

**BOARD OF APPEALS**

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

**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  
September 27, 2021  
7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on August 23, 2021.

**PUBLIC HEARING**

2. Petition No. A-771-21, Max Fuller, Owner, requests the following: Variance to Section 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 20 feet to allow the construction of a primary residence. The subject property is located in Land Lot 233 of the 4<sup>th</sup> District and fronts on Goza Road.
3. 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 5<sup>th</sup> District and fronts on South Jeff Davis Drive.
4. Petition No. A-776-21, Misti Pitts, Owner, requests the following: Variance to Sec. 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to 1.9 feet to allow an existing garage to remain. The subject property is located in Land Lot 164 of the 5<sup>th</sup> District and fronts on Victoria Drive.
5. Petition No. A-777-21, Donell Harris, Owner, and Melvin Cooper/Diane Fudge, AHB General Contractors, Agent, 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 primary residence foundation to remain. The subject property is located in Land Lot 250 of the 13<sup>th</sup> District and fronts on GA 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.

**PETITION NO. A-771-21**  
**Max H. Fuller**  
**335 Goza Road**  
**Fayetteville, GA 30215**  
**Public Hearing Date September 27, 2021**

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

Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 20 feet to allow the construction of a primary residence.

**History:** The Minor Final Plat of Ryan Richardson Estate was recorded on June 11, 2021 in Book 101 and Page 27-28.

As part of the building permit process, a survey is required. Through the survey staff discovered the violation. The proposed primary residence survey shows the structure located 20 feet from the side yard setback.

The applicant provides the following information:

**VARIANCE SUMMARY**

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

We want to separate our property to give our grandson 5 acres to build on. After surveying the lot we found out that the building will be 20 feet off the property line.

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

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

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

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

Very difficult to situate a home on the property.

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

Lot is very narrow and has sloping elevation.

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,**

Would have no effect on the regulations.

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

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

#### **DEPARTMENTAL COMMENTS**

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

**ENVIRONMENTAL MANAGEMENT:** After a review of the site plan EMD does not find any development regulations that would cause further variance requests to the development of a single family home.

**FIRE MARSHAL:** No comment.

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

**WATER SYSTEM:** FCWS has no concerns with this variance. The property has water availability served by a 16" DIP water main along Goza Rd.

**PUBLIC WORKS:** After a review of the site plan Public Works does not find any development regulations that would cause further variance requests to the development of a single family home.



**A-771-21  
Aerials**

**SUBJECT  
PROPERTY**

**Goza Road**

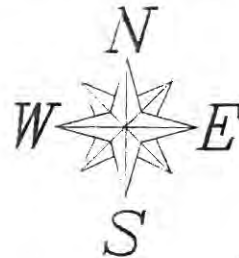




Type: PLAT FILED  
Recorded: 5/11/2021 9:19:00 AM  
Fee Amt: \$20.00 Page 1 of 2  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID: 9822841399

BK 101 PG 27 - 28



RECORD NORTH  
PB: 8 PG: 173

Course	Bearing	Distance
L1	S 53°31'05" W	59.04'
L2	S 53°09'58" W	38.20'
L3	S 53°32'59" W	198.34'
L4	S 53°16'20" W	68.22'
L5	S 53°36'03" W	37.72'
L6	S 53°36'03" W	86.79'
L7	S 55°23'47" W	61.98'
L8	S 57°45'43" W	77.55'
L9	S 61°14'56" W	29.48'
L10	N 14°34'24" W	197.58'

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

#### MINOR FINAL PLAT - SHEET INDEX:

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

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



#### SURVEY DATA:

TOTAL AREA = 20.236 ACRES / 821,479 SQ. FEET  
PLAT CLOSURE: 1" IN 341,874 FEET

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

LOT 2 TOTAL AREA = 15.236 ACRES / 563,679 SQ. FEET  
CONTIGUOUS AREA = 6.336 ACRES / 275,988 SQ. FEET  
PLAT CLOSURE: 1" IN 330,835 FEET

#### CONTIGUOUS AREA DESCRIPTION:

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

#### EQUIPMENT USED:

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

#### PLAT AND DEED REFERENCES:

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

#### PLAT GENERAL NOTES:

1. THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
2. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB 76 (2017), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
3. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED IN THE TITLE BLOCK AND OR THE CERTIFICATION. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.
4. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL IN CONTRASTING INK.
5. IN MY OPINION THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAPS (FIRM) #13113C0118E AND 13113C0160E WITH EFFECTIVE DATE OF SEPTEMBER 26, 2008. THE FLOOD HAZARD AND BASE FLOOD ELEVATIONS SHOWN HEREON ARE BASED ON FAYETTE COUNTY FLOOD STUDY.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE, THEREFORE, THE UNDERSIGNED AND GASKINS / CHRISTOPHER BROTHERS MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
7. BEARINGS ARE RELATED TO PLAT BOOK: 8 PAGE: 173 OF COWETA COUNTY RECORDS

#### SURVEYORS CERTIFICATION:

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

BY CHRIS W. ROBERTSON GA RLS #3195  
DATE: 4/30/21

#### LOT UTILITY NOTE:

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

#### EASEMENT NOTE:

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

#### LEVEL III SOIL SURVEY:

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

SIGNATURE OF SOIL CLASSIFIER (SEE SHEET 2 OF 2)  
COMPANY ADDRESS & TELEPHONE Applied Environmental Sciences, Inc.  
90-F Glenda Traca, #327 Newnan, Georgia 30265 (678) 262-4020

REGISTRATION / LICENSE NO (SEE SHEET 2 OF 2)

#### VARIANCE REQUEST:

PETITION NUMBER: A-755-21 (VARIANCE TO SEC. 110-125 A-R, (d) (6) TO REDUCE THE SIDE YARD SETBACK FROM 50 FEET TO 42 FEET TO ALLOW AN EXISTING CARPORT TO REMAIN

#### WETLAND DELINEATION:

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

#### SIGHT DISTANCE CERTIFICATION:

THE POSTED SPEED LIMIT ON GOZA ROAD IS 45 MPH AND THE MINIMUM CORRESPONDING INTERSECTION SIGHT DISTANCE FOR DRIVEWAYS ONTO THE ROAD IS 500 FEET. I HEREBY CERTIFY THAT (LOT 1) MEETS OR EXCEEDS THE INTERSECTION SIGHT DISTANCE REQUIREMENTS, AS DETERMINED USING THE CRITERIA SET FORTH IN THE GDOT'S REGULATIONS FOR DRIVEWAY & ENCROACHMENT CONTROL MANUAL, LATEST EDITION AND THE ASSHTO'S A POLICY ON GEOMETRIC DESIGN.

#### ENVIRONMENTAL MANAGEMENT DEPARTMENT:

APPROVAL SIGNATURE: [Signature]  
DATE: 5/12/21

#### ENVIRONMENTAL HEALTH DEPARTMENT:

APPROVAL SIGNATURE: [Signature]  
DATE: 5/13/21

#### ZONING ADMINISTRATOR:

APPROVAL SIGNATURE: [Signature]  
DATE: 5/11/21

#### DIMENSIONAL REQUIREMENTS:

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

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

#### COUNTY ENGINEER:

APPROVAL SIGNATURE: [Signature]  
DATE: 5/12/21

#### PLANNING COMMISSION SECRETARY:

APPROVAL SIGNATURE: [Signature]  
DATE: 5/20/21

#### FIRE MARSHALL:

APPROVAL SIGNATURE: [Signature]  
DATE: 5/12/21

DRAWN BY: CAF  
CHECKED BY: CHR  
FILE: 04-0233  
FIELD DATE: 11-18-20  
OFFICE DATE: 12-21-20  
SCALE: 1" = 200'  
REMARKS:  
1) FAYETTE COUNTY COMMENTS  
DATE: 03-01-2021  
2) FAYETTE COUNTY ENGINEERING  
COMMENTS DATED: 03-19-2021  
SHEET: 1 OF 2

**Gaskins**  
ENGINEERING • SURVEYING • PLANNING • CONSULTING • CONSTRUCTION MGMT

**Christopher Brothers**  
www.gcsurvey.com LSP # 789  
24 Jackson Street, Newnan, GA 30263  
Phone: (770) 253-5195

MINOR FINAL PLAT OF:  
RYAN RICHARDSON ESTATE

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

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

#### OWNER'S CERTIFICATE:

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

OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_  
MORTGAGEE: \_\_\_\_\_ DATE: \_\_\_\_\_

#### FAYETTE COUNTY FLOOD NOTE:

LOT 1 - AS REQUIRED BY ART IV OF THE DEVELOPMENT REGULATIONS A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY (MFFE = 820.89)  
SITE BENCHMARK:  
VERTICAL DATUM = NAVD 1988  
DATUM BENCHMARK = EGPS GNSS REF. NETWORK

LOT 1:  
THERE ARE NO EXISTING STRUCTURES ON THIS LOT

#### FAYETTE COUNTY GROUNDWATER RECHARGE NOTE:

SUBJECT SITE NOT WITHIN GROUND WATER RECHARGE AREA

#### LEGEND:

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

#### STORMWATER MAINTENANCE:

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

#### WATERSHED PROTECTION DISTRICT:

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



A-771-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Max H. Fuller

MAILING ADDRESS: 335 Goza Rd, Fayetteville, GA 30215

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

AGENT FOR OWNERS: N/A

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

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

PROPERTY LOCATION: LAND LOT 233 LAND DISTRICT 4 PARCEL 5 0447064

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5

ZONING DISTRICT: Agriculture/Residential

ZONING OF SURROUNDING PROPERTIES: Agriculture/Residential

PRESENT USE OF SUBJECT PROPERTY: Agriculture/Residential

PROPOSED USE OF SUBJECT PROPERTY: Agriculture/Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-771-21

[ ] Application Insufficient due to lack of:

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

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

by Staff: Howard L. [Signature] Date: 8-6-2021

DATE OF ZONING BOARD OF APPEALS HEARING: SEPTEMBER 27<sup>th</sup>, 2021

Received from Max Fuller CASH a ~~check~~ in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 20<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: 8-6-2021 Receipt Number: \_\_\_\_\_

A 771-21

# PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Max H. Fuller

Please Print Names

Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 233 District, and (if applicable to more than one land district) Land Lot(s) 4 of the District, and said property consists of a total of 5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Max H. Fuller

Signature of Property Owner 1

Jennifer L. Hobson

Signature of Notary Public

Address 335 Goza Rd. Fayetteville, GA 30215

7-26-2021

Date

Nancy Sharon

Signature of Property Owner 2

335 Goza Rd.

Address



Howard L. Johnson

Signature of Notary Public

8-6-2021

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date



My Commission Expires 01-23-2023

A-771-21

### 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
Sec. 110-125 (A-R) (d)(6)	50'	20	30

### VARIANCE SUMMARY

A-771-21

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

We want <sup>to</sup> ~~be~~ separate our property to give our grandson  
5 acres to build on. After surveying the lot we found out  
that the building <sup>will be</sup> ~~is~~ 20 feet off the property line



**JUSTIFICATION OF REQUEST**

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

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

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

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

Very difficult to situate a home on the property

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

Lot is very narrow and has sloping elevation

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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\_\_\_\_\_ Would have no effect on the regulations

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

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**Recordation Requested By:**

Sharon N. Fuller  
335 Goza Road  
Fayetteville, Georgia 30215

**After Recording Mail To:**

Max and Sharon Fuller  
335 Goza Road  
Fayetteville, Georgia 30215



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

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

**QUITCLAIM DEED**

TITLE OF DOCUMENT

State of Georgia

Fayette County

Order No. 5943792

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

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

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

AND

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

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

*The words "Grantor" and "Grantee" are to include their respective heirs, successors and assigns  
where the context requires or permits*

WITNESSETH that: Grantor for and in consideration of the sum of TEN AND NO/100  
DOLLAR (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and  
before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has  
granted, bargained, sold and conveyed and by these presents does hereby bargain, sell, remise,  
release, and forever quit-claim unto Grantee all right, title interest, claim or demand which the  
Grantor has or may have had in and to the following described property situated in Fayette  
County, Georgia, to wit:

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

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

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

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

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

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

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

Signed, sealed and delivered in the presence of:

Sharon N. Fuller  
Sharon N. Fuller

Jennifer L. Hobson  
Unofficial Witness Signature

Jennifer L. Hobson  
Unofficial Witness Printed Name

[Signature]  
Notary Public

NOTARY STAMP/SEAL

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





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

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

### Exhibit "A"

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

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

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

APN #: 0447 057

**PETITION NO. A-774-21**  
**Chozy Aiyub**  
**998 S. Jeff Davis Drive**  
**Fayetteville, GA 30215**  
**Public Hearing Date August 23, 2021 move to September 27, 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**



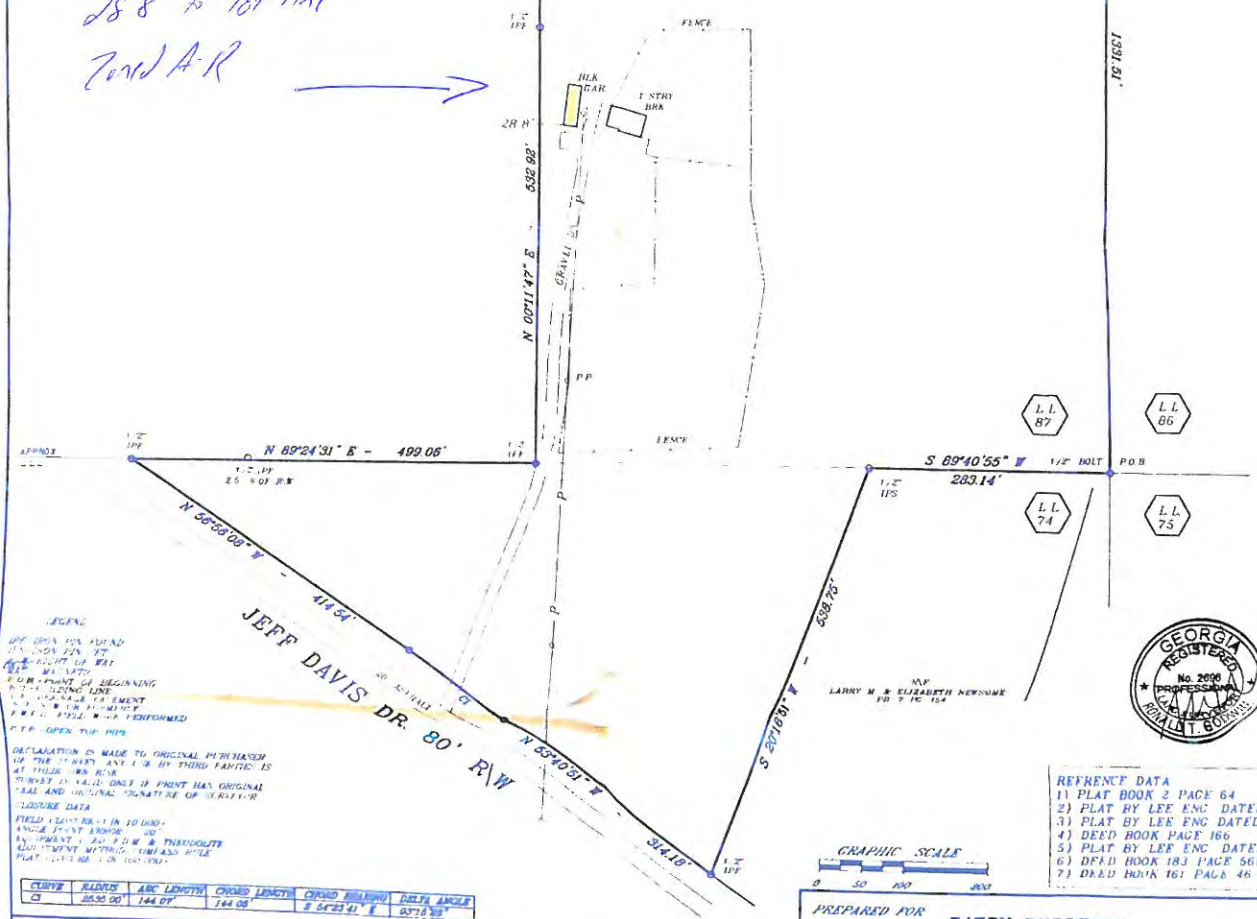
A-774-21

998 JEFF Davis Dr  
 Pct 0519006  
 0519018

25.90 ACRES  
 1128415.6 SQ. FT.



Shed  
 28.8' to lot line  
 Toward A.R.



**LEGEND**  
 OFF CORN FOR ADJACENT  
 DIVISION 22N 27E  
 1/2" = 100' HORIZ  
 1/2" = 100' VERT  
 FOUR POINT OF BEGINNING  
 P.O.B. (SEE PLAT)  
 1/2" = 100' HORIZ  
 1/2" = 100' VERT  
 P.P. = OPEN TOP PIPE  
 DECLARATION IS MADE TO ORIGINAL PURCHASER  
 OF THE PROPERTY AND C.B. BY THIRD PARTY IS  
 AT THEIR OWN RISK  
 THIS IS VALID ONLY IF PRINT HAS ORIGINAL  
 SEAL AND ORIGINAL SIGNATURE OF SURVEYOR  
**LEGEND DATA**  
 FIELD: 100' MAG. IN 10 000'  
 ANGLE: 100' 100' 100'  
 INSTRUMENT: 1" 100' 100' 100'  
 PLAT: 100' 100' 100' 100'

- 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 186
  - 5) PLAT BY LEE ENC DATED 12-3-62
  - 6) DEED BOOK 183 PAGE 561
  - 7) DEED BOOK 161 PAGE 46



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CB	2050.00'	144.07'	144.06'	S 59°24'31" E	87°18'33"

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



PREPARED FOR <b>PATSY BURDETTE</b>		
LAND LOT 74 & 87	DATE 07/03/06	
CONTRACT 5 24	F.B.P.D. 06/28/06	
SCALE 1"=100'	COUNTY FAYETTE, GA	JOB NO 05-00201



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

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(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.

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### 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.

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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.

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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.

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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.

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

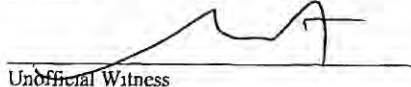
THIS CONVEYANCE is made subject to all zoning ordinances, easements and  
 restrictions of record affecting said bargained premises

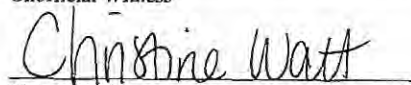
TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple

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

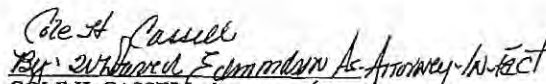
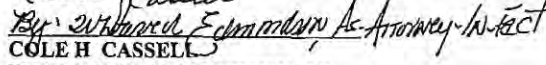
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written

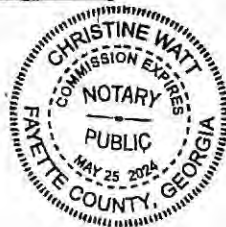
Signed this 5th day of April, 2021 in the  
 presence of

  
 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 acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto each said grantee interest in and to the following property

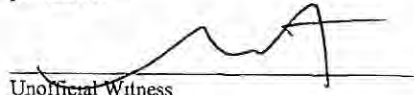
**SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART  
 HEREOF FOR LEGAL DESCRIPTION**

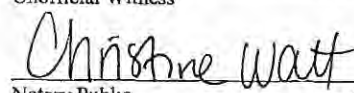
**THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises**

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

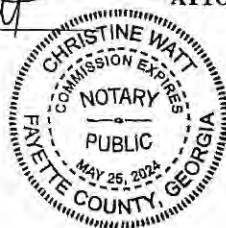
IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written

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-776-21**  
**Misti Pitts**  
**130 Victoria Drive**  
**Fayetteville, GA 30214**  
**Public Hearing Date September 27, 2021**

The subject property is located at 130 Victoria Drive, 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 1.9 feet to allow an existing garage to remain.

**History:** The Minor Final Plat of Victoria Plantation II was recorded on April 7, 1982 in Book 13 and Page 80. Tax Assessor's records indicate that the house was built in 1983, and according to the deed the applicant purchased the property in 2018.

As part of the pool permit process, a survey is required. Through the survey staff discovered the violation. The survey shows the garage located 1.9 feet from the 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.**

Dear Member of the Zoning Board of Appeals:

I am writing to seek a garage variance for my home located at 130 Victoria Drive Fayetteville, GA 30214. I have taken the time to speak with my neighbor about the garage variance request and have included the supportive petition with this application.

Should you have any questions, please do not hesitate to contact me at 404.453.6294. Thank you for your thoughtful consideration of this request.

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

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

The structure was placed in the referenced location due to where the main entrance is located for the property's driveway. Another location would not have worked since there weren't any other entry or exit points on the property.

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

Yes, because the structure is located on permanent concrete.

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

The structure was placed in the referenced location due to where the main entrance is located for the property's driveway. Another location would not have worked since there aren't any other entry or exit points on 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,**

Our neighbors are okay with where the building is located.

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

Yes, because the structure is allowed however it is just 2 feet close to the property line.

### **DEPARTMENTAL COMMENTS**

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

**ENVIRONMENTAL MANAGEMENT:** After a review of the site plan EMD does not find any development regulations that would cause further variance requests to the requested variance of an existing building setback reduction.

**FIRE MARSHAL:** No comment.

**PUBLIC WORKS/ENGINEERING:** After a review of the site plan PW does not find any development regulations that would cause further variance request to the requested variance of an existing building setback reduction.

**WATER SYSTEM:** FCWS has no concerns with this variance. The property has water availability via a 8" water main.



**A-776-21**

**SUBJECT  
PROPERTY**

**Victoria Drive**

# S.A. GASKINS & ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3-16

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT

## SURVEYORS CERTIFICATION

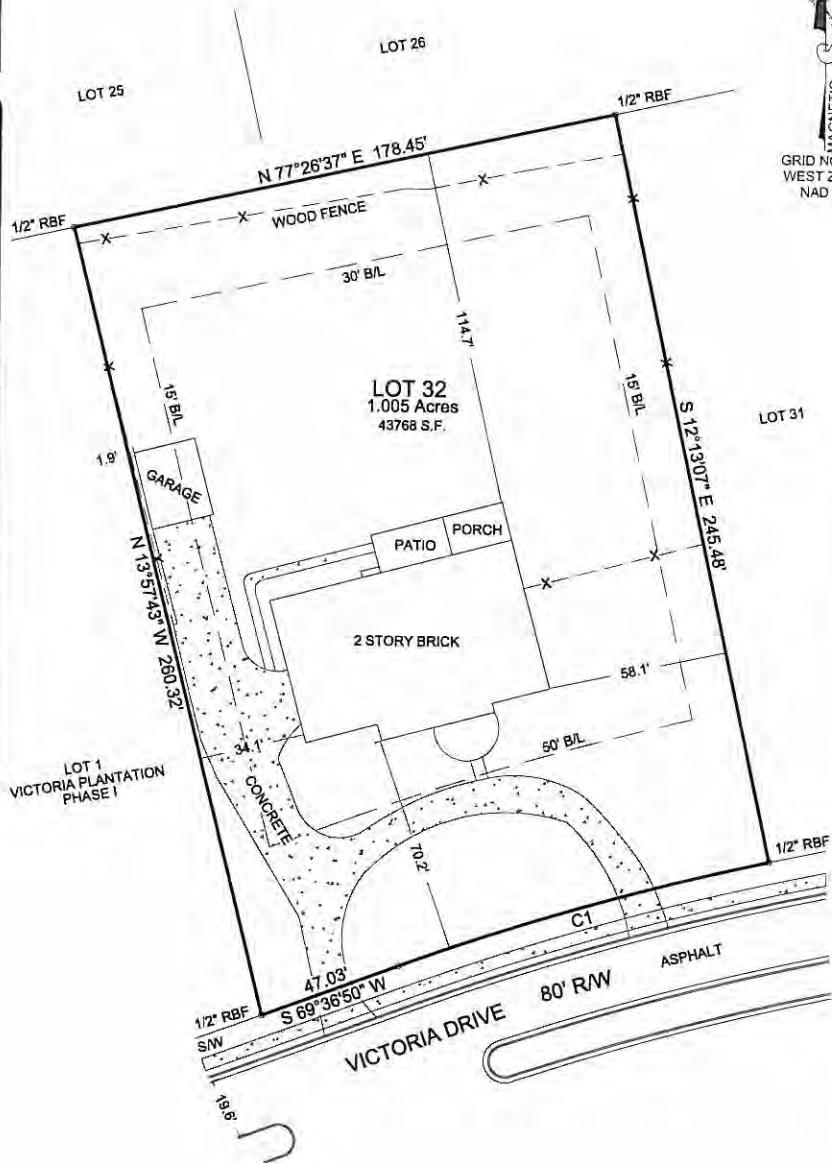
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION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

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

*Lars*

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

DATE 06 / 09 / 2021



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	124.40'	896.02'	124.30'	S 73°35'28" W

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



### CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,200 FEET AND AN ANGULAR ERROR OF 00° 00' 01" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.

### FLOOD STATEMENT

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0101E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

Prepared For

**MISTI PITTS**

VICTORIA PLANTATION PHASE II PLAT BOOK 13 PG 80

Scale 1" = 40' F.W.P.D. 06/01/21 Date 06/09/21 Job No. SA21-086A

County: FAYETTE, GA Land Lot: 164 District: 5TH



A-776 21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Misti HHS  
MAILING ADDRESS: 130 Victoria Drive Fayetteville GA  
PHONE: (404) 453-6294 E-MAIL: mististephens1164@gmail.com  
AGENT FOR OWNERS: \_\_\_\_\_

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

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

PROPERTY LOCATION: LAND LOT ✓164 LAND DISTRICT 5th PARCEL 053606008

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.005 Acres

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: \_\_\_\_\_

PRESENT USE OF SUBJECT PROPERTY: Primary Residence

PROPOSED USE OF SUBJECT PROPERTY: Primary Residence

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-776-21

[ ] 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: September 27, 2021

Received from HOWARD JOHNSON a check in the amount of \$ 195<sup>00</sup>  
for application filing fee, and \$ 20<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: 8-13-2021 Receipt Number: check 15-295194617

A-776 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:

Misti HHS

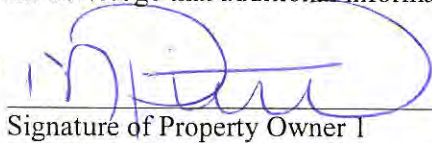
Please Print Names


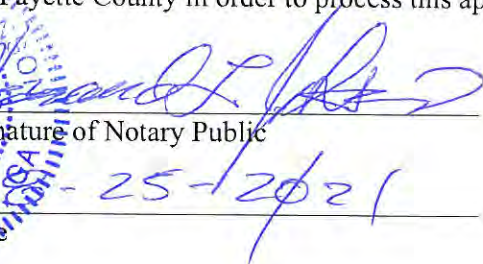
Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_

**(I am) (we are)** the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 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 1.005 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

130 Victoria Drive Fayetteville  
Address GA 30214

11-25-2021  
Date

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

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date



A 776 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.

Dear Members of the Zoning Board of Appeals:

I am writing to seek a garage variance for my home located at 130 Victoria Drive

Fayetteville GA 30214. I have taken the time to speak with my neighbor about the  
garage variance request and have included the supportive petition with this application.

Should you have any questions, please do not hesitate to contact me at 404.453.6294.

Thank you for your thoughtful consideration of this request.

### 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 structure was placed in the referenced location due to where the main entrance is located for the property's driveway. Another location would not have worked since there weren't any other entry or exit points on the property.

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

Yes, because the structure is located on permanent concrete.

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

The structure was placed in the referenced location due to where the main entrance is located for the property's driveway. Another location would not have worked since there aren't any other entry or exit points on 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.

Our neighbors are okay with where the building is located

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

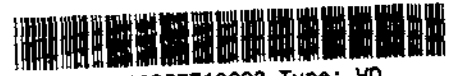
Yes, because the structure is allowed. However it is just 2 feet close to the property line.

**Record and Return to:**

Weissman PC ,

One Alliance Center, 3500 Lenox Road, 4th Floor  
Atlanta, GA 30326

**File No.: PC135-18-0199-RC**

  
Doc ID: 010357710003 Type: WD  
Recorded: 04/03/2018 at 12:55:00 PM  
Fee Amt: \$351.50 Page 1 of 3  
Transfer Tax: \$337.50  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK **4726** PG **206-208**

**LIMITED WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

THIS INDENTURE, made this 30th day of March, 2018 by and between **Alan M. Albright and Mary Jane Albright**, as party or parties of the first part, hereinafter called Grantor, and **Misti J Pitts**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) AND OTHER 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, the following described property, to-wit:

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

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

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, only to the 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, on the date and year above written.

Signed, sealed and delivered  
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: \_\_\_\_\_

Signed, sealed and delivered  
in the presence of:

Unofficial Witness

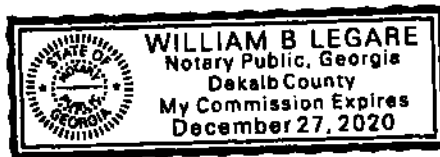
Notary Public

My Commission Expires: \_\_\_\_\_

*Alan M. Albright*

Alan M. Albright

(Seal)

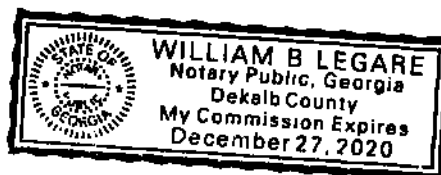


3/30/18

*Mary Jane Albright*

Mary Jane Albright

(Seal)



3/30/18

## **EXHIBIT "A"**

**File No.: PC135-18-0199-RC**

All that tract or parcel of land lying and being in Land Lot 164 of the 5th District, Fayette County, Georgia, and being Lot 32, Victoria Plantation Subdivision, Phase II, as per plat recorded in Plat Book 13, Pages 80-81, Fayette County, Georgia Records, which plat is incorporated herein by reference and made a part hereof; being known as 130 Victoria Drive, according to the present system of numbering property in Fayette County, Georgia.

**PETITION NO. A-777-21**  
**Donell Harris**  
**391 Highway 279**  
**Fayetteville, GA 30214**  
**Public Hearing Date September 27, 2021**

The subject property is located at 391 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 garage to remain.

**History:** The Minor Final Plat of Country Manor Unit 3 was recorded on June 12, 1979 in Book 11 and Page 134. Records indicate that the house was built in 1978, and according to the deed the applicant purchased the property in 2018.

On January 27, 2020 a disaster assessment from fire damage was completed by the Building Official Steve Tafoya (see attached) where he determined that approximately 76 percent or more of the house was deemed unsafe.

As part of the rebuild permit process, a survey is required. Through the survey staff discovered the violation. The survey shows the original foundation located 13 feet from the 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.**

Donnell Harris purchased the home August 2018. The home was built previously with a building line violation for the side setback. The side setback required is 15 Feet the home was constructed at 13 feet off side setback Mr. Harris was granted a permit to renovate and during construction the property was lost to fire damage. A new permit was applied for to rebuild the fire damage home on the existing foundation at that time Fayette County realized the side building line violation and required for a variance to correct the problem

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

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
The home was built previously with a building line violation for the side setback.
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**  
The home was built previously with a building line violation for the side setback.
3. **Such conditions are peculiar to the particular piece of property involved; and,**  
The home was built previously with a building line violation for the side setback.
4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**  
The home was built previously with a building line violation for the side setback.
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**  
Yes.

#### **DEPARTMENTAL COMMENTS**

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

**ENVIRONMENTAL MANAGEMENT:** After a review of the site plan EMD does not find any development regulations that would cause further variance requests to the requested variance of an existing building setback reduction.

**FIRE MARSHAL:** No comment.

**PUBLIC WORKS/ENGINEERING:** After a review of the site plan PW does not find any development regulations that would cause further variance requests to the requested variance of an existing building setback reduction.

**WATER SYSTEM:** FCWS has no concerns with this variance. The property has water availability via a 20" DIP water main.





Fayette County  
Department of Building Safety  
140 Stonewall Avenue West - Suite 201  
Fayetteville, GA 30214  
Phone: 770-305-5403  
Web: <http://www.fayettecountyga.gov>

### Disaster Assessment - Fire

1/27/2020

Donnell Harris

391 Highway 279

Fayetteville, Georgia 30214

**Re: Disaster Assessment from Fire Damage of a Residential structure at 391 HIGHWAY 279, Fayetteville Georgia 30214**

To whom it may concern:

On "01/27/2020", in response to a request from the Fayette Co. Fire Marshal, I inspected the property at 391 HIGHWAY 279, Fayetteville Georgia 30214, for possible damage resulting from a structure fire. It was determined that there was approximately 76% or More and the site was posted as Unsafe (RED). The area damaged was: Complete Loss.

To move forward with repairs to this structure you must:

1. Obtain a Demolition Permit from our office located at 140 Stonewall Ave. West, Suite 201, Fayetteville, GA 30214.
2. After the demo is complete, schedule a reinspection of the property to determine the full extent of damage.
3. Have a licensed general contractor obtain a building permit for the repairs.
4. All construction is to comply with current code requirements.

A copy of the Fire Report may be obtained from the Fayette County Fire Marshal's Office. If I can be of assistance, please contact me at 770-305-5127.

Sincerely

Steven P Tafoya

Interim Building Official/Director  
Fayette County  
Department of Building Safety

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Certified Mail Fee	\$ # 073308
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	Donnell Harris
Street and Apt. No.	391 Highway 279
City, State, ZIP+4®	Fayetteville, Georgia 30214

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



A-777-21

**SUBJECT  
PROPERTY**

SR 279



THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT

LEGEND:	
IPS	IRON PIN SET
IPF	IRON PIN FOUND
OT	OPEN TOP PIN
CRB	CRIMP TOP PIN
RE-BAR	REINFORCING BAR
CL	CAPPED RE-BAR
R/W	CENTERLINE
L	RIGHT-OF-WAY
LL	LAND LOT LINE
R	LINE
CONC	RADIUS
C	CONCRETE
PP	CURVE
GP	POWER POLE
GM	GAS VALVE
LP	GAS METER
SS	LAMP POLE
FC	SANITARY SEWER
AE	FENCE CORNER
PROP	ACCESS EASEMENT
AC	PROPOSED
PC	AIR-CONDITIONER
PB	GA POWER MANHOLE
CTV	POWER BOX
TB	CABLE TELEVISION JUNCTION BOX
APF	TELEPHONE JUNCTION BOX
	ABANDONED POWER POLE
BSL	BUILDING SETBACK LINE
HC	HAND-UP
OMF	CONCRETE MONUMENT FOUND
Z	OVERHEAD UTILITY LINE(S)
SSMH	SANITARY SEWER MAN HOLE
MT	MAN HOLE TELEPHONE
DB	CATCH BASIN
JB	JUNCTION BOX
DI	DROP INLET
HW	HEAD WALL
CMP	CORRUGATED METAL PIPE
OPP	CORRUGATED PLASTIC PIPE
RCP	REINFORCED CONCRETE PIPE
SSE	SANITARY SEWER EASEMENT
FH	FIRE HYDRANT
DE	DRAINAGE EASEMENT
WV	WATER VALVE
PV	POST INDICATOR VALVE
WM	WATER METER
CO	SANITARY SEWER CLEANOUT
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
NTS	NOT TO SCALE
SWCB	SINGLE WIND CATCH BASIN
UE	UTILITY EASEMENT
FM	POWER METER
CLF	CLIP CHAIN-LINK FENCE
CTW	CROSS-TIE WALL
HCS	HAND-UP SIGN

#### SURVEY NOTES:

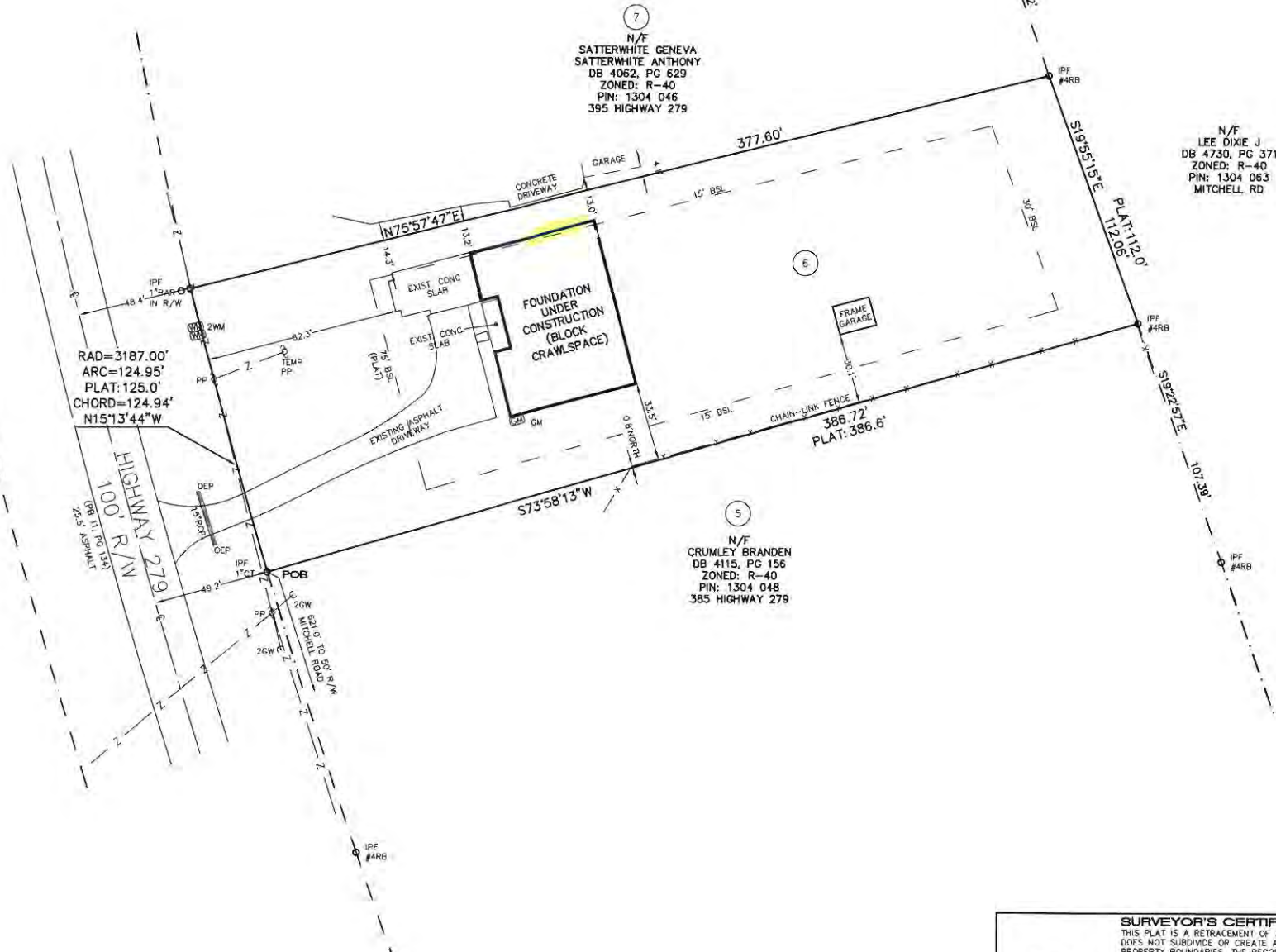
- HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83)
- VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88)
- ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE CLERK OF SUPERIOR COURT'S OFFICE OF FAYETTE COUNTY, GEORGIA. SUBJECT AND ADJACENT PROPERTY OWNER'S DEED REFERENCES ACCESSED VIA SUPERIOR COURT RECORD SOURCES AND APPLICABLE MUNICIPALITY GIS REFERENCES AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
- STRUCTURES VISIBLE WITHIN THE SUBJECT PROPERTY BOUNDARIES ON THE DATE OF SURVEY ARE SHOWN HEREON.
- LOCATIONS ARE ACCURATE ONLY WHERE DIMENSIONED.
- DISTANCES SHOWN ON THE PLAT ARE HORIZONTAL GROUND DISTANCES.
- THIS PROPERTY MAY CONTAIN WETLANDS. ALL WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS ARE SUBJECT TO PENALTY OF LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT THE PROPER PERMIT APPLICATION AND APPROVAL.
- THIS PROPERTY IS NOT LOCATED IN SPECIAL FLOOD HAZARD AREA PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP No. 1311300039E, EFFECTIVE DATE: 09-26-2006.
- THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
- DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEOCENTRIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.
- INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
- RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
- ALL PROPERTY CORNERS FOR LOTS TO BE SET IN FIELD AS 1/2" (#4) REBAR WITH PINK CAPS MARKED "PLS CORNER LSF 631" UNLESS OTHERWISE STATED.
- 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 (O.C.G.A.) 15-6-67 AS AMENDED BY HB76 (2017), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
- BOUNDARY FIELD WORK PERFORMED 07-15-2021 BY FRONTLINE SURVEYING & MAPPING, INC.
- EQUIPMENT USED: TOPCON ELECTRONIC TOTAL STATION & TRIMBLE 5800 GPS RECEIVER UTILIZING CHAMPION GPS/eGPS NETWORK.
- ANGULAR ERROR: 8 SECONDS PER ANGLE
- RAW FIELD PRECISION: 1:69,255
- ADJUSTED BY LEAST SQUARES
- PLAT CLOSURE: 1:370,863

**ZONING/SETBACKS:**  
R-40 ZONING (SINGLE FAMILY RESIDENTIAL)  
FRONT ARTERIAL - 60 FT  
COLLECTOR - 60 FT  
MINOR - 40 FT  
SIDE: 15 FT  
REAR: 30 FT  
MAX BUILDING HEIGHT: 35 FT  
MIN LOT FRONTAGE: ARTERIAL - 150 FT  
COLLECTOR - 150 FT  
MINOR - 125 FT  
FLOOR AREA: 1,500 SQ FT

## BOUNDARY RETRACTIONMENT SURVEY FOR: AHB GENERAL CONTRACTORS

391 HIGHWAY 279  
LAND LOT 250  
13th DISTRICT  
FAYETTE COUNTY, GEORGIA  
EXISTING ZONING: R-40  
PIN: 1304 047

45,253 SQ FT  
1.04 ACRES



**SURVEYOR'S CERTIFICATION:**  
THIS PLAT IS A RETRACTIONMENT 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.

By Thomas E. Pedy, Jr., Registered Land Surveyor #2402 Date 07-20-21  
Frontline Surveying & Mapping, Inc.  
3595 Canton Rd.  
Marietta, GA 30066



FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. (LSP#000631)  
JOB # 75466

BOUNDARY RETRACTIONMENT SURVEY FOR  
AHB GENERAL CONTRACTORS

DATE	07/15/2021
SCALE	1" = 30'
SECTION	FAYETTE COUNTY, GEORGIA
REVISION	
BY	
DATE	

3595 Canton Road  
Suite 312, PMB 272  
Marietta, GA 30066  
Ph. (678) 355-9905  
Fax (678) 355-9805  
**FRONTLINE**  
SURVEYING & MAPPING, INC.  
www.frontlinesurveying.com

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 370,863 FEET, AN ANGULAR ERROR OF 8 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN 370,863 FEET AN ELECTRONIC TOTAL STATION AND A 100 CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.  
NO U.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. IT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART OF THIS SURVEY OR INSTRUMENTS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FRONTLINE SURVEYING & MAPPING, INC.  
\*\*\* ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED \*\*\*



A-777-21  
Plot

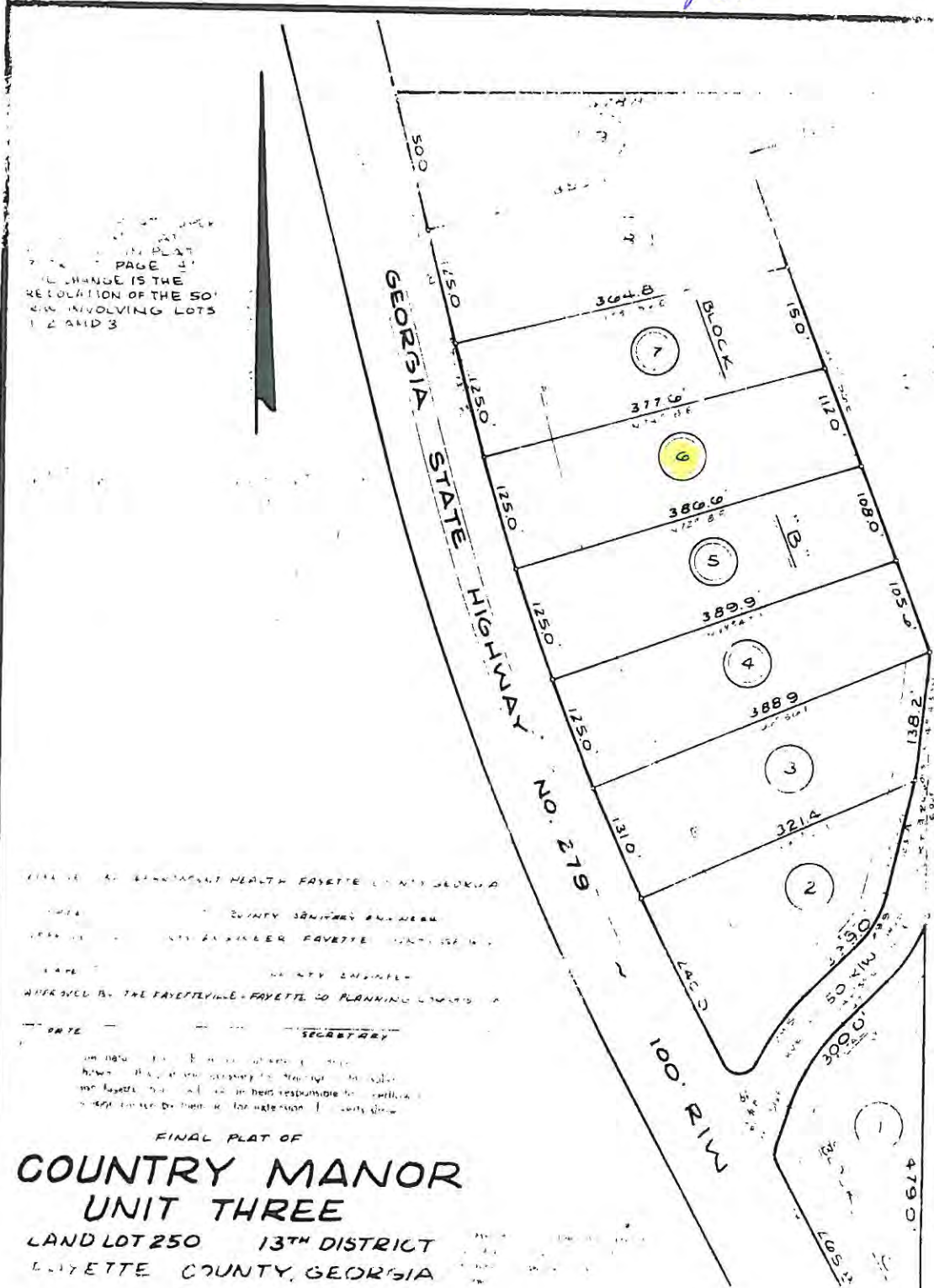
THIS IS THE  
PAGE 1  
CHANGE IS THE  
RESOLUTION OF THE 50  
KIN INVOLVING LOTS  
1 2 AND 3

FINAL PLAT OF  
COUNTRY MANOR  
UNIT THREE  
LAND LOT 250 13TH DISTRICT  
FAYETTE COUNTY, GEORGIA

THESE LOTS ARE SUBSCRIBED TO BY THE  
SUBSCRIBERS WHOSE NAMES ARE LISTED  
HEREIN AND WHOSE SIGNATURES ARE  
HEREIN. IT WAS MADE FOR THE PURPOSES  
AND INTERESTS IN THE USE OF THE PUBLIC FOREST  
AND STRIPS, PARKS, DRAINS, EMINENTS AND PUBLIC  
GROUNDS THEREON SHOWN, WHICH COMPRISE A TOTAL OF  
ACRES FOR THE PURPOSES THEREIN EXPRESSED.



GEORGIA, Fayette County  
Clerk's Office Superior Court  
Filed for record June 12 18 79  
3 50 p M.  
Recorded in Book 11 Page 134  
this 12 day of June 18 79  
W A Ballard  
Clerk





A-777-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Donell Harris

MAILING ADDRESS: 2435 Lake Terrace East Point GA 30344

PHONE: 404-255-2551 E-MAIL: bids@ahbgeneralcontractors.com

AGENT FOR OWNERS: Melvin Cooper AHB General Contractors / Diane Fudge

MAILING ADDRESS: 2435 Lake Terrace East Point GA 30344

PHONE: 404-255-2551 E-MAIL: bids@AHB General contractors .com

PROPERTY LOCATION: LAND LOT 250 LAND DISTRICT 13 PARCEL 1304047

391 Highway 279  
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.04

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: \_\_\_\_\_

PRESENT USE OF SUBJECT PROPERTY: Single Family

PROPOSED USE OF SUBJECT PROPERTY: Single Family

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-777-21

[ ] 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: September 27, 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-777-21

# 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:

Donnell Harris  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 13-04-00-047

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 13 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 1.04 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to ATB General Contractors 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.

Donnell Harris  
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

John McClain  
Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Johnathan McClain  
NOTARY PUBLIC  
Cobb County, GEORGIA  
My Commission Expires 09/20/2022

Johnathan McClain  
NOTARY PUBLIC  
Cobb County, GEORGIA  
My Commission Expires 09/20/2022



A-177-21  
Justification answers

## Stephanie Wagner

**From:** Melvin Cooper <melvinahb2@yahoo.com>  
**Sent:** Friday, August 20, 2021 12:38 AM  
**To:** Stephanie Wagner; Chanelle Blaine; Howard Johnson  
**Subject:** Re: Action Needed: Variance Documents for A-777-21 (391 Highway 279)

**\*External Email\* Be cautious of sender, content, and links**

Please see attached A-777-21

Donnell Harris purchased the home August 2018. The home was built previously with a building line violation for the side setback. The side setback required is 15 Feet the home was constructed at 13 Feet off side set back. Mr Harris was granted a permit to renovate and during construction the property was lost to fire damage. A new permit was applied for to rebuild the fire damage home on the existing foundation at that time Fayette county realized the side building line violation and required for a variance to correct the problem

### Melvin Cooper

[www.ahbgeneralcontractors.com](http://www.ahbgeneralcontractors.com)  
[melvin@ahbgeneralcontractors.com](mailto:melvin@ahbgeneralcontractors.com)

### AHB GENERAL CONTRACTORS

Making Clients for Life!  
2435 Lake Terrace  
East Point, Georgia 30344  
(404) 886-6981 Mobile  
(404) 255-2551 Office

On Thursday, August 19, 2021, 04:19:33 PM EDT, Stephanie Wagner <swagner@fayettecountyga.gov> wrote:

Hi Mr. Cooper and Mr. Harris,

I am processing the paperwork for the variance at 391 Highway 279. We need some more documentation, please:

- We still need the justification sections completed on your application. The Zoning Board of Appeals will also want to hear the reasons you're requesting this variance, and any background you can provide.
  - o I've attached your application that list the questions we'll need included as part of the petition; you're also welcome to answer them in an email or document if that's easier.

Please let us know if you have any questions.

**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.

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## 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.

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

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

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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.

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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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Doc ID: 010474740001 Type: ESTD  
 Recorded: 09/04/2018 at 09:35:00 AM  
 Fee Amt: \$170.00 Page 1 of 1  
 Transfer Tax: \$160.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK **4785** PG **570**

Prepared by:  
 McMichael & Gray, PC  
 120 Howard Lane  
 Fayetteville, GA 30215  
 FAY-180393-PUR

## EXECUTOR'S DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE is made the 31<sup>st</sup> day of August, 2018 between, **Judy Fran Peacock Horner Parker, as Executor of the Estate of Frances Anna Smith Peacock aka Frances Smith Peacock, deceased, Estate No. 18-14307**, late of the State of Georgia and Fayette County, (hereinafter called "Grantor"), and **Donnell Lamont Harris, Sr.**, as parties of the second part, (hereinafter called "Grantee") (the words "Grantor" and "Grantee" to included their respective heirs, assigns, and successors where the context requires or permits).

WITNESSETH that: Grantor, (acting under and by virtue of the power and authority contained in the said will, the same having been duly probated and recorded in the Court of Probate, Fayette County, State of Georgia for and in consideration of the sum of 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, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee:

All that tract or parcel of land lying and being in Land Lot 250 of the 13th District, Fayette County, Georgia, being Lot 6, Block B, Country Manor, Unit Three, as per plat recorded in Plat Book 11, Page 134, Fayette County, Georgia Records, which plat is hereby referred to and made a part of this description; being improved property and having a house thereon formerly known as No. 805, now No. 391, Highway 279, according to the present system of numbering houses in Fayette County, Georgia.

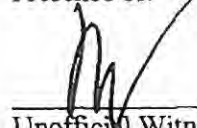
Parcel ID: 1304 047

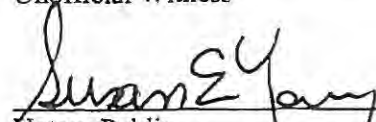
Known as 391 Highway 279, Fayetteville, GA

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

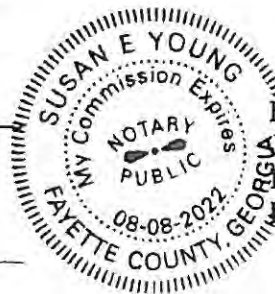
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

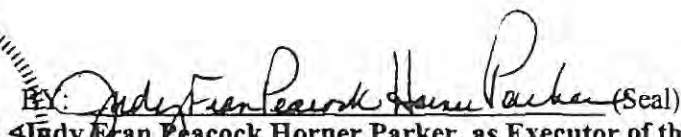
Signed, sealed and delivered in the  
 Presence of:

  
 Unofficial Witness

  
 Notary Public

My Commission Expires: \_\_\_\_\_  
 (Notary Seal)



 (Seal)  
**Judy Fran Peacock Horner Parker, as Executor of the Estate of Frances Anna Smith Peacock aka Frances Smith Peacock, deceased, Estate No. 18-14307**