

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

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
October 25, 2021
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on September 27, 2021.

PUBLIC HEARING

2. 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 13th District and fronts on GA Highway 279.

3. Petition No. A-778-21, Michael & Crystal Mehio, Owners, request the following:

- 1) Variance to Sec. 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to 13 feet to allow an existing residential accessory structure to remain.

- 2) Variance to Sec. 110-79. Accessory structures and uses, (c) (1) (a), Number and size, to allow for the number of permitted residential accessory structures on the lot be raised from two (2) to five (5).

The subject property is located in Land Lot 226 of the 4th District and fronts on Busbin Rd.

4. Petition No. A-779-21, David & Karly Vensel, Owners, request the following:

- 1) Variance to Section 110-125. A-R (d) (6) to reduce the west side yard setback from 50 feet to 35.2 feet to allow an existing garage to remain.

- 2) Variance to Section 110-125. A-R (d) (6) to reduce the south side yard setback from 50 feet to 44 feet to allow an existing garage to remain.

The subject property is located in Land Lot 193 of the 4th District and fronts on Carrolls Way and Darren Drive.

5. Petition No. A-780-21, Sergio and Maria R. Padilla, Owners, request the following:

1) Variance to Section 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 26 feet for the construction of a new single-family residential home.

2) Variance to Section 110-77. Lot width. To reduce the front yard setback from 396 feet (that is established by the lot width) to 360 feet to allow the construction of a principal structure.

The subject property is located in Land Lot 31 of the 5th District and fronts on Redwine Rd.

6. Petition No. A-781-21, Kimberly Menig Ross & Christopher James Ross, Owners, request the following:

1) Variance to Sec. 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to five (5) feet to allow a chicken coop to remain.

2) Variance to Sec. 110-89.5. Keeping of chickens in conjunction with residential use, to reduce the minimum setback of 50 feet from all property lines to five (5) feet to allow a chicken coop to remain.

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

The subject property is located in Land Lot 104 of the 5th District and fronts on S Jeff Davis Drive.

PETITION NO. A-777-21
Donell Harris
391 Highway 279
Fayetteville, GA 30214
Public Hearing Date October 25, 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 www.usps.com	
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



\\PE2950\shares\2_Drive\dwg\T0000 - F9393175466.dwg RBA 391 HWY 279 7/20/2011 9:11:33 AM Tod

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
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.

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.

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

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

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.

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



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 31st 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.

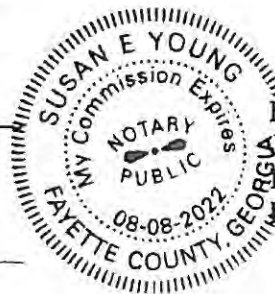
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the
 Presence of:

Unofficial Witness

Notary Public

My Commission Expires: _____
 (Notary Seal)



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

PETITION NO. A-778-21
Michael & Crystal Mehio
262 Busbin Road
Fayetteville, GA 30215
Public Hearing Date October 25, 2021

The subject property is located at 262 Busbin Road, Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to 13 feet to allow an existing residential accessory structure to remain.
- 2) Variance to Sec. 110-79. Accessory structures and uses, (c) (1) (a), Number and size, to allow for the number of permitted residential accessory structures on the lot be raised from 2 to 5.

History: The Major Final Plat of Busbin Properties Tract 19 was recorded on December, 10, 1976 in Book 9 and Page 175. Records indicate that the house was built in 1977, and according to the deed the applicant purchased the property in 2011. There are no record of building permits pulled for property.

On August 13, 2021 a complaint about too many residential accessory structures located at 262 Busbin Road was made to the Code Enforcement Department. The investigation by Officer Brian Hitchcock showed there were violations (see attached report) where he encountered an encroachment of setback from an accessory structure and counted multiple accessory structures.

As part of the variance process, a site plan is required. Through the site plan staff discovered the violations. The site plan shows the camper carport located 13 feet from the side property line and 5 accessory structures.

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.

In summary, we are Michael and Crystal Mehio, the property owners of the lot located at 262 Busbin Road, Fayetteville, GA 30215. The home was built in 1977 and owned by other previous owners, before we purchased it in 2012. Six accessory structures were noted by Code Enforcement, which we are now made aware of which we are only allowed two. Three of which are previously existing sheds which existed on the lot prior to our ownership of the property. Two of these accessories are awnings such as a carport awning for our vehicles and

a RV awning for our Travel Trailer. And lastly, a metal gazebo in our backyard as which provide some shade. The county allows for 2 accessory structures with a combined total of 1800 sq/ft. All of accessory structures in the backyard are less than 1800 sq/ft combined.

Upon purchasing this lot, the property included 3 storage sheds which by the weathering on the outside appeared to have been existing on the property for many years prior to our ownership. We purchased the house as a foreclosure from the bank, and to work on the house we pulled permits to begin renovations. We drastically improved the property and brought everything up to code according to the county inspectors. As part of the renovations, we painted the outside of the sheds and modernized their appearance as to match the home so that the sheds complemented the house. Throughout this year-long process, the county inspectors were on and at our property on many occasions inspection the house and the land to make sure that it was up to code. These sheds were never once mentioned, acknowledged, or reported by the county inspectors as an issue. They were grandfathered into our home purchase as far as our knowledge extended. The financial burden to tear down these sheds should not fall on us now almost 10 years after purchasing the property that they have pre-existed upon.

Code Enforcement was called in because of an anonymous report regarding the carport awning in the front of the house. Code Enforcement informed us that it was too close to the barrier between lots and we offered to take it down. Upon his further inspection of the property, he reported the 5 other accessory structures as well, 3 of which (i.e. the storage sheds) were pre-existing when we purchased the property. Since there is no attic, garage, and very small closets for a family of 7, these have been used for storage. The other two accessory structures contain a gazebo and an RV awning. One of which is to provide shade from the sun as the backyard is in direct sunlight and the other is to protect our travel trailer from the elements. The county allows for 2 accessory structures with a combined total of 1800sq/ft. All of the accessory structures in the backyard are less than 1800sq/ft combined. Additionally, most of our neighbors have comparable storage sheds, awnings, etc on their properties as well as run businesses out of their properties. Some drive big rigs down the street on a daily basis. Since these structures were not reported by any of our neighbors, since some were pre-existing, and since we have great need for them because of the structure of the house, we implore you to make an allowance for us so that we may not destroy our beautiful backyard that we have worked very hard to improve upon from its original state. I have a letter signed by the neighbor whose property is closest to the storage sheds stating that they are not a hindrance to them. Please allow us to keep them so that we may continue to use them for storage. Thank you for your time and for your time and for your consideration to 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 extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size, shape or topography is that the house is an old house built in 1977 and as such doesn't have proper attic space, garage space, or large enough closets to accommodate most families. The storage sheds existed on the property prior to ownership to be used as such by previous owners of the home as well. The topography of the property does not allow us to build to the side, while facing it, as the land drops off and we are financially unable to grade the land in such a way to add on while the structure of the house does not allow access to a room in that direction. The left side of the property is too close to the barrier of the property and does not allow any space for us to add onto in that direction.

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

The regulations to the piece of property create a practical difficulty or necessary hardship because the house built in 1977 does not have any attic space, garage, and only contains very small closets. We are a family of 7 living in this home with 5 young children. The storage shed gave us a place to store items we would normally store in a closet, garage, or attic that we do not have in our home. Since it is an old home, the attic is very low and we cannot store anything properly up there with so little room. Neither is the furnace stored up there as the attic is too low for the furnace to go in the attic. The carport awning was put in as to protect our cars from the surrounding trees on the edges of the property. Often pin-straw, leaves, branches, and pinecones fall on our vehicles, and with having no garage, and we have nowhere to protect them. Branches from the same trees have taken down our powerlines multiple times and can easily damage a vehicle. As much as we need this carport, we are willing to take it down and remove it due to the anonymous request called into the code enforcement office. We have also an RV awning to protect our Travel Trailer from leaves, branches, pine straw, and pinecones as well in the backyard where no one can see it from the street. With such a large investment in our travel trailer, we purchased the awning to secure our investment. Lastly, we only have one tree on the side of the backyard and our backyard gets direct sunlight for most of the day. We installed a metal gazebo to sit under to provide shade while we watch our children play outside. Additionally, as we have been social distancing and staying at home more, so we have sat under the gazebo and spent time outside to get out of the house when quarantined. The most important structures in all of these are the tree storage sheds in which we need for storage for the house and the family which have also pre-existed long before we owned the property.

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

The unique condition to this particular piece of property is that we cannot add on it to either side of the home in order to provide storage space. On the left side of the home while facing it, the property barriers prevents us from adding on additional rooms for storage upon that side. On the right side of the home, while facing it, the ground is unlevel and drops off. It

would be financially unfeasible for us to build on this side as well as there is no hallway access as this part of the house goes directly through the children's bedrooms and bathroom. The storage sheds in the backyard of the property were the best solution to our storage problem and were already built and being used as such when we purchased 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,**

These structures do not cause a substantial detriment to the public good because, other than the carport awning which we concede to be removed, they are not visible from the street, nor are they visible by our neighbors. Our backyard is fenced in so you cannot see the structures from the front of the street. There is also, tree lining the perimeter of our backyard, so our neighbors are not able to see our yard as well on either side. When the caller reported the Carport Awning in the front yard, Code Enforcement only came out to inspect the carport awning. No report was made pertaining to the storage sheds, RV awning, nor gazebo in the backyard. I am also attaching to this request, a letter from our neighbor on the side closet to the storage sheds/awning declaring that the storage sheds, RV awning, and gazebo in the backyard is not a concern or issue for them. We are willing to take down the carport in the front yard to appease the neighbor who reported, but persuade you to allow the storage sheds, RV awning, and gazebo to stay in the back as they were not reported nor or bothering anyone. Code enforcement only noticed the storage sheds, gazebo, and RV awning in the back when he came to inspect the carport awning in the front yard.

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

The enforcement of this code does deprive us of the same rights afforded to others in the same zoning district as we live on a private street outside of an HOA and almost every house along this street has multiple accessory structures such as storage sheds, awning for cars, RVs and the like. The other homes on the street whom have accessory structures are all visible and direct line of sight from the street, whereas, our storage sheds, gazebo, and RV awning are only noticeable to us. The fence and the surrounding trees obscures their line of sight from the street and no neighbor has reported them as being a problem.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL MANAGEMENT: Not applicable.

FIRE MARSHAL: No comment.

PUBLIC WORKS/ENGINEERING: Not applicable.

WATER SYSTEM: FCWS has no concerns with this variance. The property is outside our current service area water terminates approximately at the intersection of Busbin Road and Charlotte Place.

**A-778-21
Aerials**

Busbin Road

**SUBJECT
PROPERTY**



Concept A-778-21

200'

Busbin Rd

Driveway

Driveway

Driveway

Car Carport

480 sqft

20'

to be removed (see email)

Fence storage Sheds in the back are no visible

Septic

House

No Garage
No attic storage

133 sqft

Metal Round Gazebo

Well

397'

392'

Needs 2' variance →

13'
39'
17.8'

Camper Carport

694 sqft

10'
16'

Storage Shed

160 sqft

Buildings (need variance for 72 structures)

- 1) 210
- 2) 196
- 3) 133
- 4) 694
- 5) 160

1393

200'

All three sides of the lot are fenced by trees and none of the neighbors houses are visible

A-778-21

175

Plat 262 Busbin Rd
Tract 19

HUNTER ROAD DEVELOPMENT
GEORGIA - FANNETT - 30
4th DIST. - 186
SUNNY FOR SUNNY FANNETT
SUNNY FANNETT 1876 - 1877
SEE ENCL. 10. 8 & 9 for Survey and 1013

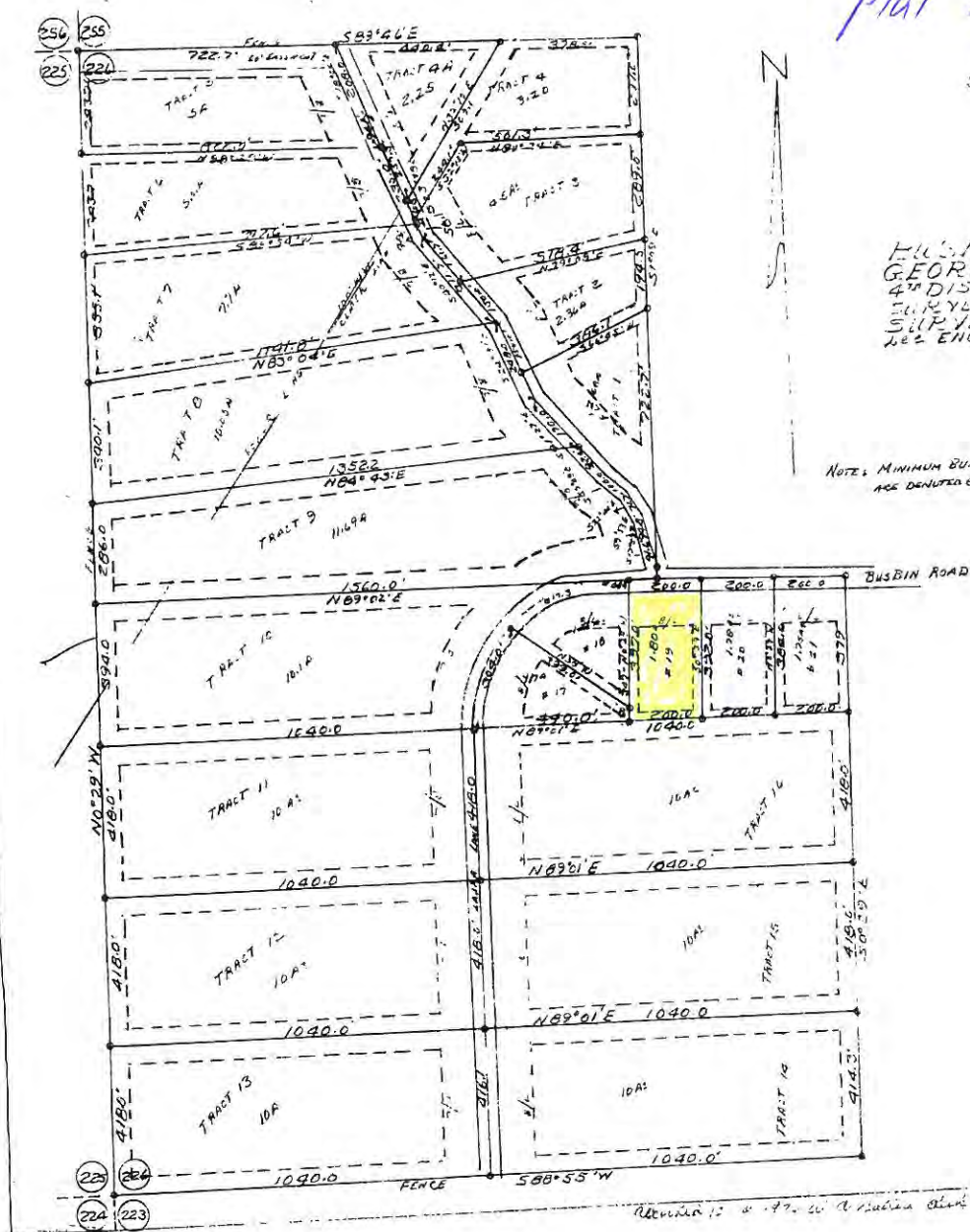
G. E. F. 1873

NOTE: MINIMUM BUILDING SET-BACKS
ARE DENOTED BY DASHED LINES.

Zoned R-40
Side setback 15'
Rear setback 30'

App'd
W. S. Sturtevant P.E.
Fayette County, Ga.
11-28-76

Book 191 - 210



A 778-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Michael Mehio and Crystal Mehio

MAILING ADDRESS: 262 Busbin Rd. Fayetteville, GA 30215

PHONE: (770) 231-9629 E-MAIL: whcarpets@yahoo.com

AGENT FOR OWNERS: SAME AS ABOVE

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 226 LAND DISTRICT 4th PARCEL 045101020

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.8

ZONING DISTRICT: R-40

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

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-778-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Stephanie Wagner Date: 10/11/2021

DATE OF ZONING BOARD OF APPEALS HEARING: October 25, 2021
~~SEPTEMBER 27th, 2021~~

Received from MICHAEL MEHIO a check in the amount of \$ 175.00

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

Date Paid: _____ Receipt Number: _____

A-778-21

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Michael Mehio and Crystal Mehio
Please Print Names

Property Tax Identification Number(s) of Subject Property: 04510 10 20

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the A10 District, and (if applicable to more than one land district) Land Lot(s) 226 of the District, and said property consists of a total of 1.8 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1

262 Busbin Rd, Fayetteville, GA 30215
Address

[Signature]
Signature of Property Owner 2

262 Busbin Rd, Fayetteville, GA 30215
Address



[Signature]
Signature of Notary Public

8-24-2021
Date

Signature of Notary Public

Signature of Authorized Agent

Address

Signature of Notary Public

Date

A-77821

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

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

See addendum: summary

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

See addendum: Question #1

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

See addendum: Question #2

3. ^{What} ~~Such~~ conditions are peculiar to the particular piece of property involved.

See addendum: Question #3

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.

See addendum: Question #4

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

See addendum: Question #5

Summary:

In summary, we are Michael and Crystal Mehio, the property owners of the lot located at 262 Busbin Road, Fayetteville, GA 30215. The home was built in 1977 and owned by other previous owners, before we purchased it in 2012. Six accessory structures were noted by code enforcement, which we were now made aware of which we are only allowed two. Three of which are previously existing sheds which existed on the lot prior to our ownership of the property. Two of these accessories are awnings such as a carport awning for our vehicles and a RV awning for our Travel Trailer. And lastly, a metal gazebo in our backyard as which to provide some shade. The county allows for 2 accessory structures with a combined total of 1,800 sq/ft. All of the accessory structures in the backyard are less than 1,800 sq/ft combined.

Upon purchasing this lot, the property included 3 storage sheds which by the weathering on the outside appeared to have been existing on the property for many years prior to our ownership. We purchased the house as a foreclosure from the bank, and to work on the house we pulled permits to begin renovations. We drastically improved the property and brought everything up to code according to the county inspectors. As part of the renovations, we painted the outside of the sheds and modernized their appearance as to match the home so that the sheds complemented the house. Throughout this year-long process, the county inspectors were on and at our property on many occasions inspecting the house and the land to make sure that it was up to code. These sheds were never once mentioned, acknowledged, or reported by the county inspectors as an issue. They were grandfathered into our home purchase as far as our knowledge extended. The financial burden to tear down these sheds should not fall on us now almost 10 years after purchasing the property that they have pre-existed upon.

Code Enforcement was called in because of an anonymous report regarding the carport awning in the front of the house. Code Enforcement informed us that it was too close to the barrier between lots and we offered to take it down. Upon his further inspection of the property, he reported the 5 other accessory structures as well, 3 of which (i.e. the storage sheds) were pre-existing when we purchased the property. Since there is no attic, garage, and very small closets for a family of 7, these have been used for storage. The other two accessory structures contain a gazebo and an RV awning. One of which is to provide shade from the sun as the backyard is in direct sunlight, and the other is to protect our travel trailer from the elements. The county allows for 2 accessory structures with a combined total of 1,800 sq/ft. All of the accessory structures in the backyard are less than 1,800 sq/ft combined. Additionally, most of our neighbors have comparable storage sheds, awnings, etc on their properties as well as run businesses out of their properties. Some drive big rigs down the street on a daily basis. Since these structures were not reported by any of our neighbors, since some were pre-existing, and since we have great need for them because of the structure of the house, we implore you to make an allowance for us so that we may not destroy our beautiful backyard that we have worked very hard to improve upon from its original state. I have a letter signed by the neighbor whose property is closest to the storage sheds stating that they are not a hinderance to them. Please allow to us to keep them so that we may continue to use them for storage. Thank you for your time and for your consideration to this request.

Addendum

Question #1.) The extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size, shape or topography is that the house is an old house built in 1977 and as such doesn't have proper attic space, garage space, or large enough closets to accommodate most families. The storage sheds existed on the property prior to ownership to be used as such by previous owners of the home as well. The topography of the property does not allow us to build to right side, while facing it, as the land drops off and we are financially unable to grade the land in such a way to add on while the structure of the house does not allow access to a room in that direction. The left side of the property is too close to the barrier of the property and does not allow any space for us to add onto in that direction.

Question #2.) The regulations to the piece of property create a practical difficulty or necessary hardship because the house built in 1977 does not have any attic space, garage, and only contains very small closets. We are a family of 7 living in this home with 5 young children. The storage shed gave us a place to store items we would normally store in a closet, garage, or attic that we do not have in our home. Since it is an old home, the attic is very low and we cannot store anything properly up there with so little room. Neither is the furnace stored up there as the attic is too low for the furnace to go into the attic. The carport awning was put in as to protect our cars from the surrounding trees on the edges of the property. Often pine-straw, leaves, branches, and pinecones fall on our vehicles, and with having no garage, we have nowhere to protect them. Branches from the same trees have taken down our powerlines multiple times and can easily damage a vehicle. As much as we need this carport, we are willing to take it down and remove it due to the anonymous request called into the code enforcement office. We have also an RV awning to protect our Travel Trailer from leaves, branches, pine straw, and pinecones as well in the back yard where no one can see it from the street. With such a large investment in our travel trailer, we purchased the awning to secure our investment. Lastly, we only have one tree on the side of the back yard and our backyard gets direct sunlight for most of the day. We installed a metal gazebo to sit under to provide shade while we watch our children play outside. Additionally, as we have been social distancing and staying at home more, so we have sat under the gazebo and spent time outside to get out of the house when quarantined. The most important structures in all of these are the three storage sheds in which we need for storage for the house and the family which have also pre-existed long before we owned the property.

Question #3.) The unique condition to this particular piece of property is that we cannot add on to either side of the home in order to provide storage space. On the left side of the home while facing it, the property barriers prevent us from adding on additional rooms for storage upon that side. On the right side of the home, while facing it, the ground is unlevel and drops off. It would be financially unfeasible for us to build on this side as well as there is no hallway access as this part of the house goes directly through the children's bedrooms and bathroom. The storage sheds in the backyard of the property were the best solution to our storage problem and were already built and being used as such when we purchased the property.

Question #4.) These structures do not cause a substantial detriment to the public good because, other than the carport awning which we concede to be removed, they are not visible from the street, nor are they visible by our neighbors. Our backyard is fenced in so you cannot see the structures from the front of the street. There is also, trees lining the perimeter of our backyard, so our neighbors are not able to see our yard as well on either side. When the caller reported the Carport Awning in the front yard, Code Enforcement only came out to inspect the carport awning. No report was made pertaining to the storage sheds, RV awning, nor gazebo in the backyard. I am also attaching to this request, a letter from our neighbor on the side closest to the storage sheds/awning declaring that the storage sheds, RV awning, and gazebo in the back yard is not a concern or issue for them. We are willing to take down the carport in the front yard to appease the neighbor who reported, but persuade you to allow the storage sheds, RV awning, and gazebo to stay in the back as they were not reported nor or bothering anyone. Code enforcement only noticed the storage sheds, gazebo, and RV awning in the back when he came to inspect the carport awning in the front yard.

Question #5.) The enforcement of this code does deprive us of the same rights afforded to others in the same zoning district as we live on a private street outside of an HOA and almost every house along this street has multiple accessory structures such as storage sheds, awnings for cars, RVs and the like. The other homes on the street whom have accessory structures are all visible and direct line of sight from the street, whereas, our storage sheds, gazebo, and RV awning are only noticeable to us. The fence and the surrounding trees obscures their line of sight from the street and no neighbor has reported them as being a problem.

A-778-21

②

Doc ID: 008669660001 Type: QCD
 Recorded: 10/05/2011 at 10:00:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 3802 PG 405

Return to:

Morris|Hardwick|Schneider, LLC
 238 Stockbridge Road
 Jonesboro, GA 30236
 File No.: JON-110900192S

QUIT CLAIM DEED

State of Georgia
 County of Clayton

THIS INDENTURE, made the 28th day of September, in the year 2011, between

Michael Mehio

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

Michael Mehio and Crystal M. Mehio

of the County of Fayette, and the State of Georgia, 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 (\$10.00) and other valuable consideration, cash 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 QUIT CLAIM unto said Grantee,

All that tract or parcel of land lying and being in Land Lot 226 of the 4th District, Fayette County, Georgia, being Tract 19, as per plat thereof recorded in Plat Book 9, page 175, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description. Said Property being known as 262 Busbin Road according to the present system of numbering houses in Fayette County, Georgia.

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

Signed, sealed and delivered in
 the presence of

Shonda Sims

Unofficial Witness

Michael Mehio

(Seal)

Michael Mehio

(Seal)

Notary Public

My Commission Expires:



PETITION NO. A-779-21
David & Korly Vensel
220 Carrolls Way
Fayetteville, GA 30215
Public Hearing Date October 25, 2021

The subject property is located at 220 Carrolls Way, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 35 feet to allow an existing garage to remain.
- 2) Variance to Section 110-125. A-R (d) (6) to reduce the south side yard setback from 50 feet to 44 feet to allow an existing garage to remain.

History: The survey for John Hartzog was recorded on May, 30, 1972. Records indicate that the house was built in 1982, and according to the deed the applicant purchased the property in 2020. There is no record of building permits pulled for property.

As part of the variance process, a survey is required. Through the survey staff discovered the violations. The survey shows the garage located 35 feet from the west side property line and 44 feet from the south 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.

We purchased this home at this address and the noted garage is not within the 50' setback of the side property line. We did not know this at the time of purchase, this was not disclosed to us from the seller. We are asking permission to leave the garage in its location and written variance to allow the setback to be 35.2'.

Also noted garage corner sun room is in setback roughly 6'.

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 garage has been in place for over 30 years we presume. At least 3 owners ago.

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

Yes, it would be an unnecessary hardship to remove this structure, since it is existing.

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

This garage was existing when we purchased in 2020 and we suspect it has been in place since the late 80's when the house was built.

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

Relief would not cause any detriment. You can't even see the structure from outside the lot.

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: Not applicable.

FIRE MARSHAL: No comment.

PUBLIC WORKS/ENGINEERING: Not applicable.

WATER SYSTEM: FCWS has no concern with this variance. The property is outside our current service area and the closest water is currently at the intersection of Hwy85 and Berhard Road.

**A-779-21
Aerials**

Carrolls Way

**SUBJECT
PROPERTY**

Darren Drive





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

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

This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoiners, and other documents that might affect the tract shown or not shown, recorded or not recorded.

Four Corners Surveying, LLC has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

A-779-21
concept

Note:
No new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

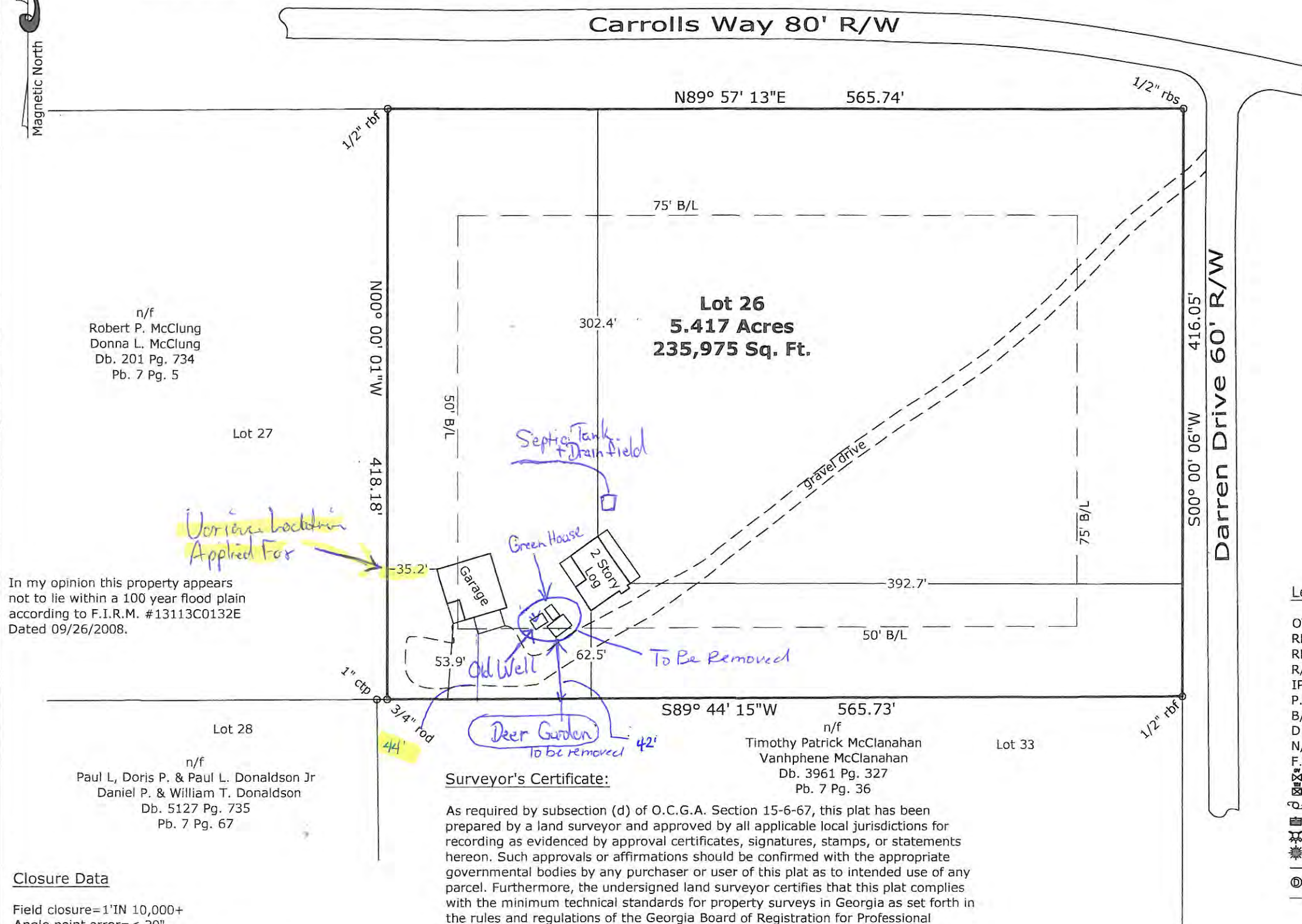
Building Lines
Front - 75'
Side - 50'
Rear - 75'

FOUR CORNERS SURVEYING

P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-9377
FOUR.CORNERS@BELL.SOUTH.NET

Page:	
Plat/Deed Book	680
DB. 5093	67
PB. 7	

Prepared For:	David Vensel
Subdivision:	Whitewater Acres
Address:	220 Carrolls Way
County:	Fayette County, Georgia
Lot:	26
Land Lot:	193
District:	4th
Date:	07/23/2021
Drawn By:	RTG
Job No:	21-165
Scale:	1" = 80'



In my opinion this property appears not to lie within a 100 year flood plain according to F.I.R.M. #13113C0132E Dated 09/26/2008.

Closure Data

Field closure=1'IN 10,000+
Angle point error=< 20"
Equipment used=Topcon 3005W,
Sokkia SX, & Topcon hyper GA GPS System
adjustment method=Compass rule
Plat closure=1'IN 100,000+

Surveyor's Certificate:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. 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:
GA R.L.S. Ronald T. Godwin

2696
License NO.

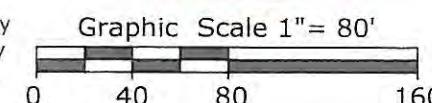
07/21/21
Date

Legend

OTP=Open Top Pipe
RBF=Rebar Found
RBS=Rebar Set
R/W=Right of Way
IPF= Iron Pin Found
P.O.B.=Point of Beginning
B/L=Building Line
D.E.=Drainage Easement
N/F=Now or Formerly
F.W.P.D.=Field Work Performed Date
⊗=Gas Valve
⊗=Water Meter
⊗=Utility Pole
⊗=Drop Inlet
⊗=Fire Hydrant
⊗=Light Pole
⊗=Fence
⊗=Drainage Manhole
—OHE—Over Head Electric Line



Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.



A-779-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: David + Karly Vensel

MAILING ADDRESS: 220 Corrolls Way Fayetteville, GA 30215

PHONE: 770-802-9462 E-MAIL: dvensel@hotmail.com

AGENT FOR OWNERS: Same As Above

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 193 LAND DISTRICT 4th PARCEL 0438 023

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.417

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: A-R IR-20 R4

PRESENT USE OF SUBJECT PROPERTY: Single Family Residential

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-779-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Stephanie Wagner Date: 10/12/21

DATE OF ZONING BOARD OF APPEALS HEARING: October 25, 2021

Received from David J Vensel + Karly M Vensel a check in the amount of \$ 200
+ additional variance
for application filing fee, and \$ 40 for deposit on frame for public hearing sign(s).

Date Paid: 8/31/2021 Receipt Number: 012354

A-779-21

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:

David Vensel Karly Vensel

Please Print Names

Property Tax Identification Number(s) of Subject Property: Carrolls Way LT26 5.3

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 5.417 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]

Signature of Property Owner 1

[Signature]

Signature of Notary Public

10-14-2021

Date

Address

Karley Vensel

Signature of Property Owner 2

[Signature]

Signature of Notary Public

10-14-2021

Date

Address

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-125 AR (d)	50' Setback	35.2'	14.8'

VARIANCE SUMMARY

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

* We Purchased This Home At This Address And The Noted Garage Is Not Within The 50' Setback Of The Side Property Line. We Did Not Know This At The Time Of Purchase, This Was Not Disclosed To Us From The Seller. We Are Asking Permission To Leave The Garage In Its Location And Written Variance To Allow The Setback To Be 35.2'

* Also Noted Garage Corner Sun Room Is In Setback Roughly 6"

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 Garage Has Been In Place For Over 30 Years
We Presume At Least 3 Owners Ago.

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

Yes, It Would Be An Unnecessary Hardship To
Remove This Structure, since it is existing.

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

This Garage Was Existing When We Purchased
In 2020 And We Suspect It Has Been In Place
Since The Late 80's When The House Was Built.

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

Relief Would Not Cause Any Detriment. You Can't
Even See The Structure From Outside The Lot.

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

Yes.

A-779-21

①



Doc ID: 010968500001 Type: WD
Recorded: 08/13/2020 at 12:00:00 PM
Fee Amt: \$415.00 Page 1 of 1
Transfer Tax: \$390.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5093 PG 680

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
20-1435Y/DEANNA

TAX PARCEL ID: 0438 023

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **7th day of August, 2020**, by and between **JARROD M. WIEGMAN**, as party or parties of the first part, hereinafter referred to as "Grantor," and **DAVID VENSEL and KARLY VENSEL**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 193 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BY PLAT OF C.E. LEE DATED MAY 30, 1972 AND ENTITLED "SURVEY FOR JOHN HARTZOG" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE SOUTHERLY SIDE OF THE RIGHT OF WAY 80 FEET IN WIDTH FOR CARROLL'S WAY AND ON THE WESTERLY SIDE OF THE RIGHT OF WAY 60 FEET IN WIDTH FOR DARREN DRIVE AS SHOWN ON SAID PLAT, RUNNING THENCE SOUTH 0 DEGREES AND 24 MINUTES EAST, AS MEASURED ALONG THE WESTERLY SIDE OF THE RIGHT OF WAY FOR DARREN DRIVE AFORESAID 416 FEET TO A CORNER; THENCE SOUTH 89 DEGREES AND 43 MINUTES WEST 555.2 FEET TO A CORNER; THENCE NORTH 0 DEGREES AND 24 MINUTES WEST 416 FEET TO A CORNER ON THE SOUTHERLY SIDE OF THE SAID RIGHT OF WAY FOR CARROLL'S WAY; THENCE NORTH 89 DEGREES AND 43 MINUTES EAST 556 FEET BACK TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 5.3 ACRES.

THIS CONVEYANCE IS MADE SUBJECT TO RESTRICTIONS DECLARED BY JOHN D. HARTZOG AND GERALDINE P. HARTZOG DATED SEPTEMBER 16, 1971, AND RECORDED IN DEED BOOK 105, PAGE 438, RECORDS OF FAYETTE COUNTY, GEORGIA; GRANTEES HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF SAID RESTRICTIONS.

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 7th day of August, 2020 in the presence of:

Unofficial Witness

JARROD M. WIEGMAN

Notary Public
My Commission Expires:

[Notary Seal]



PETITION NO. A-780-21
Sergio & Maria R. Padilla
1473 Redwine Road
Fayetteville, GA 30215
Public Hearing Date October 25, 2021

The subject property is located at 1473 Redwine Road Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 26 feet for the construction of a new single-family residential home.
- 2) Variance to Section 110-77. Lot width. To reduce the front yard setback from 396 feet (that is established by the lot width) to 360 feet to allow the construction of a principal structure.

History: The survey for Jerry Ballard Homes, Inc. was recorded on March, 4, 1997 in Plat Book 29 and Page 7. Records indicate the applicant purchased the property in 2015. There is no record of building permits pulled for property.

As part of the variance process, a survey is required. Through the survey staff discovered the violations. The survey shows the garage located 35 feet from the west side property line and 44 feet from the south 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.

1. Reduce the front setback from 396.75' to 360'.
2. Reduce the south setback from 50' to 26'.

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.**

By moving the house to the front and to the southeast, the house plant will fit much better on the site, also, will move it away from the floodplain and wetlands; it will have a better drainage for septic tank and drainfield; it will have a better height to construct a basement.

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

Yes, I own 13.76 acres and about 8.5 acres is wetland and floodplain area. I would like to get as much use of the left over property as possible.

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

The property is kind of a flag lot.

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

No, this variance would not cause substantial detriment to the public good impair the purpose and intent of these regulations.

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

Not really, except that this property has different circumstances as discussed above.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL MANAGEMENT: EMD does not have comments for the project- Variance does not pertain to any of our regulations.

FIRE MARSHAL: No comment.

PUBLIC WORKS/ENGINEERING: Engineering does not have comments for the project- Variance does not pertain to any of our regulations.

WATER SYSTEM: FCWS has no objections to this variance request. Water availability along this portion of Redwine Road is provided by a 12" water main.

**A-780-21
Aerials**

**SUBJECT
PROPERTY**

Redwine Road



A-780-21



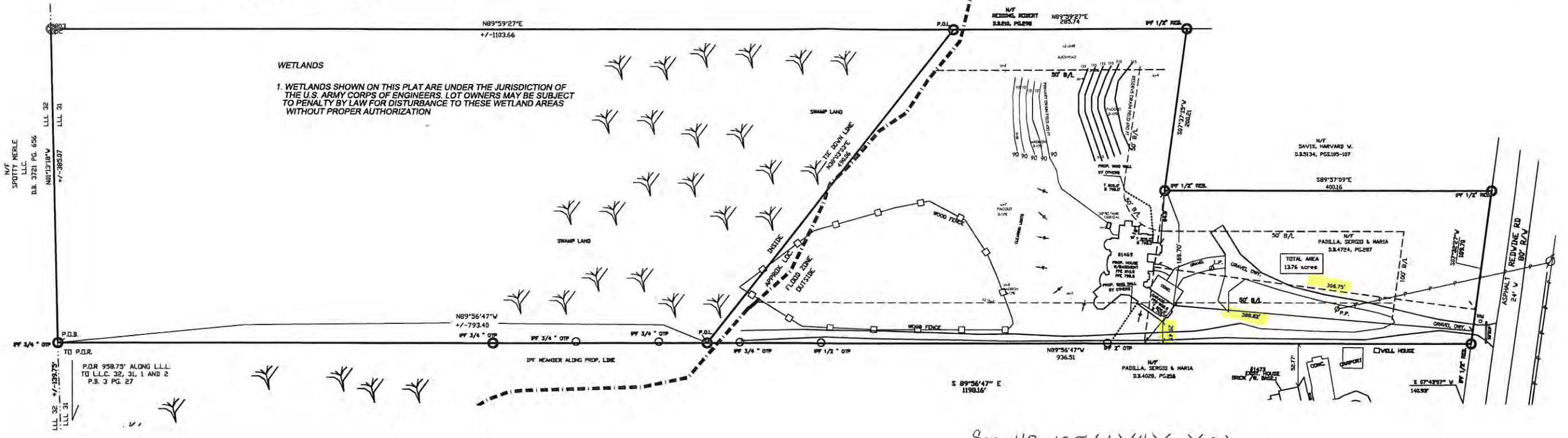
VICINITY MAP NTS

State Waters Buffers
There is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been created by normal stream flow or wave action. No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
Georgia House Bill 1428

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 24,788 FEET, AND AN ANGULAR ERROR OF 0.3" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 390,996 FEET.
EQUIPMENT USED: GTS 220
ROBOTIC GEOMAX ZOOM 90

FLOOD NOTES
BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY FEMA, IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS PARTIALLY INSIDE THE 100-YEAR FLOOD HAZARD AREA.
PANEL# 13113C0113E DATED 09/26/2008

- LEGENDS OF SYMBOLS**
- P.O.B. POINT OF BEGINNING
 - P.O.R. POINT OF REFERENCE
 - ON GAS METER/GAS METER
 - OPEN TOP PIPE
 - OPEN IRON PIPE FOUND
 - OPEN IRON PIPE SET 1/2" REMAIN W/ CAP
 - C/G CURB AND GUTTER
 - R/W RIGHT-OF-WAY
 - L/L LAND LOT LINE
 - CONCRETE MONUMENT FOUND
 - POINT ON LINE
 - BACK OF CURB
 - FENCE CORNER
 - EDGE OF PAVEMENT
 - PROPERTY CORNER
 - PC PROPERTY CORNER
 - LP LIGHT POLE
 - POWER POLE
 - OF OUT WIRE
 - EXISTING JUNCTION BOX
 - EXISTING WATER VALVE
 - EXISTING FIRE HYDRANT
 - T.S.M. TEMPORARY BENCH MARK
 - B.F.E. BASE FLOOD ELEVATION
 - M.F.E. MINIMUM FLOOD ELEVATION
 - HEADWALL
 - SINGLE WALL CATCH BASIN
 - DOUBLE WALL CATCH BASIN
 - OUTLET STRUCTURE (INLET)
 - DROP INLET
 - WATER METER
 - WATERLINE
 - SEWER SENDER LINE
 - OVERHEAD POWERLINE
 - UNDERGROUND FIBER OPTICS
 - LANDSCAPING
 - PK MAIL SET (FOUND)
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING SANITARY SEWER MANHOLE
 - S.S.E. SANITARY EASEMENT
 - C/O CLEAN-OUT
 - PIPE DEPARTMENT CONNECTOR
 - CHUNK LINK FENCE
 - D.E. DRAINAGE EASEMENT
 - R.U.E. RAIL ROAD EASEMENT
 - H. HOIST
 - UNDERGROUND ELECTRIC
 - AC AIR CONDITION UNITS



Sec. 110-125 (d) (4) (a) (2)

SOIL PROFILES INC.
P.O. BOX 248
COVINGTON GA 30015
soilprofiles@gmail.com
PH 770-842-9895

J. SHANNON HUDGINS
GA DHR SOIL CLASSIFIER #147
LEVEL 3 (1=RECON, 2=PRELIMINARY, 3=HIGH INTENSITY, 4=SPECIAL STUDY)
DATE MAPPED: MARCH 4, 2021
SCALE: 1"=400'
CLIENT: SERGIO PADILLA
PROJECT: 1489 REDWINE ROAD
COUNTY: FAYETTE

NOTES
AREAS WHICH FLOOD, HAVE FLOODING POTENTIAL, OR WHICH SERVE AS DRAINAGEWAYS SHOULD NOT BE USED FOR SURFACE AND SUBSURFACE DRAINAGE SHOULD BE DELETED AWAY FROM ABSORPTION FIELD LINES INSTALLED IN NEARLY LEVEL AREAS (0-5% SLOPE) AND FROM THOSE INSTALLED ON CONCAVE SLOPES.
AREAS WITH SLOPE GREATER THAN 25% MAY BE USABLE FOR SEPTIC SYSTEMS IF SLOPE LIMITATIONS ARE OVERCOME BY SYSTEM DESIGN, OR BY SITE MODIFICATION (e.g. BENCHING).
SAMPLE POINTS, SURFACE FEATURES, AND SURVEY CONTROL WERE LOCATED BY GPS (TRIMBLE MODEL P90 XRS)

SOILS INTERPRETATION TABLE

SOIL SERIES AND CODE	SLOPE (%)	Depth to bedrock (feet)	Depth to water table (feet)	Estimated PERC RATE (inches per hour)	Recommended Installation/Trench Depth (feet)	Comments
ELPIDEAN K	2-10%	54	272	50	18-30	STONY SUBSOIL
GULLY F	2-10%	272	272	50	24-48	24" DEPT. DAILY
MOORE A	2-10%	272	272	50	24-48	
PAQUET A	2-10%	272	272	50	24-48	

SOIL SUITABILITY CODES
A=THIS SOIL SERIES SHOULD HAVE ABILITY TO FUNCTION AS A SUITABLE ABSORPTION FIELD WITH PROPER DESIGN, INSTALLATION AND MAINTENANCE.
F=NORMALLY CONSIDERED UNSATISFACTORY FOR USE FOR ABSORPTION FIELDS.
K=SUITABLE FOR SHALLOW CONVENTIONAL SYSTEM BUT REQUIRES ATU IF LINES ARE INSTALLED LESS THAN 24" FROM HARD ROCK.

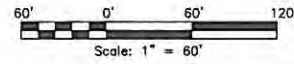
PROPOSED NEW SEPTIC
PROPOSED NEW SEPTIC FOR 6 BEDROOM HOUSE WITH NO GARAGE DISPOSAL
1500 GALLON SEPTIC TANK
60 INCH HIGH SOIL PERCOLATION RATE=115 FT / BEDROOM (PER DT-2 TABLE)
600 LINEAR FEET GRAVEL X .25 = 450 FEET HIGH CAPACITY CHAMBER
600 LINEAR FEET OF REPLACEMENT DRAIN FIELD

BY: J. SHANNON HUDGINS
GA DHR SOIL CLASSIFIER #147

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 herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR 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 15-6-87.

APRIL M. HARRERO P.L.S. #2642
Certified Design Professional # 4479
09/14/2021
GEORGIA PROFESSIONAL LAND SURVEYOR No. 2642
APRIL M. HARRERO

GENERAL NOTES
1. TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
2. LAST DATE OF FIELD SURVEY 08/30/2021
3. ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.
4. INFORMATION REGARDING THE PRESENCE, SIZE, AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THE INFORMATION IS BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE SITE PLANS, AND PLAT PLACED BY UNDERGROUND SERVICES. "NO CERTIFICATION IS MADE AS TO THE ACCURACY"
5. ALL BEARINGS AND DISTANCES WERE MEASURED AND USED.
6. This survey was prepared without benefit of a title report which may reveal additional conveyances, easements or rights-of-way not shown hereon.



REV.	DESCRIPTION	DATE
1	SOUTHIDE SURVEYING & PLANNING L.S.F000831	1/2
SITE PLAN VARIANCE SURVEY FOR: SERGIO PADILLA		
Land Lot 31 5TH DISTRICT FAYETTE COUNTY, GA		
Drawn By: AMM SR. Scale: 1"=60'		
Dwg No: 2-2012167SP2 Date: 09/14/21		

A-780-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Sergio Padilla and Maria R. Padilla

MAILING ADDRESS: 1473 Redwine Rd. Fayetteville GA-30215

PHONE: 678-763-4544 E-MAIL: serpa168@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

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

PROPERTY LOCATION: LAND LOT 31 LAND DISTRICT 5th PARCEL

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 13.76 acres

ZONING DISTRICT:

ZONING OF SURROUNDING PROPERTIES:

PRESENT USE OF SUBJECT PROPERTY: None

PROPOSED USE OF SUBJECT PROPERTY: Residential (Single Family)

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-780-21

☐ 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: October 25, 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 780-21

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:

Sergio Padilla and Maria Raquel Padilla
Please Print Names

Property Tax Identification Number(s) of Subject Property: 05-01-012

(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) 31 of the District, and said property consists of a total of 13.76 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.

Sergio Padilla
Signature of Property Owner 1

Maciel Wilkins
Signature of Notary Public

1473 Redwine Rd Fayetteville
Address

9/1/21
Date

Maria R. Padilla
Signature of Property Owner 2

Maciel Wilkins
Signature of Notary Public

1473 Redwine Rd Fayetteville
Address GA

9/1/21
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
See attached	Plat.		

VARIANCE SUMMARY

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

We would like to request moving the house to the front and to the southeast.

The main reason of why we are requesting moving our house is to stay away from the flood plain and wetlands, and to stay away from the water table.

See attached information for details.

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.

See attached information.

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

See attached information.

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

See attached information.

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.

See attached information.

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

See attached information.

Variance #1469 Redwine Rd.

By moving the house to the front and to the southeast it:

1. will create a better view from the main road;
2. will move away from the flood plain and wetlands;
3. will have a better drainage for septic tank & drain field;
4. will have a better height to construct a basement;
5. will make for more use of the land for future ~~building~~ use of the property.

MP

09/15/2021

Attached information.



Doc ID: 010354900001 Type: WD
 Recorded: 03/30/2018 at 10:05:00 AM
 Fee Amt: \$183.00 Page 1 of 1
 Transfer Tax: \$173.00
 Fayette, Ga. Clerk Superior Court
 Shelia Studdard Clerk of Court

BK 4724 PG 287

Return Recorded Document to:
 Wessels & Dixon, P.C.
 120 W. Solomon Street
 Griffin, GA 30223
 770-229-7140

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF SPALDING

File - 17G-0781

This Indenture made this 21st day of March, 2015 between J. Scott Crumley, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Maria Raquel Padilla and Sergio Padilla, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00)** Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts 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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land lying and being in Land Lot 31 of the 5th Land District of Fayette County, Georgia, being more particularly described as follows: BEGINNING at a point located 958 feet Northerly, as measured along the West line of Land Lot 31 aforesaid, from the Southwest corner of Land Lot 31; running thence North 0 degrees 35 minutes West, as measured along the West line of Land Lot 31 aforesaid, 385 feet to a corner; thence South 89 degrees 55 minutes East 1,391 feet to a corner; thence South 0 degrees 35 minutes East 200 feet to a corner; thence South 89 degrees 55 minutes East 400 feet to a point on the Northwestern side of the right-of-way for Redwine Road; thence Southwesterly, as measured along the Northwestern side of the right-of-way for said Redwine Road, a distance of 191.3 feet to a corner; thence North 89 degrees 55 minutes West 1,734 feet to a point on the West line of Land Lot 31 aforesaid and the POINT OF BEGINNING.

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 tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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

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

Signed this 21st day of March 2018 in the presence of:

Unofficial Witness

J. Scott Crumley

Notary Public (My commission expires) 2/3/2022



PETITION NO. A-781-21
Kimberly Menig & Christopher James Ross
100 Bonnie Lane
Fayetteville, GA 30215
Public Hearing Date October 25, 2021

The subject property is located at 100 Bonnie Lane Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to five (5) feet to allow a chicken coop to remain.
- 2) Variance to Sec. 110-89.5 Keeping of chickens in conjunction with residential use, to reduce the minimum setback of 50 feet from all property lines to five (5) feet to allow a chicken coop to remain.
- 3) Variance to Sec. 110-79. Residential accessory structures and their uses.
(c) Number and size, (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3.

History: The Final Plat of Corley Acres was recorded on October, 17, 1991 in Plat Book 22 and Page 68. Records indicate the applicant purchased the property in 2014. There is no record of building permits pulled for property.

As part of the building permit process for a new addition to the home, a survey is required. Through the survey staff discovered the violations. The survey shows the chicken coop located 5 feet from the west side property line and it shows the lot having too many residential accessory structures (2 to 3).

The applicant provides the following information:

VARIANCE SUMMARY

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

We have an existing chicken coop that is 5 feet from the property line instead of the 15 feet current zoning dictates. The structure was built in the late 70's/early 80's from what we have been told. It also houses a small section for storing items. The structure cannot be moved without complete demolition.

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 chicken coop itself is a non-movable structure. It was built a long time ago and wouldn't survive trying to dissemble it. It is on the edge of my property and to the back of the neighbor's property line. It looks like a shed structure.

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

We would have to completely tear down and get rid of the structure in order to move it further from the property line.

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

This the area (about ½ acre) where we keep our chickens, so practically ise it makes sense to keep the existing structure where it is.

- 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 current structure in no way causes harm to the public good. It is at the very back of my neighbor's property line and is 5 feet into our property, so it does not affect the complete use of the neighboring yard. There are also no other neighboring homes that it would affect in any way.

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

A literal interpretation of this ordinance would deprive us of our rights to keep chickens within the county.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL MANAGEMENT: EMD does not have comments for the project-
Variance does not pertain to any of our regulations.

FIRE MARSHAL: No comment.

PUBLIC WORKS/ENGINEERING: Engineering does not have comments for the project-
Variance does not pertain to any of our regulations.

WATER SYSTEM: FCWS has no comment as this is within the City of Fayetteville service
area for public water.

**A-781-21
Aerials**

**SUBJECT
PROPERTY**

South Jeff Davis

Bonnie Lane



NOTES

1. OWNERS:

WENDELL A. CORLEY & JAMES E. SUTHERLAND
738 S. JEFF DAVIS DRIVE P.O. BOX 786
FAYETTEVILLE, GA. 30214 FOREST PARK, GA. 30051
(404) 461-3686 (404) 366-8554

2. EXISTING ZONING = R-40.

3. IPS DENOTES IRON PIN SET (1/2" REBAR).

4. BUILDING SETBACK (MINIMUM).

FRONT = 60'
SIDE = 15'
REAR = 30'

5. LOT 1 MUST BE CONNECTED TO PUBLIC WATER SYSTEM.

6. THIS TRACT DOES NOT LIE WITHIN THE 100 YR. FLOOD PLAIN PER FAYETTE COUNTY F.I.R.M. COMMUNITY PANEL NO. 130432 0085A DATED JULY 5, 1983.

7. ACCESS TO LOTS 1 & 2 SHALL BE LIMITED TO ONE DRIVEWAY CUT ON S. JEFF DAVIS DRIVE.

8. T.B.M. - GEODETIC MONUMENT AT FAYETTE COUNTY COURTHOUSE ELEV. = 937.47.

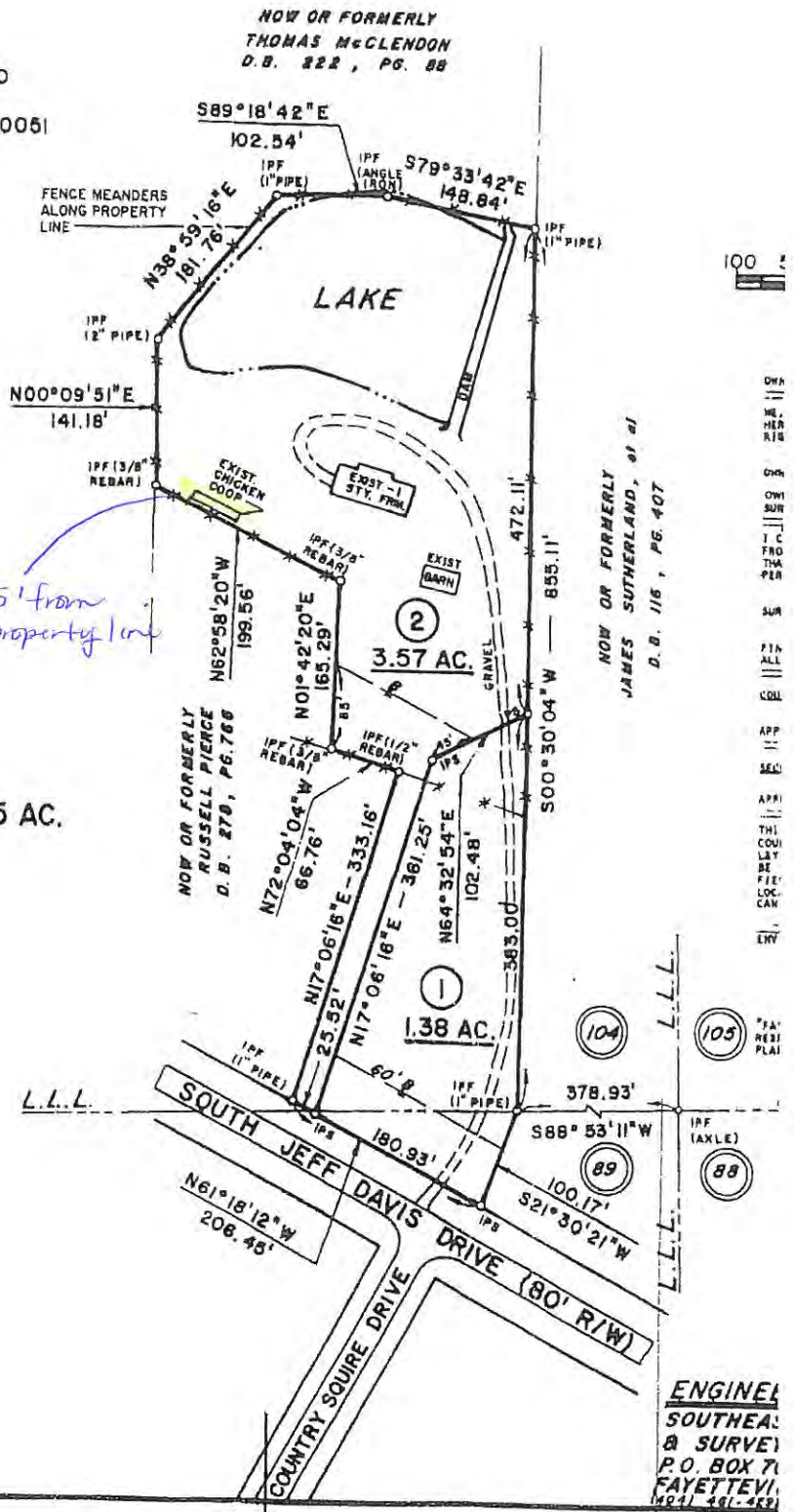
TOTAL TRACT = 4.95 AC.

REFERENCE:

1. DEED BOOK 247, PAGE 89.
2. PLAT DATED 12-3-86 BY RICHARD MASKEVICH FOR WENDELL A. CORLEY.

GEORGIA, FAYETTE COUNTY
CLERK'S OFFICE SUPERIOR COURT
FILED FOR RECORD October 17, 1991
4:30 P. M.

RECORDED IN BOOK 22, PAGE 168
THIS 17 DAY OF October, 1991
H.A. Ballard, CLERK



ENGINEER
SOUTHEAST
& SURVEY
P.O. BOX 71
FAYETTEVILLE,
GA 30214

A 781-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Kimberly Menig Ross + Christopher James Ross

MAILING ADDRESS: 100 Bonnie Lane Fayetteville GA 30215

PHONE: (845) 204-4169 E-MAIL: Kimross522@gmail.com

AGENT FOR OWNERS: Kimberly Ross

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 89 LAND DISTRICT 104 PARCEL 5th

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 3.74

ZONING DISTRICT: R40

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: Residential


PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-781-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 9/2/2021

DATE OF ZONING BOARD OF APPEALS HEARING: October 25, 2021

Received from Kimberly M. Ross a check in the amount of \$ 195⁰⁰

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

Date Paid: 9/2/2021 Receipt Number: _____

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

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

See attached

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.

See attached

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

See attached

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

see attached

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.

See attached

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

See attached

100 Bonnie Lane Fayetteville GA 30215
Kimberly Menig Ross & Christopher James Ross

Variance Summary:

We have an existing chicken coop that is 5 feet from the property line instead of the 15 feet current zoning dictates. The structure was built in the late 70s/early 80s from what we have been told. It also houses a small section for storing items. The structure can not be moved without complete demolition.

- 1) The chicken coop itself is a non-movable structure. It was built a long time ago and wouldn't survive trying to disassemble it. It is on the edge of my property and to the back of the neighbors property line. It looks like a shed structure.
- 2) We would have to completely tear down and get rid of the structure in order to move it further from the property line.
- 3) This is the area (about 1/2 acre) where we keep our chickens, so practicality wise it makes sense to keep the existing structure where it is.
- 4) The current structure in no way causes harm to the public good. It is at the very back of my neighbor's property line and is 5 feet into our property, so it does not affect the complete use of the neighboring yard. There are also no other neighboring homes that it would affect in any way.
- 5) A literal interpretation of this ordinance would deprive us of our rights to keep chickens within the county.

A 78121

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:

Kimberly Menig Ross + Christopher James Ross
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0524 094

(I am) ~~(we are)~~ the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 104th District, and (if applicable to more than one land district) Land Lot(s) 89 of the District, and said property consists of a total of 3.74 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

Signature of Notary Public

100 Bonnie Lane Fayetteville
Address GA 30215

8/30/21
Date

Signature of Property Owner 2

Signature of Notary Public

100 Bonnie Lane Fayetteville
Address GA 30215

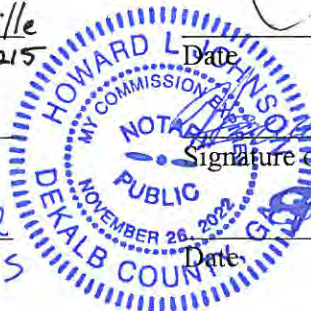
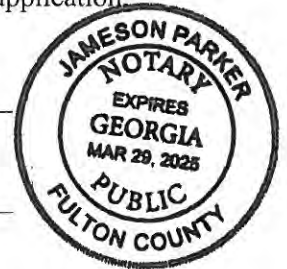
8-2-2021
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date



A 781 21.

(4)

Record and Return to:
 Weissman, Nowack, Curry & Wilco, P.C.
 One Alliance Center, 3500 Lenox Road, 4th Floor
 Atlanta, GA 30326

File No.: PC135-14-0695

Doc ID: 009462790002 Type: WD
 Recorded: 10/14/2014 at 10:30:00 AM
 Fee Amt: \$12.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
BK 4243 pg 266-267

WARRANTY DEED

**STATE OF GEORGIA
 COUNTY OF FAYETTE**

THIS INDENTURE, made this 10th day of October, 2014, between Christopher J. Ross, of the County of Fayette, and the State of Georgia as party or parties of the first part, hereinafter called Grantor, and Christopher J. Ross and Kimberly Menig Ross, as joint tenants with rights of survivorship and not as tenants in common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of LOVE AND AFFECTION in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, liened, 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

SUBJECT TO SECURITY DEED from Christopher J. Ross to The Southern Credit Union given to secure the original principal amount of \$128,900.00, dated October 10, 2014, and filed in the public records of Fayette County, Georgia.

DEED PREPARATION ONLY - THIS INSTRUMENT PREPARED BY INSTRUCTION OF THE PARTIES HEREIN.

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, to the only proper use, benefit and behoof of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them IN FEE SIMPLE together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

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

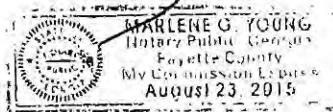
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.

Signed, sealed and delivered
 in the presence of:

[Signature]
 Unofficial Witness

[Signature] (Seal)
 Christopher J. Ross

[Signature]
 Notary Public
 My commission expires: 8-23-15
 (Notary Seal)



A 781 21

EXHIBIT "A"**File No.: PC135-14-0695**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 89 AND 104 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 2, CORLEY ACRES SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 22, PAGE 68, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 738 SOUTH JEFF DAVIS DRIVE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FAYETTE COUNTY, GEORGIA.

TOGETHER WITH A PERPETUAL EASEMENT AS RESERVED BY GRANTOR IN THAT CERTAIN WARRANTY DEED DATED 8/12/87, RECORDED IN DEED BOOK 466, PAGE 605, FAYETTE COUNTY, GEORGIA RECORDS.

ALSO TOGETHER WITH ALL OF GRANTOR'S RIGHT, TITLE AND INTEREST IN A 25 FOOT EASEMENT FOR INGRESS AND EGRESS TO AND FROM THE ABOVE-DESCRIBED PROPERTY AND BONNIE LANE AS MORE FULLY SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR SUTHERLAND FARMS, DATED 02/02/05, RECORDED IN PLAT BOOK 40, PAGE 176, RECORDS OF FAYETTE COUNTY, GEORGIA. (DESIGNATED THEREIN AS A 25 FOOT INGRESS/EGRESS EASEMENT WITH ASPHALT DRIVEWAY TRAVERSING THE DESIGNATED GREEN SPACE), WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE, SAID EASEMENT BEING GRANTED BY AN AGREEMENT BY AND BETWEEN BERTHA J. CORLEY AND WENDELL A. CORLEY, SCARBOROUGH & ROLADER DEVELOPMENT, LLC AND TALBOT STATE BANK, DATED 01/09/04, AND RECORDED IN DEED BOOK 2427, PAGES 370-371, AFORESAID RECORDS.