

**BOARD OF APPEALS**

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

**STAFF**

Pete Frisina, Director  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, P & Z Coordinator

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
July 26, 2021  
7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on April 26, 2021
2. Consideration of the Minutes of the Meeting held on June 28, 2021

**PUBLIC HEARING**

3. Petition No. A-766-21, Everett O. Collins, requests the following: Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 22 feet to allow an existing shed to remain. The subject property is located in Land Lot 220 of the 4<sup>th</sup> District and fronts on Goza Road.
4. Petition No. A-767-21, Jerry & Melissa Battle, request the following:
  - 1) Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 25 feet (per the final plat) to 7 feet to allow and existing carport to remain.
  - 2) Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 25 feet (per the final plat) to 8 feet to allow an existing therapy room to remain.
  - 3) Variance to Sec. 110-79. Residential accessory structures and their uses. (c) Number and size, to (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3.

The subject property is located in Land Lot 41 of the 5<sup>th</sup> District and fronts on Merrydale Drive and Hilo Road.

5. Petition No. A-768-21, Michael S. & Keleigh P. Paino, Owners, and Randy M. Boyd, RLS, Agent, request the following:
  - 1) Variance to Sec. 110-173. (1) General State Route Overlay (c) (2) to reduce front yard setback from 100 feet to 50 feet.
  - 2) Variance to Sec. 110-173. (1) General State Overlay (f) (1) to reduce street frontage landscaping requirements from 50 feet to 20 feet.

- 3) Variance to Sec. 110-143. (d) Community Commercial (d) (3) (a) (1) to reduce the front yard setback from 75 feet to 50 feet.

The subject property is located in Land Lot 137 of the 5<sup>th</sup> District and fronts on Highway 54 East and Callaway Road.

6. Petition No. A-769-21, PJMC Properties LLC, Owner, and William P. Gilbert, Agent, request the following:
  - 1) Variance to Sec. 110-138. R-20 (d) (4) (b), to reduce the front yard setback from 40 feet to 27 feet to allow a primary residence to remain.
  - 2) Variance to Sec. 110-138. R-20 (d) (4) (b), to reduce the front yard setback from 40 feet to 30 feet to allow a pool to remain.
7. Petition No. A-770-21, Bobby Joe Davis & Abigail Hunter Davis, Owners, request the following:
  - 1) Variance to Sec. 110-125 A-R. (d) (6), to reduce the side yard setback from 50 feet to 27 feet to allow an existing barn /apartment to remain.  
*Note: after further review, staff has determined this variance is not needed.*
  - 2) Variance to Sec. 110-125 A-R. (d) (6), to reduce the side yard setback from 50 feet to 37 feet to allow a storage building to remain.

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-766-21**  
**Everett O. Collins**  
**878 Goza Road**  
**Fayetteville, GA 30215**  
**Public Hearing Date July 26, 2021**

The subject property is located at 878 Goza Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 22 feet to allow an existing shed to remain.

**History:** The survey for Robert Williams was recorded on February 15, 1999. Tax Assessor's records indicate that the house was built in 1984 and the applicant purchased the property in 2017. The Building Safety Department has no record of a building permit for the garage.

As part of the permitting process, a site plan is required. Through the review process staff discovered the violation.

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'm trying to acquire a permit to build a shed/storage building it was expanded to me that that there is a building on my property that does not meet to required property line setback ordinance. My wife and I purchased the home four (4) years ago in April 2017 with this building already on the property. I am attempting to get this matter resolved, so I can apply for the permit construct another new shed/storage building.

**JUSTIFICATION OF REQUEST**

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

No-home is 4200 square feet on 10 acre property, agriculture farm assessed- existing shed 15'x 21' was on property when purchased in 2017.

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

No - wood structure, painted to match colors of home. Existing shed 15' x 21' was on property when purchased in 2017.

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

No - storage shed – Existing shed 15' x 21' was on property when purchased in 2017.

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- storage, lawn equipment wooden shed. Existing shed 15' x 21' was on property when purchased in 2017

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

No- storage, lawn equipment wooden shed. Existing shed 15' x 21' was on property when purchased in 2017

### **DEPARTMENTAL COMMENTS**

**ENGINEERING:** This application does not require input from EMD and Public Works.

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

**ENVIRONMENTAL MANAGEMENT:** This application does not require input from EMD and Public Works.

**FIRE MARSHAL** No comments.

**WATER SYSTEM:** FCWS has not concerns with this variance. There is water availability at this location along Goza Rd. served by a 16" DIP watermain.



**A-766-21**

**Bernhard Road**

**Goza Road**

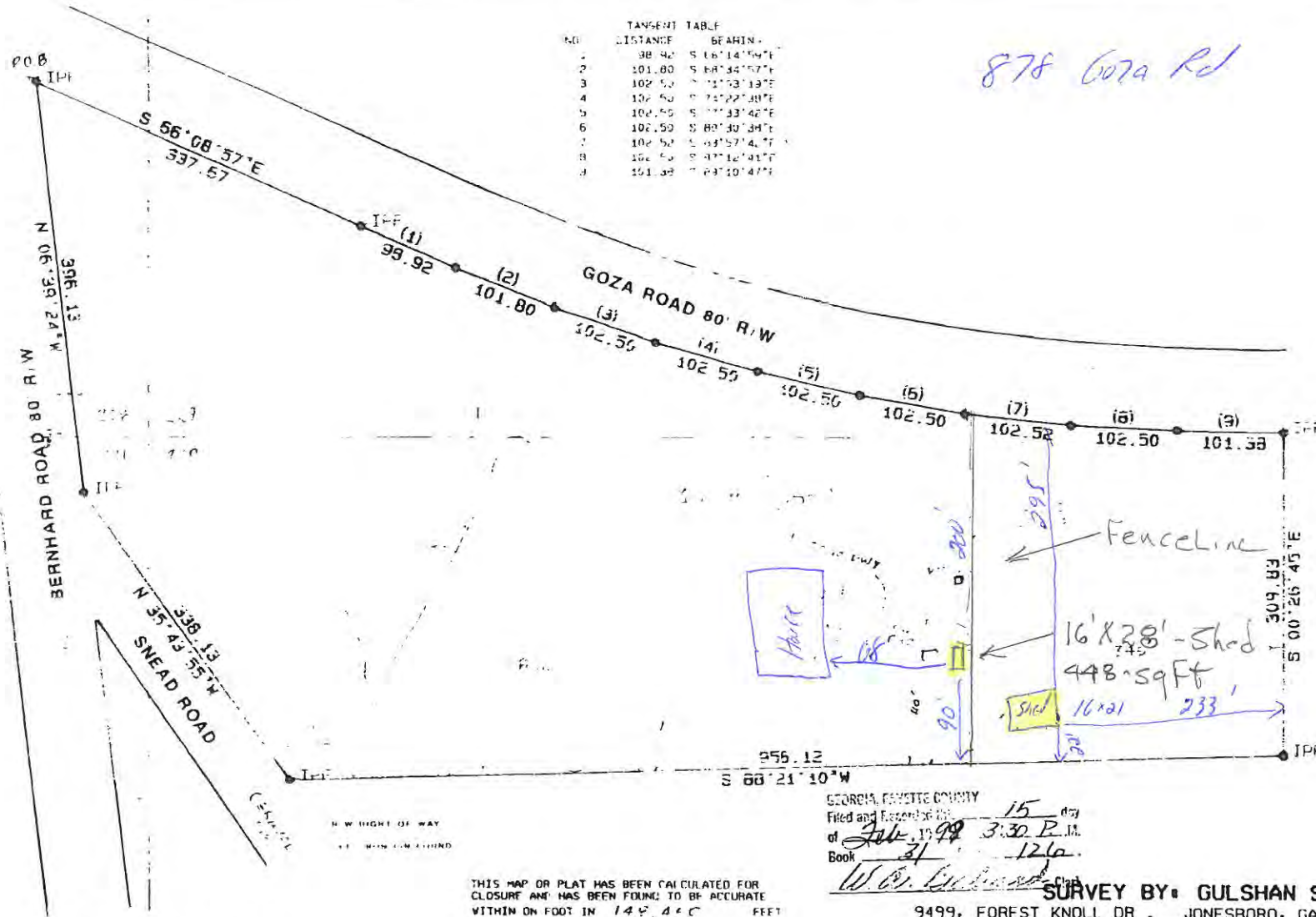
**Snead Road**

**SUBJECT  
PROPERTY**



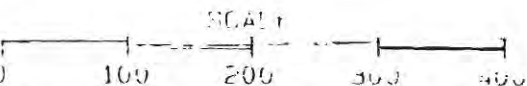
A-766-21  
Everett Collins 878 Goza Rd

878 Goza Rd



A TOPCON GTS 3B TOTAL STATION WAS USED FOR ALL MEASUREMENTS

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 2,500 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGULAR POINT



THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN ONE FOOT IN 145,400 FEET

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE STRUCTURE SHOWN IS OUTSIDE OF THE FLOOD HAZARD AREA.

IT IS HERBY CERTIFIED THAT IN MY OPINION THIS IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

GEORGIA, FAYETTE COUNTY  
Filed and Recorded on 15 day  
of July, 1998 3:30 P.M.  
Book 21 126

W. O. Williams, Jr.

SURVEY BY: GULSHAN SAWHNEY

9499, FOREST KNOLL DR. JONESBORO, GA. 30236 PH. 471-5600

SURVEY FOR: ROBERT WILLIAMS			SHEET NO.	
L.L. 220, 221, 228, 229, 4TH DIST FAYETTE COUNTY, GEORGIA				
SCALE:	1" = 100'	CHECKED BY: GLS		1
DATE:	AUGUST 18, 1992	HOUSE # 878, GOZA ROAD		OF
DWN. BY:	CAD	OTHER:	1	

A 766-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Everett O Collins

MAILING ADDRESS: 878 Goza Rd Fayetteville, GA 30215

PHONE: 609-815-4120 E-MAIL: everettcollins88@gmail.com

AGENT FOR OWNERS: self

MAILING ADDRESS: N/A

PHONE: N/A E-MAIL: N/A

PROPERTY LOCATION: LAND LOT 22D LAND DISTRICT 4th PARCEL 044D-044

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 10 acres

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Residential - Single Family

PROPOSED USE OF SUBJECT PROPERTY: Residential - Single family

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-766-21

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

by Staff: [Signature] Date: 5/24/2021

DATE OF ZONING BOARD OF APPEALS HEARING: July 26, 2021

Received from Everett O. Collins a check in the amount of \$ 235<sup>00</sup>

for application filing fee. and \$ 175<sup>00</sup> for deposit on frame for public hearing sign(s) \$60<sup>00</sup>

Date Paid: May 25, 2021 Receipt Number: 010998



A 766-21

4

## 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:

Everett + Esther Collins

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0440 044

**(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) 220 of the District, and said property consists of a total of 10 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 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

878 Goza Rd

Address Fayetteville GA 30215

Signature of Notary Public

5-24-2021

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-125 (A-R)(d)(4)	50'	22'	28'

### ★ VARIANCE SUMMARY

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

In trying to acquire a permit to build a shed/storage building it was expanded to me that there is a building on my property that does not meet to required property line set back ordinance. My wife and I myself purchased the home four (4) years ago in April 2017 with this building already on the property. I am attempting to get this matter resolved, so I can apply for the permit to construct another new shed/storage building.

### JUSTIFICATION OF REQUEST

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

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

NO - Home is 4200 sq Ft on 10 acre property, agriculture farm assessed - Existing shed 15'x21' was on property when purchased in 2017

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

NO - wood structure, painted to match colors of home  
Existing shed 15'x21' was on property when purchased in 2017

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

NO - storage shed - Existing shed 15'x21' was on property when purchased in 2017

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 - storage, lawn equipment wooden shed  
Existing shed 15'x21' was on property when  
purchased in 2017

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

NO - storage/lawn equipment shed - wooden structure  
Existing shed 15'x21' was on property when  
purchased in 2017



A-766 21  
 Doc ID: 010153220001 Type: WD  
 Recorded: 05/30/2017 at 10:25:00 AM  
 Fee Amt: \$455.00 Page 1 of 1  
 Transfer Tax: \$445.00  
 Fayette, Ga. Clerk Superior Court  
 Shella Studdard Clerk of Court  
 BK 4610 PG 481

After recording

Return to:

Donaghue & Chandler, LLC

710 Newnan Crossing Bypass

Newnan, GA 30263

File #: 11131

931 Lower Fayetteville Rd, Ste E  
**JOINT TENANCY WITH SURVIVORSHIP  
 WARRANTY DEED**

**STATE OF GEORGIA,  
 COUNTY OF**

This Indenture made this 25th day of April, 2017 between **Frank Williams as Executor of the Estate of Robert Williams, deceased**, as party or parties of the first part, hereinafter called Grantor, and **Everett O. Collins and Esther R. Collins**, as joint tenants with survivorship and NOT as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 220, 221, 228 AND 229 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BERNHARD ROAD (80 FOOT RIGHT-OF-WAY) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF GOZA ROAD (80 FOOT RIGHT-OF-WAY); RUN THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 66 DEGREES 08 MINUTES 57 SECONDS EAST 337.67 FEET TO AN IRON PIN FOUND; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 66 DEGREES 14 MINUTES 59 SECONDS EAST 98.92 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 68 DEGREES 34 MINUTES 57 SECONDS EAST 101.80 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 71 DEGREES 03 MINUTES 19 SECONDS EAST 102.50 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 74 DEGREES 22 MINUTES 38 SECONDS EAST 102.50 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 77 DEGREES 33 MINUTES 42 SECONDS EAST 102.50 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 80 DEGREES 30 MINUTES 38 SECONDS EAST 102.50 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 83 DEGREES 57 MINUTES 42 SECONDS EAST 102.52 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 87 DEGREES 12 MINUTES 41 SECONDS EAST 102.50 FEET TO A POINT; CONTINUE THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS EAST 101.38 FEET TO AN IRON PIN FOUND; RUN THENCE SOUTH 00 DEGREES 26 MINUTES 45 SECONDS EAST 309.83 FEET TO AN IRON PIN FOUND; RUN THENCE SOUTH 88 DEGREES 21 MINUTES 10 SECONDS WEST 956.12 FEET TO AN IRON PIN FOUND ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SNEAD ROAD (UNIMPROVED); RUN THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE NORTH 35 DEGREES 43 MINUTES 55 SECONDS WEST 338.13 FEET TO AN IRON PIN FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF BERNHARD ROAD; RUN THEN ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 06 DEGREES 39 MINUTES 24 SECONDS WEST 396.13 FEET TO THE POINT OF BEGINNING, BEING IMPROVED REAL PROPERTY KNOWN AS 878 GOZA ROAD IN ACCORDANCE WITH THE PRESENT SYSTEM OF NUMBERING IN FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY SHOWN ON PLAT OF SURVEY PREPARED BY GULSHIAN SAWHNEY, REGISTERED LAND SURVEYOR, DATED AUGUST 18, 1992.

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

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

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

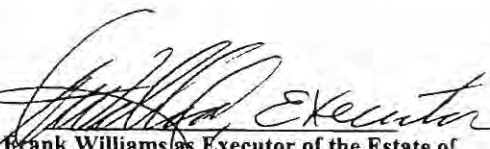
**IN WITNESS WHEREOF**, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

  
 Witness

  
 Notary Public



  
 Frank Williams as Executor of the Estate of Robert Williams, deceased



**PETITION NO. A-767-21**  
**Jerry & Melissa Battle**  
**455 Merrydale Drive**  
**Fayetteville, GA 30215**  
**Public Hearing Date July 26, 2021**

The subject property is located at 455 Merrydale Drive, Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 25 feet (per the final plat) to 7 feet to allow an existing carport to remain.

Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 25 feet (per the final plat) to 8 feet to allow an existing therapy room to remain.

Variance to Sec. 110-79. Residential accessory structures and their uses. (c) Number and size, to (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3.

**History:** The Revised Final Plat for Huntington South Unite Five was recorded on June 9, 1986. Tax Assessor's records indicate that the house was built in 1984 and the applicant purchased the property in 2015. The Building Safety Department has no record of a building permit for the garage.

As part of the permitting process, a site plan is required. Through the review process staff discovered the violation.

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 majority of the responses to these questions are based on the fact that we care for 2 adult special needs children in our home. They both use wheelchairs, special-walkers etcetera on our very un-level property. We are requesting that both the therapy room and carport current locations be approved as well as allowing both of these structures to be allowed to stay on the property after the addition of a detached garage. Allowing this would be 1 more accessory building than allowed on a 1-acre lot but with a total area of all three structures being 1620 sq. ft., would still be under the maximum accessory building combined square footage allowed by the county for a lot our size (1,800 sq. ft.). There is currently a 12X24 skid building in the backyard that would go away after

completion and C.O. of the new detached garage. We would appreciate your considering these circumstances when evaluation the need for this variance.

### **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.**

This property's extraordinary and/or exceptional conditions due to size shape or topography as pertaining to the need for variance include: The southern end of this property where the concrete driveway is located, which is required for moving wheelchairs and mobility assistive devices safely, is hilly and otherwise very tilted in topography. Finding a suitable place to locate a LEVEL covered auxiliary parking pad is limited. The covered carport "20X24" was located based on that need and at the time the installer insisted that it was OK to be this close to the property line due to its semi-portability and the concrete portion according to the installer was a driveway which not affected by county setback rules. Placing this structure further away from the property line would have required a tremendous amount of dirt movement to build up to level. The wooden skid"12X20 Therapy Room" building was placed where it is due to proximity to the driveway and there again because of the topography. At that it still required us to dig into the ground on one end while the opposite end is still more than 2 feet off the ground. We need to be able to use the concrete driveway to access this Therapy Room and the doorway not require an expensive high wheelchair ramp. We placed this building on our property because we have many therapeutic devices that require a great deal of climate-controlled storage space and our home is just too small for all of it. This building was much more affordable than adding on to the house. Also, doing therapy in an area away from the main house has proven to yield better results.

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

These are some of the difficulties and or hardships that would be created by the NON approval of this variance: The monetary requirements to create level spaces attached to our existing driveway for these 2 structures would be enormous and would be aesthetically very ugly to the property. These 2 structures are currently located in an area where the adjacent property is heavily wooded and therefore does not encroach on a used area of that property and thereby should not affect any current use of that adjacent property.

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

Peculiar conditions to this particular piece of property are as follows: The north end of our property which is most level is unfortunately opposite of where our current driveway is and even worse it is adjacent to Hilo Road which has a 60 feet setback. Furthermore, there is an easement for Coweta Fayette EMC even further restricting our ability to place permanent structures in that area. Our property is on the corner of Hilo and Merrydale so the setbacks set by the county along with the EMC easement take our 1.12 acre lot down to only .437 acre of space we can construct on. Most of this usable space is downhill from the main house.

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

Relief if granted would not affect the public good as the adjacent property is not used in the area where these structures cross the setback allowance. If anything, this area would be improved as I maintain the landscape in this area of our property as it was not cared for in the least by the previous owner.

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

I am not aware of any other property owners in the area that have requested a similar variance. At the same time, I am not aware of anyone who is dealing with a neighbor that is concerned with an owned or neighbor owned structure that may be over the setback requirements implemented by the county nor am I familiar with anyone who has requested a variance to have more than 2 auxiliary structures on their 1 acre lot.

### **DEPARTMENTAL COMMENTS**

**ENGINEERING:** This application does not require input from EMD and Public Works.

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

**ENVIRONMENTAL MANAGEMENT:** This application does not require input from EMD and Public Works.

**FIRE MARSHAL** No comment.

**WATER SYSTEM:** FCWS has no concern with this variance. There is water availability at the location served by a 8" watermain along Merrydale Dr.



**A-767-21  
Aerials**

**Hilo Road**

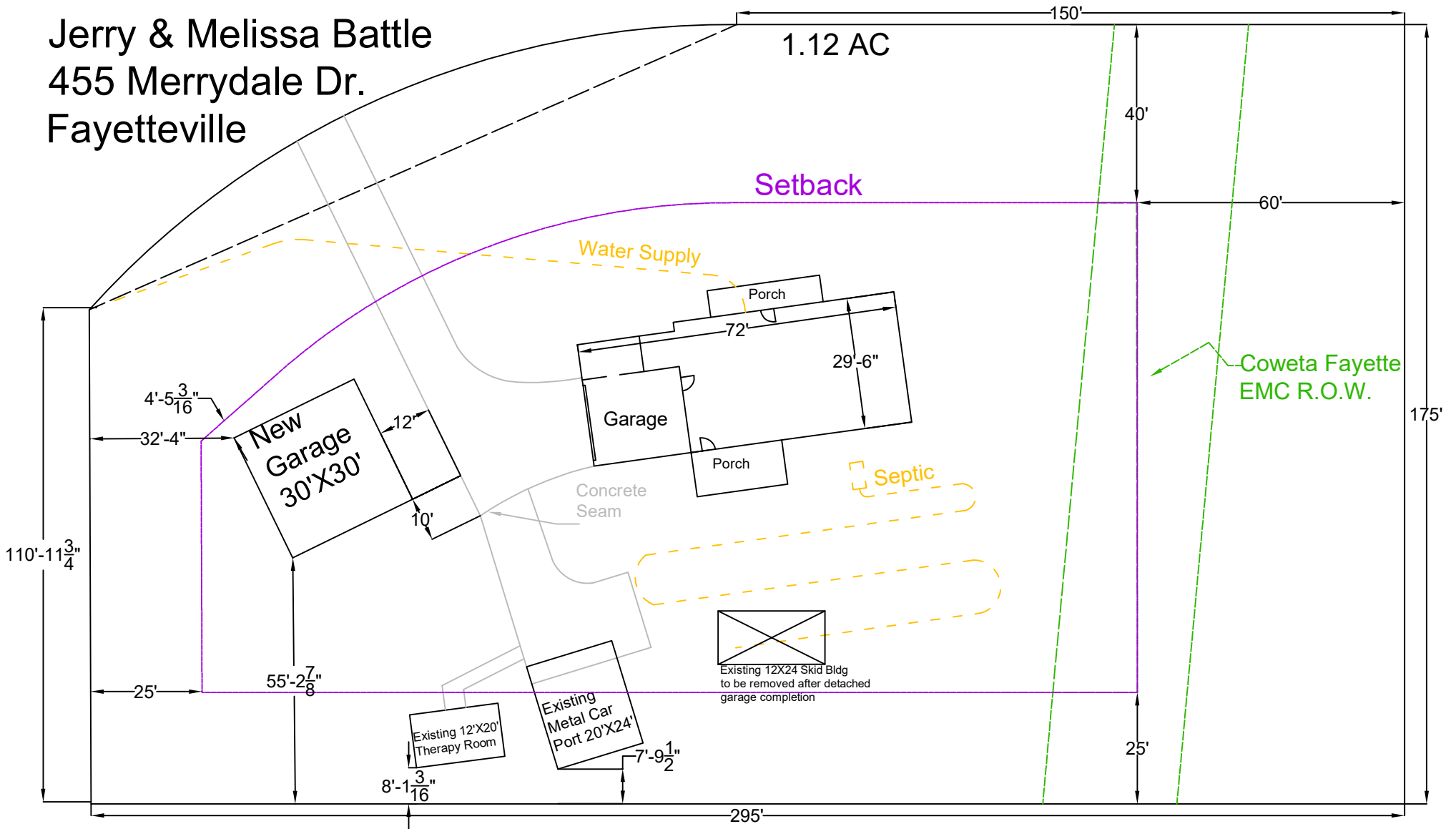
**Merrydale Drive**

**SUBJECT  
PROPERTY**

**R-20**



Jerry & Melissa Battle  
455 Merrydale Dr.  
Fayetteville





A 767-21





A 767-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Jerry & Melissa Battle

MAILING ADDRESS: 455 Merrydale Dr Fayetteville 30215

PHONE: 770-776-9117 E-MAIL: policecarman@gmail.com

AGENT FOR OWNERS: NA

MAILING ADDRESS: NA

PHONE: NA E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 41 LAND DISTRICT 5<sup>th</sup> PARCEL 05/202037

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.15 1.12

ZONING DISTRICT: OT R-40

ZONING OF SURROUNDING PROPERTIES: R3 R-40

PRESENT USE OF SUBJECT PROPERTY: Primary Residence

PROPOSED USE OF SUBJECT PROPERTY: R3

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-767-21

[ ] 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: July 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 767-21

# 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:

Jerry W Battle Jr      Melissa C Battle  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 05-1202-034

**(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) \_\_\_\_\_ of the District, and said property consists of a total of 1.15 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

Signature of Notary Public

455 Merrydale Dr  
Address Fayetteville GA 30215

1-2021  
Date

Melissa C Battle  
Signature of Property Owner 2

[Signature]  
Signature of Notary Public

455 Merrydale Dr 30215  
Address

1-2021  
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date



See Attached

## JUSTIFICATION OF REQUEST

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

1. <sup>What are the</sup> There are extraordinary and exceptional conditions pertaining to <sup>this</sup> the particular piece of property ~~in question because~~ of its size, shape or topography. <sub>due</sub>

2. <sup>Would the</sup> The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

3. <sup>What</sup> Such conditions are peculiar to the particular piece of property involved.

See Attached

A 767-21

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

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

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A 767-21

### 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
P	25 ft Set-back from adjacent property	6 ft 62 buildings	
	Only 2 Auxiliary Buildings	3	

### VARIANCE SUMMARY

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

See Attached above "Justification" Section

A 767 21

Jerry & Melissa Battle  
455 Merrydale Dr.  
Fayetteville Ga. 30215  
770-776-9117 / 229-591-0195

5/30/21

## Variance Request Justification Responses

The majority of the responses to these questions are based on the fact that we care for 2 adult special needs children in our home. They both use wheelchairs, special walkers etc on our very unlevel property. We are requesting that both the Therapy room and carport current locations be approved as well as allowing both of these structures to be allowed to stay on the property after the addition of a detached garage. Allowing this would be 1 more accessory building than allowed on a 1-acre lot but with a total area of all three structures being 1620 sq ft, would still be under the maximum accessory building combined square footage allowed by the county for a lot our size (1,800 sq ft). There is currently a 12X24 skid building in the back yard that would go away after completion and C.O. of the new detached garage. We would appreciate your considering these circumstances when evaluating the need for this variance.

1. This property's extraordinary and/or exceptional conditions due to size shape or topography as pertaining to the need for variance include: The southern end of this property where the concrete driveway is located, which is required for moving wheelchairs and mobility assistive devices safely, is hilly and otherwise very tilted in topography. Finding a suitable place to locate a LEVEL covered auxiliary parking pad is limited. The covered carport "20X24" was located based on that need and at the time the installer insisted that it was OK to be this close to the property line due to its semi-portability and the concrete portion according to the installer was a driveway which is not affected by county set-back rules. Placing this structure further away from the property line would have required a tremendous amount of dirt movement to build up to level. The wooden skid "12X20 Therapy Room" building was placed where it is due to proximity to the driveway and there again because of the topography. At that it still required us to dig into the ground on one end while the opposite end is still more than 2 feet off the ground. We need to be able to use the concrete driveway to access this Therapy Room and the doorway not require an expensive high wheelchair ramp. We placed this building on our property because we have many therapeutic devices that require a great deal of climate-controlled storage space and our home is just too small for all of it. This building was much more affordable than adding on to the house. Also, doing therapy in an area away from the main house has proven to yield better results.
2. These are some of the difficulties and or hardships that would be created by the NON approval of this variance: The monetary requirements to create level spaces attached to our existing driveway for these 2 structures would be enormous and would be esthetically very ugly to the property. These 2 structures are currently located in an

area where the adjacent property is heavily wooded and therefore does not encroach on a used area of that property and thereby should not affect any current use of that adjacent property.

3. Peculiar conditions to this particular piece of property are as follows: The north end of our property which is most level is unfortunately opposite of where our current driveway is and even worse it is adjacent to Hilo Rd which has a 60 Feet set-back. Furthermore, there is an easement for Coweta Fayette EMC even further restricting our ability to place permanent structures in that area. Our property is on the corner of Hilo and Merrydale so the set-backs set by the county along with the EMC easement take our 1.12 Acre lot down to only .437 Acre of space we can construct on. Most of this usable space is downhill from the main house.
4. Relief if granted would not affect the public good as the adjacent property is not used in the area where these structures cross the set-back allowance. If anything, this area would be improved as I maintain the landscape in this area of our property as it was not cared for in the least by the previous owner.
5. I am not aware of any other property owners in the area that have requested a similar variance. At the same time, I am not aware of anyone who is dealing with a neighbor that is concerned with an owned or neighbor owned structure that may be over the set-back requirements implemented by the county nor am I familiar with anyone who has requested a variance to have more than 2 auxiliary structures on their 1 acre lot.

Thank you,

Jerry (J.J.) & Melissa Battle

455 Merrydale Dr.

Fayetteville, Ga. 30215

770-776-9117 , 229-591-0195

Doc ID: 009730540001 Type: ESTD  
 Recorded: 09/04/2015 at 10:00:00 AM  
 Fee Amt: \$155.00 Page 1 of 1  
 Transfer Tax: \$145.00  
 Fayette, Ga. Clerk Superior Court  
 Shelia Studdard Clerk of Court  
 BK 4363 PG 116

A-767-21

After recording return to  
 Law Firm of Stephen D. Ott, P.C.  
 125 Flat Creek Trail, Suite 250  
 Fayetteville, GA 30214  
 File No 15-172

## EXECUTOR'S DEED

STATE OF GEORGIA  
 COUNTY OF FAYETTE

THIS INDENTURE, made and entered into this 28<sup>TH</sup> day of AUGUST, 2015 between CYNTHIA FISHER HUTCHINSON as Executor of the Estate of MARY HILL FISHER A/K/A MARY H. FISHER, late of FAYETTE County, Georgia, decedent, Party of the First Part, and JERRY W. BATTLE, JR. and MELISSA C. BATTLE, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT MERELY AS TENANTS IN COMMON, of the State of Georgia, Party of the Second Part;

WITNESSETH, that the Party of the First Part, by virtue of the power and authority vested in him as Executor, has granted, bargained, sold and conveyed, and hereby does grant, bargain, sell and convey unto the Party of the Second Part, her heirs and assigns, the following described property to-wit:

All that tract or parcel of land lying and being in Land Lot 41 of the 5th District of Fayette County, Georgia, being Lot 34 of Huntington South, Unit Five, as per plat recorded in Plat Book 14, Page 27, Fayette County Records, which plat is hereby referred to and made a part of this description; being improved property known as No. 455 Merrydale Drive according to the present system of numbering houses in Fayette County, Georgia.

This deed is given subject to all easements, covenants and restrictions of record, if any.

This deed is executed to evidence the assent of the Executor to the passing of the title to the Party of the Second Part in accordance with the laws of intestacy and under the terms of the will.

TO HAVE AND TO HOLD the same, together with all the rights, members and appurtenances thereunto belonging, or in any wise appertaining, to the said Party of the Second Part's own proper use, benefit and behoof, in as full, ample and complete a manner as the same was possessed or enjoyed by the said decedent in his lifetime.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand and seal, the day and year first above written.

Signed, sealed and delivered this  
 28<sup>TH</sup> day of AUGUST, 2015 in the  
 presence of:

*Betty J. Hester*  
 WITNESS

*[Signature]*  
 NOTARY PUBLIC

My COMM expires 5/19/2019



EXECUTOR OF THE ESTATE OF MARY  
 HILL FISHER A/K/A MARY H. FISHER  
*Cynthia Fisher Hutchinson is Executor of the Estate of  
 Mary Hill Fisher by Right Survivorship*  
 CYNTHIA FISHER HUTCHINSON

Book: 4363 Page: 116 Seq: 1

**PETITION NO. A-768-21**  
**Michael S. Paino & Keleigh P. Paino**  
**1135 Highway 54 East**  
**Fayetteville, GA 30214**  
**Public Hearing Date July 26, 2021**

The subject property is located at 1135 Highway 54 East, Fayetteville, GA 30214 and is zoned C-C. The applicant is requesting a Variance as follows:

Variance to Sec. 110-173. (1) General State Route Overlay (c) (2) to reduce front yard setback from 100 feet to 50 feet.

Variance to Sec. 110-173. (1) General State Overlay (f) (1) to reduce street frontage landscaping requirements from 50 feet to 20 feet.

Variance to Sec. 110-143. (d) Community Commercial (d) (3) (a) (1) to reduce the front yard setback from 75 feet to 50 feet.

**History:** The survey for Floyd E. Calloway was recorded on May 13, 1969. Rezoning petition 113-70 to C-C was approved by the Board of Commissioners in 1970 (staff was unable to find any information regarding this rezoning). According to the deed the applicant purchased the property in 2011.

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.**

This tract of land was originally deeded out of a larger tract in 1971 (see attached deed). The existing zoning of this property is C-C (Community Commercial District). The required front setback is 75 feet from the right-of-way. This parcel is located in the transportation corridor overlay zone. The front yard setback for the overlay zone is 100 feet and requires a 50 foot front landscape area along the right-of-way.

The purpose of this variance application is to request a reduction of the 75 feet front zoning setback and the 100 feet corridor overlay zone setback of 100 feet to be reduced to 50 feet, and to eliminate the street frontage landscape area of 50 feet along the state route frontage.



## 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.**

This lot was created in 1971 and is a non-conforming lot of record. The minimum area of a lot in the C-C zoning district is 1.00 acres. This lot is 0.581 acres. The lot slopes from the front to the rear of the lot.

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

This lot has frontage on two roads. When the front building setback of 100 feet on GA Hwy 54 and 70 feet from setback along Callaway Road and the 15 feet side and rear setbacks are applied, the available building envelope is extremely small.

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

As stated above, this lot was created 50 years ago and does not meet the C-C zoning district requirements of a minimum of 1.00 acre. Then, to apply additional constraints of the 100 feet front setback along GA Highway 54 decreases the building envelope.

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,**

Approval of this variance would not cause substantial detriment to the public good or impair the purposes and intent of these regulations based on the fact that the 3 existing buildings to the east of this parcel are encroaching into the 100 feet front setback by 70 feet, 34 feet and 30 feet; respectively.

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

As stated above, the three parcels to the east are encroaching into the 100 feet front setback along GA Hwy 54. Moving the proposed building toward Hwy 54 on this parcel would be more consistent with the existing building already constructed along GA Hwy 54. This would also allow the septic tank and drainfield line to be placed at the rear of this lot where the topography supports that location.



## DEPARTMENTAL COMMENTS

**GDOT:** The use of the existing accesses to state route 54 will have to be changed/reduced and the property owner should be made aware of this GDOT requirement. There is not a “grandfathered” access policy with GDOT. The attached redlined drawing is what is desired by GDOT.

- The three existing accesses should be combined into one joint use access that would provide access to both parcels.
- The existing access on Callaway road should be relocated to be 100 feet from the state routes travel lane.

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

**ENVIRONMENTAL MANAGEMENT: Variance conditions:** EMD will not approve an LDP without the applicant submitting an approved GDOT entrance plan. The current site plan does not meet the GDOT requirements as shown on an email from Taylor Stanford on June 30, 2021.

(GDOT will allow only 1 shared entrance to Hwy 54 E at the North East corner of the tract, it will be a joint use right in right out with 1139 Hwy 54 E. Callaway Road entrance must be 100 ft from the travel lanes of Hwy 54 E.)

If a reduction is granted in the street frontage landscape setback the landscaping requirement for the number of trees and shrubs will not be reduced.

That the owner shall dedicate from the centerline of Callaway Road, at no cost to the County, 40 feet of Right of Way. To be shown on the site plan and a warranty deed filed prior to any additional certificate of occupancy being issued. The owners shall remove any existing paving within the said new right of way limits at no cost to Fayette County prior to dedication. *(This condition will be administered by Public Works/Environmental Management.)*

### County Road Frontage Right of Way Dedication

GA Hwy 54 is a **Major Arterial** roadway and the GADOT controls all entrances and exits onto the state route. Any proposed modifications to the site entrances and exits will be permitted through GADOT.

**FIRE MARSHAL** No comment.

**WATER SYSTEM:** FCWS has no issue with the variance. FCWS maintains a 10" watermain at this location and the property owner needs to be reminded that there is a watermain and water valves along this location and care should be taken to prevent any damage during any work regarding this variance request.

**A-768-21  
Aerials**

**SR 54**

**Callaway Road**

**SUBJECT  
PROPERTY**

**R-20**



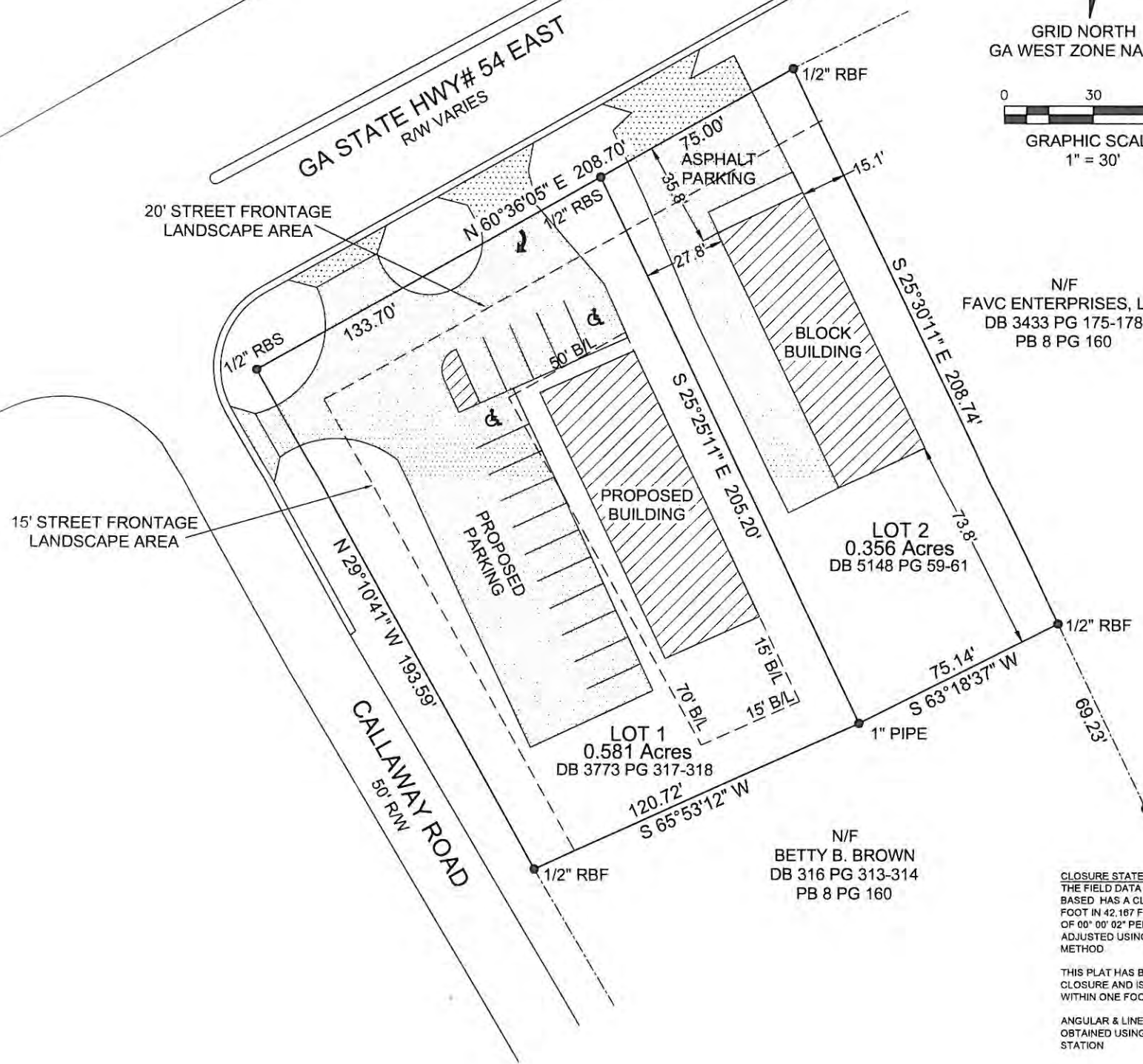
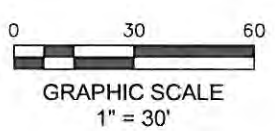
A-768-21

# CONCEPT PLAN

- LEGEND
- RBF=REBAR FOUND
  - RBS=REBAR SET
  - CTP=CRIMP TOP PIPE
  - L.L.=LAND LOT
  - L.L.L.=LAND LOT LINE
  - R.=PROPERTY LINE
  - CO=CONSTRUCTION ENTRANCE
  - EP=EDGE OF PAVEMENT
  - P.O.B.=POINT OF BEGINNING
  - B/L=BUILDING SETBACK LINE
  - D.E.=DRAINAGE EASEMENT
  - N/F=NOW OR FORMERLY
  - F.W.P.D.=FIELD WORK PERFORMED DATE
  - O/F=OUT OF FLOOD PLAIN
  - DB=DEED BOOK
  - PG=PAGE
  - PB=PLAT BOOK
  - (###)=HOUSE NUMBER



GRID NORTH  
GA WEST ZONE NAD 83



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

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA 403 TCR TOTAL STATION

**FLOOD STATEMENT**  
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0108E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA

Job No. 21-006	
Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 01/26/21	
F.W.P.D.: 01/12/21	
Revisions:	Date:



Prepared For:

**355 GROUP, LLC**

Property Location

Land Lot 137 Of The 5th Land District  
Fayette County, Georgia

**S.A. GASKINS & ASSOCIATES, LLC**  
surveyors planners development consultants  
P.O. BOX 303 BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com





qPublic.net™

Fayette County, GA

PAGE 11





VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: MICHAEL S. PAINO AND KELEIGH P. PAINO

MAILING ADDRESS: 126 TERRACE TAY, PEACHTREE CITY, GA. 30269

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: RANDY M. BOYD

MAILING ADDRESS: P.O. BOX 64, ZEBULON, GA. 30295

PHONE: 404-275-1677 E-MAIL: boyd222@gmail.com

PROPERTY LOCATION: LAND LOT 137 LAND DISTRICT 5th PARCEL 0532037

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.581 ACRES

ZONING DISTRICT: EXISTING ZONING - C-C

ZONING OF SURROUNDING PROPERTIES: C-C TO THE EAST, CH TO THE SOUTH

PRESENT USE OF SUBJECT PROPERTY: VACANT

PROPOSED USE OF SUBJECT PROPERTY: OFFICE BUILDING

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-768-21

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

by Staff: \_\_\_\_\_ Date: 6/16/2021

DATE OF ZONING BOARD OF APPEALS HEARING: July 26, 2021

Received from Charlie Kimbell a check in the amount of \$ 265<sup>00</sup>

for application filing fee, and \$ 225<sup>00</sup> for deposit on frame for public hearing sign(s). 40<sup>00</sup>

Date Paid: June 16, 2021 Receipt Number: \_\_\_\_\_

A 76+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:

MICHAEL S. PAINO AND KELEIGH P. PAINO  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0532 037

☒ (I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 137 of the 5th District, and (if applicable to more than one land district) Land Lot(s) 137 of the District, and said property consists of a total of 0.581 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

☒ (We) hereby delegate authority to RANDY M. BOYD 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.

☒ (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 ☒ (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. ☒ (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. ☒ (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

[Signature]  
Signature of Property Owner 1

126 TERRACE TRAY  
Address PEACHTREE CITY, GA 30269

[Signature]  
Signature of Property Owner 2

126 TERRACE TRAY  
Address PEACHTREE CITY, GA 30269

[Signature]  
Signature of Authorized Agent

P.O. Box 64, ZEBULON  
Address GA 30295

[Signature]  
Signature of Notary Public

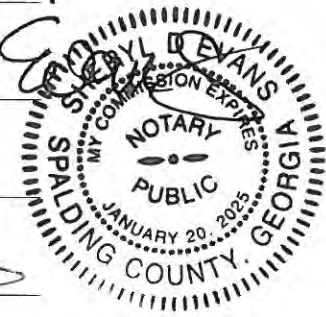
June 17, 2021  
Date

[Signature]  
Signature of Notary Public



[Signature]  
Signature of Notary Public

6-15-2021  
Date





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: 0532-037

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

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

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

\_\_\_\_\_  
Signature of Property Owner 1

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner 2

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

### VARIANCE SUMMARY

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

THIS TRACT OF LAND WAS ORIGINALLY DEEDED OUT OF A LARGER TRACT IN 1971 (SEE ATTACHED DEED). THE EXISTING ZONING OF THIS PROPERTY IS C-C (COMMUNITY COMMERCIAL DISTRICT). THE REQUIRED FRONT SETBACK IS 75 FEET FROM THE RIGHT-OF-WAY. THIS PARCEL IS LOCATED IN THE TRANSPORTATION CORRIDOR OVRWAY ZONE. THE FRONT YARD SETBACK FOR THE OVRWAY ZONE IS 100 FEET & REQUIRES A 50 FOOT FRONT LANDSCAPE AREA ALONG THE RIGHT-OF-WAY.



THE PURPOSE OF THIS VARIANCE APPLICATION IS TO REQUEST A REDUCTION OF THE 75 FT. FRONT ZONING SETBACK AND THE 100 FT. CORRIDOR OVERLAY ZONE SETBACK OF 100 FT. TO BE REDUCED TO 50 FT. AND TO ELIMINATE THE STREET FRONTAGE LANDSCAPE AREA OF 50 FT. ALONG THE STATE ROUTE FRONTAGE

### JUSTIFICATION OF REQUEST

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

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

THIS LOT WAS CREATED IN 1971 AND IS A  
NON-CONFORMING LOT OF RECORD. THE MINIMUM AREA  
OF A LOT IN THE C-C ZONING DISTRICT IS 1.00 ACRES.  
THIS LOT IS 0.581 ACRES. THE LOT SLOPES FROM THE  
FRONT TO THE REAR OF THE LOT.

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

THIS LOT HAS FRONTAGE ON TWO ROADS.  
WHEN THE FRONT BUILDING SETBACK OF 100 FT. ON GA.  
HWY. 54 AND 70 FT. FRONT SETBACK ALONG CAMBARY  
ROAD AND THE 15 FT. SIDE AND REAR SETBACKS ARE  
APPLIED, THE AVAILABLE BUILDING ENVELOPE IS EXTREMELY SMALL.

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

AS STATED ABOVE, THIS LOT WAS CREATED 50 YEARS  
AGO AND DOES NOT MEET THE C-C ZONING DISTRICT  
REQUIREMENTS OF A MINIMUM OF 1.00 ACRE. THEN, TO  
APPLY ADDITIONAL CONSTRAINTS OF THE 100 FT. FRONT  
SETBACK ALONG GA. HWY. 54 DECREASES THE BUILDING  
ENVELOPE.

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.

APPROVAL OF THIS VARIANCE WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD OR IMPAIR THE PURPOSES AND INTENT OF THESE REGULATIONS BASED ON THE FACT THAT THE 3 EXISTING BUILDINGS TO THE EAST OF THIS PARCEL ARE ENCRoACHING INTO THE 100 FT. FRONT SETBACK BY 70 FT., 34 FT. AND 30 FT., RESPECTIVELY.

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

AS STATED ABOVE, THE THREE PARCELS TO THE EAST ARE ENCRoACHING INTO THE 100 FT. FRONT SETBACK ALONG GA. Hwy. 54. MOVING THE PROPOSED BUILDING TOWARD Hwy. 54 ON THIS PARCEL WOULD BE MORE CONSISTENT WITH THE EXISTING BUILDINGS ALREADY CONSTRUCTED ALONG GA. Hwy. 54. THIS WOULD ALSO ALLOW THE SEPTIC TANK AND DRAINFIELD LINE TO BE PLACED AT THE REAR OF THIS LOT WHERE THE TOPOGRAPHY SUPPORTS THAT LOCATION.



A-768-21



Doc ID: 008609380002 Type: WD  
Recorded: 07/08/2011 at 03:00:00 PM  
Fee Amt: \$74.70 Page 1 of 2  
Transfer Tax: \$62.70  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

BK **3773** PG **317-318**

Return to:  
LANE & KARLO, LLP  
1827 Powers Ferry Road  
Building Five  
Atlanta, Georgia 30339

File No: LK113309  
LKJDA5 - #128

**LIMITED WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made and entered into as of this 21st day of June, in the year Two Thousand Eleven, by and between

**United Community Bank,  
as Assignee of Federal Deposit Insurance  
Corporation, Receiver for Southern Community Bank**

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

**Michael S. Paino and Keleigh P. Paino,  
as joint tenants with right 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 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

7

A-768-21

confirmed, and by these presents does grant, bargain, sell, 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 137, 5th District, Fayette County, Georgia, being 0.656 acres, as shown on plat of survey for Floyd E. Callaway Estate, by Lum Hall, dated January 18, 1971, and being more particularly described as follows:


Beginning at an iron pin at the Southeast corner of Stubbs Road and State Route #54; thence North 64 degrees 18 minutes East along the southeasterly side of Highway 54 a distance of 133.7 feet to an iron pin; thence South 26 degrees 00 minutes East a distance of 206.4 feet to an iron pin; thence South 65 degrees 13 minutes West 133.7 feet to an iron pin on the easterly side of Stubbs Road; thence northerly along the easterly side of Stubbs Road a distance of 208.7 feet to an iron pin at the point of beginning.

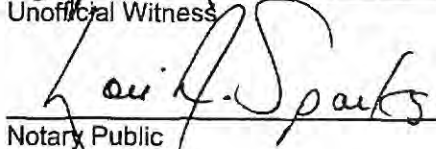
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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 herein.

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

Signed, sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public



United Community Bank, as assignee as aforesaid

By:   
Donald C. Chapman, Jr., Vice President



8

A-768-21

WARRANTY DEED

TAX \$19.40

S &amp; S PRINTERS &amp; OFFICE SUPPLY - JONESBORO

## STATE OF GEORGIA CLAYTON COUNTY

THIS INDENTURE, made this 26 day of February  
 in the year of our Lord, One Thousand Nine Hundred and Seventy-One  
 Between Winnie Callaway  
 of the State of Georgia and County of Fayette of the first part  
 and Ernest Bennett and Mary Lou Bennett  
 of the State of Georgia and County of Fayette of the second part

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of  
Other good and valuable consideration and Ten ----- DOLLARS  
 in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknow-  
 ledged, has — granted, bargained, sold and conveyed and by these presents do es — grant, bargain, sell  
 and convey unto the said parties of the second part, their heirs and assigns, all that tract or  
 parcel of land lying and being in Land Lot 137 of the 5th. District of Fayette County, Georgia,  
 and being 0.656 acres as shown on a survey for Floyd E. Callaway estate by Lum Hall,  
 dated 1/18/71, and being more particularly described as follows:

BEGINNING at an iron pin at the Southeast corner of Stubbs Road and State Route 54;  
 thence North 64 degrees 18 minutes East along the Southeasterly side of Highway 54 a  
 distance of 133.7 feet to an iron pin; thence South 26 degrees 00 minutes East 206.4  
 feet to an iron pin; thence South 65 degrees 13 minutes West 133.7 feet to an iron pin  
 on the Easterly side of Stubbs Road; thence Northerly along the Easterly side of Stubbs  
 Road 208.7 feet to an iron pin at the point of beginning.

Fayette County Georgia  
 Seal Depute Tax  
 Paid 19.40 Date 3-1-71  
 Clerk of Superior Court

TO HAVE AND TO HOLD the said bargain premises, together with all and singular the rights, mem-  
 bers and appurtenances thereof, to the same being, belonging or in any wise appertaining to the only proper  
 use, benefit and behoof of the said part ies of the second part, their heirs and assigns, forever, in  
 FEE SIMPLE.

And the said party of the first part, for herself and her heirs, executors and ad-  
 ministrators will warrant and forever defend the right and title to the above described property unto the said  
 part ies of the second part, their heirs and assigns, against the lawful claims of all persons  
 whomsoever.

In WITNESS WHEREOF, the said part Y of the first part has hereunto set her  
 hand and affixed her seal this, the day and year above written.

Signed, sealed and delivered in the presence of

TARY W. Miller  
 Notary Public, Georgia, State at Large  
 My Commission Expires Dec. 3, 1973

Winnie Callaway (Seal)

FILED 3-1-71 (Seal)

RECORDED 3-5-71

11:00 AM

A-768-21

**Tract 1**

**All that tract or parcel of land lying and being in Land Lot 137 of the 5th District of Fayette County, Georgia and being more particularly described as follows:**

**BEGINNING at the intersection of the southeastly RIGHT-OF-WAY of Georgia State Highway NO. 54 East and the northeastly RIGHT-OF-WAY of Calloway Road, THENCE along said RIGHT-OF-WAY of Georgia State Highway NO. 54 East N 60°36'05" E for 133.70 feet, THENCE leaving said RIGHT-OF-WAY S 25°25'11" E for 205.20 feet, THENCE S 65°53'12" W for 120.72 feet to the northeastly RIGHT-OF-WAY of Calloway Road, THENCE along said RIGHT-OF-WAY of Calloway Road N 29°10'41" W for 193.59 feet to said intersection and THE POINT OF BEGINNING.**

**Said tract containing 0.581 acres**

**PETITION NO. A-769-21**  
**PJMC Properties LLC**  
**106 Austin Drive**  
**Fayetteville, GA 30214**  
**Public Hearing Date July 26, 2021**

The subject property is located at 106 Austin Drive, Fayetteville, GA 30214 and is zoned R-20. The applicant is requesting a Variance as follows:

Variance to Sec. 110-138. R-20 (d) (4) (b), to reduce the front yard setback from 40 feet to 27 feet to allow a primary residence to remain.

Variance to Sec. 110-138. R-20 (d) (4) (b), to reduce the front yard setback from 40 feet to 30 feet to allow a pool to remain.

**History:** The survey for 106 Austin Drive was completed on December 13, 2020. Staff was unable to find a survey before 2020. Tax Assessor's records indicate that the applicant purchased the property in 2020.

Building permit records indicate the residence was rebuilt in 1987 due to a fire. The approved permit (10186-87) shows the building located within the buildable area and not encroaching the setbacks (see attached). The Building Safety Department was unable to locate a pool permit.

As part of the building permit process for a deck, a site plan is required. Through the site plan staff discovered the violation. The site plan given shows the house 27 feet from the front property line and the pool 30 feet from the front 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.**

We needed a permit for a deck and thru the building permit process violations were found.

### **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 house was built and did not meet the setback requirements, same is true of the pool, but presumably was appeared for a certificate of occupancy.

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

To meet the regulations would require rebuilding the house and filling in the pool which would be a very serious hardship on the owner.

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

A corner lot can be challenging as to meeting setback requirements.

- 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 issues with neighbors the house and pool have been there a long time without causing any issues with neighbors.

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

I would like to keep the house and pool where they are now. The neighbors never objected in the past and I see no reason to believe they would object now.

## **DEPARTMENTAL COMMENTS**

**ENGINEERING:** No Public Works issues.

**ENVIRONMENTAL HEALTH:** This department has no objections to proposed variance.

**ENVIRONMENTAL MANAGEMENT:** No comments.

**FIRE MARSHAL** N/A

**WATER SYSTEM:** FCWS has no concerns regarding this variance. Water is provided along Austin Drive by a 6" PVC watermain.

# APPLICATION FOR FAYETTE COUNTY BUILDING PERMIT

PERMIT NUMBER 10186 LANDLOT 232 DISTRICT 5th  
 PERMIT FEE \$ 300.00 + 50.00 + 50.00 = \$350.00 TOTAL SQUARE FEET 6000

Sir: I hereby make application for permit to and submit 1 set of construction plans and a landsite plot, drawn to scale as per the County regulations to:

ERECT ☒ MAKE ADDITION TO ☐ MOVE ☐ REMODEL ☐ OTHER Rebuild residence/new foundation  
 SINGLE FAMILY RES. ☒ MULTI FAMILY RES. ☐ COMMERCIAL BLDG. ☐ ACCESSORY ☐ OTHER (original burned)

OWNER: Joe L. Joyner BUILDER: Same

LOT NO.        BLOCK        LOCATION 106 Austin Place Drive

SUBDIVISION: Gamma EST. CONSTRUCTION COST: \$ 150,000.00

REMARKS:       

LOT SIZE: 1.03 acres SIZE OF BUILDING: 82'x 30' HEATED SQUARE FEET: 4500

NO. OF UNITS 1 STORIES: XX 1 1/2 ROOMS: 8 BATHS: 4 1/2 FIRE PLACE: woodstove

ZONING XXX R-15 SETBACKS: FRONT 40' SIDES XXX 10' BACK 30'

## BASEMENT:

FULL ☒  
 PART ☐  
 NONE ☐

## ATTIC:

FINISHED ☐  
 UNFINISHED ☒

## WASTE DISPOSAL:

SEPTIC TANK ☒  
 SEWER ☐

## WATER SOURCE:

PUBLIC ☒  
 WELL ☐  
 PRIVATE ☐

## FOOTING:

PLAIN CONCRETE ☐  
 MONOLITHIC POUR ☒  
 OTHER       

## FOUNDATION WALLS

PLAIN CONC. ☒  
 CONC. BLOCK ☐  
 OTHER       

## FLOOR CONST.

WOOD JOIST ☒  
 FLAT SLAB ☐  
 OTHER       

## ROOF CONST.

WOOD RAFTERS ☒  
 WOOD TRUSS ☐  
 OTHER       

## PARTITIONS

WOOD ☒  
 SHEET ROCK ☐  
 OTHER       

## FINISHED FLOOR

CARPET ☒  
 CEMENT ☐  
 OTHER       

## WINDOW SASH

WOOD ☒  
 METAL ☐  
 INSULATED ☐

## CHIMNEY

BRICK ☐  
 STONE ☐  
 PRE-FAB ☐  
 OTHER NA

## EXTERIOR WALLS

BRICK ☒  
 CONC. BLOCK ☐  
 WOOD ☐  
 OTHER       

## ROOFING

COMPOSITION ☒  
 METAL ☐  
 WOOD ☐  
 OTHER       

## ELECTRICAL WORK

GA. POWER ☒  
 COWETTA/FAYETTE ☐  
 PLUMBING ☒ YES ☐ NO ☐

## HEATING

LP GAS ☐  
 NAT. GAS ☒  
 ELECTRIC ☐  
 OTHER       

62-871 Phewson  
 DATE Clerk-Fayette Building Department

NAME: Reggie Joyner

ADDRESS: 106 Austin Place

CITY: Fayetteville, GA 30214 PHONE: 461-8987

IT IS UNLAWFUL TO OCCUPY THIS BUILDING WITHOUT A "CERTIFICATE OF OCCUPANCY".       

Any building permit shall become void if work involved has not begun within six (6) months after the date of issuance of the permit, or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work or development is commenced. To update such permit will be an additional fee of \$30.00.

ZONING CERTIFICATION  
LOT IN SUBDIVISION  
(Attach to Building Permit)

ADDRESS: 106 Austin Place

ZONING DISTRICT: R-15 GA DOT ACCESS # n/a

SETBACKS:

40' From Street R/W Along Front Yard  
Austin Drive  
40' From Any Other Street R/W  
Austin Place  
10 Side Yard  
30 Rear Yard

STREET FRONTAGES:

       Arterial Street  
       Collector Street  
xx Local Street  
4500 Sq. Ft.

Conditions of Zoning: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plat Notations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special Instructions: This is replacing the house which was burned. To be  
place in the same place. The old house was 15 yrs old.

See attached application for setbacks.

As the applicant for a Certificate of Zoning Compliance for  
Lot       , of GAMMA Austin Drive Subdivision, I do hereby  
covenant that the information supplied is true.

Joe L. Joyner  
Applicant Joe L. Joyner

Date: 5/27/87

Perry Hiett  
Zoning Administrator

Date: 5/27/87

ZONING CERTIFICATION DOES NOT RELIEVE A PROPERTY OWNER FROM  
APPLICABLE COVENANTS AND RESTRICTIONS.

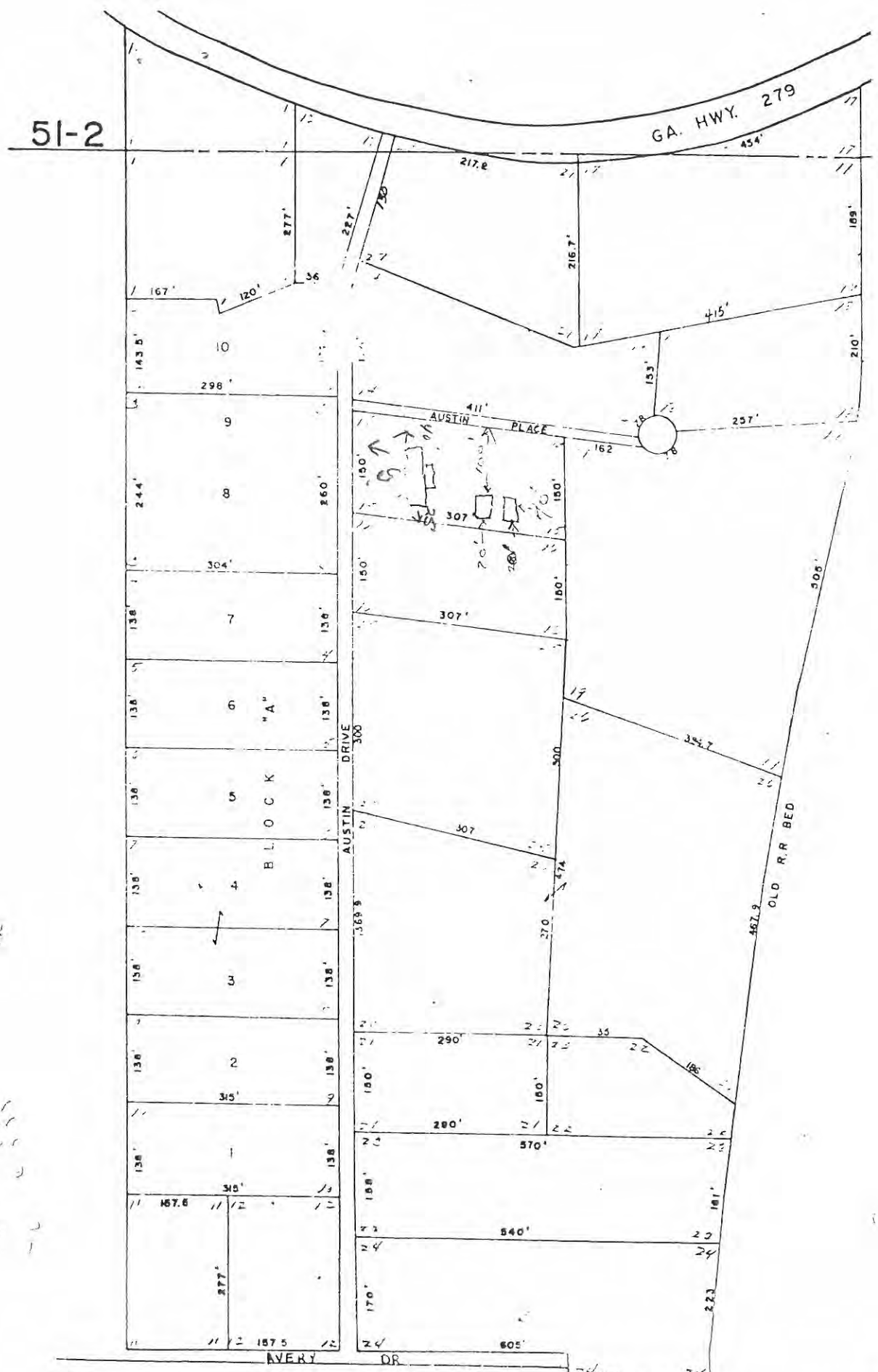


51-2

GA. HWY. 279

82  
122  
130  
122  
28

*[Handwritten notes and scribbles]*



*Gamma Subdivision*  
R-15

5th DISTRICT  
FAYETTE COUNTY,  
GA.

SCALE: 1" = 100'

MARCH, 1971

A-769-21





106 Austin Drive

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: ~~PTMC~~ PTMC Properties LLC

MAILING ADDRESS: 805 Glyn St SW, STE 127116

PHONE: 404-803-0401 E-MAIL: wpgcbx@gmail.com

AGENT FOR OWNERS: William P. Gilbert

MAILING ADDRESS: 115 Tandy Trace, Fayetteville GA 30215

PHONE: 404 803 0401 E-MAIL: wpgcbx@gmail.com

PROPERTY LOCATION: LAND LOT 232 LAND DISTRICT 5 PARCEL 055102015

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.03

ZONING DISTRICT: R-20

ZONING OF SURROUNDING PROPERTIES: Residential

PRESENT USE OF SUBJECT PROPERTY: Residence

PROPOSED USE OF SUBJECT PROPERTY: Residence

(THIS AREA TO BE COMPLETED BY STAFF) PETITION NUMBER: A-269-21

☐ Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff:  \_\_\_\_\_ Date: 6/18/21

DATE OF ZONING BOARD OF APPEALS HEARING: July 26, 2021

Received from: PTMC Properties LLC a check in the amount of \$ 225.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing signs: 265.00

Date Paid: June 19, 2021 Receipt Number: 011428



### 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.

~~(1) a reduction in the front yard setback for the house~~

~~(2) a reduction in the front yard setback for the pool~~

~~(3) a residential accessory structure (the pool) to be located in a front yard~~

we needed a permit for a deck thru the bldg permit process violations were found.

## 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 house was built and did not meet the setback requirements, same is true of the pool, but presumably was approved for a certificate of occupancy.

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

To meet the regulations would require rebuilding the house and filling in the pool which would be a very serious hardship on the owner.

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

a corner lot can be challenging as to meeting set back requirements.

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 issues with neighbors <sup>(the house + pool have)</sup> been there  
a long time without causing any issues  
with neighbors.

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

I would like to keep the house and pool  
where they are now. The neighbors never  
objected in the past and I see no reason  
to believe they ~~not~~ would object now.



Concept A-769-21

Primary Residence  
is 27' to  
lot line

Pool is 30' to 1st line

STREAM BUFFERS MAY APPLY TO THE NET WEATHER DITCH OR STREAM SHOWN HEREON, FROM THE TOP OF BANK / EDGE OF WRESTED VEGETATION, FOR EVALUATION OF THIS NET WEATHER DITCH OR STREAM AND DETERMINATION OF THE PRESENCE OF APPLICABLE STREAM BUFFERS, CONTACT GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION, WATERSHED PROTECTION BRANCH, NONPOINT SOURCE PROGRAM, 2 MARTIN LUTHER KING JR. DRIVE, SUITE 1402 EAST, ATLANTA, GEORGIA 30334. PHONE: 404-663-1511.

ROUND THE REPEATED PRESENCE, SIZE, CHARACTER,  
TING UNDERGROUND UTILITIES AND STRUCTURES.  
THERE IS NO CERTAINTY OF THE ACCURACY OF THIS  
HALL BE CONSIDERED IN THAT LIGHT BY THOSE  
THE LOCATION AND ARRANGEMENT OF UNDERGROUND  
URES SHOWN HEREON MAY BE INACCURATE AND  
URES NOT SHOWN MAY BE ENCOUNTERED. THE  
THIS CONSULTANTS, HIS CONTRACTORS AND/OR  
REBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR  
OR THE CORRECTNESS OR SUFFICIENCY OF THIS  
EERON AS TO SUCH UNDERGROUND INFORMATION,  
RE BASED ON CENTERLINES OF EXISTING PATHS  
STATED OTHERWISE.  
AINING TO TITLE ARE EXCEPTED.  
ICTED ARE PER PUBLIC RECORD, UNLESS NOTED OTHERWISE.  
OWN HEREON ARE GROUND DISTANCES, UNLESS SHOWN OTHERWISE.

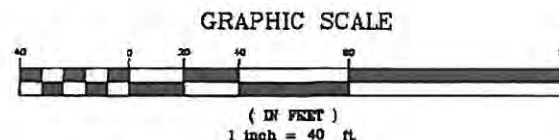
2. EMENT OF AN EXISTING PARCEL OR PARCELS  
3. IT SUBDIVIDE OR CREATE A NEW PARCEL OR  
4. IF ANY LAND PROPERTY BOUNDARIES, THE  
5. N OF THE DOMICILE MAPS, PLANS, OR OTHER  
6. EATED THE PARCEL OR PARCELS ARE STATED  
7. OF THIS PLAT DOES NOT IMPLY APPROVAL OF  
8. N, AVAILABILITY OF PERMITS, COMPLIANCE  
9. NS OR REQUIREMENTS, OR SUITABILITY FOR  
0. OF THE LAND. FURTHERMORE, THE UNDER-  
1. CERTIFIES THAT THIS PLAT COMPLIES WITH  
2. L STANDARDS FOR PROPERTY SURVEYS IN  
3. I IN THE RULES AND REGULATIONS OF THE  
4. STRATION FOR PROFESSIONAL ENGINEERS  
5. AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION  
OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY  
WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW  
OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 13-6-87, AUTHORITY O.C.G.A. SECS. 15-6-87, 43-15-6, 43-15-19, 43-15-22.

CERTIFICATE OF AUTHORIZATION NO. LSF000374



AREA  
44,650 SQ.FT.  
1.03 ACRE

AFTER RECORDING, RETURN TO  
Thompson, O'Brien, Kemp & Nasuti, P.C.  
40 Technology Parkway South, Suite 300  
Peachtree Corners, Georgia 30092

Doc ID: 010963480003 Type: FGD  
Recorded: 08/07/2020 at 10:00:00 AM  
Fee Amt: \$25.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 5090 PG 316-318

Cross Reference to:  
1) Deed Book 4049, Page 410  
2) Deed Book 4049, Page 412, Fayette  
County, Georgia Records

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**DEED UNDER POWER**

STATE OF GEORGIA  
Fulton COUNTY

**THIS INDENTURE**, made this 23<sup>rd</sup> day of July, 2020, by RONNIE W. EVANS and RODNEY W. EVANS (hereinafter referred to as "GRANTOR(S)"), acting through their duly appointed agent and attorney in fact, ATLANTA POSTAL CREDIT UNION (hereinafter referred to as "LENDER"), and PJMC PROPERTIES, LLC, JLG ENTERPRISES, LLC and ARTJ PROPERTIES, LLC, as party of the second part (hereinafter referred to as "GRANTEE").

**WITNESSETH**

**WHEREAS**, said GRANTOR(S) executed and delivered to LENDER that certain Security Deed dated April 19, 2013, filed and recorded May 1, 2013, in Deed Book 4049, Page 412, Fayette County, Georgia Records (hereinafter referred to as the "Security Deed"), conveying the after-described property to secure the payment of the Promissory Note of even date therewith as described therein (hereinafter referred to as the "Note"); and

**WHEREAS**, default in the payment of the monthly installments under said Note occurred, and whereas by reason of said default, LENDER elected, pursuant to the terms of said Security Deed and Note, to declare the entire principal and interest immediately due and payable; and

**WHEREAS**, said entire indebtedness still being in default, LENDER, on behalf of the said GRANTOR(S), and according to the terms of said Security Deed, did advertise said property for sale once a week for four (4) consecutive weeks in a newspaper in said County, wherein the Sheriff carried his advertisement, namely *Fayette County News*, said dates of publication being June 10, 2020, June 17, 2020, June 24, 2020 and July 1, 2020; and



WHEREAS, pursuant to said advertisements, on the first Tuesday in July 2020, within the legal hours of sale at the usual place for conducting Sheriff's sales before the door of the Superior Court in said County, LENDER, as agent and attorney in fact for GRANTOR, offered said property for sale at public outcry to the highest bidder for cash, when and where GRANTEE made the highest and best bid, and said land was therefore knocked off to GRANTEE for a bid of Two Hundred Thirty One Thousand One Hundred & 00/100 Dollars (\$231,100.00);

NOW, THEREFORE, in consideration of the premises and said sum of money and by virtue of and in the exercise of the power of sale contained in the aforesaid Security Deed, the GRANTOR(S) have bargained, sold, granted and conveyed, and by these presents does hereby bargain, sell, grant and convey to GRANTEE, its successors and assigns, the following tract or parcel of land:

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in Land Lot 232 of the 5<sup>th</sup> District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the intersection of the Eastern right-of-way of Austin Drive and the Southwestern right-of-way of Austin Place; running thence south 74 degrees 33 minutes 50 seconds east along the Southwestern right-of-way of Austin Place a distance of 307.0 feet to an iron pin; running thence South 1 degree East a distance of 155.38 feet to an iron pin; running thence North 73 degrees 28 minutes 06 seconds West a distance of 306.19 to an angle iron on the Eastern right-of-way of Austin Drive; running thence North 1 degree 54 minutes 53 seconds West along the Eastern right-of-way of Austin Drive a distance of 150 feet to an iron pin and the point of beginning.

LESS AND EXCEPT that portion of property contained in right of way from Joe B. Curbow, Jr., et. al to Fayette County recorded in Deed Book 205, Page 727, Fayette County, Georgia records.

This being the same property as described in that Deed in Lieu of Foreclosure, recorded in Deed Book 3872, Page 370 in Fayette County, Georgia Records.

Said property commonly known as 106 Austin Drive, Fayetteville, GA 30214.

Together with all and singular the rights, members and appurtenances thereto appertaining; also, all the estate, right, title, interest, claim or demand of the said GRANTOR(S), their heirs, successors and assigns, legal, equitable or otherwise whatsoever, in and to the same.

This property is conveyed subject to (1) any outstanding ad valorem taxes, assessments and any unpaid utility bills which may constitute a lien against the property, (2) any matters which might be disclosed by an accurate survey and inspection of the property and (3) any assessments, liens, encumbrances, zoning ordinances, easements, restrictions, covenants and other matters of record superior to and existing at the time of the recording of the Security Deed first set out above.



TO HAVE AND TO HOLD the said premises and every part thereof unto GRANTEE, its successors and assigns, to its own proper use, benefit and behoof in FEE SIMPLE, in as full and ample a manner as the said GRANTOR(S), their heirs, successors and assigns, did hold and enjoy the same.

The notice of foreclosure sale as required by Georgia law (O.C.G.A. § 44-14-162.2) in the form of a copy of the Notice of Sale submitted to the publisher was provided to the debtor(s) by certified mail, return receipt requested, at least thirty (30) days prior to the foreclosure sale date.

IN WITNESS WHEREOF, LENDER, as Agent and Attorney in Fact for GRANTOR(S), has hereunto affixed its hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

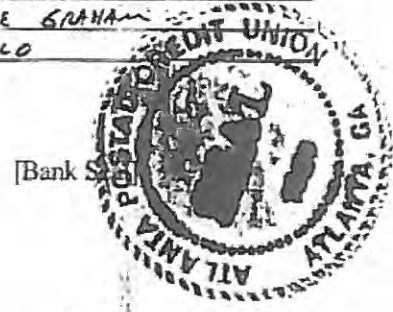
Michael J. Wright  
Witness

Karen B. County  
Notary Public  
My Commission Expires: April 11, 2023



ATLANTA POSTAL CREDIT UNION, as  
Attorney in Fact for Ronnie W. Evan and  
Rodney W. Evans

By: [Signature]  
Name: BLAKE GRAHAM  
Title: VP, CLO



**PETITION NO. A-770-21**  
**Bobby Joe Davis & Abigail Hunter Davis**  
**200 Harp Road**  
**Fayetteville, GA 30215**  
**Public Hearing Date July 26, 2021**

The subject property is located at 200 Harp Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125 A-R. (d) (6), to reduce the side yard setback from 50 feet to 37 feet to allow a storage building to remain.

**History:** The survey for 200 Harp Road was completed on April 17, 1974. Tax Assessor's records indicate that the house was built in 1973 and the applicant purchased the property in 2015.

As part of the pool permit process, a site plan is required. Through the site plan staff discovered the violation. The site plan given shows the storage building 37 feet from the side yard 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.**

We applied for a pool permit and the utility shed and our barn/apartment were questioned as to their location from our eastern property line. The barn/apartment is a 2 story wood frame structure that was built when the house was constructed in 1974. It is a 30' X 33' 2 story structure on a concrete slab with central heating and air and its own septic system. It is approximately 27 feet off the eastern property line. The 12' X 16' utility shed is currently 37 feet from our property line on the eastern side. It is our understanding that both our barn and storage shed should be 50 feet from our eastern property line. We are requesting a 13 foot variance be granted to allow the 12' X 16' utility shed and a 23 foot variance be granted for the barn/apartment to remain at their current locations. We renovated the barn/apartment and converted the lower level into a living area for our elderly parents and to accommodate our large extended family during holidays and other occasions in 2015. The contractor obtained a permit and we were under the assumption that the permit included the 12' X 16' utility building. Throughout the renovation process the barn/apartment was inspected on several different occasions and nothing was said to us during construction about either buildings distance from the eastern property line. We do not have sufficient storage for lawn and garden equipment should

we have to destroy the utility shed. We did a substantial amount of grading and landscaping to divert water away from both the structures on the western side of both buildings which would prevent us from having the storage shed moved over to be in compliance with the 50 foot code. The barn cannot be moved at all due to its construction and destruction of it would create a substantial hardship for our family as it is where we store furniture and other items from my wife's parents home. Also, we are a large blended family and the barn/apartment gives us additional living space when we gather with our children and grandchildren for holidays and other occasions thus furthering the hardships our family would face should be destroyed. We respectfully request these variances of 13 and 23 feet be granted.

### **JUSTIFICATION OF REQUEST**

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

The barn/apartment was built when the original house was built in or around 1974. Renovations were made to the barn/apartment and a certificate of occupancy was granted in 2015. At the same time we had a 12X16 storage building constructed to sit center behind the barn/apartment to store various lawn and gardening equipment that had previously been stored in the lower level of the barn/apartment. Substantial grading and landscaping has been done to divert water away from these structures which would prevent movement of the storage building. The barn/apartment nor the storage building has caused any problems since their construction.

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

To move these structures will create a practical difficulty or unnecessary hardship due to the barn being built at the time the house was constructed in 1974 and is on a concrete slab, with a septic tank and field lines located on the right side of the building. The utility shed has substantial water diversion in place on the right side which would not allow that structure to be moved any further to the right of the eastern property line.

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

The original construction of the house and the barn/apartment's distance from the eastern property line were not in question when both structures were built in 1974. Additionally, the utility shed was built behind the barn in 2015 in conjunction with renovations we had done to the barn/apartment. We hired a contractor and trusted that all necessary permits were obtained. County code agents were on site on several different times during the construction of the utility shed and renovations of the barn and no mention of the structures being 50' from the eastern property line was ever mentioned upon completion of renovation a



certificate of occupancy was issued. The storage building was needed to store lawn maintenance equipment and a zero turn lawn mower as the lower level of the barn was converted to living space which previously stored all the equipment. There is no other suitable location on the property to relocate this storage building as septic tank field lines, a propane gas tank, large trees and other landscaping would have to be relocated or removed. That would only leave the back yard where we want to put the pool or the front yard between the house and Harp Road as the only possible relocation spots for the storage shed. Both of these options would be at a substantial cost.

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 building in question are located near the back of our property. The barn has been in place for other 45 years and has never been an issue with either neighbor on the left or right of our property. In fact, the neighbor to our left helped build the house and the barn in 1974. The utility shed has not caused any problems since its construction in 2015.

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

Several of our neighbors have buildings and pole barn structures to house lawn and garden equipment. Should we have to move the storage shed, one of the only suitable locations (and the only choice that would be aesthetically appropriate) would deprive us of the ability to build a pool like several of our neighbors.

### **DEPARTMENTAL COMMENTS**

**ENGINEERING:** Not applicable.

**ENVIRONMENTAL HEALTH:** This Dept. has no objections to proposal.

**ENVIRONMENTAL MANAGEMENT:** Not applicable.

**FIRE MARSHAL** N/A.

**WATER SYSTEM:** FCWS has not concern with this variance. Water availability is along Harp at this location served by a 12" waterline.

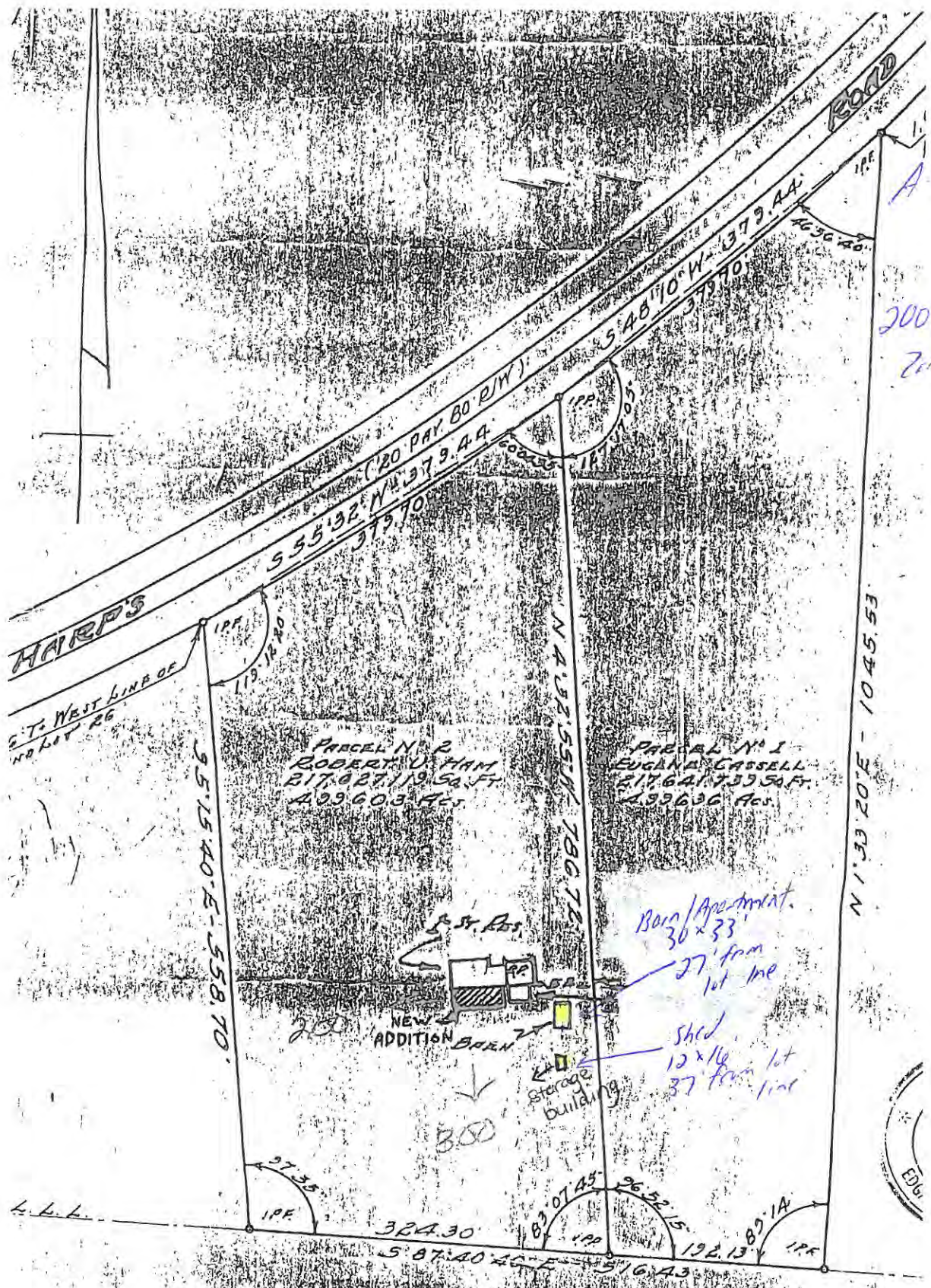
**A-770-21  
Aerials**

**Harp Road**

**SUBJECT  
PROPERTY**

**Canal Place**





PROPERTY SURVEY FOR  
 EUGENE CASSELL & ROBERT U. HAM  
 AND LOT 26- 5TH DISTRICT  
 YETTE COUNTY GEORGIA  
 SCALE 1"=100' APRIL 17, 1974

In my opinion, this  
 representation of the  
 has been prepared  
 the minimum standards  
 of law.

*Edgar*



A-770-21

**VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS**

**PROPERTY OWNERS:** Bobby Joe Davis and Abigail Hunter Davis

**MAILING ADDRESS:** 200 Harp Road, Fayetteville, GA 30215

**PHONE:** 678-333-7982 **E-MAIL:** davisbob393@yahoo.com

**AGENT FOR OWNERS:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**PROPERTY LOCATION:** LAND LOT 26 LAND DISTRICT 5 PARCEL \_\_\_\_\_

**TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY:** 5

**ZONING DISTRICT:** \_\_\_\_\_

**ZONING OF SURROUNDING PROPERTIES:** Residential

**PRESENT USE OF SUBJECT PROPERTY:** Residential

**PROPOSED USE OF SUBJECT PROPERTY:** Residential

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(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-770-21

☐ 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:** July 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-770-21

# 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:

Bobby Joe Davis and Abigail Hunter Davis

Please Print Names

Property Tax Identification Number(s) of Subject Property: 05-04-023

(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 5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Abigail Hunter Davis

Signature of Property Owner 1

200 Harp Rd, Fayetteville

Address

[Signature]  
Signature of Notary Public  
18-2021  
Date  
NOTARY PUBLIC  
FAYETTE COUNTY, GA  
MY COM. EXPIRES  
DECEMBER 26, 2021

[Signature]

Signature of Property Owner 2

200 Harp Rd, Fayetteville, GA

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

A-770-21

## VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

## VARIANCE SUMMARY

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

See attached

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## Variance Summary

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

We applied for a pool permit and the utility shed and our barn/apartment were questioned as to their location from our eastern property line. The barn/apartment is a 2 story wood frame structure that was built when the house was constructed in 1974. It is a 30'x33' 2 story structure on a concrete slab with central heating and air and its own septic system. It is approximately 27 feet off the eastern property line. The utility shed is a 12'x16' wood frame building that was built in August 2015 in conjunction with a renovation of the barn by Northwest Georgia Contracting, LLC. The utility shed was built near center behind the existing barn for aesthetic reasons so that it could not be seen from the road or from our neighbor's houses. The 12'x16' utility shed is currently 37 feet from our property line on the eastern side. It is our understanding that both our barn and storage shed should be 50 feet from our eastern property line. We are requesting a 13 foot variance be granted to allow the 12'x16' utility shed and a 23 foot variance be granted for the barn/apartment to remain at their current locations. We renovated the barn/apartment and converted the lower level into a living area for our elderly parents and to accommodate our large extended family during holidays and other occasions in 2015. The contractor obtained a permit and we were under the assumption that the permit included the 12'x16' utility building. Throughout the renovation process the barn/apartment was inspected on several different occasions and nothing was said to us during construction about either buildings distance from the eastern property line. We do not have sufficient storage for lawn and garden equipment should we have to destroy the utility shed. We did a substantial amount of grading and landscaping to divert water away from both the structures on the western side of both buildings which would prevent us from having the storage shed moved over to be in compliance with the 50 foot code. The barn cannot be moved at all due to its construction and destruction of it would create a substantial hardship for our family as it is where we store furniture and other items from my wife's parent's home. Also, we are a large blended family and the barn/apartment gives us additional living space when we gather with our children and grandchildren for holidays and other occasions thus furthering the hardships our family would face should it be destroyed. We respectfully request these variances of 13 and 23 feet be granted.

## 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/apartment was built when the original house was built in or around 1974. Renovations were made to the barn/apartment and a certificate of occupancy was granted in 2015. At the same time we had a 12x16 storage building constructed to sit center behind the barn/apartment to store various lawn and gardening equipment that had previously been stored in the lower level of the barn/apartment. Substantial grading and landscaping has been done to divert water away from these structures which would prevent movement of the storage building. The barn/apartment nor the storage building has caused any problems since their construction.

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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 buildings in question are located near the back of our property. The barn has been in place for over 45 years and has never been an issue with either neighbor on the left or right of our property. In fact, the neighbor to our left helped build the house and the barn in 1974. The utility shed has not caused any problems since its construction in 2015.

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

Several of our neighbors have buildings and pole barn structures to house lawn and garden equipment. Should we have to move the storage shed, one of the only suitable locations (and the only choice that would be aesthetically appropriate) would deprive us of the ability to build a pool like several of our neighbors.



**Georgia Department of Human Resources  
INDIVIDUAL SEWAGE DISPOSAL SYSTEM INSPECTION REPORT**

County Code <div style="border: 1px solid black; padding: 2px;">056</div>	Construction Permit <div style="border: 1px solid black; padding: 2px;">0189</div>	Case Number (FHA, VA, etc.) <div style="border: 1px solid black; padding: 2px;">  9  10  11  12  13  14  15  16  17  18  19  20  </div>	Health Dist. <div style="border: 1px solid black; padding: 2px;">05</div>	Day <div style="border: 1px solid black; padding: 2px;">17</div>	Month <div style="border: 1px solid black; padding: 2px;">05</div>	Year <div style="border: 1px solid black; padding: 2px;">74</div>
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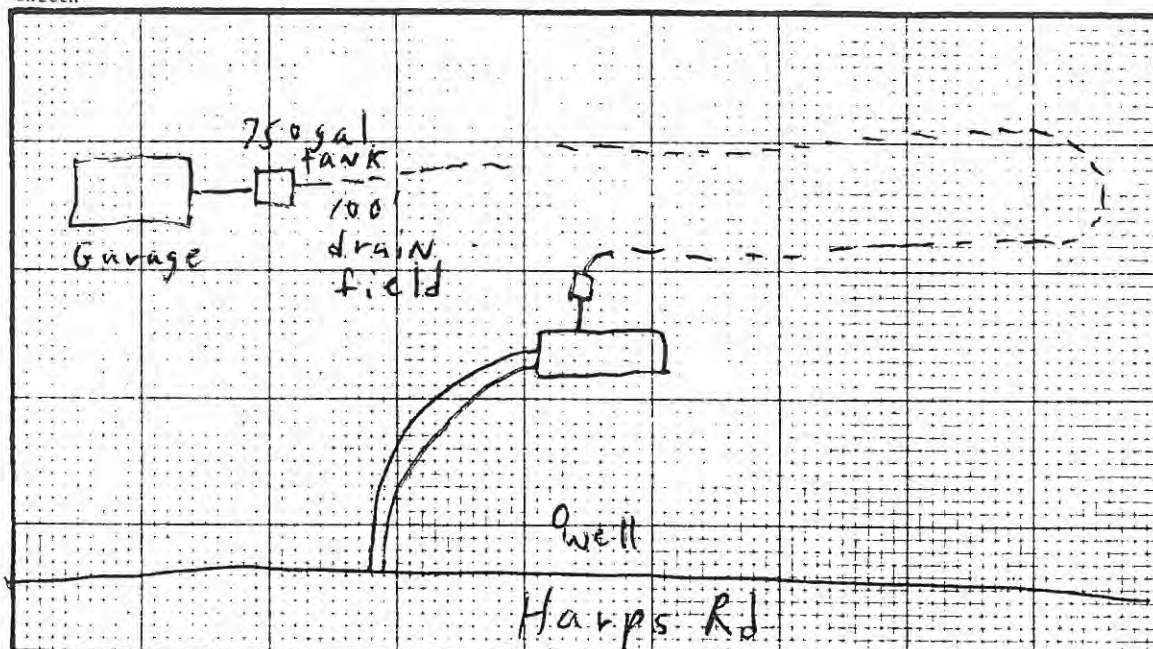
Property Location <b>Harps Rd.</b> <b>200</b>	Property Owner <b>?</b>	County <b>Fayette</b>
Sewage Disposal Contractor <b>McElwainey</b>		

ALL ITEMS: Blank = Not Applicable; 0 = Unknown

\*ITEMS: 1 = Yes; 2 = No

<b>SECTION A - GENERAL</b>  1. Type Water Supply: (1) Public, (2) Community, (3) Indiv. <div style="border: 1px solid black; padding: 2px;">  3  </div> 2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other <div style="border: 1px solid black; padding: 2px;">  4  </div> 3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year <div style="border: 1px solid black; padding: 2px;">  1  </div> 4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys. <div style="border: 1px solid black; padding: 2px;">  1  </div> 5. If Repair of Existing System - Years System Installed: (1) < 1 year, (2) 1 - 2, (3) 2 - 3, (4) 3 - 5, (5) 5 - 10, (6) > 10 <div style="border: 1px solid black; padding: 2px;">  0  </div> 6. Percolation Rate Min./In.: <div style="border: 1px solid black; padding: 2px;">  0  </div> 7. *Is Property Part of a Subdivision: <div style="border: 1px solid black; padding: 2px;">  2  </div>	<b>SECTION D - PRIMARY TREATMENT</b>  1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Other <div style="border: 1px solid black; padding: 2px;">  1  </div> 2. Septic Tank Capacity (gallons): <div style="border: 1px solid black; padding: 2px;">  1000  </div> 3. Unit 1 Tank/Compartment Capacity: <div style="border: 1px solid black; padding: 2px;">  700  </div> 4. Septic Tank Inside Length (feet): <div style="border: 1px solid black; padding: 2px;">  10.75  </div> 5. Septic Tank Inside Width (feet): <div style="border: 1px solid black; padding: 2px;">  10.40  </div> 6. Septic Tank Liquid Depth (feet): <div style="border: 1px solid black; padding: 2px;">  4.0  </div> 7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other <div style="border: 1px solid black; padding: 2px;">  1  </div> 8. Dosing Tank Capacity (gallons): <div style="border: 1px solid black; padding: 2px;">  1000  </div> 9. Grease Trap Capacity (gallons): <div style="border: 1px solid black; padding: 2px;">  54  </div> 10. Distance Septic Tank from Well: <div style="border: 1px solid black; padding: 2px;">  100  </div>	b. Total Linear Feet <div style="border: 1px solid black; padding: 2px;">  0250  </div> c. Length each Trench (feet) <div style="border: 1px solid black; padding: 2px;">  250  </div> d. Width of Trenches (inches) <div style="border: 1px solid black; padding: 2px;">  36  </div> e. Number of Trenches <div style="border: 1px solid black; padding: 2px;">  1  </div> f. Distance between Trenches <div style="border: 1px solid black; padding: 2px;">  170  </div> g. Average Trench Depth (inches) <div style="border: 1px solid black; padding: 2px;">  36  </div> h. *Aggregate Proper Size <div style="border: 1px solid black; padding: 2px;">  1  </div> i. *Aggregate Proper Depth <div style="border: 1px solid black; padding: 2px;">  1  </div> j. Distance from Building Foundation <div style="border: 1px solid black; padding: 2px;">  030  </div> k. Nearest Property Line: (1) Front, (2) Rear, (3) R. Side, (4) L. Side <div style="border: 1px solid black; padding: 2px;">  0  </div> l. Distance Nearest Property Line <div style="border: 1px solid black; padding: 2px;">  000  </div> m. Distance Privy or Nitri-fication Field from Well <div style="border: 1px solid black; padding: 2px;">  100  </div>	<b>SECTION B - FACILITY</b>  1. **Type Facility: See Code Below <div style="border: 1px solid black; padding: 2px;">  01  </div> 2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons <div style="border: 1px solid black; padding: 2px;">  31  </div> 3. Number Bedrooms or Gallons: <div style="border: 1px solid black; padding: 2px;">  0003  </div>	<b>SECTION E - SECONDARY TREATMENT</b>  1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial <div style="border: 1px solid black; padding: 2px;">  3  </div> 2. Nitrification Field: <div style="border: 1px solid black; padding: 2px;">  60  </div>	<b>SECTION F - HEALTH AGENCY TIME</b>  1. Total Inclusive Time (min.): <div style="border: 1px solid black; padding: 2px;">  045  </div>	<b>SECTION G - SYSTEM APPROVED</b>  1. *Yes <div style="border: 1px solid black; padding: 2px;">  1  </div> 2. No <div style="border: 1px solid black; padding: 2px;">  0  </div>
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Sketch



1. \*\*Type Facility
- (1) Residence
  - (2) Apartment
  - (3) Institution
  - (4) Service Station
  - (5) Restaurant
  - (6) Church
  - (7) Tourist Accommodation
  - (8) Launderette
  - (9) Mobile Home Park
  - (10) Other (Specify) \_\_\_\_\_

marks:

Inspected By: <b>Mr. Wheeler</b>	Title <b>Sanitarian</b>	Health Agency <b>Fayette Co.</b>
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3<sup>rd</sup>

Doc ID: 009660670001 Type: WD  
 Recorded: 06/02/2015 at 09:00:00 AM  
 Fee Amt: \$10.00 Page 1 of 1  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court

BK 4322 PG 704

RETURN TO:  
 WESSELS & DIXON, P.C.  
 175 CORPORATE CENTER DR., STE A  
 STOCKBRIDGE, GA 30281  
 15-0143



Doc ID: 009672890002 Type: WD  
 Recorded: 06/19/2015 at 10:00:00 AM  
 Fee Amt: \$14.00 Page 1 of 2  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court

BK 4330 PG 446-447

**JOINT TENANCY  
 WARRANTY DEED**

STATE OF GEORGIA  
 COUNTY OF HENRY

THIS INDENTURE, made this 1 day of April in the year of our Lord Two Thousand Fifteen between Abigail Hunter Davis, of the State of Georgia and County of Henry of the first part and Abigail Hunter Davis and Bobby Joe Davis, As Joint Tenants with the Right of Survivorship of the State of Georgia and County of Henry 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:

All that tract or parcel of land lying and being in Land Lot 26 of the 5th District, Fayette County, Georgia, according to plat of survey by Edgar W. Brown, Registered Land Surveyor, dated April 4, 1972, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

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, sealed and delivered in the presence of


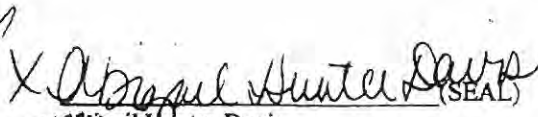
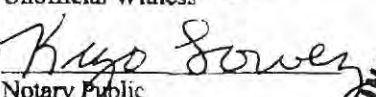
  
 Unofficial Witness  
  
 Abigail Hunter Davis (SEAL)  
  
 Notary Public



Exhibit A

All that tract or parcel of land lying and being in Land Lot 26 of the 5th District, Fayette County, Georgia, according to plat of survey by Edgar W. Brown, Registered Land Surveyor, dated April 4, 1972, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.