

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
November 22, 2021
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on October 25, 2021.

PUBLIC HEARING

2. Petition No. A-782-21, William & Terese Wisvader, Owners, and Michael Wisvader, Agent, request the following: Variance to Section 110-179. 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 three (3) to four (4). The subject property is located in Land Lot 226 of the 4th District and fronts on Busbin Rd.

PETITION NO. A-782-21
William & Terese Wisvader
284 Busbin Road
Fayetteville, GA 30215
Public Hearing Date November 22, 2021

The subject property is located at 284 Busbin Road Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Section 110-179. 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 three (3) to five (5).

History: The Final Plat of Busbin Road Properties was recorded on March 1976 in Plat Book 9 and Page 176. Records indicate the applicant purchased the property in 2013. There is no record of building permits pulled for property.

As part of the building permit process for a new accessory structure, a survey is required. Through the survey staff initially approved the site plan. Later on the site plan was disapproved when the amount of accessory structures were realized. The survey show the lot having too many residential accessory structures (3 to 5).

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.

My wife and I sold our house in South Fayette County to move into my parent's house to be able to take care of them and the property. We are requesting to build a guest house on the property. The 3rd structure that was put on the property was to store the items we had to move from our prior residence.

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.**

We request keeping the existing shed in order to store my family's household goods in order to take care of my parent's house.

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

It would be difficult to live on this property and take care of my parents without being able to store my household items.

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

Its challenging for us to store our household items while downsizing into a guesthouse on this property without adequate storage space.

- 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,**

This property is large and set about 800 feet back from the street, these structures do not interfere with nay neighbors' property.

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

Not having this additional shed would deprive us of our ability to store our household items adequately while sharing property with my parents at this stage of their life.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the proposed variance based on the submitted site plan.

ENVIRONMENTAL MANAGEMENT: Approved, land disturbance over 1 acre will require a sediment and erosion control plan by a designed professional.

FIRE MARSHAL: No comment.

PUBLIC WORKS/ENGINEERING: N/A

WATER SYSTEM: FCWS has no concern regarding this variance. There is no water availability at this property. The closest water main (8") is located near the intersection of Busbin Rd and Charlotte Place

A-782-21

**SUBJECT
PROPERTY**

Busbin Road

Laura Lane

A-782-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: William Wisvader Terese Wisvader

MAILING ADDRESS: 284 Busbin Rd

PHONE: 470-488-7183 E-MAIL: MIKEWISVADER AT Gmail

AGENT FOR OWNERS: Michael Wisvader

MAILING ADDRESS: Same

PHONE: Same E-MAIL: Same

PROPERTY LOCATION: LAND LOT 4th LAND DISTRICT 226 PARCEL 045101010

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.84

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40, PUD-PRD

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-782-21

☐ 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: 11/22/2021

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. 782.21

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:

WILLIAM WISVADER TERESE WISVADER
Please Print Names

Property Tax Identification Number(s) of Subject Property: 045101010

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 324 of the District, and said property consists of a total of 5.84 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).
Mike Wisvader

(I) (We) hereby delegate authority to ~~Mike Wisvader~~ 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.

✓ *William Wisvader*
Signature of Property Owner 1

Howard L. Johnson
Signature of Notary Public

284 BUSBY RD
Address FAVILL 30

10/1/2021
Date

✓ *Terese Wisvader*
Signature of Property Owner 2

Howard L. Johnson
Signature of Notary Public

SAME
Address

Howard L. Johnson
Date

William Wisvader
Signature of Authorized Agent

Howard L. Johnson
Signature of Notary Public

SAME
Address

Howard L. Johnson
Date



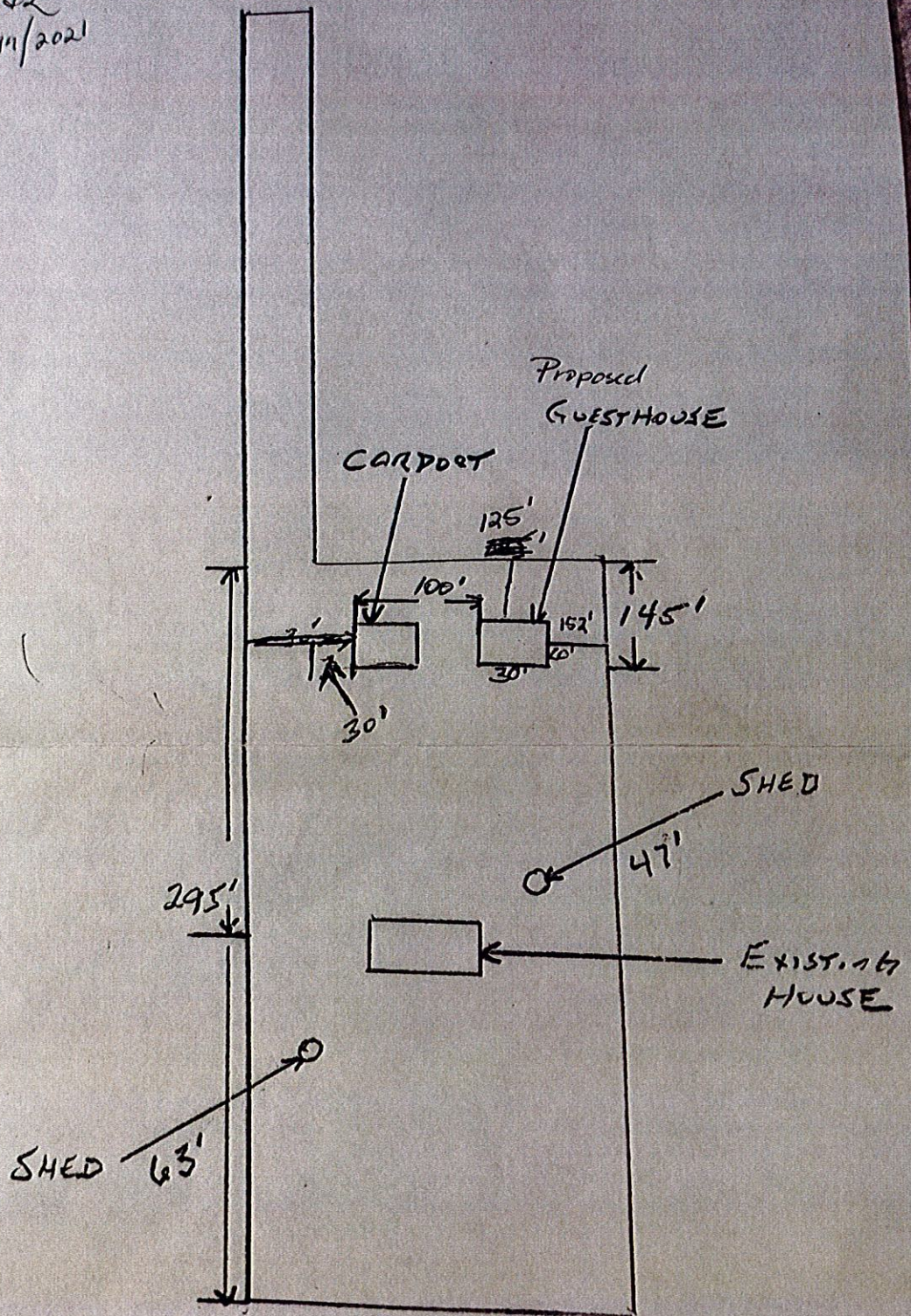
Summary for Variance 284 Busbin Rd – William and Terese Wisvader

My wife and I sold our house in South Fayette County to move into my parent's house to be able to take care of them and the property. We are requesting to build a guest house on the property. The 3rd structure that was put on the property was to store the items we had to move from our prior residence.

1. We request keeping the existing shed in order to store my family's household goods in order to take care of my parents' house.
2. It would be difficult to live on this property and take care of my parents without being able to store my household items.
3. It's challenging for us to store our household items while downsizing into a guesthouse on this property without adequate storage space.
4. This property is large and set about 800 feet back from the street, these structures do not interfere with any neighbors' property.
5. Not having this additional shed would deprive us of our ability to store our household items adequately while sharing property with my parents at this stage of their life.

Proposed Guesthouse
Approved by P&Z
CAB 8/11/2021

A-782-21



A-782.21

284 Busbin Rd
Trenton, NJ

7000

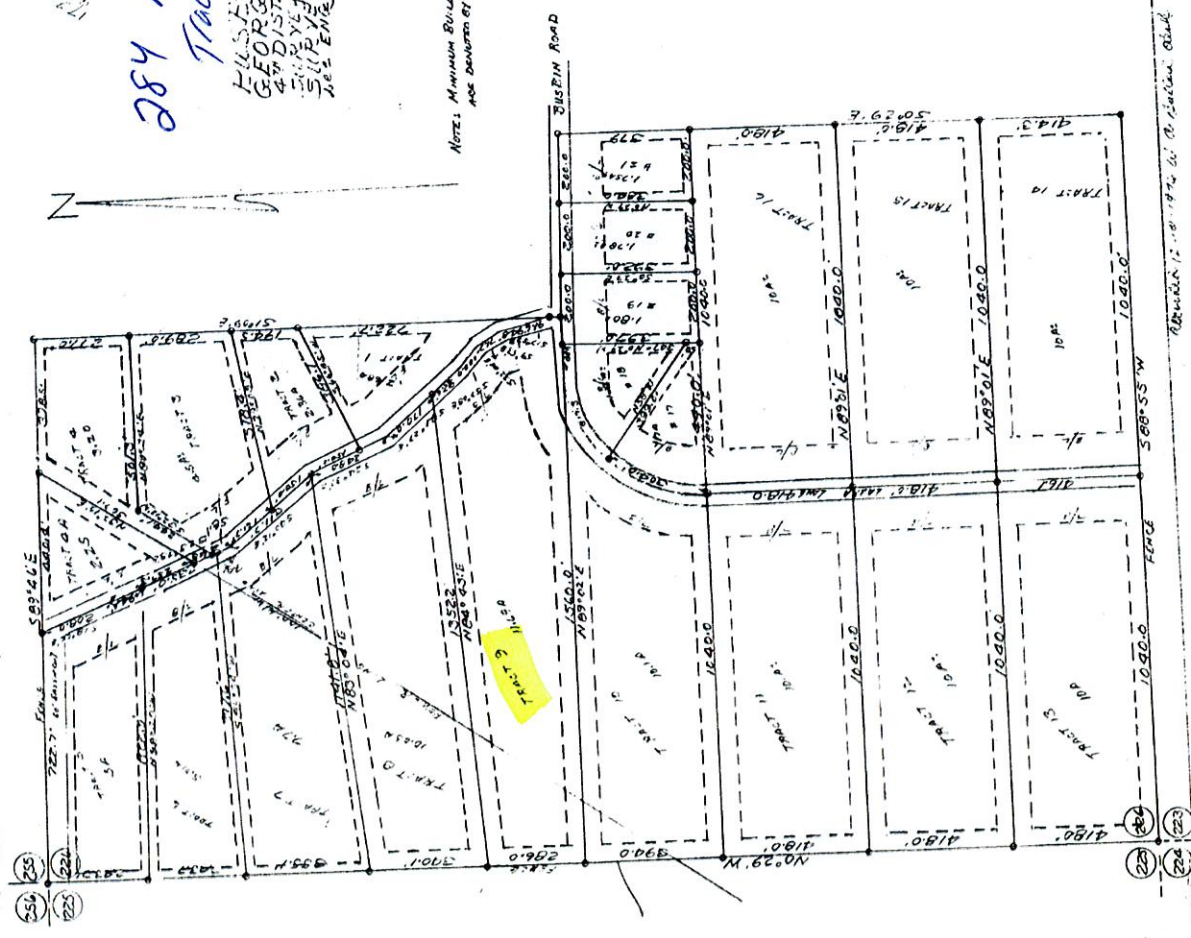
11/26/1
FULTON ROAD DRIP PINS
GEORGIA FINEST CO
4TH DIST. JANE ROZELLE
DANIEL FOR SUNNY ROZELLE
SILVER SPRING 1976 WHITE-1200
DET ENG-10. C. S. The Swamp Nov 1975

C. W. Lee 1093

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

Box 191-270

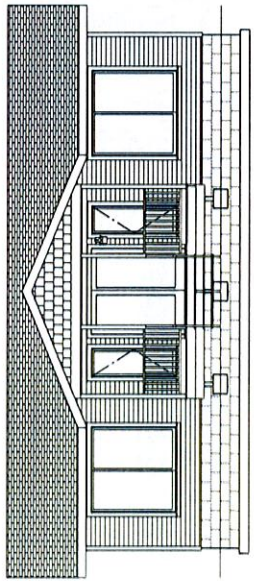
Approved
W. S. Stearns, Clerk
Register County Clerk
11-28-76



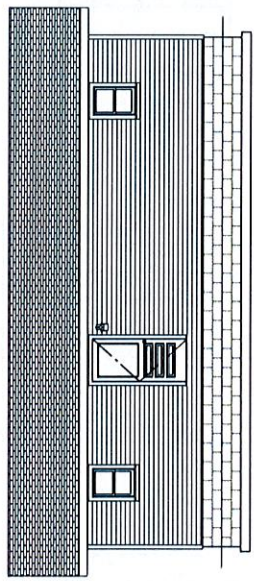
A-782-21

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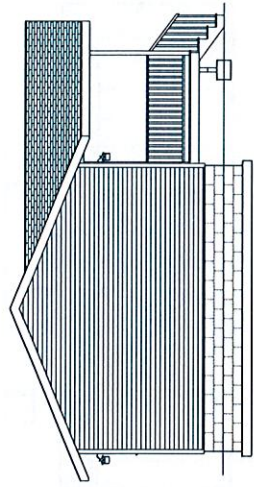
Excellent Floor Plans
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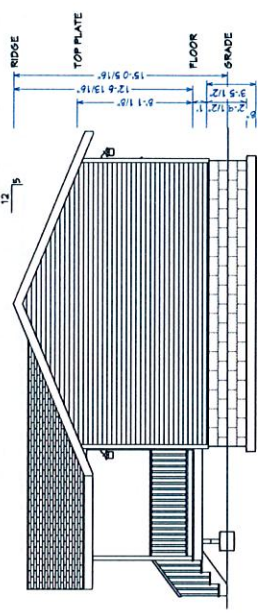
FRONT ELEVATION
SCALE: 1/4" = 1'



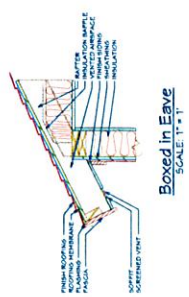
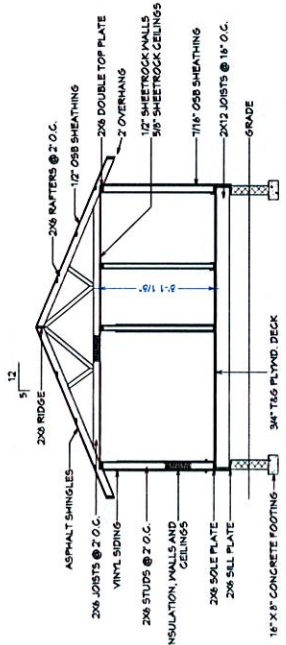
REAR ELEVATION
SCALE: 1/4" = 1'



LEFT ELEVATION
SCALE: 1/4" = 1'



RIGHT ELEVATION
SCALE: 1/4" = 1'



36x20 House #36X20H2A

SQUARE FEET: 720
WIDTH: 36'
DEPTH: 30'-6"
EXTERIOR WALL STRUCTURE: 2X6 STUDS

BUILDING CONTRACTOR/HOME OWNER
TO REVIEW AND VERIFY ALL DIMENSIONS,
AND SPECS BEFORE CONSTRUCTION
BEGINS. BUILDING TO BE BUILT AS
PER LOCAL CODE REQUIREMENTS.

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. E.F.P. is not liable for errors. While every effort has been made in the preparation of this plan to avoid mistakes, the maker cannot guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter. All calculations and member sizing should be verified for your building by a certified building official.



A-782-21

IDEAS

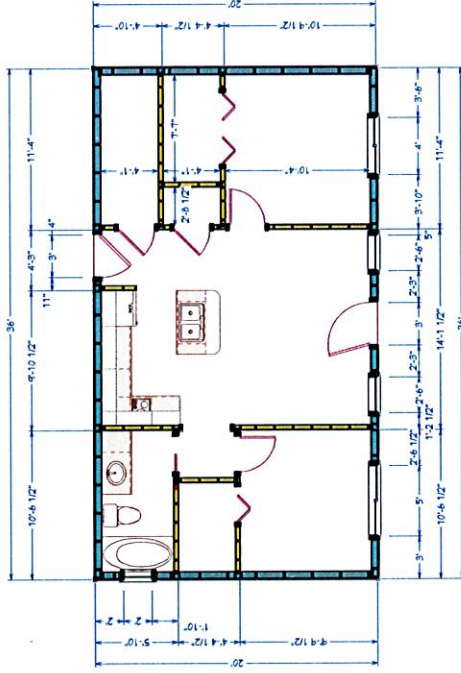
36x20 House
#36X20H2A

PAGE: 3

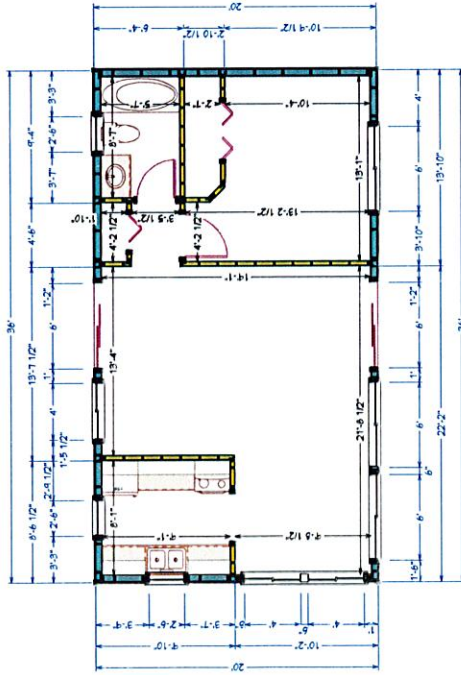
SHEETS: 3

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MAIN FLOOR PLAN
SCALE: 1/4" = 1'



MAIN FLOOR PLAN
SCALE: 1/4" = 1'