

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

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
August 23, 2021
7:00 P.M.**

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

PUBLIC HEARING

2. Petition No. A-768-21, Michael S. & Keleigh P. Paino, Owners, and Randy M. Boyd, RLS, Agent, have requested to withdraw this petition. The subject property is located in Land Lot 137 of the 5th District and fronts on Highway 54 East and Callaway Road.
3. Petition No. A-772-21, Eric & Cheryl Hoffer, Owners, request the following: Variance to Sec. 110-133. R-70, (d) (6) to reduce the side yard setback from 25 feet to 20 feet to allow an existing shed to remain. The subject property is located in Land Lot(s) 76 & 77 of the 7th District and fronts on Swanson Rd.
4. Petition No. A-773-21, Jonathan Paul Campagna & Rebecca Jean Ruthberg-Campagna, Owners, request the following: Variance to Sec. 110-79. Accessory structures and uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lot 21 of the 7th District and fronts on Eastin Rd.
5. Petition No. A-774-21, Chozy Aiyub, Owner, and Steven Gutierrez, Agent, request the following: Variance to Sec. 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 28 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot(s) 74 & 87 of the 5th District and fronts on South Jeff Davis Drive.
6. Petition No. A-775-21, Glenn & Gregory Pryor, Owners, request the following: Variance to Sec. 110-137.R-40 (d) (6), to reduce the side yard setback from 15 feet to 13 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 250 of the 13th District and fronts on GA State Highway 279.

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.

Stephanie Wagner

From: Mike Paino <mikepaino@yahoo.com>
Sent: Thursday, July 29, 2021 4:03 PM
To: Chanelle Blaine
Subject: Re: Petition A-768-21 Withdrawn

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Be cautious of sender, content, and links

Chanelle,
Please withdraw this Variance Petition, we cannot make project work at this time.

Thank you for you help on Monday evening.

Thanks on this part too,
Mike Paino
770-480-7740

On Tuesday, July 27, 2021, 11:09:32 AM EDT, Chanelle Blaine <cblaine@fayettecountyga.gov> wrote:

Good morning Mr. Paino,

Like I informed you on yesterday you will need to get with Randy Boyd to determine what the variance will need to be off of Callaway Road. This new number will **need to be given to staff by Friday, July 30, 2021** so it can be ran in the paper. Staff has to run all new petitions for the upcoming ZBA meeting in the paper to give the public notice under GA law. I have cc'd Randy Boyd to this email so you can contact him. If you have any questions please feel free to call or email.

Thanks,

Chanelle Blaine

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

Chanelle N. Blaine, AICP

PETITION NO. A-772-21
Eric & Cheryl Hoffler
123 Swanson Road
Fayetteville, GA 30214
Public Hearing Date August 23, 2021

The subject property is located at 123 Swanson Road, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Section 110-133. R-70 (d) (6), to reduce the side yard setback from 25 feet to 20 feet to allow an existing residential accessory structure to remain.

History: The survey for 123 Swanson Road was completed on March 23, 1976. Tax Assessor's records indicate that the house was built in 1977 and the applicant purchased the property in 2000.

The Building Safety Department has a record of a building permit for the addition on the single-family-residence. The site plan used for the building permit does not show the accessory structure location.

As part of the deck permit process, a site plan is required. Through the review process staff discovered the violation. The site plan given shows the accessory structure 20 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.

Applied for permit to build deck on back of house. Zoning noted tool shed too close to property line. Have been in house 20 years. I do not know when the shed was built. Setbacks was not questioned when addition built in 2002-2003 nor septic permit in 2005 nor when permitted garage added in 2014. Request variance for shed (on concrete pillar/blocks), 16'X12' be allowed to remain as it has for over 20 years.

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.**

Shed cannot be seen from the street or neighbor's house due to hill and/or tree site line obstruction. Is just across property line from neighbor's horse barn. Shed was there when I bought the house.

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

The entire building would likely have to be demolished to move it 5 feet and the shed was there before I bought the house.

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

Tool shed poses no risk, from my perspective, to any use or aesthetics of my or neighbors properties.

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 of variance should not impair or cause any visual, monetary or good use of any adjacent property or the property on which it resides for it has been there for over 20 years.

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

I suspect there are other tool barns also within 25' of property lines which also do not impair, affect negatively or in valuation.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

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

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comment.

WATER SYSTEM: FCWS has no concerns with the variance. The property is served by a 8" DIP water main along Swanson rd.

FAYETTE COUNTY CERTIFICATE OF ZONING COMPLIANCE

Building Permit
A-772-21

Districts: 7 Land lots: 76 77 Zoning dis
 Site address: 123 SWANSON ROAD Dot curb cut permit #: _____
 Proposed use: MAKE ADDITION TO SINGLE FAMILY RES.
 Square footage: 516 Lot size: 3.600 ac. Street frontage: COLLECTOR STREET
 Property owner: HOFFLER, ERIC Phone: (770) 631-2744
 Owner's address: 123 SWANSON ROAD
 Owner's city/state/zip: FAYETTEVILLE, GA 30214
 Builder: MCGARIC HOMES Phone: (770) 328-1827
 Builder's address: 300 TIGNER ROAD
 Builder's city/state/zip: GREENVILLE, GA 30222
 SETBACKS - Front: 75 Rear: 50 L. side: 20 R. side: 20
 1980 TAX MAPS:

0000 TAX MAPS:

The property described on the attached recorded deed and plat complies with all requirements of the Fayette County Zoning Ordinance and the Subdivision Regulations based on the information submitted.

RSW
ZONING ADMINISTRATOR

NOTE: SEE ATTACHED PLAT FOR AS SITED STRUCTURES AND SETBACKS. PROPERTY CORNERS MUST BE ADEQUATELY STAKED. MAXIMUM HEIGHT SHALL NOT EXCEED 35 FEET.

APPLICANT'S COVENANT

As the applicant for a Certification of Zoning Compliance for the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by the applicant that any error, misstatement, or misrepresentation of fact, either with or without intention on his part, such as might if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Compliance, shall constitute sufficient grounds for revocation of said Certificate of Zoning and any Building Permit resulting therefrom.

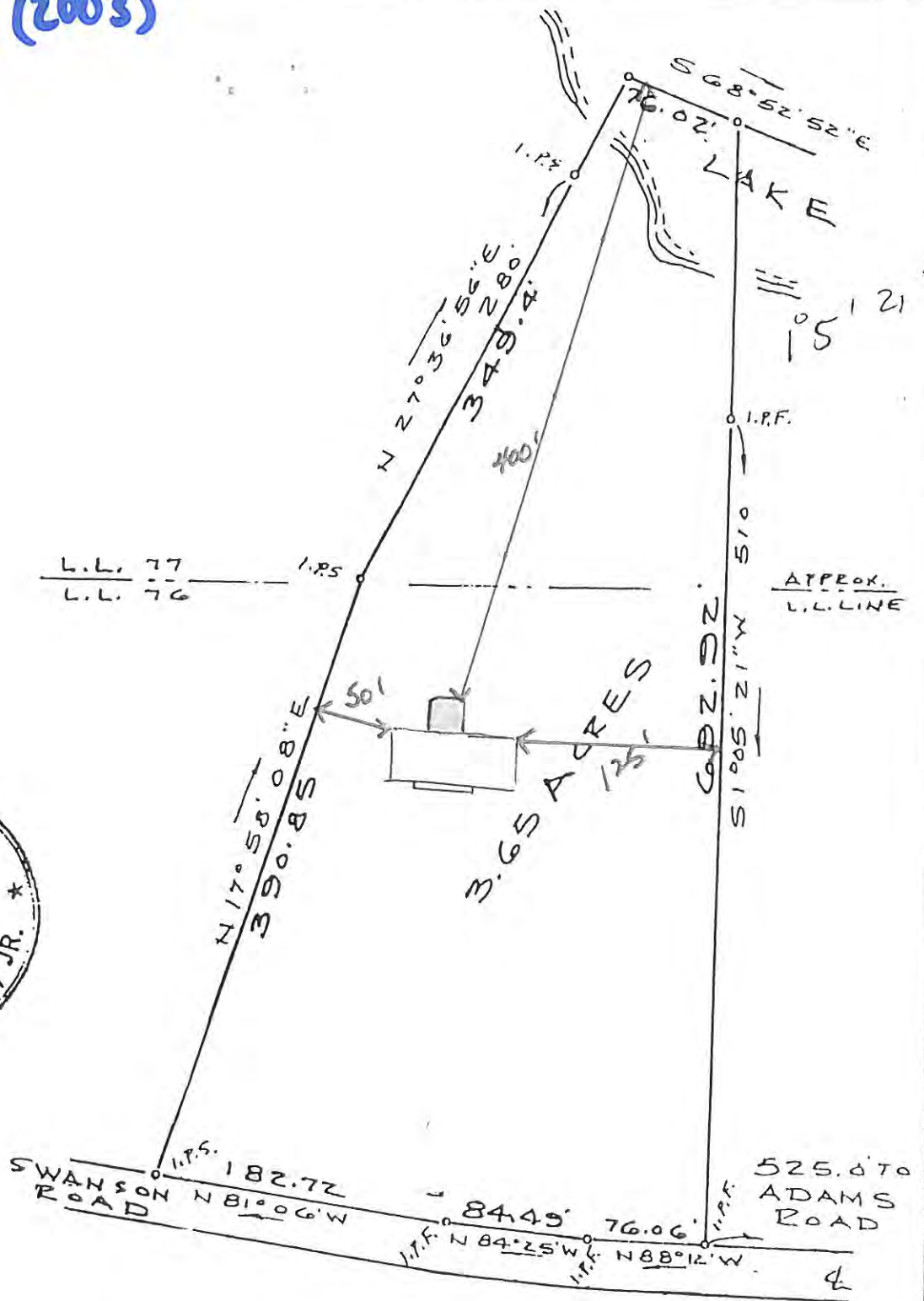
E. Hoffler

APPLICANT

06/27/2003
DATE

Building Permit (2003)

A-772-21



SURVEY FOR
CECIL W. RAIFORD
AND

OF PROPERTY AT SWANSON RD.

LOT

LAND LOTS 76 & 77, 7TH DISTRICT, FAYETTE COUNTY,

GEORGIA

DATE: 3/23/76

SCALE: 1" = 100'

I CERTIFY THAT THIS PLAT IS CORRECT
AND A TRUE REPRESENTATION OF THE
CONDITIONS ON THIS PROPERTY.

BY
BUSH, STEED & BOYD, INC.
SURVEYORS & ENGINEERS

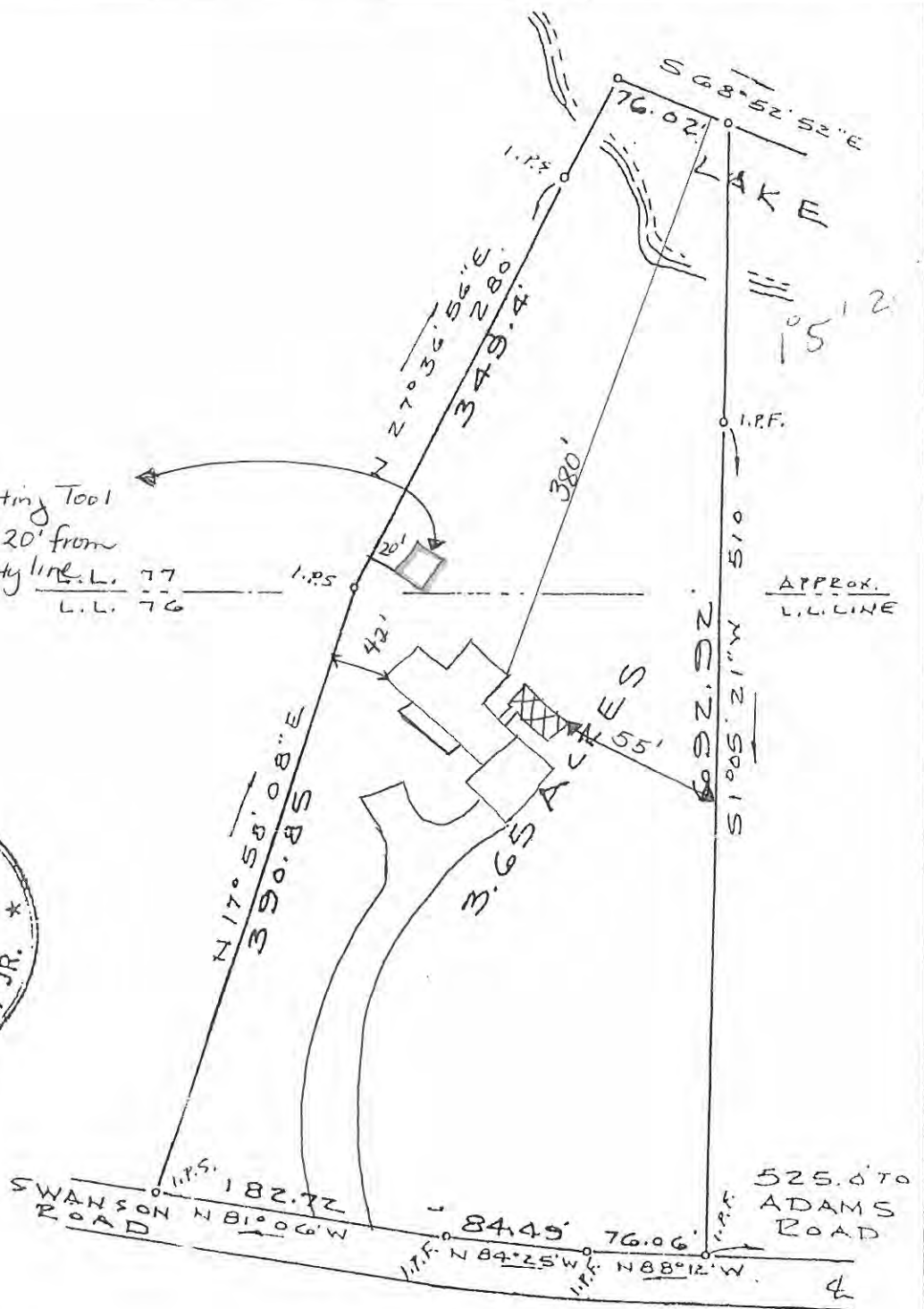
SURV. BY: BB DRAWN BY: JS CHECK BY:

GA. REGISTERED SURVEYOR NO. 1205



Existing Tool
Shed 20' from
Property line

L.L. 77
L.L. 76



SURVEY FOR
CECIL W. RAIFORD
AND

OF PROPERTY AT SWANSON RD.

LOT

LAND LOTS 76 & 77, 7TH DISTRICT, FAYETTE COUNTY,
GEORGIA

DATE: 3/23/76 SCALE: 1" = 100'

BY
BUSH, STEED & BOYD, INC.
SURVEYORS & ENGINEERS

CURV. BY: BB DRAWN BY: JS CHECK BY:

I CERTIFY THAT THIS PLAT IS CORRECT
AND A TRUE REPRESENTATION OF THE
CONDITIONS ON THIS PROPERTY.

GA. REGISTERED SURVEYOR NO. 1295

A-772-21

**SUBJECT
PROPERTY**

Swanson Road

A 772-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Eric & Cheryl Hoffler

MAILING ADDRESS: 123 Swanson Rd Fayetteville GA 30214

PHONE: 770-490-4507 E-MAIL: eric.hoffler@gmail.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 77 LAND DISTRICT 7 PARCEL 6711
01021

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 3.6

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: single family housing

PROPOSED USE OF SUBJECT PROPERTY: single family housing



(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-772-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Howard Johnson Date: 7-9-2021

DATE OF ZONING BOARD OF APPEALS HEARING: August 23RD, 2021

Received from Eric & Cheryl a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s). 195⁰⁰
Total

Date Paid: 7/9/2021 Receipt Number: 011697

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 110-133 (R-70) (d)(6)	side yard s/b 25'	side yard s/b 20'	5'

VARIANCE SUMMARY

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

Applied for permit to build deck on back of house.
 Zoning noted tool shed too close to property line.
 Have been in house 20yrs. Do not know when shed
 was built. Set back was not questioned when addition
 built in 2002-03 nor septic permit in 2005 nor
 when permitted garage added in 2014. Request
 variance for shed (on concrete pillars/blocks), 16x12'
 be allowed to remain as it has for >20yrs.

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.

shed cannot be seen from street or neighbors house
due to hill and/or tree site line obstruction. Is just
across property line from Neighbors horse barn

Shed was there when I bought the house.

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

entire building would likely have to be demolished to
move it 5 feet & shed was there before I bought
the house.

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

Tool shed poses no risk from my perspective, to any
use or aesthetics of my or neighbors properties

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

Relief of variance should not impair or cause any visual, monetary or good use of any adjacent property or the property on which it resides for it has been there for over 20 years.

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

I suspect there are other tool barns also within 25' of property lines which also do not impair, affect negatively or in valuation.

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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:

Eric Hoffler

Please Print Names

Property Tax Identification Number(s) of Subject Property: 071101021

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 3.6 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to act as our own agent 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

123 Swanson Rd. Fayetteville
GA 30214

Signature of Property Owner 2

Address

B. Rasmussen
Signature of Notary Public

7-9-2021
Date

Signature of Notary Public

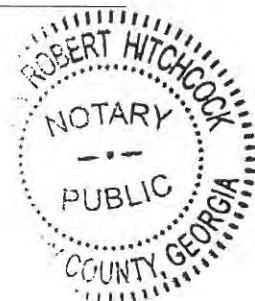
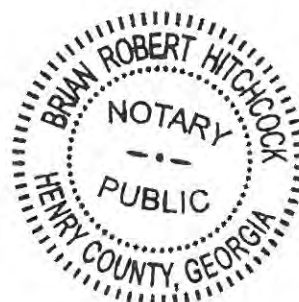
Date _____

Signature of Authorized Agent

Address

Signature of Notary Public

Date _____



112-21
Doc ID: 010024140003 Type: QCD
Recorded: 11/10/2016 at 10:00:00 AM
Fee Amt: \$16.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4534** PG **110-112**

DRAW DEED ONLY

RETURN TO: Bridgette M. Palmer
1044 Highway 54 West
Fayetteville, GA 30214

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the **8th** day of **November** in the year of **two thousand and sixteen**,
between

ERIC HOFFLER and CHERYL HOFFLER

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

ERIC HOFFLER and CHERYL HOFFLER

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) as
Tenants in Common and not with Right of Survivorship.

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other
valuable considerations in hand paid at and before the sealing and delivery of these presents, the
receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever
QUITCLAIM unto said grantee all my interest in and to:

All that tract or parcel of land lying and being in **Land Lot 76 & 77** of the **7th** District of
Fayette County, Georgia, and being more particularly described in **Exhibit "A"** attached
hereto and incorporated herein by reference.

THIS DEED is executed subject to easements and restrictions of record.

A-772.21

Hoffler Deed
123 Swanson Road
Page Two

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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



ERIC HOFFLER (SEAL)

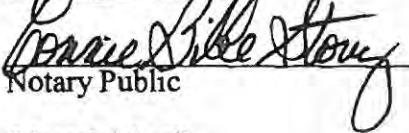


CHERYL HOFFLER (SEAL)

Signed, sealed and delivered in
the presence of:



Unofficial Witness



Notary Public

[Notarial Seal]
My Commission Expires:



A-772-21

Hoffler Deed
123 Swanson Road
Page Three

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 76 & 77 of the Seventh District of Fayette County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the point of intersection of the northerly right of way of Swanson Road and the westerly right of way of Adams Road; thence running in a westerly direction along said northerly right of way of Swanson Road following the curvature thereof a distance of 525 feet to an iron pin and the TRUE POINT OF BEGINNING; thence continuing along said right of way of Swanson Road north 88 degrees 12 minutes west a distance of 76.06 feet to an iron pin; thence continuing along said right of way north 84 degrees 25 minutes west a distance of 84.49 feet to an iron pin; thence continuing along said right of way north 81 degrees 06 minutes west a distance of 182.72 feet to an iron pin; thence running north 17 degrees 58 minutes 08 seconds east a distance of 390.85 feet to an iron pin located on the common land lot line between Land Lots 76 and 77; thence running north 27 degrees 36 minutes 56 seconds east a distance of 349.4 feet to a point; thence running south 68 degrees 52 minutes 52 seconds east a distance of 76.02 feet to a point; thence running south 01 degree 05 minutes 21 seconds west a distance of 692.92 feet to an iron pin and the TRUE POINT OF BEGINNING; said property containing 3.65 acres according to a plat of survey prepared for Cecil W. Raiford by Joseph W. Steed, Jr. dated March 23, 1976.

Less and Except the property described in that Right-of-Way Deed to Fayette County recorded in Deed Book 625, Page 608, Fayette County, Georgia records, for right of way (80') for Swanson Road.

PETITION NO. A-773-21
Jonathan & Rebecca Campagna
481 Eastin Road
Fayetteville, GA 30214
Public Hearing Date August 23, 2021

The subject property is located at 481 Eastin Road, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79. Accessory structures and uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern.

History: The survey for 481 Eastin Road was completed on June 2, 2021. Tax Assessor's records indicate that the house was built in 1978 and the applicant purchased the property in 2019.

As part of the residential accessory structure permit process, a site plan is required. Through the review process staff discovered the violation. The elevations given shows the residential accessory structure with vertical siding instead of the required horizontal siding.

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.

Due to design of pole barn structure and costs involved for material, we are requesting a variance on the ordinance for horizontal siding, changing to vertical siding. Sight lines of accessory structure do not allow vision from the street, said variance would not be able to be seen under normal conditions and would not in our opinion cause undue stress or harm in regards to the current zoning code.

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.**

Sight lines do not allow easy vision of accessory structure, so variance in this case would not be aesthetically displeasing to passersby. Topology of land and positions of

house and accessory structures make this possible. Surrounded by thick forest on 3 sides, house blocks vision from front.

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

Building design necessitates the use of vertical siding due to construction methods and distance of support structure along outside walls

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

Building design necessitates the use of vertical siding due to construction methods and distance of support structure along outside walls.

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

Relief would not be detrimental to the public good in this case.

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

We agree that a literal interpretation would deprive us of the rights of this matter granted to others.

DEPARTMENTAL COMMENTS

ENGINEERING: PW no comment.

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

ENVIRONMENTAL MANAGEMENT: EMD no comments.

FIRE MARSHAL No comment.

WATER SYSTEM: FCWS has no concerns with this variance. The property is served by a 8" water main along Eastin Rd.

A-773-21

**SUBJECT
PROPERTY**

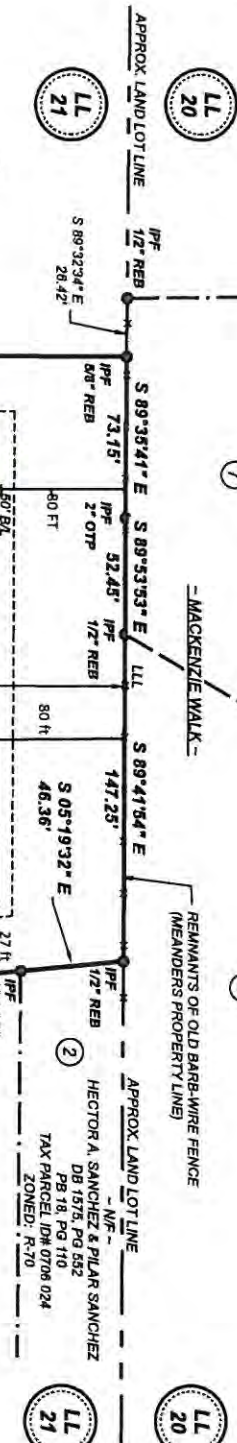
Eastin Road



PLAT FILED
Date: 6/2/2021 4:08:00 PM
Plat: \$10.00 Page 1 of 1
i. Ga. Clerk Superior Court
Stoddard Clerk of Court
Jant ID: 1989355574

101 PG 14

IS RESERVED FOR THE CLERK
ERRON COURT.



SURVEY NOTES

NOT USED:
ALL LINEAR MEASUREMENTS WERE OBTAINED USING A
PRECISION FOCUS 38-37 ROBOTIC TOTAL STATION AND
PRECISION RANGER DATA COLLECTOR

STATEMENT:

DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF
IN 708.222 FEET WITH AN ANGULAR ERROR OF THREE SECONDS
POINT AND WAS ADJUSTED USING THE COMPASS RULE.
HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE
± FOOT IN 435,843 FEET.
WAS SHOWN HEREON ARE REFERENCED TO GRID NORTH
D, AND WERE CALCULATED FROM ANGLES TURNED
D.
CT HORIZONTAL DATUM IS RELATIVE TO THE NORTH
DATUM 1983 (NAD 83), 2011 ADJUSTMENT PROJECTED TO
3IA STATE PLANE COORDINATE SYSTEM, WEST ZONE
K. FOR THIS SURVEY WAS PERFORMED ON THE FOLLOWING
1/2021.

PROPERTY INFORMATION:
PARCEL ID # 0706 023
SHIP PER TAX RECORD:
JONATHAN CAMPAGNA & REBECCA JEAN RUTHERG-CAMPAGNA
RD LEGAL DESCRIPTION: DB 4901, PG 126

BY WAS PERFORMED WITHOUT THE BENEFIT OF AN
TITLE. THEREFORE, THE UNDERSIGNED, B. JEFF DAVIS, RLS
GUARANTEES OR REPRESENTS TO EASEMENTS, RIGHT-OF-WAY,
ITS, RESERVATIONS, AND OTHER SIMILAR MATTERS
S AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND
IS PROPERTY. ALL MATTERS OF TITLE ARE EXCEPTED.
WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON,
OR ENTITY NAMED ON THIS PLAT. THIS DOES NOT EXTEND
NAMED THIRD PARTY WITHOUT AN EXPRESSED RESSTATEMENT
TVEYOR.

HOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL
AY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR
E IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE
R STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE
MUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR
WAGEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES

STATEMENT:

ERTY IS NOT LOCATED IN A FLOOD HAZARD AREA
G TO FIRM PANEL #1313C0882E.
SEPTEMBER 26, 2008.

REFERENCE MATERIAL

ED BOOK	309	PAGE	582
ED BOOK	346	PAGE	213
ED BOOK	495	PAGE	3
ED BOOK	908	PAGE	451
ED BOOK	1063	PAGE	47
ED BOOK	1231	PAGE	295
ED BOOK	1491	PAGE	505
ED BOOK	1575	PAGE	552
ED BOOK	1800	PAGE	755
ED BOOK	3295	PAGE	433
ED BOOK	3570	PAGE	392
ED BOOK	4690	PAGE	289
ED BOOK	4901	PAGE	726
ED BOOK	7	PAGE	169
ED BOOK	10	PAGE	119
ED BOOK	12	PAGE	75
ED BOOK	17	PAGE	23
ED BOOK	18	PAGE	110
ED BOOK	20	PAGE	152

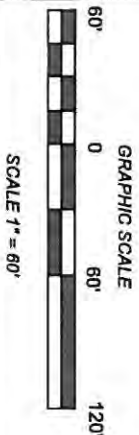
LEGEND

REVISIONS	SYMBOLS
BUILDING SETBACK LINE	● IRON PIN FOUND
CALCULATED	○ IRON PIN PLACED - 1/2" REBAR
CHAIN LINK FENCE	○ (w/ PINK CAP) BLD RLS #3211
CORRUGATED METAL PIPE	
CONCRETE	
CRIMPED TOP PIPE	
DEED BOOK	△ COMPUTED CORNER
EDGE OF GRAVEL	
ELECTRIC METER	⦿ POWER POLE
EDGE OF PAVEMENT	
EASEMENT	
FIRE HYDRANT	⦿ FIRE HYDRANT
GUY WIRE	
HEAD WALL	
IRON PIN FOUND	⦿ WATER METER
IRON PIN PLACED	
LAND LOT LINE	--- FENCE LINE
LOW OR FORMERLY	
OVERHEAD POWERLINE	--- OVERHEAD POWER LINE
OPEN TOP PIPE	
PLAT BOOK	
POINT OF BEGINNING	
POINT OF COMMENCEMENT	--- OVERHEAD TELEPHONE LINE
POINT OF EASEMENT	
REINFORCED CONCRETE PIPE	
REBAR	
RIGHT-OF-WAY	
WATER METER	
WATER VALVE	

SURVEYORS CERTIFICATION

s a reinforcement of an existing parcel or parcels of land and does not subdivide or create a
n or make any changes to any real property boundaries. The recording information of the
s, maps, plats, or other instruments which created the parcel or parcels are stated herein.
ATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION,
JITTY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS,
ILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned
yp certifies that this plat complies with the minimum technical standards for property
Geograph as set forth in the rules and regulations of the Georgia Board of Registration for
nd Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-5-57.

RG14
1, 3211
B. JEFF DAVIS
GA. REGISTERED LAND SURVEYOR #3211
DATE: 06-02-21



BOUNDARY RETRACEMENT SURVEY FOR:

JONATHAN CAMPAGNA
&
REBECCA RUTHERG-CAMPAGNA
LL 21, DISTRICT 7
FAYETTE COUNTY
TAX PARCEL ID. # 0706 023

PREPARED BY:

B. JEFF DAVIS, RLS
REGISTERED LAND SURVEYOR NO. 3211
8385 VERNON GROVE ROAD
CHATHAHOOCHEE HILLS, GA 30268
bjeff3211@att.net

PROJECT NO.: 210039

DRAWING FILE: 210039.1
DRAWN BY: BJD
SURVEY DATE: 06/01/201
SCALE: 1\"/>

ZONING

PROPERTY ZONED: R-70 (SINGLE-FAMILY RESIDENTIAL)
MINIMUM LOT SIZE: 2 ACRES
MINIMUM LOT WIDTH AT BUILDING LINE: 175 FEET (ARTERIAL)
150 FEET (MINOR)
MINIMUM SETBACKS:
- FRONT: 75 FEET (ARTERIAL)
50 FEET (LOCAL)
- SIDE: 25 FEET
- REAR: 50 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MINIMUM HOUSE SIZE: 1,000 SQUARE FEET

A-7773-21

A-773-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Jonathan Paul Campagna & Rebecca Jean Ruthberg-Campagna

MAILING ADDRESS: 481 Eastin Rd. Fayetteville GA 30214

PHONE: 7272247338 E-MAIL: jcamp2112@gmail.com

AGENT FOR OWNERS: SAME AS ABOVE

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 21 LAND DISTRICT 719 PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.1

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70 & R-45

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-773-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Howard J. [Signature] Date: 7/12/2021

DATE OF ZONING BOARD OF APPEALS HEARING: August 23RD 2021

Received from JONATHAN & REBECCA CAMPAGNA a check in the amount of \$ 175⁰⁰

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

Date Paid: 7-12-2021 Receipt Number: _____

A-773-21

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:

Jonathan Paul Campagna & Rebecca Jean Ruthberg-Campagna

Please Print Names

Property Tax Identification Number(s) of Subject Property: 07-06 -023

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 21 District, and (if applicable to more than one land district) Land Lot(s) 21 of the District, and said property consists of a total of 5.1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1

[Signature]
Signature of Notary Public
Date: 7-12-2021

481 Eastin Rd. Fayetteville GA 30214
Address

[Signature]
Signature of Property Owner 2

[Signature]
Signature of Notary Public
Date: 7-12-2021

481 Eastin Rd. Fayetteville GA 30214
Address

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
110-79 (G)	Siding to be of horizontal nature	Siding to be of vertical nature	

VARIANCE SUMMARY

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

Due to design of pole barn structure and costs involved for material,
 we are requesting a variance on the ordinance for horizontal siding, changing to
 vertical siding. Sight lines of accessory structure do not allow vision from the street,
 said variance would not be able to be seen under normal conditions and would not
 in our opinion cause undue stress or harm in regards to the current zoning code.

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. Sight lines do not allow easy vision of accessory structure, so variance in this case would not be aesthetically displeasing to passerbys. Topology of land and positions of house and accessory structures make this possible. Surrounded by thick forest on 3 sides, house blocks vision from front.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship. Cost difference of horizontal siding vs vertical siding in this case is upwards of \$20,000+ and would create unnecessary hardship in this case.

3. Such conditions are peculiar to the particular piece of property involved. Building design necessitates the use of vertical siding due to construction methods and distance of support structure along outside walls.

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

Relief would not be detrimental to the public good in this case

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

We agree that a literal interpretation would deprive us of the rights on this matter
granted to others

Doc ID: 010687960002 Type: WD
Recorded: 07/23/2019 at 09:45:00 AM
Fee Amt: \$298.00 Page 1 of 2
Transfer Tax: \$286.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4901** PG **726-727**

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
19-1123K/CASSI

TAX PARCEL ID: 0706 023

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **19th day of July, 2019**, by and between **RANDALL DAVID MONSON**, as party or parties of the first part, hereinafter referred to as "Grantor," and **JONATHAN PAUL CAMPAGNA and REBECCA JEAN RUTHBERG-CAMPAGNA**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION.

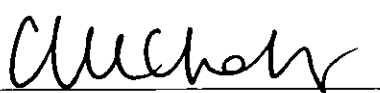
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

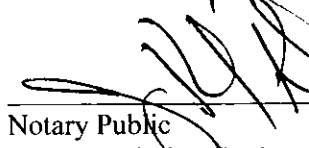
Signed this 18 day of July, 2019 in the presence of:



Unofficial Witness



RANDALL DAVID MONSON



Notary Public
My Commission Expires:

[Notary Seal]

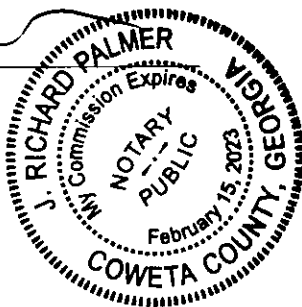


EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 21 of the 7th District of Fayette County, Georgia and by plat of C. E. Lee dated July 6, 1982, entitled "Survey for W. D. Gilmer" being more particularly described as follows:

BEGINNING at an iron pin located North 89 degrees and 20 minutes East, as measured along the north line of Land Lot 21 aforesaid, 704.1 feet from the common corner of land lots 20, 21, 44, and 45 of said State, County and District; running thence North 89 degrees and 20 minutes East, 73.6 feet to an iron pin; thence South 0 degrees and 37 minutes East, 570.4 feet to an iron pin; thence South 59 degrees and 38 minutes West, 84.73 feet to an iron pin; thence North 0 degrees and 37 minutes West 612.86 feet back to the iron pin and the POINT OF BEGINNING; said tract containing one acre, more or less.

AND

All that tract or parcel of land lying and being in Land Lot 21 of the 7th Land District of Fayette County, Georgia, as shown by plat of Lee Engineering Company, entitled "Survey for W. D. Gilmer" dated May 28, 1977, and recorded in Plat Book 10, Page 19, records of Fayette County, Georgia and in accordance with said Plat being more particularly described as follows:

BEGINNING at a point located 777.7 feet south 89 degrees 21 minutes east, as measured along the north line of Land Lot 21 aforesaid, from the original northwest corner of said Land Lot 21 (which corner is also the common corner of Land Lots 20, 44 and 45 of said District, County and State) running thence south 89 degrees 21 minutes east, continuing along the north line of Land Lot 21 aforesaid, 200 feet to a corner; thence south 05 degrees 17 minutes east, 649.8 feet to a point on the northwesterly margin of the right-of-way 80 feet in width for public road known as Eastin Road; thence southwestwardly, as measured along the northwesterly margin of the right-of-way of said Eastin Road, 350.9 feet to a point; thence north 00 degrees 28 minutes east, 876.8 feet to the north line of Land Lot 21 at the point of beginning, said tract containing 4.1 acres, more or less.

PETITION NO. A-774-21
Chozy Aiyub
998 S. Jeff Davis Drive
Fayetteville, GA 30215
Public Hearing Date August 23, 2021

The subject property is located at 998 S. Jeff Davis Drive Fayetteville, GA 30214 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 28 feet to allow an existing residential accessory structure to remain.

History: The survey for 998 S. Jeff Davis Drive was completed on July 3, 2006. Tax Assessor's records indicate that the house was built in 1964 and the applicant purchased the property in 2021. The Building Safety Department has no record of a building permit for the residential accessory structure.

As part of the building permit process (i.e. solar panel), a site plan is required. Through the review process staff discovered the violation. The survey given shows the residential accessory structure 50 feet from the front property line, and 28 feet from the rear property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

Property owner currently has a shed on the west side of his property. He moved into the home a few months ago and the shed was already on the property. The previous owner did not follow setback requirements for Fayette County. We are requesting a variance to allow the shed to stay put at 28.8' on the west side. The north and south sides of the property are not a concern as there is plenty of space. The shed cannot be moved because there is a well next to it.

JUSTIFICATION OF REQUEST

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

- Shed exists for the well that is located next to it. The well cannot be moved.
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

The shed cannot be moved because there is a well next to it.

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

Customer was not original builder of shed. Also we are proposing rooftop solar panels on customer's home, not the shed.

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 surrounding neighbors that are of concern. Customer moved to this property a few months ago to be secluded. He wants to go solar so he can produce clean and affordable energy.

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

Customer was not original builder of the shed. He cannot move the shed because of the well. This does not impact or deprive any rights that others in same zoning district would face. He is not making any modification the shed whatsoever, he just needs the variance so that he can get a permit released for solar on the roof of his home.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

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

ENVIRONMENTAL MANAGEMENT: No comments EMD.

FIRE MARSHAL No comment.

WATER SYSTEM: FCWS has no concerns with this variance. The property is served by a 10 DIP water main along S Jeff Davis

A-774-21

**SUBJECT
PROPERTY**

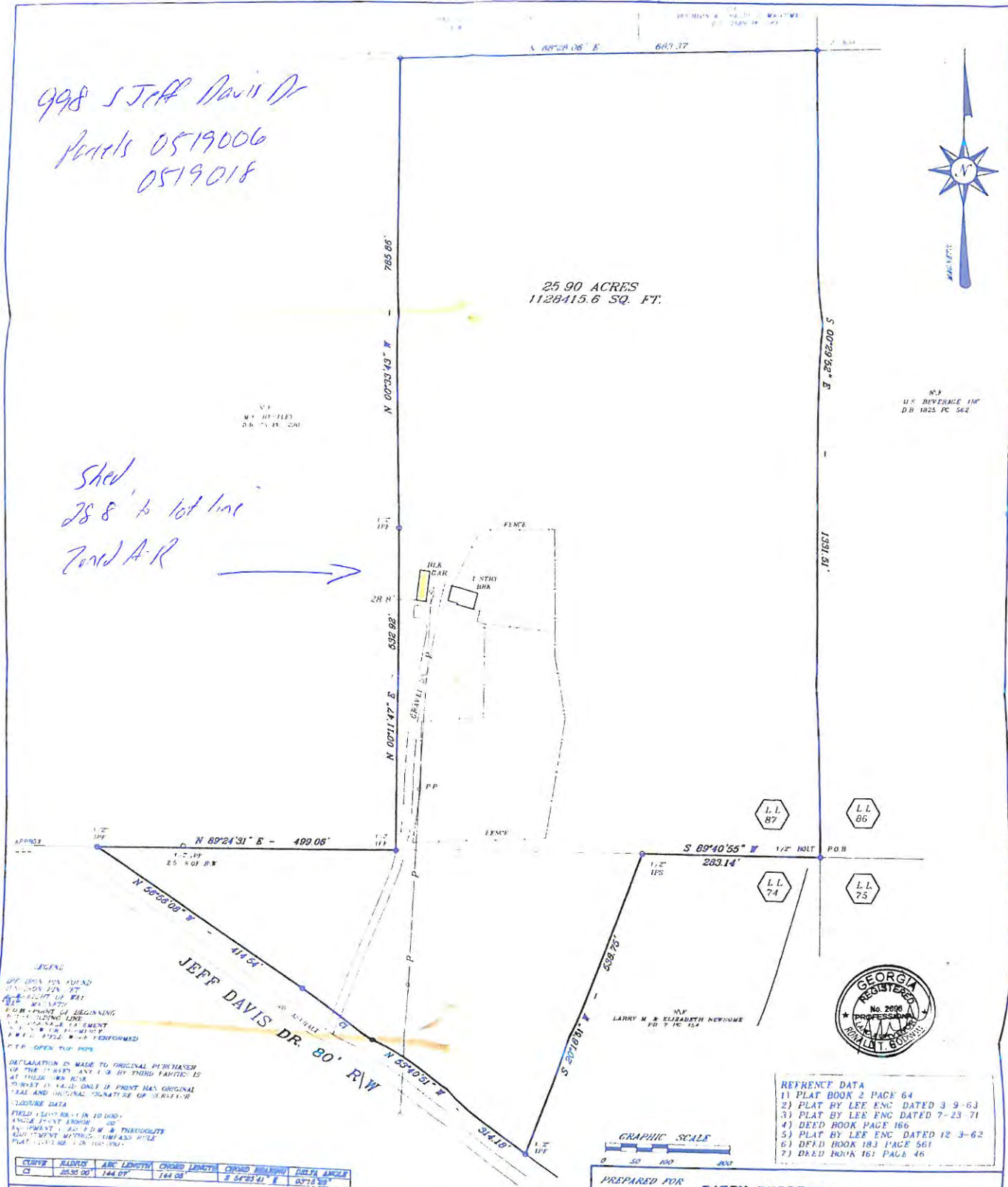
South Jeff Davis Drive

998 1 Jeff Davis Dr
Perkins 0519006
0519018



25.90 ACRES
1128415.6 SQ. FT.

Shed
28.8' to lot line
Zoned A-R



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	24.95 00'	144 07'	144 08'	S 54°25'41" E	35°16'38"

DELTA SURVEYORS, INC.
P.O. BOX 571
FAYETTEVILLE, GA. 30214 770/460/9342



PREPARED FOR **PATSY BURDETTE**

	LAND LOT 74 & 87	DATE 07/03/06
	SUBTRACT 5 LA	F&PD 06/29/06
STAKE F=100	CONV NTY FAYETTE, GA	JOHN NO 05-00201

- REFERENCE DATA
- 1) PLAT BOOK 2 PAGE 64
 - 2) PLAT BY LEE ENC DATED 3-9-63
 - 3) PLAT BY LEE ENC DATED 7-23-71
 - 4) DEED BOOK PAGE 166
 - 5) PLAT BY LEE ENC DATED 12-3-62
 - 6) DEED BOOK 183 PAGE 561
 - 7) DEED BOOK 161 PAGE 46

A-774-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Chozy Aiyub

MAILING ADDRESS: 998 S Jeff Davis Dr, Fayetteville GA 30215

PHONE: 678.699.7822

E-MAIL: chozyaiyub@gmail.com

AGENT FOR OWNERS: Steven Gutierrez

MAILING ADDRESS: 525 W Baseline Rd, Mesa AZ 85210

PHONE: 339.933.1338

E-MAIL: steven.gutierrez@powerofoursun.com
ccifrino@titansolarpower.com

PROPERTY LOCATION: LAND LOT 74 & 87 LAND DISTRICT 5 PARCEL 0519018 & 0519006

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 25.90

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: N/A

PRESENT USE OF SUBJECT PROPERTY: single family dwelling

PROPOSED USE OF SUBJECT PROPERTY: single family dwelling

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-774-21

☐ 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: August 23, 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-774-21

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:

Chozy A Aiyub

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0519018 & 0519006

(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) N/A of the District, and said property consists of a total of 25.90 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]

Signature of Property Owner 1

998 S Jeff Davis Drive

Address

[Signature]
Signature of Notary Public

7/7/21

Date

CLARE CIFRINO
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 10-01-30

Signature of Property Owner 2

Address

Steven Gutierrez
Steven Gutierrez (Jul 7, 2021 07:20 PDT)

Signature of Authorized Agent

525 W Baseline Rd, Mesa AZ 85210

Address

[Signature]
Signature of Notary Public

[Signature]
Date

Signature of Notary Public

7/7/21

Date

CLARE CIFRINO
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 10-01-30

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
	50' on west side	28.8'	22.2'

VARIANCE SUMMARY

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

PROPERTY OWNER CURRENTLY HAS A SHED ON THE WEST SIDE OF HIS PROPERTY.

HE MOVED INTO THE HOME A FEW MONTHS AGO AND THE SHED WAS ALREADY

ON THE PROPERTY. THE PREVIOUS OWNER DID NOT FOLLOW SETBACK REQ-

UIREMENTS FOR FAYETTE COUNTY. WE ARE REQUESTING A VARIANCE TO

ALLOW THE SHED TO STAY PUT AT 28.8' ON THE WEST SIDE. THE NORTH AND SOUTH

SIDES OF THE PROPERTY ARE NOT A CONCERN AS THERE IS PLENTY OF SPACE.

THE SHED CANNOT BE MOVED BECAUSE THERE IS A WELL NEXT TO IT.

JUSTIFICATION OF REQUEST

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
SHED EXISTS FOR THE WELL THAT IS LOCATED NEXT TO IT. WELL CANNOT BE MOVED.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
THE SHED CANNOT BE MOVED BECAUSE THERE IS A WELL NEXT TO IT.

3. Such conditions are peculiar to the particular piece of property involved.
CUSTOMER WAS NOT ORIGINAL BUILDER OF SHED. ALSO, WE ARE PROPOSING ROOFTOP SOLAR PANELS
ON CUSTOMER'S HOME, NOT THE SHED.

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 SURROUNDING NEIGHBORS THAT ARE OF CONCERN. CUSTOMER MOVED TO THIS PROPERTY

A FEW MONTHS AGO TO BE SECLUDED. HE WANTS TO GO SOLAR SO HE CAN PRODUCE CLEAN AND AFFORDABLE ENERGY.

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

CUSTOMER WAS NOT ORIGINAL BUILDER OF SHED. HE CANNOT MOVE THE SHED BECAUSE OF THE WELL.

THIS DOES NOT IMPACT OR DEPRIVE ANY RIGHTS THAT OTHERS IN THE SAME ZONING DISTRICT

WOULD FACE. HE IS NOT MAKING ANY MODIFICATIONS TO THE SHED WHATSOEVER,

HE JUST NEEDS THE VARIANCE SO THAT HE CAN GET A PERMIT RELEASED FOR SOLAR

ON THE ROOF OF HIS HOME.

A-774-21
⑤

Doc ID 01187240003 Type WD
 Recorded 04/09/2021 at 08:40:00 AM
 Fee Amt \$459.00 Page 1 of 3
 Transfer Tax \$434.00
 Fayette Ga Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 5259 PG 11-13

SLEPIAN SCHWARTZ & LANDGAARD
 42 EASTBROOK BEND
 PEACHTREE CITY, GEORGIA 30269
 (770) 486-1220
 21-0424C/CASSI

TAX PARCEL ID 0519 006 & 0519 018

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 5th day of April, 2021, by and between COLE H CASSELL, as party or parties of the first part, hereinafter referred to as "Grantor," and CHOZY R AIYUB, as party or parties of the second part, hereinafter referred to as "Grantee",

WITNESSETH

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART
 HEREOF FOR LEGAL DESCRIPTION

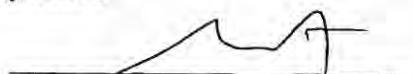
THIS CONVEYANCE is made subject to all zoning ordinances, easements and
 restrictions of record affecting said bargained premises

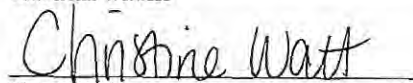
TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions

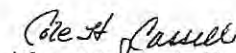
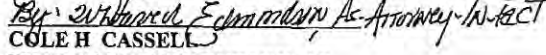
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written

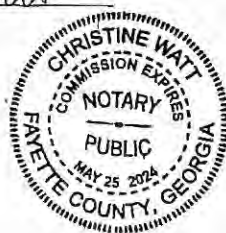
Signed this 5th day of April, 2021 in the
 presence of


 Unofficial Witness


 Christine Watt
 Notary Public
 My Commission Expires

[Notary Seal]


 By: 
 COLE H CASSELL
 BY W DAVID EDMONDSON, AS
 ATTORNEY IN FACT



A-774-21

EXHIBIT "A"**LEGAL DESCRIPTION for 998 SOUTH JEFF DAVIS DRIVE**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 74 and 87 OF THE 5th LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE ½-INCH BOLT FORMED BY THE INTERSECTION OF LAND LOTS 74, 75, 86 AND 87, RUN THENCE SOUTH 89 DEGREES 40 MINUTES 55 SECONDS WEST, A DISTANCE OF 283 14 FEET TO A ½-INCH IRON PIN SET, RUN THENCE SOUTH 20 DEGREES 18 MINUTES 51 SECONDS WEST, A DISTANCE OF 538 75 FEET TO A ½-INCH IRON PIN FOUND, RUN THENCE NORTH 53 DEGREES 40 MINUTES 51 SECONDS WEST, A DISTANCE OF 314 18 FEET TO A POINT, RUN THENCE, CURVING TO THE RIGHT, AN ARC DISTANCE OF 144 07 FEET TO A POINT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING SOUTH 54 DEGREES 23 MINUTES 41 SECONDS EAST, A CHORD DISTANCE OF 144 05 FEET AND A RADIUS OF 2535 00 FEET, RUN THENCE NORTH 56 DEGREES 56 MINUTES 08 SECONDS WEST, A DISTANCE OF 414 54 FEET TO A ½-INCH IRON PIN FOUND, RUN THENCE NORTH 89 DEGREES 24 MINUTES 31 SECONDS EAST, A DISTANCE OF 499 06 FEET TO A ½-INCH IRON PIN FOUND, RUN THENCE NORTH 00 DEGREES 11 MINUTES 47 SECONDS EAST, A DISTANCE OF 532 92 FEET TO A ½-INCH IRON PIN FOUND, RUN THENCE NORTH 00 DEGREES 33 MINUTES 43 SECONDS WEST, A DISTANCE OF 785 86 FEET TO A ¾-INCH REBAR FOUND, RUN THENCE NORTH 88 DEGREES 28 MINUTES 06 SECONDS EAST, A DISTANCE OF 683 37 FEET TO A ½-INCH REBAR FOUND, RUN THENCE SOUTH 00 DEGREES 29 MINUTES 52 SECONDS EAST, A DISTANCE OF 1331 51 FEET TO A ½-INCH BOLT AND THE **TRUE POINT OF BEGINNING**

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD

SAID TRACT CONTAINING 25 90 ACRES (1,128,415 6 SQUARE FEET) SAID TRACT BEING SHOWN ON THAT CERTAIN SURVEY PREPARED FOR "PATSY BURDETTE" BY RONALD T. GODWIN, GA RLS 2696 OF DETA SURVEYORS, INC., DATED JULY 03, 2006 AND ATTACHED HERETO AS EXHIBIT "B"

A-774-21

④

Doc ID 011187230003 Type OCB
 Recorded 04/09/2021 at 09:40:00 AM
 Fee Amt \$25.00 Page 1 of 3
 Transfer Tax \$0.00
 Fayette, Ga Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 5259 PG 8-10

SLEPIAN SCHWARTZ & LANDGAARD
 42 EASTBROOK BEND
 PEACHTREE CITY, GEORGIA 30269
 (770) 486-1220

TAX PARCEL ID 0519 006 & 0519 018

STATE OF GEORGIA
 COUNTY OF FAYETTE

QUIT CLAIM DEED

THIS INDENTURE, made the 5th day of April, 2021, by and between

COLE H CASSELL,

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

CHOZY R AIYUB,

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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledge, by these presents does hereby remise, convey and forever QUITCLAIM unto each said grantee interest in and to the following property

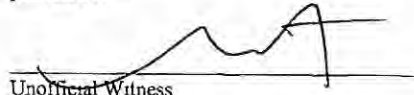
**SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART
 HEREOF FOR LEGAL DESCRIPTION**

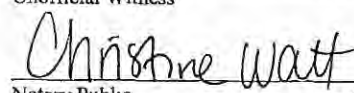
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof

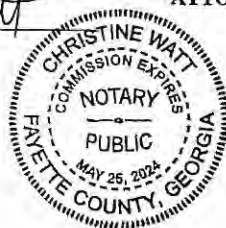
IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written

Signed this 5th day of April, 2021 in the presence of


 Unofficial Witness


 Christine Watt
 Notary Public
 My Commission Expires

[Notary Seal]



Cole H Cassell
By W David Edmondson, As Attorney In Fact
 COLE H CASSELL
 BY W DAVID EDMONDSON, AS
 ATTORNEY IN FACT

A 774-21

EXHIBIT "A"**TRACT ONE**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 74 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE NORTH LINE OF LAND LOT 74 A DISTANCE OF 417 5 FEET WEST OF THE NORTHEAST CORNER OF LAND LOT 74, THENCE SOUTH 21 DEGREES 10 MINUTES 00 SECONDS WEST 448 6 FEET TO A POINT ON THE NORTHEASTERLY SIDE OF FAYETTEVILLE-HAMPTON ROAD (NOW KNOWN AS SOUTH JEFF DAVIS DRIVE), THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF SAID ROAD 250 9 FEET TO A POINT, THENCE NORTH 21 DEGREES 19 MINUTES 00 SECONDS EAST 294 FEET TO A POINT ON THE NORTH LINE OF LAND LOT 74, THENCE NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST 281 5 FEET TO THE POINT OF BEGINNING

TRACT TWO

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 87 OF THE 6TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE SOUTH LINE OF LAND LOT 87 AFORESAID SAID POINT BEING FOUND A DISTANCE OF 427 FEET WESTERLY, AS MEASURED ALONG SAID SOUTH LINE OF LAND LOT NO 87, FROM THE SOUTHEAST CORNER THEREOF, RUNNING THENCE WESTERLY, AS MEASURED ALONG SAID SOUTH LINE OF LAND LOT NO 87, A DISTANCE OF 281 1/2 FEET TO AN IRON PIN, THENCE NORTH 1/2 DEGREE WEST, A DISTANCE OF 500 FEET, THENCE NORTH 89 DEGREES EAST A DISTANCE OF 281 1/2 FEET, THENCE SOUTH 1/2 DEGREE EAST, A DISTANCE OF 500 FEET, BACK TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 3 ACRES, MORE OR LESS, AND BEING DESCRIBED AS PER PLAT OF J O LEE DATED MARCH 9, 1983, AND RECORDED IN PLAT BOOK NO 2, AT PAGE 64, OFFICE OF THE CLERK, FAYETTE COUNTY SUPERIOR COURT

TRACT THREE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 74 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LAND LOT 283 5 FEET WEST OF THE NORTHEAST CORNER OF SAID LAND LOT, RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID LAND LOT ONE HUNDRED THIRTY FOUR (134) FEET, RUNNING THENCE SOUTH 20 DEGREES 54 MINUTES WEST FOUR HUNDRED FIFTY-THREE (453) FEET TO THE NORTHEAST SIDE OF JEFF DAVIS-HAMPTON ROAD, RUNNING THENCE SOUTH 53 DEGREES 33 MINUTES EAST ALONG THE NORTHEAST SIDE OF JEFF DAVIS- HAMPTON ROAD ONE HUNDRED THIRTY-FIVE (135) FEET, RUNNING THENCE NORTH 20 DEGREES 20 MINUTES EAST FIVE HUNDRED THIRTY EIGHT AND ONE-TENTH (538 1) FEET TO THE NORTH LINE OF SAID LAND LOT AND THE POINT OF BEGINNING SAID DESCRIPTION AS PER SURVEY FOR W C STILL, BY ESTON PENDLEY & ASSOCIATES, 4/9/73, A COPY OF SAID PLAT RECORDED AT PLAT BOOK 7, PAGE 154, FAYETTE COUNTY, GEORGIA RECORDS, AND BY REFERENCE HERETO IS MADE A PART OF THIS DESCRIPTION

TRACT FOUR

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT NO 74 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF S JEFF DAVIS RD (FORMERLY FAYETTEVILLE-HAMPTON RD)WHERE SAID LINE INTERSECTS THE NORTHERN LAND LOT LINE OF SAID LAND LOT, RUNNING THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 474 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE AT THE CENTER OF A DRIVEWAY (SAID DRIVEWAY IS DEPICTED ON THE PLAT OF ADJOINING PROPERTY AT PLAT BOOK 2, PAGE 64 AFORESAID RECORDS), RUNNING THENCE ALONG THE CENTER LINE OF THE DRIVEWAY FROM SAID ROAD IN A NORTHEASTERLY DIRECTION 294 FEET TO A POINT ON SAID NORTHERN LAND LOT LINE, THENCE WESTERLY ALONG LAND LOT LINE SOUTH 89 1/2 DEGREES WEST TO A POINT ON THE NORTHERLY HIGHWAY RIGHT-OF-WAY LINE OF SAID ROAD AND, THE POINT OF BEGINNING, BEING THE TRACT LABELED AS 1 58 ACRES ON THE PLAT OF LEE ENGINEERING COMPANY, DATED DECEMBER 3, 1962, AND RECORDED IN PLAT BOOK NO 2, PAGE 87, FAYETTE COUNTY DEED RECORDS

A 774-21

EXHIBIT "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 87 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHEAST CORNER OF SAID LAND LOT 87, RUNNING THENCE WEST ALONG THE SOUTH LINE OF SAID LAND LOT FOUR HUNDRED TWENTY SEVEN (427) FEET TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED TO OTIS EVERETTE BURDETTE, JR., DEED BOOK 50, PAGE 884, FAYETTE COUNTY RECORDS, RUNNING THENCE NORTH 0 DEGREES 30 SECONDS WEST ALONG THE EAST SIDE OF SAID BURDETTE PROPERTY FIVE HUNDRED (500) FEET, RUNNING THENCE SOUTH 89 DEGREES WEST ALONG THE NORTHERN SIDE OF SAID BURDETTE PROPERTY TWO HUNDRED SIXTY ONE AND FIVE-TENTHS (261 5) FEET TO AN IRON PIN, RUNNING THENCE NORTH 0 DEGREES 30 MINUTES WEST EIGHT HUNDRED NINETEEN (819) FEET MORE OR LESS TO AN IRON PIN, RUNNING THENCE NORTH 88 DEGREES 45 MINUTES EAST SIX HUNDRED EIGHTY FIVE (685) FEET TO A ROCK ON THE EAST LINE OF SAID LAND LOT, RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID LAND LOT THIRTEEN HUNDRED THIRTY (1330) FEET TO THE SOUTHEAST CORNER OF SAID LAND LOT, AND THE POINT OF BEGINNING

PETITION NO. A-775-21
Glenn & Gregory Pryor
360 Highway 279
Fayetteville, GA 30214
Public Hearing Date August 23, 2021

The subject property is located at 360 Highway 279 Fayetteville, GA 30214 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 15 feet to 13 feet to allow an existing residential accessory structure to remain.

History: The Final Plat of County Manor Unit Four was completed on August 29, 1978. Tax Assessor's records indicate that the house was built in 1998 and the applicant purchased the property in 1997. The Building Safety Department has a record of a building permit for the residential accessory structure (i.e. storage building) in another location (see attached).

As part of the building permit process for an addition, a site plan is required. Through the review process staff discovered the violation. The survey given shows the residential accessory structure 13 feet from the north side 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.

I am requesting a variance because of an error made by the contractor that erected the storage building some 19 years ago. They obvious did not measure the distance from the property line to the building, even though it was on the original permit. The structure is approximately 18 inches beyond the 15 feet allowed.

JUSTIFICATION OF REQUEST

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

The property is triangular, tapering off to the rear.

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

By allowing the variance, it would make an exception for the error by the original contractor.

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

Narrowing of the property.

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

The structure is over 200 feet from the street with no effect on traffic or any member of the community. It has only improved the property value. My neighbor is aware of its presence does not have problem whatsoever.

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

By approval for my request for 18 inch variance, I do not believe it will have any effect on the rights of anyone in my community or the surrounding neighborhood. Nor do I believe it will deprive me of my rights.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments for PW – NA.

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

ENVIRONMENTAL MANAGEMENT: No comments for EMD – NA.

FIRE MARSHAL No comments.

WATER SYSTEM: FCWS has no concerns with this variance. The property has water availability along Hwy 279 at this location via a 10" PVC water main.

GA DOT: Since there are no proposed accesses to state route 279, there are no GDOT comments.

FAYETTE COUNTY CERTIFICATE OF ZONING COMPLIANCE

Building Permit
2002

Districts: 13 Land lots: 250 Zoning district: R-40
 Site address: 360 HIGHWAY 279 Dot curb cut permit #: _____
 Proposed use: ERECT STORAGE BUILDING
 Square footage: 324 Lot size: 1.330 ac. Street frontage: ARTERIAL STREET
 Property owner: FERGUSON, GLENN Phone: (770) 716-1700
 Owner's address: 360 HIGHWAY 279
 Owner's city/state/zip: FAYETTEVILLE, GA 30214
 Builder: STORAGE BUILDING UNLIMITED Phone: (770) 483-6116
 Builder's address: 1305-D OLYMPIC COURT
 Builder's city/state/zip: CONYERS, GA 30012
 SETBACKS - Front: 75 Rear: 30 L. side: 15 R. side: 15

1980 TAX MAPS:

0000 TAX MAPS:

The property described on the attached recorded deed and plat complies with all requirements of the Fayette County Zoning Ordinance and the Subdivision Regulations based on the information submitted.

RSW
ZONING ADMINISTRATOR

NOTE: SEE ATTACHED PLAT FOR AS SITED STRUCTURES AND SETBACKS. PROPERTY CORNERS MUST BE ADEQUATELY STAKED. MAXIMUM HEIGHT SHALL NOT EXCEED 35 FEET.

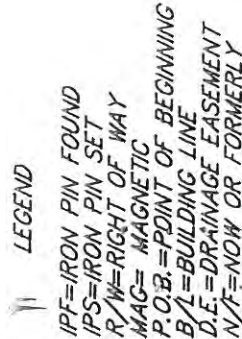
APPLICANT'S COVENANT

As the applicant for a Certification of Zoning Compliance for the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by the applicant that any error, misstatement, or misrepresentation of fact, either with or without intention on his part, such as might if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Compliance, shall constitute sufficient grounds for revocation of said Certificate of Zoning and any Building Permit resulting therefrom.

APPLICANT

01/30/2002
DATE

A-775-21



THIS SITE IS NOT LOCATED IN A FLOOD HAZARD
AREA AS DEFINED BY THE FAYETTE COUNTY F.E.M.A.
AND F.I.R.M. COMMUNITY PANEL NO. 13113C 0045 D
DATED 3/18/96.

REV. 6/10/98 TO ADD SEPTIC TANK LOCATION

REV. 5/06/98 TO ADD IMPROVEMENTS
TO FOUNDATION

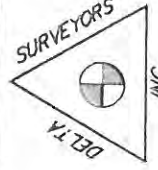
A horizontal graphic scale bar is located at the bottom of the page. It is labeled "GRAPHIC SCALE" vertically on the left. The bar has four segments of equal length, with tick marks at 0, 30, 60, and 120.



SUBDIVISION: COUNTRY MANOR UNIT FOUR		P.B. 10	Pg. 202
LOT: 21	LAND LOT: 250	DATE: 11/06/97	
BLOCK:	DISTRICT: 13TH	REV: 2/12/98 TO ADD FOUNDATION	
SCALE: 1"= 60'	COUNTY: FAYETTE, GA.	JOB NO.: 97-0558	

DELTA SURVEYORS, INC.

P.O. BOX 571
770 460 9342
FAYETTEVILLE, GA. 30214
FAX 770 460 7114



JOHN 3:16

A-775-21

SR 279

**SUBJECT
PROPERTY**



REFERENCES & NOTES

CURRENT OWNER:
GLENN & GREGORY K. PRYOR

DEEDS:
DB 3191 PG 206

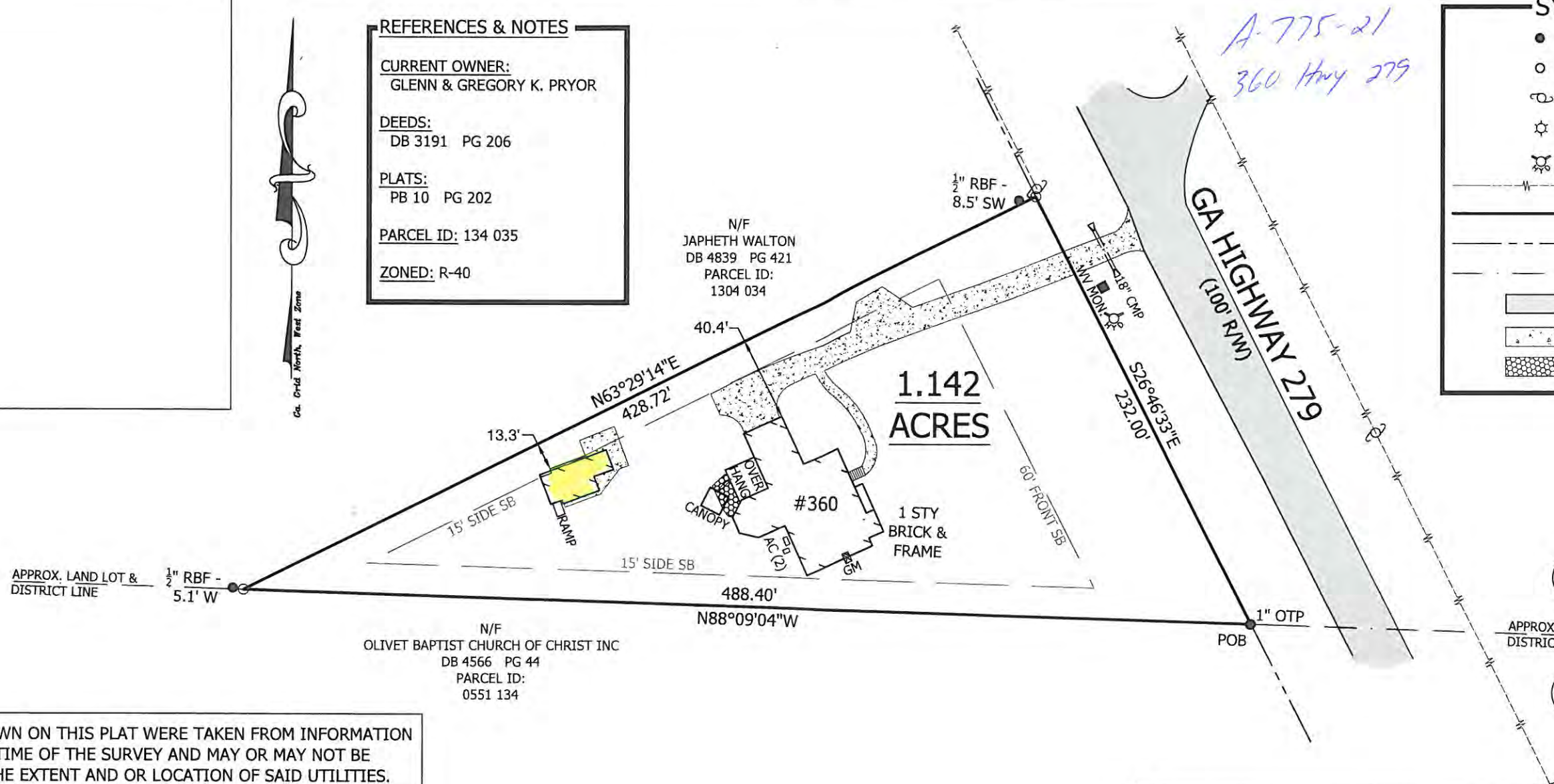
PLATS:
PB 10 PG 202

PARCEL ID: 134 035

ZONED: R-40

SYMBOL LEGEND

- IRON PIN FOUND
- 1/2" REBAR SET
- ⊕ UTILITY POLE
- ⊙ LIGHT POLE
- ⊗ FIRE HYDRANT
- OVERHEAD POWER LINE
- PROPERTY LINE
- - - ADJACENT LOT LINE
- - - LAND LOT & DISTRICT LINE
- ▭ ASPHALT AREA
- ▭ CONCRETE AREA
- ▭ STONE AREA

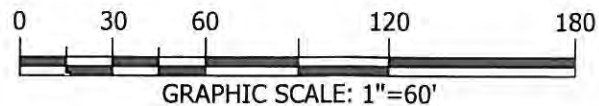


THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

PLAT CERTIFICATION:

The field data, completed on 6/29/21, upon which this plat is based has a closure precision of one foot in 52,880 feet and an angular error of 02" per angle point and was unadjusted. This plat has been calculated for closure and is found to be accurate within one foot in 295,310 feet. The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station.



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

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

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

Mark A. Buckner GA RLS 2422 Date



"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

SCANLON ENGINEERING SERVICES, INC.

221 EAST BANK STREET
GRIFFIN, GEORGIA 30223
PHONE: (678) 967-2051 www.scanloneng.com
★ LSF 000859 ★

Rev.	Description	Date
1	Show setbacks.	7/19/2021
2	---	---
3	---	---

Project #:	Date:	Scale:	Drawn by:
S210421327	7/1/2021	1" = 60'	JWS

BOUNDARY / AS-BUILT SURVEY FOR

GLENN & GREGORY K. PRYOR

LOCATED IN LAND LOT 250 OF THE 13TH DISTRICT,
FAYETTE COUNTY, GEORGIA



SHEET DESCRIPTION

BOUNDARY /
AS-BUILT SURVEY

SHEET NUMBER

543B

A. 775-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Glenn & Gregory Pryor

MAILING ADDRESS: 360 Hwy 279 Fayetteville GA 30214

PHONE: 770-716-1700 E-MAIL: GLENNPRYOR@Bellsouth.net

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 250 LAND DISTRICT 13th PARCEL 1304-035

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.142 A.

ZONING DISTRICT: R-40

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

PRESENT USE OF SUBJECT PROPERTY: single Family Res.

PROPOSED USE OF SUBJECT PROPERTY: single Family Res.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-775-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: July 16, 2021

DATE OF ZONING BOARD OF APPEALS HEARING: AUGUST 23RD, 2021

Received from GREGORY K. PRYOR a check in the amount of \$ 195⁰⁰

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

Date Paid: 7/28/2021 Receipt Number: _____

A-775-21

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:

GLENN + GREGORY PRYOR
Please Print Names

Property Tax Identification Number(s) of Subject Property: 1304 035

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 13th District, and (if applicable to more than one land district) Land Lot(s) 250 of the District, and said property consists of a total of 1.142 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.

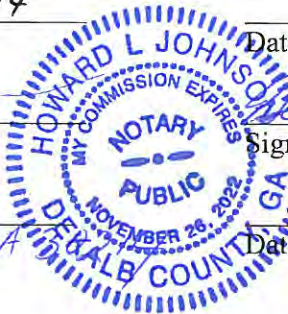
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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.

Glenn Pryor
Signature of Property Owner 1
360 Hwy 279
Fayetteville Ga. 30214
Address

Signature of Notary Public

Date

Gregory Pryor
Signature of Property Owner 2
360 Hwy 279
FAYETTEVILLE GA
Address

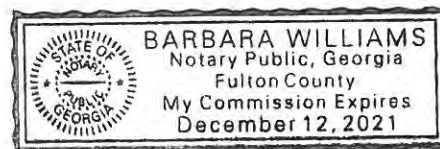


Howard L. Johnson
Signature of Notary Public
7-13-2021
Date

Signature of Authorized Agent

Address

Barbara Ann Williams
Signature of Notary Public
7-13-2021
Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

★ VARIANCE SUMMARY

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

I am requesting a variance because of an error made by the contractor that erected the storage building some 19 years ago. They obvious did not measure the distance from the property line to the building, even though it was on the original permit. The structure is approximately 18 inches beyond the 15 feet allowed.

JUSTIFICATION OF REQUEST

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

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

The property is triangular, tapering off to the rear.

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

By allowing the variance, it would make an exception for the error by the original contractor

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

Narrowing of the property.

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

The structure is over 200 feet from the street with no effect on traffic or any member of the community. It has only improved the property value. My neighbor is aware of its presence does not have problem whatsoever.

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

By approval for my request for this 18 inch variance, I do not believe it will have any effect on the rights of anyone in my community or the surrounding neighborhood. Nor do I believe it will deprive me of my rights.

Exhibit A

A-775-21

FILE NO. 97-A5752
JACKSON AND HARDWICK
282 S. MAIN STREET
ALPHARETTA, GA 30004

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FULTON

This Indenture made this 26th day of November, in the year One Thousand Nine Hundred Ninety-Seven, between JOHN F. AUSTIN, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and GLENN Y. FERGUSON, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable 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 LOT 250 OF THE 13TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING LOT 21, UNIT FOUR OF COUNTRY MANOR SUBDIVISION, AS PER PLAT DATED 8-17-78, PREPARED BY ESTON PENDLEY, REGISTERED LAND SURVEYOR, RECORDED IN PLAT BOOK 10, PAGE 202, FAYETTE COUNTY RECORDS FROM WHICH REFERENCE CAN BE MADE FOR A MORE COMPLETE DESCRIPTION.

FILED & RECORDED
FAYETTE COUNTY, GA.
97 DEC 10 AM 11 14
W.A. BALLARD, CLERK

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID
DATE 12-10-97 20.00
W.A. Ballard
CLERK OF SUPERIOR COURT

SUBJECT to restrictive covenants and general utility easements of record.

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

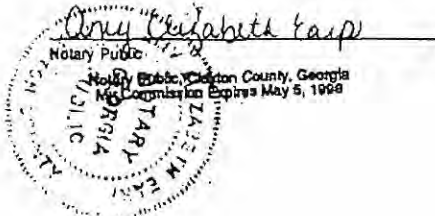
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Mary Rebecca Ditty
Witness

John F. Austin
JOHN F. AUSTIN (Seal)



(Seal)

(Seal)

BOOK 1203 PAGE 413

A 775-21

Assessor's parcel No. 1304035

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals on this 6 day of June, 2013.

Glenn Pryor F/K/A Glen Ferguson
GLENN PRYOR, F/K/A
GLEN FERGUSON

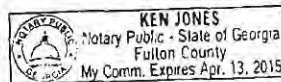
WITNESSES:

Ralph Thomas
NAME: Ralph Thomas
Jane Martin
NAME: Jane Martin

Ken Jones
Notary Public

My Commission Expires: 4/13/16

(Notary Seal)



A 775 21

EXHIBIT A
LEGAL DESCRIPTION

SITUATED IN THE COUNTY OF FAYETTE, COUNTY OF GEORGIA:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 250 OF THE 13TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING LOT 21, UNIT FOUR OF COUNTRY MANOR SUBDIVISION, AS PER PLAT DATED 8-17-78, PREPARED BY ESTON PENDLEY, REGISTERED LAND SURVEYOR, RECORDED IN PLAT BOOK 10, PAGE 202, FAYETTE COUNTY RECORDS FROM WHICH REFERENCE CAN BE MADE FOR A MORE COMPLETE DESCRIPTION.

TAX ID NO: 1304035

PROPERTY COMMONLY KNOWN AS: 360 HIGHWAY 279, FAYETTEVILLE, GA 30214



U04027165

7753 6/25/2013 78780662/3

