is unlawful.

Inspections - general. Construction or work for which a permit is required shall be subject to inspection by the FCDBS and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the FCDBS nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Inspections will not be performed in (1) the presence of unrestrained animals, (2) in the presence of minors without a parent or legal guardian present, or (3) in an occupied structure without the contractor, owner or owner's agent present.

Inspection requests. It shall be the duty of the permit holder or their agent to notify the FCDBS that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

Inspection results. Inspection results (e.g. approved, disapproved, cancelled, discrepancy items, etc.) are not valid unless provided in writing.

Temporary power, The FCDBS shall issue a temporary release on the electrical service conductors and service switch for a maximum period of 30 days. I assume all liability and responsibility for any use of electricity in the building during this period. I understand that an extension of this temporary approval must be applied for if work is not completed by the expiration date. The Building Official may refuse to extend this service and direct the utility company to disconnect service in the absence of an extension. I relieve Fayette County and its agents from liability for damage or loss for ordering the electrical service disconnected from the wiring system. I further understand that no occupancy of the subject building is to be allowed during this use of temporary service, and that any occupancy will result in immediate disconnection of electrical service.

Electrical testing, calculations and marking, The FCDBS shall not be liable or held as assuming any such liability for the accuracy of or failure of the permit holder, their agent/s or contractor/s to perform any pre-energization and operating tests, performance testing, acceptance testing, fault current or electrical load calculations or field marking/s as outlined in the code.

Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the FCDBS has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Revocation. The FCDBS shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

FOUNDATION SURVEY REQUIRED: A foundation survey of the lot shall be required for lots equal to or less than 15 acres to verify that the building or structure is located within the designated setbacks and in accordance with the approved plans for the following: 1. For all newly constructed single-family dwellings. 2. For residential accessory structures and additions located within two feet of the setback, floodplain and/or watershed protection areas. The foundation survey shall occur after concrete is placed and shall be submitted to and approved by the Fayette County Planning & Zoning Department and Environmental Management Department prior to the commencement of any framing operations or work.

chh Initials only	I certify that I have a legal right to apply for this building permit, and I have received all approvals required.
	I certify that I have read this application (or declined the opportunity to do so) and state that the information provided is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby

chh <i>Initials only</i>	authorize representatives of the FCDBS to enter the above-mentioned property for inspection purposes. I certify that I have a legal right to apply for this building permit and to authorize entry. Additionally, I certify that this application is not in conflict with any deed restrictions of record; is in conformity with all conditions, covenants and restrictions; and I have received all approvals required.
chh <i>Initials only</i>	I have received (or declined receipt of) a copy of these requirements.
<i>Initials only</i>	<u>OWNER/BUILDER EXEMPTION:</u> I am exempt from the Georgia State licensure requirements per O.C.G.A. 43-41-17(h) and have not applied for a permit under this exemption within the previous 24-month period
Applicant Signature:	Applicant Date: 12/12/2017

*** This category should ONLY be used for New Pools, Barriers, Spa's, Liner etc. ***

****All Uploaded Forms Must be in PDF Format****

1. Do you have available to upload your special permissions from the Town of Brooks or Woolsey if required for your project? ☐ Yes ☐ No ☒ N/A
2. Do you have available to upload all required Notarized affidavits for any Electrical, Mechanical, Fuel Gas or Plumbing work? ☒ Yes ☐ No ☐ N/A
3. If you are NOT an Owner Builder, do you have available to upload any required applicable State of Georgia Contractors Licenses? ☐ Yes ☐ No ☒ N/A
4. If you are NOT an Owner Builder, do you have available to upload your State of Georgia Occupational Tax form (Business License) as applicable? ☒ Yes ☐ No ☐ N/A
5. Do you have available to upload your Authorized Agent form if applicable? ☐ Yes ☐ No ☒ N/A
6. Do you have available to upload your Scaled Plans (floor plans, elevations etc.), including framing details, barrier details, retaining wall Engineering, locations of electrical, mechanical, plumbing all in one file if applicable? ☒ Yes ☐ No ☐ N/A
7. Do you have available to upload any applicable Engineers Designs you have had prepared for this project? ☒ Yes ☐ No ☐ N/A
8. Do you have available to upload your Electrical Load Calculations (Optional for Residential Only). ☐ Yes ☐ No ☒ N/A
9. Do you have available to upload your Recorded Property Deed (if the property was recently purchased provide a copy of your closing paperwork) and Recorded Plat if applicable? ☒ Yes ☐ No ☐ N/A
10. If this IS new construction or a project that extends outside the original footprint of the structure, Do you have available to upload your Septic Tank Permit from Environmental Health as applicable? ☒ Yes ☐ No ☐ N/A
11. Do you have available to upload your Water Meter Receipt for a new building or new water service if applicable? ☐ Yes ☐ No ☒ N/A

**LOT 4
BEVERLY MANOR ESTATES
SECTION 12**
PLAT BOOK 16, PAGE 4

S/D PLAT NOTE:
THERE IS A 10 FOOT DRAINAGE EASEMENT
CENTERED ON EACH LOT LINE AND EACH
NATURAL DRAINAGE WAY UNLESS OTHERWISE
SHOWN.

RESERVED FOR CLERK OF SUPERIOR COURT

LEGEND
A/C = AIR CONDITIONER
B/L = BUILDING LINE
G.M. = GAS METER
G.W. = GUY WIRE
L.L. = LAND LINE
M.B. = MAIL BOX
O.H.U. = OVERHEAD UTILITIES
O.T.P. = OPEN TOP PIPE
P.M. = POWER METER
R/W = RIGHT-OF-WAY
S/D = SUBDIVISION
U/P = UTILITY POLE
W.M. = WATER METER



NOTES:

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 4543, PAGES 584-585 AND PLAT BOOK 10, PAGE 4, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER: JERMAINE M. SMITH AND GLORIA P. SMITH PER DEED BOOK 4543, PAGES 584-585 FAYETTE COUNTY RECORDS AS OF 12-07-2016.
3. THIS SURVEY WAS AUTHORIZED BY JERMAINE AND GLORIA SMITH.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. RECORD BEARING APPLIED TO SOUTH PROPERTY LINE.
6. BUILDING SETBACKS SHOWN PER REFERENCED PLAT.
7. LOCATION OF THE 100 YEAR FLOOD PLAIN ON THE NORTHERN SIDE OF THIS CREEK IS NOT SHOWN AS IT WAS OUTSIDE THE SCOPE OF WORK.
8. ELEVATIONS SHOWN ON THIS PLAT ARE BASED OFF EGPS REAL TIME NETWORK (NAVD83).

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

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

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

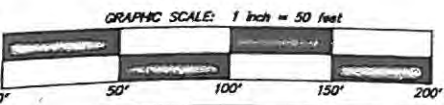
THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTIES REGARDING INFORMATION SHOWN HEREIN PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK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

BUFFER NOTE:
25' STATE WATERS BUFFER SHOWN PER PHONE CONVERSATION WITH THE FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT. ALL ENVIRONMENTAL RESTRICTIONS SHOULD BE VERIFIED WITH THE PROPER GOVERNING AUTHORITY BEFORE ANY LAND PLANNING OR LAND DISTURBANCE BEGINS.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or ES NOT IMPLY APPROVAL OF ANY

REQUIREMENTS, OR LIABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Larry C. Shinnick
Larry C. Shinnick, Ga. RLS No. 2343
10-06-2017
Date



This plat was prepared for the exclusive use of the person, persons or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

**W.D. Gray and
Associates, Inc.**
LSF000701

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

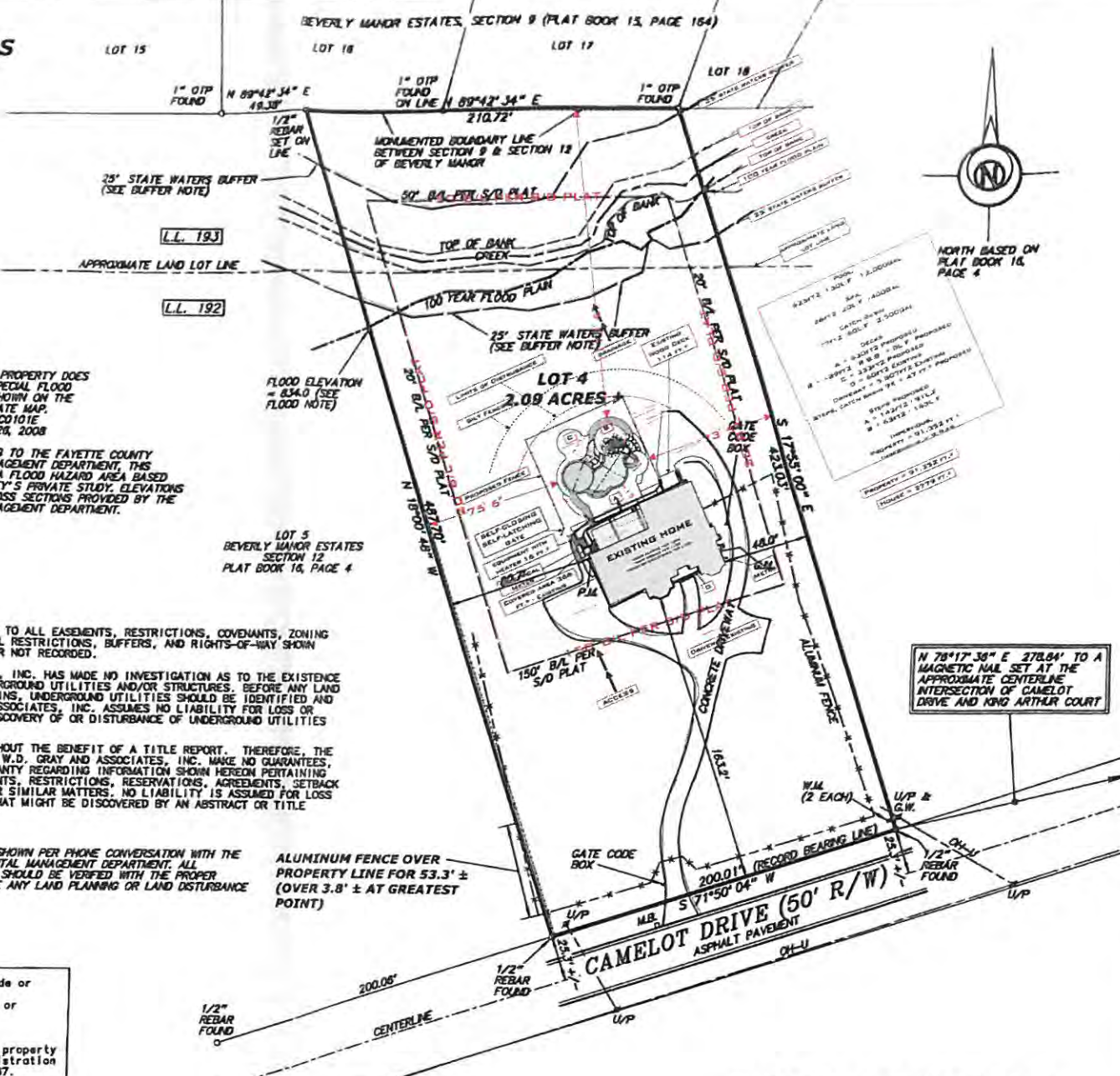
PREPARED FOR:

JERMAINE and GLORIA SMITH

LAND LOTS: 192 & 193	DATE OF SURVEY: 10-04-17 TO 10-06-17
5th DISTRICT	DATE OF DRAWING: 10-06-17
FAYETTE COUNTY, GA.	REF.
	JOB NO. 1709012

1/40" = 1'-0"

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 315,855 ft. and an angular error of 3 seconds per angle point, and is UNADJUSTED. A GEOMAX 7100N 80 was used to obtain linear and angular measurements. It is my professional opinion, that this plat is true and correct representation of the land platted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 315,855 feet.





Smith Residence
420 Camelot Dr
Fayetteville, GA 30214



Southern Pools & Outdoor Living
Chuck Hutto 760-518-8095
Jeff Maday 678-614-0703
Office 770-691-3622

PLUMBING & EQUIPMENT

QUANTITY	SIZE	DESCRIPTION
1		Landy filter pump ST 3 HP
1		Landy feature pump 2.0 HP
1		Hayward 400K HG
1		Chemical feeder
1	3.4 HP	794-60 Polaris booster pump
1		Landy Aqualink
1		Polaris 3900 vac sweep automatic
1		Air blower
1		Landy ST 5.0 hp
4		Pool LED lights
1		Spa LED Light
1	9"	AQUASTAR (VGB APPROVED) POOL DRAIN
2		Spa drains
		Relief valve
		Vacuum fitting
		Pool returns
		Spa returns
		Overflow
1		8-16 vac pole
1		Alum. back wall brush
1		Hycon 520 N skimmer net
		At start up
1		Apex 4 Clearwater tac

POOL SPECS

SIZE: 33' x 14'6" PERIMETER: 130 L.F.
AREA (ft.²): 625 ft² I.A.: -
GALLONS: 13,000Gal DEPTH: 3.5'-6'
PLASTER: Standard pebble SKIMMERS: N | A
EXPOSED BEAM: 130 ft.²
COPING: Flagstone
RAISED BEAM (I.f.): 17 L.F.
RAISED BEAM (ft.² facing): 155 ft.²
INFINITY EDGE WALL (I.f.): N | A
SUN SHELF DEPTH: 6"
TILE (ft.²): 120 ft.² BENCH LENGTH: 20'
WATER FEATURES: Boulder waterfall as designed

OTHER:

SPA SPECS

SIZE: 6' Dia. RAISED HEIGHT: +6"
COPING (I.f.): stone SPA FACING (ft.²): N | A
SPA JETS: N | A
SPILLWAY: 8' AIR BLOWER: 2.0 HP
OUTSIDE FOOTING (I.f.): 24'

DECKING / MASONRY

TOTAL SF: 1500 ft.²

STEPS (I.f.): 254 L.F.

RAISED WALL/BENCH (I.f.): N | A

RAISED WALL/BENCH (ft.² facing): N | A

PLANTER WALL (I.f.): N | A

PLANTER WALL (ft.² facing): N | A

RETAINING WALL(I.f.): N | A

RETAINING WALL(ft.² facing): N | A

DRAIN TYPE:(I.f.) N | A

ACCESS & DEMO

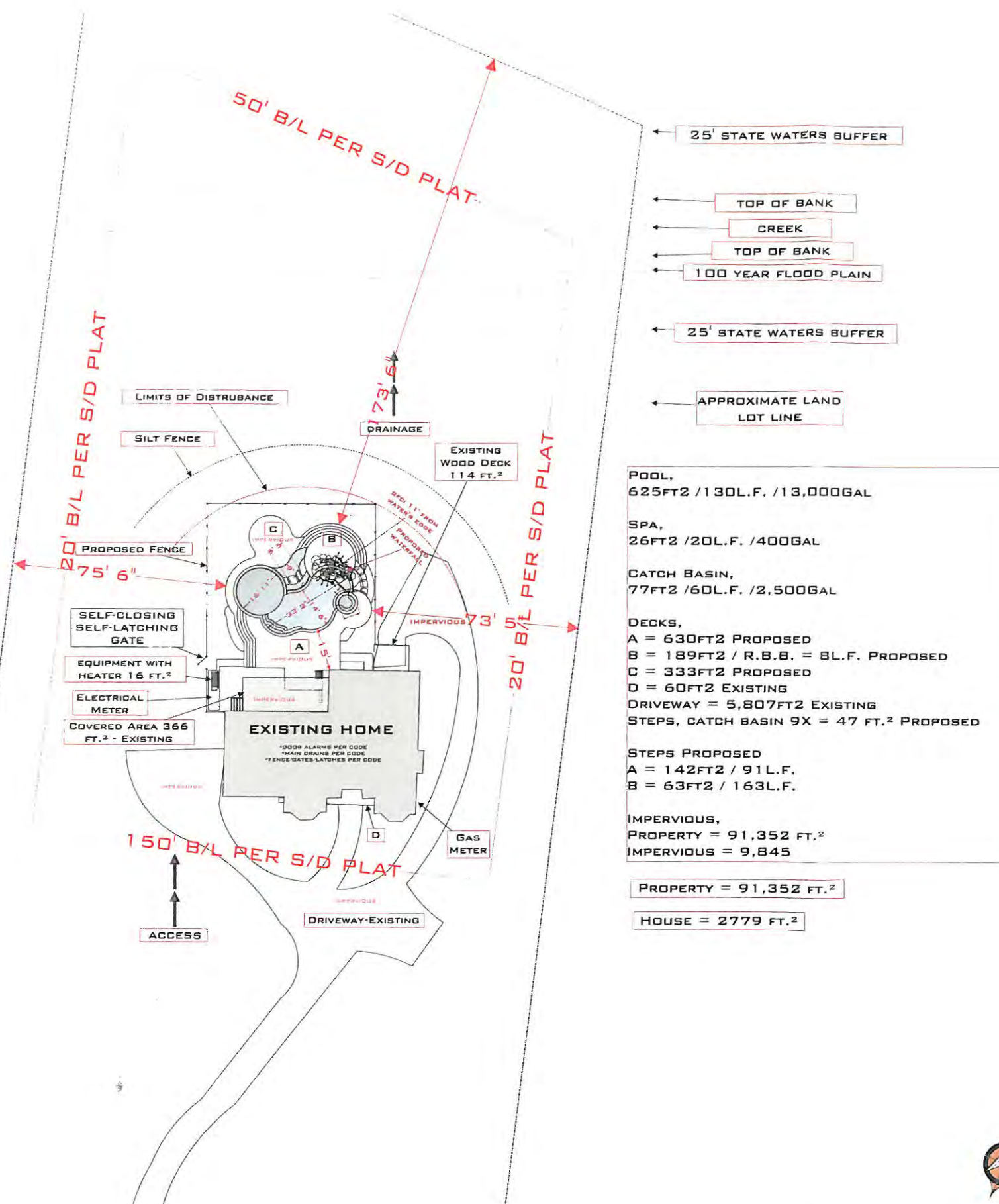
DIRT HAUL / STAY: Stay

TIGHT/REG ACCESS: Regular

DEMO DETAILS: N | A

STUMPS: N | A

TREES/SHRUBS: N | A



POOL,
625FT² / 130L.F. / 13,000GAL

SPA,
26FT² / 20L.F. / 400GAL

CATCH BASIN,
77FT² / 60L.F. / 2,500GAL

DECKS,
A = 630FT² PROPOSED
B = 189FT² / R.B.B. = 8L.F. PROPOSED
C = 333FT² PROPOSED
D = 60FT² EXISTING
DRIVEWAY = 5,807FT² EXISTING
STEPS, CATCH BASIN 9X = 47 FT.² PROPOSED

STEPS PROPOSED
A = 142FT² / 91L.F.
B = 63FT² / 163L.F.

IMPERVIOUS,
PROPERTY = 91,352 FT.²
IMPERVIOUS = 9,845

PROPERTY = 91,352 FT.²
HOUSE = 2779 FT.²

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]

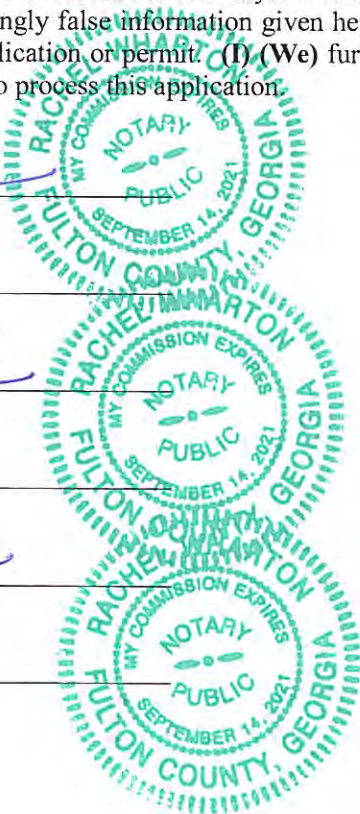
Signature of Notary Public

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.

January 21, 2021

JIMMY & GLORIA SMITH
420 CAMELOT DRIVE
FAYETTEVILLE, GA 30214

MONTRELL & KYNTHIA ~~GAINS~~ *Gaines*
430 CAMELOT DRIVE
FAYETTEVILLE, GA 30214

**RE: CONCRETE PAD & PROPOSED STRUCTURE CONTRUCTION
420 CAMELOT DRIVE FAYETTEVILLE, GA 30214**

To Whom It May Concern:

Please let this letter serve as notice that we have no issues with the proposed structure or concrete pad that is located at the adjacent property 420 Camelot Drive Lot 3 within the Beverly Manor XII neighborhood.

Sincerely,

Montrell D. Gaines

Montrell Gaines

Kynthia D. Gaines

Kynthia Gaines

1-22-2021

Date

1/22/2021

Date

Cymona D. West

Notary Public

August 18, 2024

My Commission Expires



1/22/2021

Date

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]

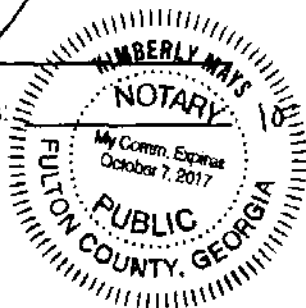


EXHIBIT A

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.

**PETITION NO. A-759-21
Harold & Helena Derienzo
190 Sugarland Trail
Fayetteville, GA 30214
Public Hearing Date May 24, 2021**

The subject property is located at 190 Sugarland Trail, Fayetteville, GA 30214 and is zoned R-45. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-136. R-45 (d) (4), to reduce the front yard setback from 80 feet (as required by plat) to 12 feet to allow an existing shed to remain.
- 2) Variance to Section 110-136. R-45 (d) (4), to reduce the front yard setback from 80 feet (as required by plat) to 44 feet to allow an existing playground 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 Final Plat of Smokemont Unit Three was recorded on August 17, 1987 in Book 18 and Page 49. Tax Assessor's records indicate that the house was built in 1990, and according to the deed the applicant purchased the property in 2018.

As part of the permitting process, a survey is required. Through the review process staff discovered the violation. The site plan given shows the playground 44 feet from the front property line, and 12 feet from the front property line for the shed.

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 have an existing swing set, with slide and loft. We have a tool shed raised off the ground blocks.

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.**

Playground – we have kids and Hwy 54 was expanded and raised 5-10’ above elevation – tool shed - same.

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

The hardship is to our children if we were forced to remove playground tool shed also used to store bikes and scooters.

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

Given the slope of the property these are the best locations.

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

No impact on Hwy 54 as it is at substantial distances from property line and a berm separates the property from the road.

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

Unknown but if other property owners cannot use their property and a playground, especially during a pandemic. Tool sheds are common in the area.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

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

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL: N/A

WATER SYSTEM: FCWS has no concern regarding this variance. FCWS provides water service to the property by a 4" water main at the cul-de-sac.

A-759-21

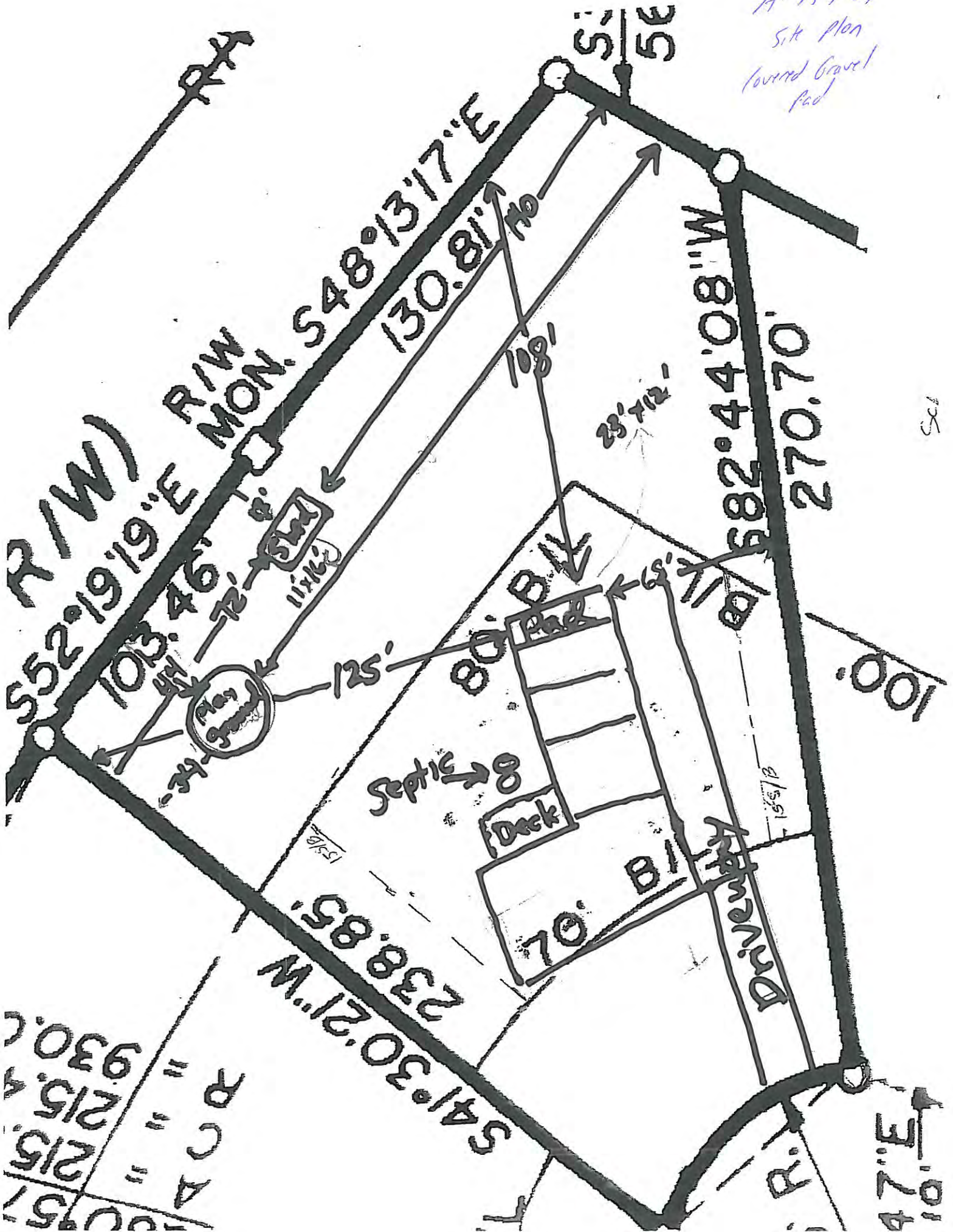
Banks Road

**SUBJECT
PROPERTY**

**Sugarland
Trail**

SR 54

3

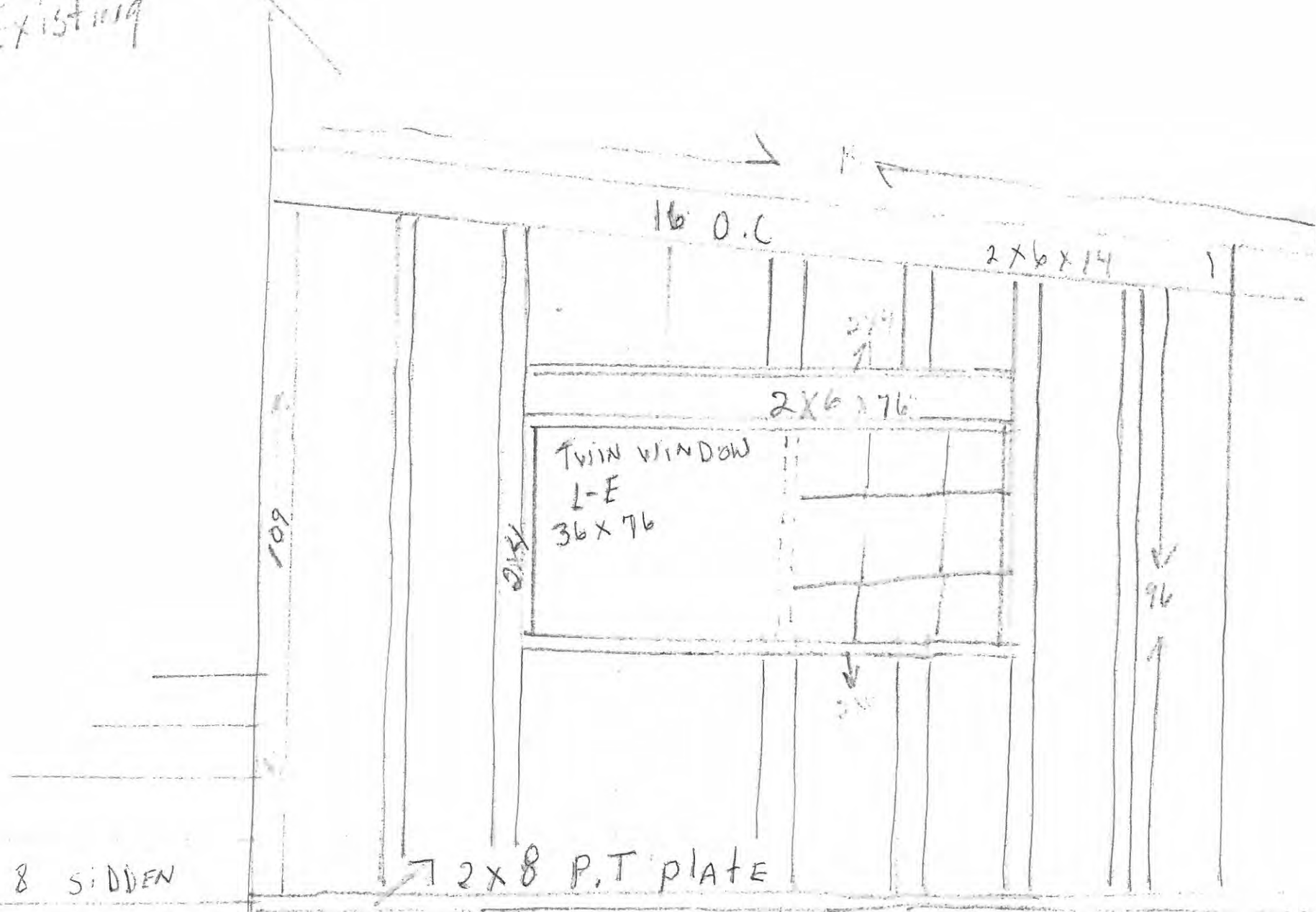


Right Side View

Existing

DeRienzo
190 Sugarland Tr 30214
(covered gravel area behind garage)

Hardie plank siding



A-759-21
Gravel Pad Getting
Covered



67'



12-5-21
A. K. A.

12.5.21



A 759 21



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Harold & Helena DeRienzoMAILING ADDRESS: 190 Sugarland TrlPHONE: 770-629-2315 E-MAIL: derienzo@att.net

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 151 LAND DISTRICT 5th PARCEL 3/41TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: .97 (Smeekens subdivision)

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: ResidentialPROPOSED USE OF SUBJECT PROPERTY: Residential(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-759-21☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Completeby Staff: _____ Date: 4/6/2021DATE OF ZONING BOARD OF APPEALS HEARING: May 24, 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-759 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:

Harold DeRienzo Helena Ruth Fields DeRienzo
Please Print Names

Property Tax Identification Number(s) of Subject Property: #053205007

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5 District, and (if applicable to more than one land district) Land Lot(s) 151 of the District, and said property consists of a total of .97 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1
190 Sugarland Trl Fayette Hvr, Ga 30214
Address

[Signature]
Signature of Property Owner 2
190 Sugarland Trl Fayette Hvr, Ga 30214
Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public
04/06/2021
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
		Swing Set	
		Tool Shed on block	

VARIANCE SUMMARY

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

We have an existing swing set, with
slide + loft

We have a tool shed raised off the
ground on block

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.

Playground - we have kids and Hwy 54
was expanded and raised 5-10' above
prior elevation -
Tool Shed - same

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

The hardship is to our children if
we were forced to remove playground
Tool shed also used to store bikes
+ scooters.

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

Given the slope of the property
these are the best locations.

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

No impact on Hwy 54 as it is at substantial distance from property line and a berm separates the property from the road.

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

Unknown but if other property owners cannot use their property for a playground, especially during a pandemic. Tool sheds are common in the area.

A-759 21

Please return to:
Lawson & Beck, LLC
1201 Lower Fayetteville Road, Suite C
Newnan, Georgia 30265
File # 18-NWN-0407

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 26th day of October, 2018 between

Richard James Benson and Holly Susan Benson, as Trustees of Rick & Holly's Trust dated March 6, 2014

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

Harold DeRienzo

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

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

All that tract or parcel of land lying and being in Land Lot 151 of the 5th District of Fayette County, Georgia, and being Lot 41, Unit Three, Smokemont Subdivision, per plat prepared by Larry J. Seabolt, registered land surveyor, dated July 16, 1987, recorded in Plat Book 18, Page 49, in the Office of the Clerk of Superior Court of Fayette County, Georgia, which plat is hereby incorporated herein by reference thereto, being the same property known as 190 Sugarland Trail, Fayetteville, Georgia 30214 according to the present system of numbering houses in Fayette County, Georgia.

Less and except that tract or parcel of land as described in that Right of Way Deed recorded 06/11/2013 at Deed Book 4069, Page 400 and re-recorded 08/21/2013 at Deed Book 4105, Page 693.

Tax Parcel #053205007

Subject to restrictive covenants and 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 claiming by through or under Grantor.

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

Signed, Sealed and delivered in the presence of:

A. M. Phillips
Unofficial Witness

Notary Public



Richard James Benson and Holly Susan Benson, as Trustees of Rick & Holly's Trust dated March 6, 2014

BY: Richard James Benson
Richard James Benson, Trustee

BY: Holly Susan Benson
Holly Susan Benson, Trustee

PETITION NO. A-760-21
Cole & Kristen Crowe
120 Mask Road
Fayetteville, GA 30215
Public Hearing Date May 24, 2021

The subject property is located at 120 Mask Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 34 feet to allow a wooden storage shed to remain.
- 2) Variance to Section 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 9 feet to allow a concrete block building to remain.
- 3) Variance to Section 110-125. A-R (d) (d), to reduce the side yard setback from 50 feet to 10 feet to allow a concrete pad to remain.

Section 110-3. Definitions,

Yard, side, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

History: The survey for Cole Crowe was recorded on April 7, 2021 in Plat Book 100 and Page 554. Tax Assessor's records indicate that the house was built in 1969, and according to the deed the applicant purchased the property in 2020.

As part of the permitting process, a survey is required. Through the review process staff discovered the violation. The site plan given shows the wooden storage shed 34 feet from the side property line, 9 feet from the side property line for concrete block building, and 10 feet from the side property line for the concrete pad.

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 wanted to build a shed. Upon filing for a permit I found out that 2 structures were in need of variances. I also found out the slab I poured for the storage shed I planned on building, was also inside the setback area.

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 wooden storages shed and the concrete block building were already on the property when we purchased in October 2020. I accidentally built a concrete pad in the wrong place. I did not knowing the setback building rules.

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

I would like to keep the three existing structures there as we use them for storage. We will also eventually use the storage shed for an animal covering i.e. (goats/horses).

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

Two buildings were already present before we purchased the property. The concrete pad was accidentally built not knowing the setback rules.

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

No it would not cause substantial 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 little interpretation of this ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

DEPARTMENTAL COMMENTS

ENGINEERING: No comment.

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

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: N/A.

WATER SYSTEM: FCWS has no concerns regarding this variance. There is water service along Harp Road provided by a 12" water main and also provided by a 8" water main along Mask Rd.

A-760-21

Harp Road

Mask Road

**SUBJECT
PROPERTY**



A-760-21



BEARINGS ARE BASED ON SURVEY
FOR NANCY M. BUCHANAN, DATED
JANUARY 1, 2009, BY McCLUNG
SURVEYING SERVICES, INC.,
MICHAEL NOLES, GA RLS #2646

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A
CLOSURE PRECISION OF ONE FOOT IN 15,667 FEET AND AN
ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT, AND
WAS NOT ADJUSTED
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND
IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 444,116 FEET
THE TYPE OF EQUIPMENT USED TO OBTAIN THE LINEAR AND
ANGULAR MEASUREMENTS IN THE PREPARATION OF
SAID MAP OR PLAT WAS AN ELECTRONIC TOTAL STATION

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ⊙ IRON PIN FOUND
- ⊙ IRON PIN SET
- ⊙ UTILITY POLE
- OVERHEAD POWER LINE
- BOC BACK OF CURB
- ⊙ GAS VALVE
- ⊙ WATER METER

RESERVED FOR CLERK OF SUPERIOR COURT

LAND LOT 5 LAND LOT 6

HARP ROAD 80' R/W

AXLE

REBAR FOUND
1.0' STH OF
PROP COR

R=4491.25'
L=305.02'
LCB=N 84°32'53" E

100' B.S.L.

WOODEN
STORAGE SHED
(WILL REMAIN PENDING
VARIANCE APPROVAL)

CONCRETE
PAD

TRANSFORMER

ONE
STORY
BRICK
HOUSE

WOODEN
DECK

WATER
WELL

EXISTING
CARPORT

GRAVEL

CONCRETE
BLOCK BUILDING
(WILL REMAIN PENDING
VARIANCE APPROVAL)

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A 760-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Cole + Kristen Crowe

MAILING ADDRESS: 120 Mask Rd

PHONE: 404 - 207 - 7626 E-MAIL: croweslawncare@gmail.com

AGENT FOR OWNERS: Randy Crowe Crowe + Jorg Realty

MAILING ADDRESS: 207 Taunton Ave

PHONE: 678-776-1890 E-MAIL: _____

PROPERTY LOCATION: LAND LOT ✓ 6 LAND DISTRICT 5th PARCEL 0503022

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.55

ZONING DISTRICT: ~~Residential~~ AR

ZONING OF SURROUNDING PROPERTIES: A-R

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-760-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 4/7/2021

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from Cole Crowe a check in the amount of \$ 345.00

for application filing fee, and \$ 325.00 for deposit on frame for public hearing sign(s). 400.00

Date Paid: 4/7/2021 Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Cole Crowe Kristen Crowe

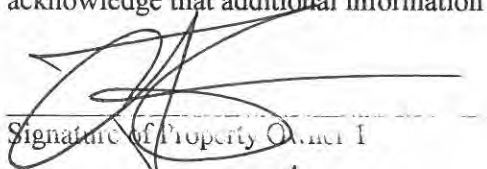
Please Print Names

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

(I am) (~~we are~~) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 2 District, and (if applicable to more than one land district) Land Lot(s) _____ 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 Bardy Crowe 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

120 Mask Rd

Address



Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
SFC 110-125(A-K) (d)(6)			

VARIANCE SUMMARY

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

I wanted to build a shed. Upon filing for a permit
 I found out that 2 structures were ^{in need of} ~~pending~~ variances. I also
 found out the slab I poured for the storage shed I
 planned on building, was also ^{inside,} in the setback area.

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 wooden storage shed + the concrete block building were already on the property when we purchased in October 2020.

Accidentally built concrete pad in wrong place. Not knowing the setback building rules.

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

I would like to keep these ^{three existing} ~~two~~ structures as we ^{use} ~~use~~

them for storage. we will also eventually use the storage shed for an animal covering. (Goats/Horses)

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

~~Two~~ buildings were already present before we purchased the property.

The concrete pad was accidentally built not knowing the setback rules.

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

No it would not cause substantial 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.

I 'yes', A little interpretation of this Ordinance would deprive
the applicant of any rights that others in the same
zoning district are allowed.

Doc ID: 011067230003 Type: WD
Recorded: 11/30/2020 at 09:45:00 AM
Fee Amt: \$462.00 Page 1 of 3
Transfer Tax: \$437.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5164** PG **530-532**

RETURN TO:
WESSELS & GERBER, P.C.
5040 BILL GARNDER PARKWAY, SUITE 210
LOCUST GROVE, GA 30248
20L-1082

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE, made this 24th day of November in the year of our Lord Two Thousand Twenty between Kenneth W. Harris and Rose W. Harris, of the first part and Kristen Marie Crowe and Cole Eugene Crowe as Joint Tenants with Rights of Survivorship of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other goods and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, sell and convey unto the said party of the second part his heirs and assigns:

See Exhibit "A" attached hereto and made a part of this description herein.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said party of the second part heirs, successors and assigns, forever, IN FEE SIMPLE,

And the said party of the first part, for his heirs, successors, executors and administrators will warrant and forever defend the right and title to the above described property subject to permitted exceptions, unto the said party of the second part, his heirs, successors and assigns, against the lawful claims of all persons owning, holding or claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal, the said date and year above written.

Signed this 24th day of November, 2020
in the presence of:

Chengmelial
Unofficial Witness

[Signature]
Notary Public (My commission
Expires 08-06-2023)

Kenneth W. Harris (SEAL)
Kenneth W. Harris

Rose W. Harris (SEAL)
Rose W. Harris

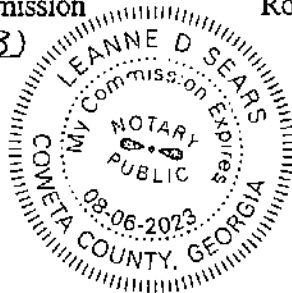


Exhibit A

TRACT ONE:

All that tract or parcel of land lying and being in Land Lot 6 of the 5th District of Fayette County, Georgia, and by plat of J. O. Lee entitled "Property of S. O. and Bettie Mash", dated July 31, 1971 and recorded in Plat Book 6, Page 126, records of Fayette County, Georgia, being more particularly described as follows:

Beginning at a point on the south line of the right-of-way 80 feet in width for an improved public road known as Harp Road (and designated on said plat as Little Plock or Harps Road) and on the easterly side of the right-of-way for an unimproved public road known as McBride Road; running thence easterly and northeasterly, as measured along and following the curvature of the southerly and southeasterly sides of the right-of-way for Harp Road aforesaid 311 feet to an iron pin; thence due south 441 feet to an iron pin; thence South 89 degrees West, 311 feet to an iron pin on the easterly side of the right-of-way for McBride Road; thence northerly, as measured along the easterly side of the right-of-way for McBride Road aforesaid, 420 feet back to the POINT OF BEGINNING; said realty being improved with a one-story brick frame dwelling located thereon.

TRACT TWO:

All that tract or parcel of land lying and being in Land Lot 6 of the 5th District of Fayette County, Georgia, and by plat of Lee Engineering Company entitled "Survey for Betty Mash", dated March 11, 1976 and recorded in Plat Book 8, Page 1, Fayette County, Georgia Records, being more particularly described as follows:

Beginning at a point located 420 feet South 1 degree 16 minutes East, as measured along the easterly side of the right-of-way of a public road sometimes referred to as Mash Road, from the southerly side of the right-of-way 80 feet in width for an improved public road known as Harp's

Road; running thence North 89 degrees 0 minutes East 311 feet to a corner; thence South 0 degrees 36 minutes East 238 feet to a corner; thence North 88 degrees 55 minutes East 461 feet to a corner; thence South 1 degree 36 minutes East 338.7 feet to a corner; thence South 88 degrees 5 minutes West 300 feet to a corner; thence North 1 degree 16 minutes West 184 feet to a corner; thence South 89 degrees 0 minutes West 470 feet to a corner on the easterly side of the right-of-way of said Mash Road; thence North 1 degree 16 minutes West, as measured along the easterly side of right-of-way of said Mash Road 385.4 feet back to the POINT OF BEGINNING; said tract containing 5.5 acres more or less.

LESS AND EXCEPT FROM THE TWO TRACTS THE FOLLOWING TWO PIECES OF PROPERTY:

Parcel 1:

All that tract or parcel of land lying and being in Land Lot 6 of the 5th District, Fayette County, Georgia, being 2.91 acres more or less as per plat dated 6/10/99 for Bobby Mobley and prepared by Ronald T. Godwin, G.R.L.S. No. 2686 and being more particularly described as follows:

TO FIND THE POINT OF POINT OF BEGINNING, commencing at a 1/2 inch rebar set on the south right-of-way line of Harp Road (an 80 foot right-of-way) 327 feet northeasterly as measured along the southerly side of the right-of-way of Harp Road from the intersection of the southerly right-of-way of Harp Road and the West line of Land Lot 6, thence running South 00 degrees 48 minutes 40 seconds West a distance of 673.33 feet to an axle and the POINT OF BEGINNING; thence running North 88 degrees 55 minutes 00 seconds east a distance of 462.71 feet to an axle; thence running South 01 degrees 26 minutes 11 seconds East a distance of 339.74 feet to a 1/2 inch rebar set; thence running south 88 degrees 04 minutes 29 seconds West 299.52 feet to a 1/2 inch rebar set; thence running North 01 degrees 13 minutes 27 seconds West a distance of 195.80 feet to an axle; thence running South 89 degrees 00 minutes 00 seconds west a distance of 165.53 feet to a point; thence running North 00 degrees 48 minutes 41 seconds West a distance of 148.10 feet to an axle and the POINT OF BEGINNING.

PARCEL 2:

All that property described in a Right-of-Way deed recorded in Deed Book 540, Page 25, Fayette County, Georgia Records.

PETITION NO. A-761-21
Denise Burke
1513 Highway 74 S
Senoia, GA 30276
Public Hearing Date May 24, 2021

The subject property is located at 1513 Highway 74 S, Senoia, GA 30276 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-79. A-R, (d) (4) (a) (1), to reduce the front yard setback from 100 feet to 49 feet to allow for the construction of a primary residence.
- 2) Variance to Sec. 110-79. A-R, (d) (5), to reduce the rear yard setback from 75 feet to 22 feet to allow for the construction of a primary residence.

Sec. 110-170. - Nonconformances.

- (a) **Nonconforming lots.** A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. **Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.**

History: The subject property is a non-conforming lot of record and is 0.794 acres in size. Tax Assessor's records indicate that the house was built in 1965 and according to the deed the applicant purchased the property in 2019.

As part of the permitting process, a survey is required. Through the review process staff discovered the violation. The site plan given shows the proposed primary structure 49 feet from the front property line, and 22 feet from the rear property line.

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.

The property was purchased with the intention of rehabbing the property for habitation. After evaluation of the property, it was discovered that the price to fix the property was equivalent to

tearing it down and building a new home. This will eliminate an eyesore that is currently there with the house as it stands. The new home will be very complimentary of the neighborhood. The home will be a primary residence for my elderly mother and will not be utilized as a rental unit.

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.**

It is a non-conforming legal lot of record. It does not meet the 5 acre minimum for an A-R lot.

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

Yes. It would because an unnecessary hardship if we could not build a new home.

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

It is a non-conforming legal lot of record. It does not meet the 5 acre minimum for an A-R lot.

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

No it would not cause substantial detriment to the public. It would enhance the neighborhood.

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

Yes.

DEPARTMENTAL COMMENTS

ENGINEERING: No comment.

ENVIRONMENTAL HEALTH: This Dept. has no objection to the proposed variance. However, the location of the proposed new residence and existing well impact the suitable soil on the site leaving soils that will require an alternative septic system.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL N/A.

WATER SYSTEM: FCWS has no concerns regarding this variance. There is water availability along Hwy 74 at this location provided by a 20" water main.

.

A-761-21

SR 74

**SUBJECT
PROPERTY**



A 761-21

FLOOD STATEMENT:

BY GRAPHIC PLOTTING ONLY. THIS LOT IS LOCATED ON COMMUNITY PANEL No. 13113C0134E, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008. THIS PROPERTY DOES NOT LIE WITHIN IN A 100 YEAR FLOOD HAZARD AREA.

LINE	BEARING	DISTANCE
L1	S 26°10'13" E	32.89'
L2	S 26°13'08" E	2.14'

CLOSURE STATEMENT:

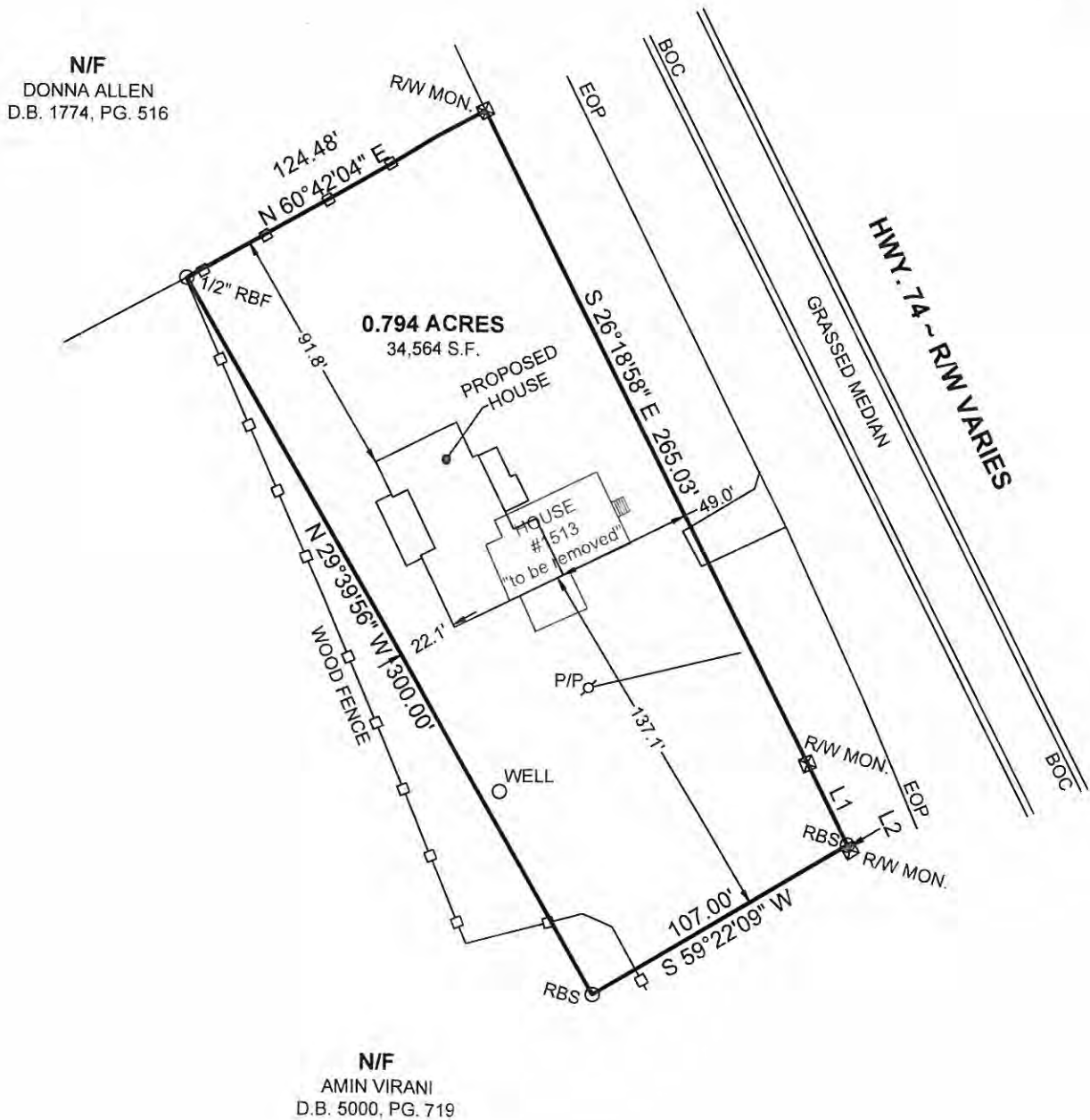
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,799 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 99,433 FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION.

**S.A. GASKINS
& ASSOCIATES, LLC.**
SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
P.O. BOX 321 Brooks, Ga. 30205
sagaskins@bellsouth.net 770-460-9342

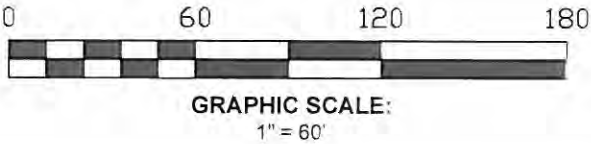
JOHN 3.16



GRID NORTH
WEST ZONE
NAD 83

House Location Plan - 1513 Hwy. 74 S

Prepared For: DENISE BURKE	
F.W.P.D.: 11/13/20	Date: 3/25/21
Scale: 1" = 60'	Job No: SA20-143A
County: FAYETTE, GA	Land Lot: 7
	District: 6th



- LEGEND:**
- EOP = EDGE OF PAVEMENT
 - BOC = BACK OF CURB
 - F.W.P.D. = FIELD WORK PERFORMED DATE
 - L.L. = LAND LOT
 - L.L.L. = LAND LOT LINE
 - N/F = NOW OR FORMERLY
 - P.B. = PLAT BOOK
 - PG = PAGE
 - P.O.B. = POINT OF BEGINNING
 - P/P = POWER POLE
 - RBF = REBAR FOUND
 - RBS = REBAR SET
 - MON = MONUMENT
 - R/W = RIGHT OF WAY

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Denise Burke

MAILING ADDRESS: 739 Brooks Woolsey Rd Brooks Ga 30205

PHONE: 770.714.5153 E-MAIL: dakneec@hotmail.com

AGENT FOR OWNERS: BRAD GRAVEN

MAILING ADDRESS: 140 Coogler Way, Brooks, GA 30205

PHONE: 770-480-5425 E-MAIL: blcraven@att.net

PROPERTY LOCATION: LAND LOT _____ LAND DISTRICT _____ PARCEL 0604012

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.12 Acres

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: residential

PROPOSED USE OF SUBJECT PROPERTY: residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-761-21

[] 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: MAY 24th, 2021

Received from DENISE BURKE a check in the amount of \$ 175⁰⁰

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

Date Paid: 4-15-2021 Receipt Number: _____

A-761-21

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:

Denise Burke

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604 012

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 01 District, and (if applicable to more than one land district) Land Lot(s) 01 of the District, and said property consists of a total of 1.12 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Brad Craven 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.

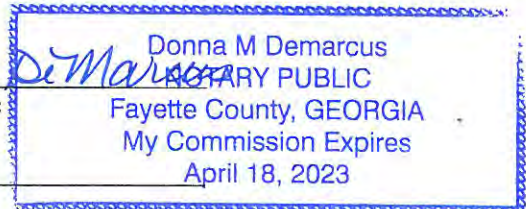
Denise Burke

Signature of Property Owner 1

739 Brookswoolsey Rd
Address Brooks GA 30205

Donna M. DeMarcus
Signature of Notary Public

4-15-21
Date



Signature of Property Owner 2

Address

Signature of Authorized Agent

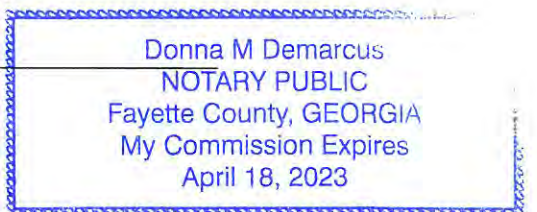
Address

Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

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

The property was purchased with the intention of rehabbing the property for habitation. After evaluation of the property, it was discovered that the price to fix the property was equivalent to tearing it down and building a new home. This will eliminate an eyesore that is currently there with the house as it stands. The new home will be very complimentary of the neighborhood. The home will be a primary residence for my elderly mother and will not be utilized as a rental unit.

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.
it is a non-conforming legal lot of record. It does not meet the 5 acre minimum for an AR lot.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Yes. It would because an unnecessary hardship if we could not build a new home

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

It is a non-conforming legal lot of record. It does not meet the 5 acre minimum for an AR lot.

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

No it would not cause substantial detriment to the public. It would enhance the neighborhood.

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-761-21
Doc ID: 010628780002 Type: WD
Recorded: 05/06/2019 at 09:25:00 AM
Fee Amt: \$99.00 Page 1 of 2
Transfer Tax: \$87.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4869 PG 23-24

Record and Return to:
Lueder, Larkin & Hunter, LLC
1933 Highway 34 E
Newnan, GA 30265
File No.: GA-NW-19-0170-CAS

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 30th day of April, 2019, between

Pete's Friendly Home Inspection, LLC, a Georgia limited liability company

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

Denise Burke

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).

W I T N E S S E T H: 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:

All that tract or parcel of land lying and being in Land Lot 7 of the 6th District of Fayette County, Georgia, and by plat of Joseph W. Steed, Jr., dated December, 1965, entitled "Survey for Richard Lamb," being more particularly described as follows:

Beginning at an iron pin located 365 feet Northwesterly (the practice courses and distances being shown on the above-referenced plat), as measured along the Southwesterly side of the right-of-way for Georgia Highway 74, from the South line of Land Lot 7 aforesaid; running thence South, 62 degrees and 2 minutes West, 150 feet to an iron pin, thence North, 28 degrees and 20 minutes West, 300 feet to an iron pin; thence North 62 degrees and 2 minutes East, 150 feet to an iron pin on the Southwesterly side of the right-of-way for Georgia Highway 74 aforesaid; thence Southeasterly, as measured along the Southwesterly side of the right-of-way for Georgia Highway 74 aforesaid, 300 feet back to the point of beginning; said tract containing 1.03 acres, more or

A-761 21

less, and being improved property with the former principal residence of J.W. Whatley, deceased, located thereon.

Less and Except the property, rights, and easements conveyed in that certain Right of Way Deed conveyed by The Estate of Carolyn J. McWilliams and Bobby L. McWilliams to the Georgia Department of Transportation dated February 22, 2008 and recorded March 10, 2008 in Deed Book 3367, Pages 655-662, Fayette County, Georgia Records.

Subject to restrictive covenants and general utility easements of record.

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 against the claims of all persons owning, holding, or claiming by, through and under the said Grantor.

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:

Unofficial Witness

Notary Public
My Commission Expires: _____
[Notary Seal]

Pete's Friendly Home Inspection, LLC, a Georgia
limited liability company

By: Pete Rossetti (SEAL)
Pete Rossetti, Managing Member



PETITION NO. A-762-21
Philip N. Foster
390 Hilo Road
Fayetteville, GA 30215
Public Hearing Date May 24, 2021

The subject property is located at 390 Hilo Road, Brooks, GA 30205 and is zoned R-20. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-138. R-20, (d) (6), to reduce the side yard setback from 15 feet to 7 feet to allow a primary residence to remain.
- 2) Variance to Section 110-79. Residential accessory structures and their uses, (e) Residential accessory structures located in a front yard, to allow an existing shed to remain.

Sec. 110-179. – Residential accessory structures and their uses. *(e) Residential accessory structures located in front yard.* No residential accessory structure shall be located in a front yard.

History: The survey named James Moore Trace was recorded on September 19, 1979. Tax Assessor's records indicate that the house was built in 1979 and the applicant purchased the property in 1994.

As part of the permitting process, a survey is required. Through the review process staff discovered the violation. The site plan given shows the existing accessory structure located in the front yard..

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.

A 10' X 20' post and beam constructed utility shed exists between the residence and Hilo Road. This utility shed is obscured from view on Hilo Road year round by a substantial stand of bamboo, sweet gum trees, and ligustrum. Homeowner has corresponded with nearest neighbor about the utility shed, neighbor has expressed no objections to the utility shed remaining. Photos from various perspective and email correspondence from neighbor are included to support this request.

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

Regulation application would require deconstruction of the utility shed.
3. **Such conditions are peculiar to the particular piece of property involved; and,**

No other properties in proximity to this address are known to be similarly affected.
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,**

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

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

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

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL N/A.

WATER SYSTEM: FCWS has no concern regarding this variance. There is water service provided along Hilo Road by a 10" water main.

A-762-21

**SUBJECT
PROPERTY**

Hilo Road

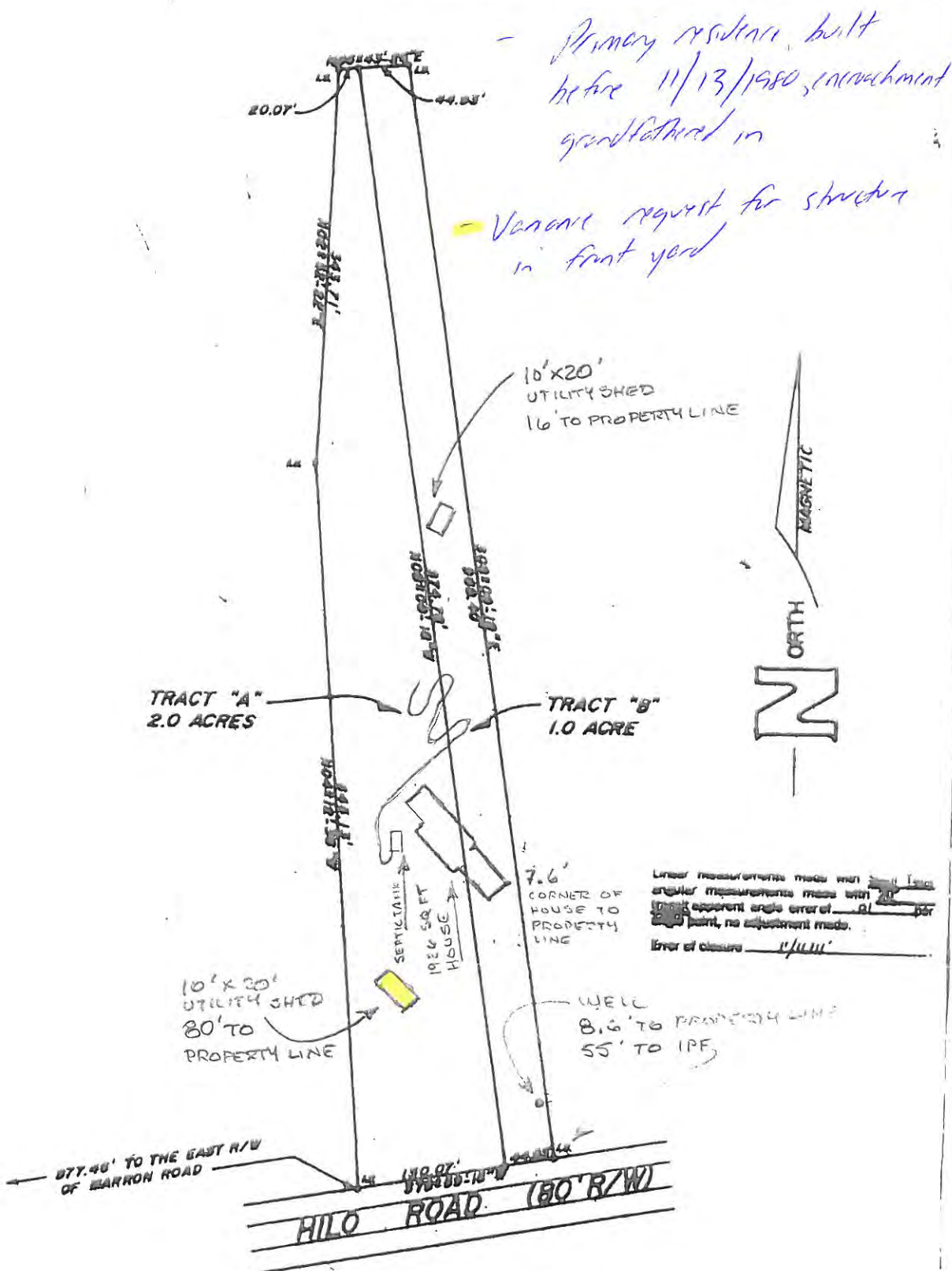
0.22\$

192

A-762-21

Zone R-20

15' side setback



GEORGIA, Fayette County
Clerk's Office Superior Court

Filed for record Sept 19, 1979
3:22 PM.
Recorded in Book 11 Page 192
This 19 day of Sept 19 79
W. A. Ball

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

G. Tim Conkle

Ga. Reg. Land Surveyor No. 2801

PREPARED BY
CONKLE-LANE & ASSOCIATES
ENGINEERING & SURVEYING
GRIFFIN, GEORGIA

PROPERTY SURVEY FOR
JAMES MOORE
LOCATED IN LANDLOT 55
OF THE 5TH LAND DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1"=100'—DATE: JULY 12, 1979

A-162-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: PHILIP N. FOSTER

MAILING ADDRESS: 390 HILO RD FAYETTEVILLE, GA 30215

PHONE: 770-328-9467 E-MAIL: PNFOSTER427@GMAIL.COM

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 55 LAND DISTRICT 5TH PARCEL 051201042

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 3.0

ZONING DISTRICT: R-20

ZONING OF SURROUNDING PROPERTIES: R-20, R-40

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-762-21

☐ 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: May 24, 2021

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

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

Date Paid _____ Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

PHILLIP N FOSTER

Please Print Names

Property Tax Identification Number(s) of Subject Property: 051201042

(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) 55 of the District, and said property consists of a total of 3.0 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

390 WILSON FAYETTEVILLE, GA 30215
Address



Signature of Notary Public

11-16-2021
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

Variance Application Addendum
Fayette County, GA

Variance Summary:

Two variances are requested:

Variance 1 -- Residence described in this application does not meet the required 15' minimum setback from the East property line. Distance from the corner of the residence to the East property line is 7.6'. This distance was the same when the property and residence were purchased by Philip N. Foster in June 1994, the setback distance is not attributable to any addition to the original residential structure. The circumstances of home construction in 1979 and failure to comply with the minimum setback requirements at that time are unknown.

Variance 2 -- A 10' X 20' post and beam constructed utility shed exists between the residence and Hilo Rd. This utility shed is obscured from view on Hilo Rd year round by a substantial stand of bamboo, sweet gum trees, fruit trees, and ligustrum. Homeowner has corresponded with nearest neighbor about the utility shed, neighbor has expressed no objections to the utility shed remaining. Photos from various perspectives and email correspondence from neighbor are included to support this request.

Homeowner is applying for building permit to construct a front porch addition to the residence. Homeowner is required to obtain the requested variances prior to obtaining a building permit. The porch construction area will not infringe on any property lines and is approximately 70' from the East property line. Being that it is impractical to move the home and adjacent property owner does not consent to selling a sub parcel of land to create the minimum setback, homeowner requests Variance 1 to allow the 7.6' setback to be permitted to stand. Homeowner requests in Variance 2 that the utility shed be allowed to stand between the residence and Hilo Rd.

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.

Variance 1 -- Property size and shape are such that the nearest point of the existing residential structure measures 7.6' to the East property line.

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

Variance 1 -- A practical difficulty would be encountered in relocating the existing residential structure the necessary distance to meet the 15' minimum setback requirement. Adjacent property owner is unwilling to sell a suitable parcel to applicant homeowner to create the necessary Ordinance compliant minimum setback distance.

Variance 2 -- Regulation application would require deconstruction of the utility shed.

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

No other properties in proximity to this address are known to be similarly affected as pertains to either Variance 1 or Variance 2.

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.

Variance 1 -- Location of the minimum setback concern is approximately 200' from nearest public road. Adjacent homeowner is aware of this variance application and has no concerns regarding the setback discrepancy. See email correspondence dated 4/8/2021 for adjacent property owner's position on the proposed variance and subsequent building permit activities.

Variance 2 --

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

Variance 1 -- Homeowner is unaware of specific property setback variances being granted. Due to several area properties being constructed in the same timeframe with same contractors and inspection regimen I am confident that there are some non-compliant zoning property setback issues in the Hilo Rd area.

Variance 2 -- Homeowner is unaware of similar variances being granted.



pnfoster <pnfoster427@gmail.com>

Re: Property setback variance application

1 message

ROBERT M JACKSON <jaxonn@bellsouth.net>
To: pnfoster <pnfoster427@gmail.com>

Thu, Apr 8, 2021 at 9:23 PM

➤ Sounds ok to me. Just let me know if you need me to do anything.
Bob

Sent from my iPhone

> On Apr 8, 2021, at 8:37 PM, pnfoster <pnfoster427@gmail.com> wrote:

>
>
> Bob:>
> We recently discussed my plans to expand and modify the front porch of our home at 390 Hilo Rd. Fayetteville, GA 30215, adjacent to your property at 402 Hilo Rd. In the diligence for the building permit, I discovered that the East corner of our house is situated 7.6' from the property line that you and I share. The Fayette County minimum setback requirement is 15'. I am applying for a Planning and Zoning variance to allow the 7.6' distance to stand, as it is impractical for me to move the house or the property line to achieve the 15' setback. It would be helpful to know that you are aligned with this variance request. The porch construction site is approximately 75' from the property line, there will be no construction activities that will impact the existing 7.6' distance to the property line. Please advise your thoughts on this variance application request.>
>
> Philip Foster
> 770-529-9467 cell

A-762-21



pnfoster <pnfoster427@gmail.com>

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>

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> Philip Foster

> 770-329-9467 cell

Prepared by:
Aiken & Ward
125 COMMERCE DRIVE, SUITE G
FAYETTEVILLE, GA 30214
JACKIE AVRETT
File No. 5940602647

A 162-21

WARRANTY DEED

BOOK 925 PAGE 260

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 15th day of June, in the year
one thousand nine hundred ninety-four, between

JOE B. CURBOW, JR. AND JANICE F. CURBOW

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

PHILIP N. FOSTER

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00)
DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof
is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these
presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 55 OF THE 5TH
DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING TRACTS "A" AND "B" OF PROPERTY
FOR JAMES MOORE AS PER PLAT RECORDED IN PLAT BOOK 11, PAGE 192, FAYETTE COUNTY
RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF
THIS DESCRIPTION.

FILED & RECORDED
FAYETTE COUNTY, GA.

94 JUN 24 PM 12 06

W.A. BALLARD
CLERK OF SUPERIOR COURT

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 92.00
DATE 6-24-94
W.A. Ballard
CLERK OF SUPERIOR COURT

This conveyance is made subject to all easements, covenants and restrictions of record.

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

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

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

Signed, sealed and delivered in presence of

WITNESS

NOTARY PUBLIC



Joe B. Curbow, Jr. (Seal)
Janice F. Curbow (Seal)
Janice F. Curbow (Seal)
Seal