

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
January 24, 2022
7:00 P.M.**

1. Election of the Chairman.
2. Election of the Vice-Chairman.
3. Election of the Secretary.
4. Consideration of the Minutes of the Meeting held on November 22, 2021.

PUBLIC HEARING

5. Petition No. A-783-21, Christopher & Kristen Plourde, Owners, request the following: Variance to Section 110-149. Planned unit development (d) Planned residential development (6) (d) to reduce the rear setback from 40 feet (per final plat) to 18 feet to allow an existing shed to remain.
6. Petition No. A-784-21, Brown Family Trust, Owner, and William S. & Pamela A. Brown, Agents request the following: 1) Variance to Sec. 110-125. A-R (d) (6) to reduce the north side yard setback from 50 feet to 17 feet to allow an existing metal building to remain and 2) Variance to Sec. 110-125. A-R (d) (6) to reduce the east side yard setback from 50 feet to 46 feet to allow an existing metal building to remain.
7. Petition No. A-785-21, James & Natasha Johnson, Owners request the following: Variance to Sec. 110-133.R-70 (d)(4)(a)(2) to reduce the front yard setback from 75 feet to 49 feet to allow for the construction of a new single-family home to continue.
8. Petition No. A-786-21, Willard J. Koethe, John & Rebecca Douville, Owners and Bob Barnard, Agent request the following: 1) Variance to Section 110-242 (h), Request for an illegal lot to be deemed a nonconforming lot, due to the lot being landlocked and having less acreage than is required for its zoning district to be a nonconforming lot. 2) Variance to Sec. 110-125. A-R (d)(6) to reduce the west side yard setback from 50 feet to 48 feet to allow an existing single-family residence to remain. 3) Variance to Sec. 110-125. A-R (d)(6) to reduce the west side yard setback from 50 feet to 48 feet to allow an existing garage and lean-to to remain. 4) Variance to Sec. 110-125. A-R (d)(6) to reduce the east side yard setback from 50 feet to 49 feet to allow an addition to the single-family residence to be constructed.

PETITION NO. A-783-21
Christopher & Kristen Plourde
155 Trotters Ridge
Fayetteville, GA 30215
Public Hearing Date January 24, 2021

The subject property is located at 155 Trotters Ridge Fayetteville, GA 30215 and is zoned PUD-PRD. The applicant is requesting a Variance as follows:

Variance to Section 110-149. Planned unit development (d) Planned residential development (6) (d) to reduce the rear setback from 40 feet (per final plat) to 18 feet to allow an existing shed to remain.

History: The Revised Final Plat of Highgrove on Whitewater Creek Phase Five was recorded on September 1, 2004, in Plat Book 40 and Page 4. Records indicate the applicant purchased the property in 2019. The lot is 1.00 acre. There is no record of a building permit being requested for a shed on the property.

As part of the building permit process for a new pool, a survey is required. Through the survey staff discovered the violation. The survey shows the shed located 18 feet from the rear property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

I am the homeowner at 155 Trotters Ridge, Fayetteville, GA. The home was built in 2005 and we purchased the property in July 2019. I am seeking a variance to the current zoning restriction that requires a structure that is located on my property to be 40 feet from the rear property line. I purchased a 10' x 10' wooden storage shed in October of 2019 to store lawn equipment due to lack of space in the garages. I applied and obtained approval for the type and location of shed from the Highgrove Homeowners Association on October 9, 2019 (see attached Highgrove on Whitewater Creek Community Association Inc. Approval letter). I did not apply for a permit from the county due to the size of the structure being less than 200 square feet and temporary in nature due to the shed not being constructed on a foundation. I was unaware of the 40' easement restriction at the time. The shed was purposely placed at the rear and right side of the property in order to avoid sightlines from the road. Two trees block the sightline of the shed from the road (see attached photo). I obtained verbal approval from my neighbors to the south and east of my property and they are willing to provide written statement if required.

Due to location of the shed in a wooded area with surrounding trees at the back of property, the shed was placed 18 feet in front of the rear property line. Moving the shed required 40

feet from the rear property line would require the removal of a large tree, therefore impacting the natural green space on the property (see attached photo). In addition, moving the shed to any other area on the property would make the shed visible from the road, and result in significant costs due to loss of structural integrity of the shed while either moving or dismantling it and likely impact the natural greenspace due to the need to take down trees to prepare a new area.

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.

Due to the natural greenspace, sloping topography and the location of several trees to the rear of the property, relocation of the shed to comply with the easement restriction would require the removal of trees and/or leveling of a new space with heavy machinery.

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

Relocation of the shed would result in a significantly financial hardship. Movement of the shed to a different area of the property would likely require dismantling of the custom wooden shed and reconstruction. Realistically, the shed could not be professionally dismantled and reconstructed without significant impact to the structural integrity or aesthetics of the existing structure. The current shed was professionally built at a cost of \$2300. In addition, relocation of the shed to a different area of the property to comply with current restrictions would likely make the shed visible from the front of the property thereby creating a negative aesthetic impact.

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

The 1-acre property consists of the home, driveway and lawns on the front .5 acres, whereas the rear .5 acres (where the shed is located) consists of natural uninterrupted green space (woods). Movement of the shed would likely impact the greenspace due to removal of trees or re-grading the sloping ground.

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,

Granting of this variance would not cause a detriment to the public good. Homeowners are authorized to build these structures on their properties. In addition, the current location of the

shed does not negatively impact neighboring properties 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 result in the need to interrupt the natural greenspace at a significant cost to the homeowner. Depending on the property layout, this is a cost that other homeowners would not need to shoulder if they had adequate open area 40 feet from the rear property line.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the variance request to reduce the rear setback from 40 ft. to 18 ft. for the existing shed. This change has no direct effect on the current or replacement septic area.

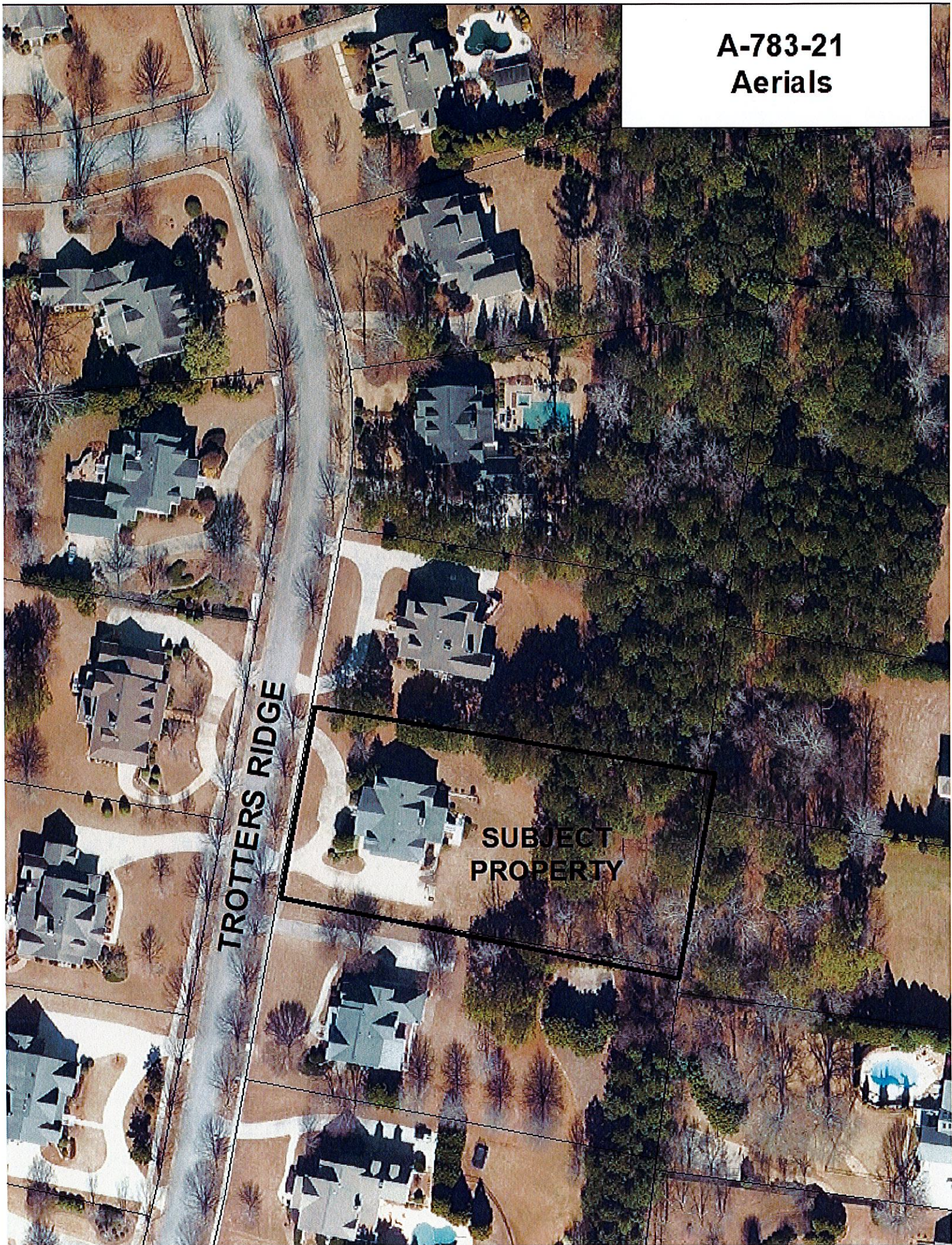
ENVIRONMENTAL MANAGEMENT: N/A.

FIRE MARSHAL: No comments.

PUBLIC WORKS/ENGINEERING: N/A

WATER SYSTEM: FCWS has no objection to this variance. The property has water availability provided by an 8" PVC watermain.

A-783-21
Aerials



TROTTERS RIDGE

**SUBJECT
PROPERTY**

A-783-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Christopher Plourde + Kristen Plourde

MAILING ADDRESS: 155 Trotters Rdg. Fayetteville, GA

PHONE: (850) 686-4416 E-MAIL: christopher.j.plourde@gmail.com

AGENT FOR OWNERS: Same as above

MAILING ADDRESS: Same as above

PHONE: Same as above E-MAIL: Same as above

PROPERTY LOCATION: LAND LOT 1 LAND DISTRICT 6th PARCEL 060126002

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1 Acre

ZONING DISTRICT: PUD

ZONING OF SURROUNDING PROPERTIES: PUD

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-783-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Howard L. [Signature] Date: 10-15-2021

DATE OF ZONING BOARD OF APPEALS HEARING: JANUARY 24, 2022

Received from CHRIS PLOURDE a check in the amount of \$ 175⁰⁰

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

Date Paid: 10-15-2021 Receipt Number: _____

A. 783-21

②

19.10.6854

Return to:

McMANAMY McLEOD HELLER, LLC
 File # 19-10-6832X
 3520 Piedmont Road, Suite 110
 Atlanta, GA 30305
 Parcel ID: 060126006

Doc ID: 010660790002 Type: WD
 Recorded: 06/18/2019 at 10:05:00 AM
 Fee Amt: \$732.00 Page 1 of 2
 Transfer Tax: \$720.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4886 PG 451-452

STATE OF _____

COUNTY OF _____

WARRANTY DEEDTHIS INDENTURE made as of the 11th day of JUNE, 2019, between**DELORSE S. LEE and ALVIN LEE**

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

CHRISTOPHER J. PLOURDE AND KRISTEN L. PLOURDE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
 as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

That certain tract or parcel of land lying and being in FAYETTE County, Georgia and being more particularly described in Exhibit A attached hereto and by reference thereto, specifically incorporated herein.

Subject to all easements, restrictions, covenants, agreements, and mineral exceptions, if any, of record.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal as of the day and year set forth hereinbelow.

Signed and sealed in our presence this

14th day of May, 2019.

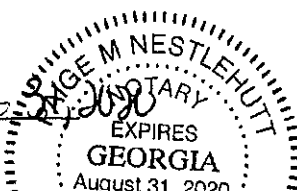
Shane C. Remy
 Unofficial Witness

X Delorse S. Lee (Seal)
 DELORSE S. LEE

Paige M. Nestlehut
 Notary Public

My Commission expires: August 31, 2020

[NOTARY SEAL]



A-783-21

EXHIBIT "A"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 OF THE 6TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 6, OF HIGHGROVE ON WHITEWATER CREEK SUBDIVISION, PHASE FIVE, AS PER PLAT RECORDED AT PLAT BOOK 39, PAGES 140-143, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

MAP NO. 060126006

A. 783-21

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:

Christopher Plourde & Kristen Plourde
Please Print Names

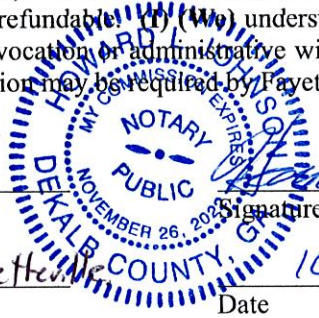
Property Tax Identification Number(s) of Subject Property: 0601 26 002

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 6 District, and (if applicable to more than one land district) Land Lot(s) 1 of the District, and said property consists of a total of 1.000 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
155 Trotters Rdg, Fayetteville
Address
[Signature]
Signature of Notary Public
10-15-2021
Date



[Signature]
Signature of Property Owner 2
155 Trotters Rdg, Fayetteville
Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

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

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

VARIANCE SUMMARY

I am the homeowner at 155 Trotters Ridge, Fayetteville, GA. The home was built in 2005 and we purchased the property in July, 2019. I am seeking a variance to the current zoning restriction that requires a structure that is located on my property to be 40 feet from the rear property line. I purchased a 10'x10' wooden storage shed in October of 2019 to store lawn equipment due to lack of space in the garages. I applied and obtained approval for the type and location of the shed from the Highgrove Homeowners Association on 9 October, 2019 (See attached Highgrove on Whitewater Creek Community Assoc, Inc Approval letter). I did not apply for a permit from the county due to the size of the structure being less than 200 square feet and temporary in nature due to the shed not being constructed on a foundation. I was unaware of the 40' easement restriction at the time. The shed was purposely placed at the rear and right side of the property in order to avoid sightlines from the road. Two trees block the sightline of the shed from the road (see attached photo). I obtained verbal approval from my neighbors to the South and East of my property and they are willing to provide written statements if required.

Due to the location of the shed in a wooded area with surrounding trees at the back of the property, the shed was placed 18 in front of the rear property line. Moving the shed the required 40 feet from the rear property line would require the removal of a large tree, therefore impacting the natural green space on the property (see attached photo). In addition, moving the shed to any other area on the property would make the shed visible from the road, and result in significant costs due to loss of structural integrity of the shed while either moving or dismantling it and likely impact the natural greenspace due to the need to take down trees to prepare a new area.

JUSTIFICATION OF REQUEST

1. Due to natural greenspace, sloping topography and the location of several trees to the rear of the property, relocation of the shed to comply with the easement restriction would require the removal of trees and/or leveling of a new space with heavy machinery.
2. Relocation of the shed would result in a significant financial hardship. Movement of the shed to a different area of the property would likely require dismantling of the custom wooden shed and reconstruction. Realistically, the shed could not be professionally dismantled and reconstructed without significant impact to the structural integrity or aesthetics of the existing structure. The current shed was professionally built at a cost of \$2300. In addition, relocation of the shed to a different area of the property to comply with current restrictions would likely make the shed visible from the front of the property thereby creating a negative aesthetic impact.
3. The 1-acre property consists of the home, driveway and lawns on the front .5 acres, whereas the rear .5 acres (where the shed is located) consists of natural uninterrupted green space (woods). Movement of the shed would likely impact the greenspace due to removal of trees or re-grading the sloping ground.

4. Granting of this variance would not cause a detriment to the public good. Homeowners are authorized to build these structures on their properties. In addition, the current location of the shed does not negatively impact neighboring properties in any way.
5. A literal interpretation of this Ordinance would result in the need to interrupt the natural greenspace at a significant cost to the homeowner. Depending on the property layout, this is a cost that other homeowners would not need to shoulder if they had adequate open area 40 feet from the rear property line.

A-783-21

Highgrove on Whitewater Creek Community Assoc, Inc

P.O. Box 143089
Fayetteville, GA 30214
770-692-0152
(770) 692-0156 Fax
www.camga.com

October 09, 2019

Christopher Plourde
155 Trotters Ridge
Fayetteville GA 30215

RE: Highgrove on Whitewater Creek Community Assoc, Inc
155 Trotters Ridge

Dear Christopher Plourde:

On behalf of the Highgrove on Whitewater Creek Community Architectural Review Committee (ARC), we are pleased to inform you that:

Approved to install a shed as submitted on the Modification Request Form dated September 3, 2019.

As a reminder, the committee's approval of your plans and specifications is not for engineering or structural integrity, but only within their rights and responsibilities with regards to The Declaration of Covenants, Conditions and Restrictions. Also, you are responsible for obtaining any permits that may be required by your local government authority.

We reserve the right to make a final inspection of the change to make sure it matches the Request you submitted for Approval. Please follow the plan you submitted or submit an additional Request form if you cannot follow the original plan.

We appreciate you being a responsible homeowner by following the guidelines of the approval process for your community. If we may be of any future assistance, please feel free to contact Stephanie Mason at smason@camga.com.

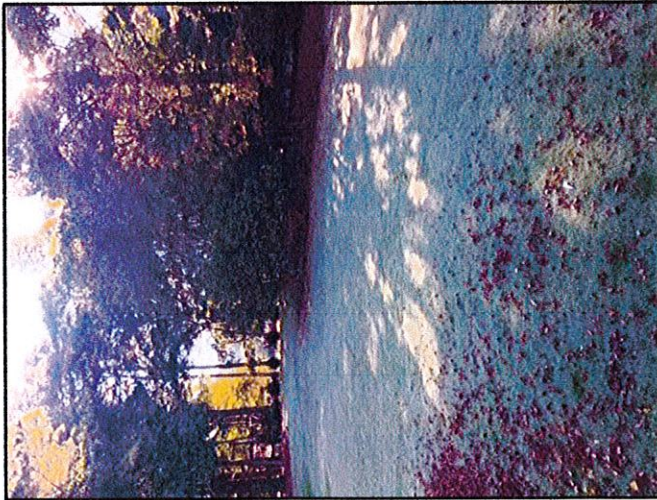
Sincerely,

COMMUNITY ASSOCIATION MANAGEMENT, LLC
Agent for Highgrove on Whitewater Creek Community Assoc, Inc

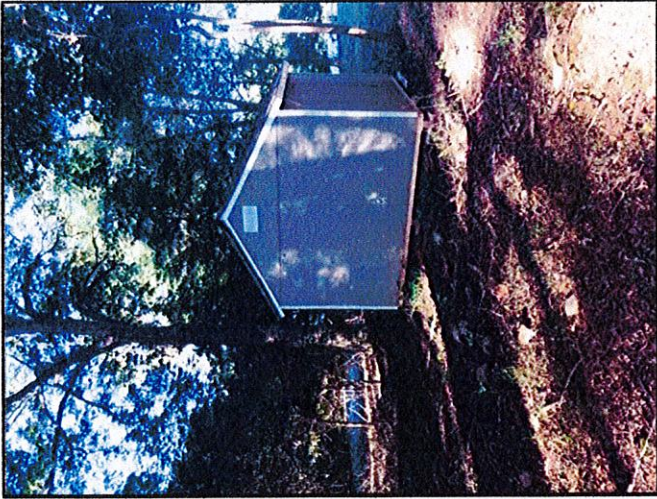
Lee Mason

Lee Mason, CMCA®, AMS®, PCAM®

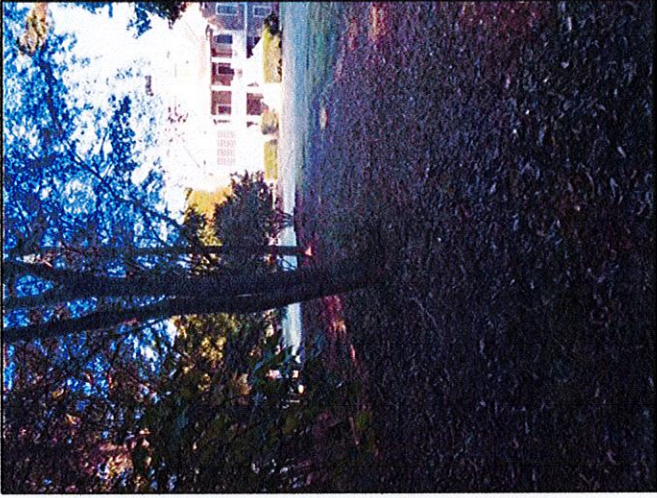
A. 783-21



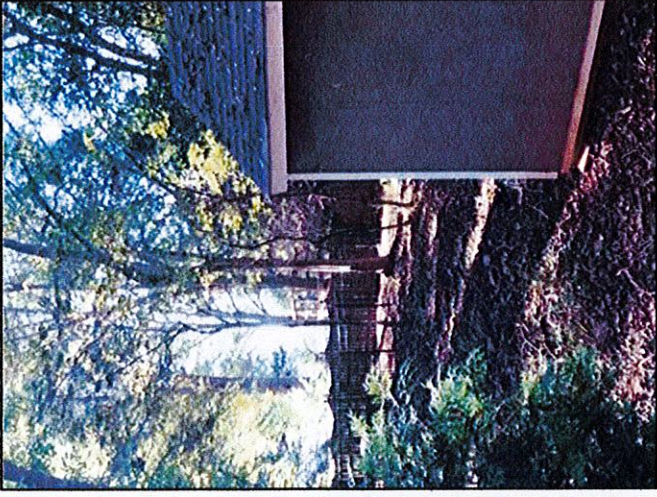
View from front of property. Shed was purposely placed behind these trees so it would not be visible from the road.



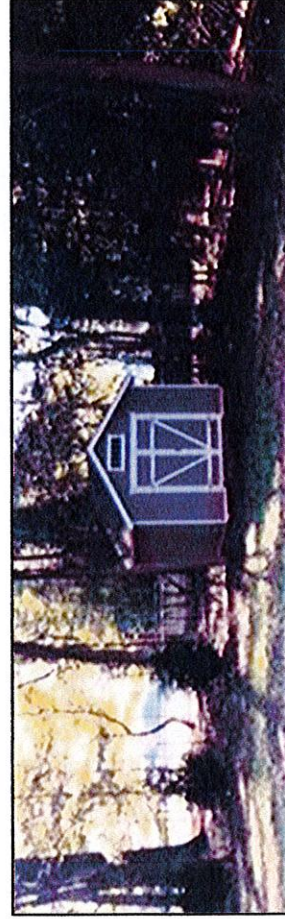
View of rear of shed from the back property line



Tree would need to be removed in order to comply with Ordinance and still remain out of sight from front of property



View towards rear property line

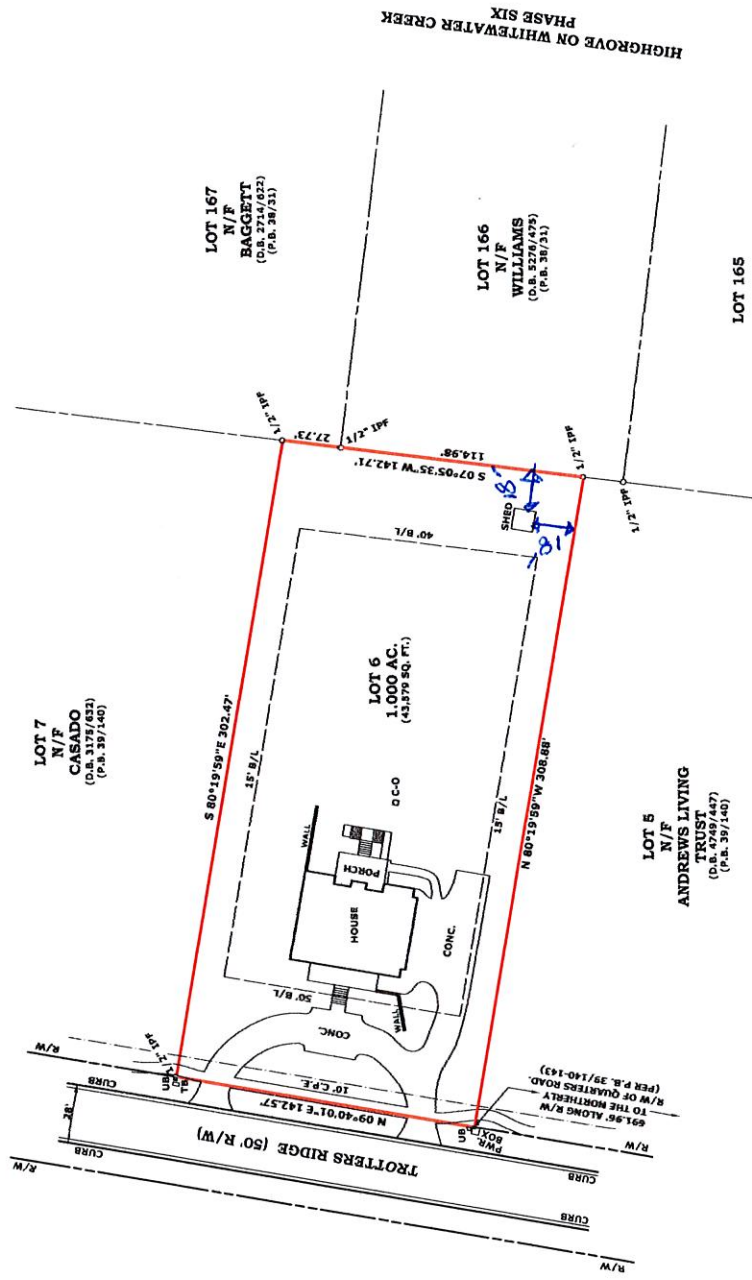


A-783-21

AS PER F.I.S.M. FLOOD MAPS FOR COWETA COUNTY, GEORGIA, MAP NUMBER 13113G0094E, EFFECTIVE DATE: SEPT. 26, 2008. THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.

This block is reserved for the Clerk of the Superior Court.

- LEGEND:**
TIP = TOWN PIN FOUND
N/F = NOW OR FORMERLY
D.B. = DEED BOOK
P.W. = POWER
B/W = RIGHT-OF-WAY
B/L = BUILDING LINE
C-O = CLEAN OUT
C-0 = C-0
TB = TELEPHONE BOX
UB = UTILITY BOX
PWR = POWER



THE FIELD DATA UPON WHICH THIS PLAT WAS BASED WAS OBTAINED BY MEASUREMENTS OF ONE FOOT IN 33.022 FEET OR BETTER AN ANGULAR ERROR OF .02 PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE LEAST SQUARES RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE .235.690 FEET OR BETTER.
ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED BY USING A GEOMAX ZOOM 35 PRO TOTAL STATION.

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any change to any real property boundaries. The retracement is based on the survey of the land shown on the plat and the surveyor's field notes. The 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 Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Jason D. Turner GA. R.L.S. # 2795
Date 09-17-2021



TURNER & ASSOCIATES LAND SURVEYORS, P.C.
10 SHACK HURTER RD., SHARPSBURG, GEORGIA 30277
TEL: 770.221.1111 FAX: 770.221.1112
JASON D. TURNER, GEORGIA REGISTERED LAND SURVEYOR NO. 2795

RETRACEMENT SURVEY FOR:

CHRISTOPHER J. PLOURDE & KRISTEN L. PLOURDE
LOCATED IN LAND LOT 1, 6th LAND DISTRICT
FAYETTE COUNTY, GEORGIA

SCALE: 1" = 40'	PLAT DATE: 09-17-2021	REVISION:
DATES OF FIELD WORK: 09-15-2021		DISK #: 2021108

A. 783-21

②

19.10.6854

Return to:

McMANAMY McLEOD HELLER, LLC
 File # 19-10-6832X
 3520 Piedmont Road, Suite 110
 Atlanta, GA 30305
 Parcel ID: 060126006

Doc ID: 010660790002 Type: WD
 Recorded: 06/18/2019 at 10:05:00 AM
 Fee Amt: \$732.00 Page 1 of 2
 Transfer Tax: \$720.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4886 PG 451-452

STATE OF _____

COUNTY OF _____

WARRANTY DEEDTHIS INDENTURE made as of the 11th day of JUNE, 2019, between**DELORSE S. LEE and ALVIN LEE**

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

CHRISTOPHER J. PLOURDE AND KRISTEN L. PLOURDE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
 as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

That certain tract or parcel of land lying and being in FAYETTE County, Georgia and being more particularly described in Exhibit A attached hereto and by reference thereto, specifically incorporated herein.

Subject to all easements, restrictions, covenants, agreements, and mineral exceptions, if any, of record.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal as of the day and year set forth hereinbelow.

Signed and sealed in our presence this

14th day of May, 2019.

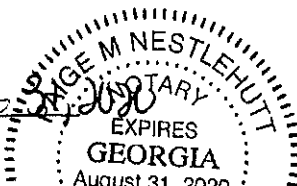
Shane C. Remy
 Unofficial Witness

X Delorse S. Lee (Seal)
 DELORSE S. LEE

Paige M. Nestlehut
 Notary Public

My Commission expires: August 31, 2020

[NOTARY SEAL]



A-783-21

EXHIBIT "A"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 OF THE 6TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 6, OF HIGHGROVE ON WHITEWATER CREEK SUBDIVISION, PHASE FIVE, AS PER PLAT RECORDED AT PLAT BOOK 39, PAGES 140-143, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

MAP NO. 060126006

PETITION NO. A-784-21
Brown Family Trust (William S. & Pamela A. Brown)
413 Bankstown Road
Brooks, GA 30205
Public Hearing Date January 24, 2021

The subject property is located at 413 Bankstown Road Brooks, GA 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-125. A-R (d) (6) to reduce the north side yard setback from 50 feet to 17 feet to allow an existing metal building to remain.
- 2) Variance to Sec. 110-125. A-R (d) (6) to reduce the east side yard setback from 50 feet to 46 feet to allow an existing metal building to remain.

Sec. 110-106. Yards on a flag lot or a nonconforming landlocked lot.

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming land locked lots have no road frontage, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback per the zoning district of the property as measured from the closest right-of-way and whichever is greater shall apply. Minor subdivision plats and final plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply.

History: The survey for 413 Bankstown Road was completed on November 11, 2021. Tax Assessor's records indicate that the applicant purchased the property in 2018 in Deed Book 4773 and Page 175-176. The lot is 12.599 acres. There is no record of a building permit being requested for the shed on the property.

As part of the building permit process for roof solar panel installation, a building permit is required. Through the review staff discovered the violation. The survey provided shows the metal building located 17 feet from the north side yard property line and 46 feet from the east side yard property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

Please note the Metal Pole Barn on the property line is being taken down. We realized the problems when we applied for a permit to install solar panels on our home. The permit was denied due to encroachment issues. Once the issue was known we immediately starting working on hiring a surveyor to ensure we had the correct property lines document. This process took several months and once the final survey was provided to us we could see where we need to make corrections.

We are respectfully requesting a variance for 4' on the East side yard setup back due to a metal building being at 46.7 ft from that property line.

We are respectfully requesting a variance for 33' on the North side yard setback due to a metal building being at 17.6 ft from that property line.

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

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

The property is a flag lot that has many areas prone to flooding. The property is also completely wooded so in an effort to avoid the easily flooded areas and not destroy the natural habitat the building was inadvertently placed too close to the property line. We cannot move the building further in closer to the house as it will block the main driveway and access to the garage on the house.

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

The regulation does create a practical difficulty on this piece of property as we would need to take down several acres of trees in order to have a place to relocate this structure due to the topography of the property. The lot has many areas that are marshy and holds water. We cannot move to the other side of the home as the septic tank and lines are located in that area. If we try to relocate on the opposite side of the other metal building we will be in a marshy area that easily floods and retains water.

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

The home was built in the extreme front of the lot due to water drainage concerns on other parts of the property as well as in an effort to protect the natural habitat of the property. We wanted to preserve as much of the natural forest/trees as possible since this property has been in our family for generations.

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 variance if granted would pose no harm to the public or to the neighboring property. Please find also attached a letter from the property owner adjacent to the affected property line where the variance is requested.

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

AR-Residential Zoning district allows for lots of 10 acres to have 3600 sft of residential purpose structures. The lot in question is 12.599 acres so exceeds the minimum lot requirement for accessory structures.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This department has no objection to the proposed variance based on the location of the septic system as shown on 2004 inspection, location of the well, and sufficient area for replacement area.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: No comment.

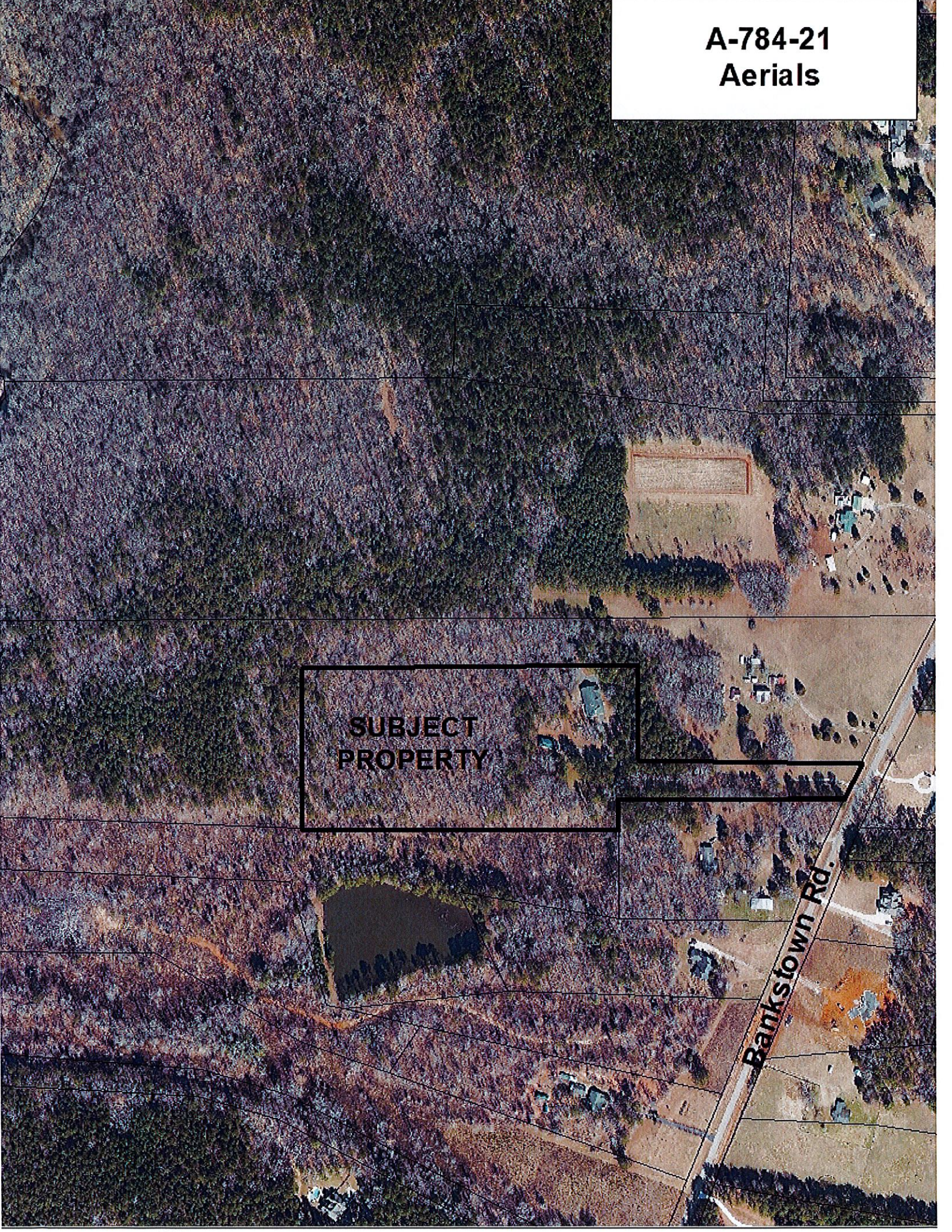
PUBLIC WORKS/ENGINEERING: No comment.

WATER SYSTEM: FCWS has no objection to this variance. This property is currently outside our service area.

**A-784-21
Aerials**

**SUBJECT
PROPERTY**

Bankstown Rd.



A-784-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Brown Family Trust William S. & Pamela A. Brown

MAILING ADDRESS: 413 Bankstown Rd Brooks GA 30205

PHONE: 404 867 5712 E-MAIL: bpbb1234@aol.com

AGENT FOR OWNERS: N/A -

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 62 & 63 LAND DISTRICT 4th PARCEL 0410022

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 12.599 Acres

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: 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-784-21

[] 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: January 24, 2022

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-784-21

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:

Brown Living Trust William S. Brown & Pamela A. Brown
Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 62 & 63 of the District, and said property consists of a total of 12.599 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.

William S. Brown
Signature of Property Owner 1

Robert A. Hobby
Signature of Notary Public

413 Bankston Rd Brooks GA 30605
Address

11-3-2021
Date

[Signature]
Signature of Property Owner 2

[Signature]
Signature of Notary Public

413 Bankston Rd Brooks GA 30605
Address

Signature of Authorized Agent

Signature of Notary Public

Address

Date

ROBERT A HOBBY
Notary Public, Georgia
Henry County
My Commission Expires
November 6, 2022

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	50' Side yard Setback	46' Side yard Setback	4'
110-125	50' Side yard Setback	17' Side yard Setback	33'

VARIANCE SUMMARY

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

Please 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.

please see attached

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

please see attached

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

please 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.

please 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.

please see attached

A-784-21

Variance Information – A-784-21

William S & Pamela A Brown 413 Bankstown Rd, Brooks, GA 30205

Variance Summary:

Please note the Metal Pole Barn on the property line is being taken down.

We are respectfully requesting a variance for 4' on the East side yard setup back due to a metal building being at 46.7 ft from that property line.

We are respectfully requesting a variance for 33' on the North side yard set back due to a metal building being at 17.6 ft from that property line.

Justification of Request

1. The property is a flag lot that has many areas prone to flooding. The property is also completely wooded so in an effort to avoid the easily flooded areas and not destroy the natural habitat the building was inadvertently placed too close to the property line. We cannot move the building further in closer to the house as it will block the main driveway and access to the garage on the house.
2. The regulation does create a practical difficulty on this piece of property as we would need to take down several acres of trees in order to have a place to relocate this structure due to the topography of the property. The lot has many areas that are marshy and holds water. We cannot move to the other side of the home as the septic tank and lines are located in that area. If we try to relocate on the opposite side of the other metal building we will be in a marshy area that easily floods and retains water.
3. The home was built in the extreme front of the lot due to water drainage concerns on other parts of the property as well as in an effort to protect the natural habitat of the property. We wanted to preserve as much of the natural forest/trees as possible since this property has been in our family for generations.
4. The variance if granted would pose no harm to the public or to the neighboring property. Please find also attached a letter from the property owner adjacent to the affected property line where the variance is requested.
5. AR-Residential Zoning district allows for lots of 10 acres to have 3600 sft of residential purpose structures. The lot in question is 12.599 acres so exceeds the minimum lot requirement for accessory structures.

A-784-21

Legend

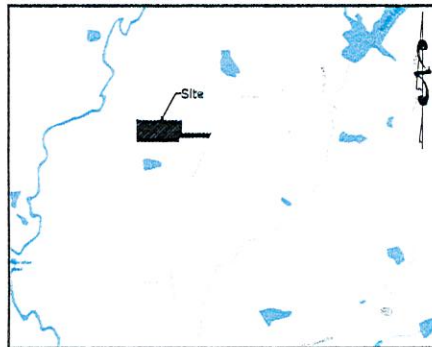
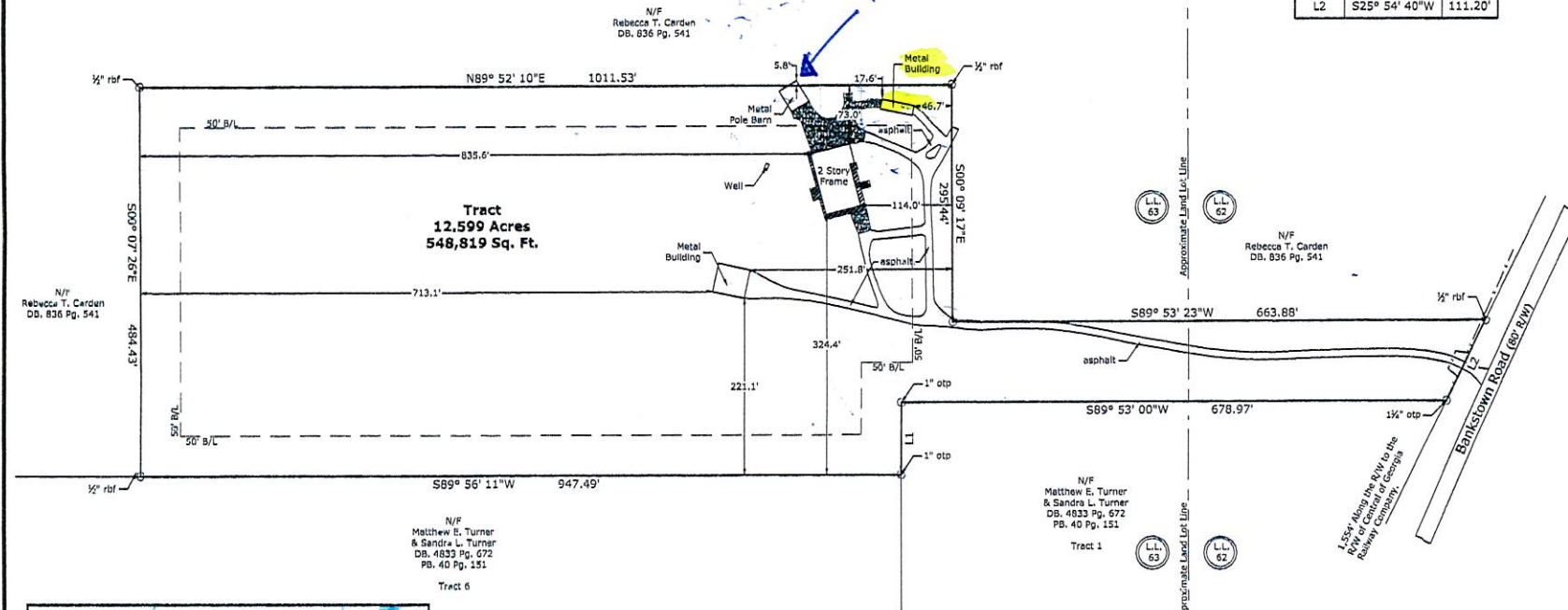
OTF=Open Top Foot
RBF=Rebar Found
RBS=Rebar Set
R/W=Right of Way
IPF=Iron Pin Found
P.O.B.=Point of Beginning
B/L=Building Line
D.E.=Drainage Easement
N/F=Now or Formerly
F.W.P.D.=Field Work Performed Date
G=Gas Valve
W=Water Meter
U=Utility Pole
D=Drop Inlet
WY=Wire Hydrant
LP=Light Pole
F=Fence
M=Drainage Manhole
OHL=Over Head Electric Line

This Box reserved for the Clerk of the Superior Courts.

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(8) 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.

Line Table		
Line #	Direction	Length
L1	N00° 04' 26"E	90.12'
L2	S25° 54' 40"W	111.20'



Vicinity Map
(NOT TO SCALE)

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+

In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map of Fayette County and unincorporated areas dated September 26, 2008 Map #13113C0165E.

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.

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.

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 License NO. 2696

Date: 11/01/2021

GRAPHIC SCALE 1" = 100'

FOUR CORNERS SURVEYING, LLC



Page: 1/1
Book: 4773

Brown Living Trust
413 Bankstown Road
Land Lot 62 & 63 of the 4th Land District
Fayette County, Georgia

William S. Brown
& Pamela A. Brown

Job #: 21-240A
Drawn By: JCB
Reviewed By: RTG
Date: 11/01/2021
F.W.P.D.: 10/06/21
Scale: 1" = 100'
Sheet: 1 of 1

A-784-21

November 4, 2021

To: Fayette County Zoning Commission

RE: Variance Request – 413 Bankstown Rd, Brooks A-784-21

Please accept this letter as confirmation that as the property owner of 405 Bankstown Rd, I have no objections whatsoever with the variance being requested. It will pose no harm to my property or cause no hardship in any way and would kindly ask for it to be granted.

If you would like to confirm any of this statement, please call me at 404-348-7084.

Sincerely,


Rebecca Carden

A-784-21



Doc ID: 010445750002 Type: WD
Recorded: 07/31/2018 at 10:00:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4773 PG 175-176

After recording, return to:

MR. AND MRS. WILLIAM S. BROWN
413 BANKSTOWN ROAD
BROOKS, GEORGIA 30205

STATE OF GEORGIA
COUNTY OF FAYETTE

WARRANTY DEED
(Draw Deed Only)

THIS INDENTURE is made as of July 10, 2018, between PAMELA ANN BROWN and WILLIAM SCOTT BROWN (hereinafter referred to as "Grantor") and WILLIAM S. BROWN and PAMELA A. BROWN, as Trustees, or their successors in trust, under the BROWN LIVING TRUST, dated July 10, 2018 and any amendments thereto (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Zero and No/100 Dollars (\$0.00) and love and affection, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Fayette County, Georgia (herein referred to as the "Land") as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the 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 Grantee forever in FEE SIMPLE.


AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever.

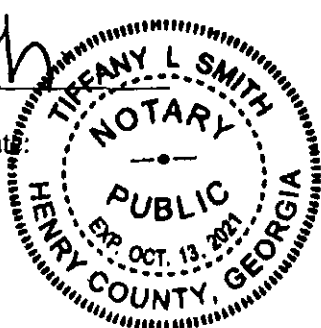
Preparer has not performed a title examination or confirmed the legal description, and as such makes no representation with regard to the same.

EXECUTED under seal as of the date above.

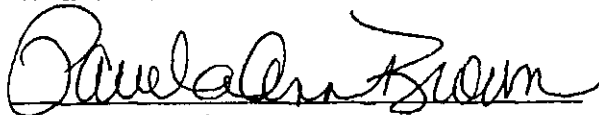
Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public
Commission Expiration Date:
(NOTARY SEAL)



GRANTOR:


PAMELA ANN BROWN


WILLIAM SCOTT BROWN

PETITION NO. A-785-21
James & Natasha Johnson
224 Coastline Road (Parcel I.D. 0724-022)
Fayetteville, GA 30214
Public Hearing Date January 24, 2021

The subject property is located at 224 Coastline Road Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-133.R-70 (d)(4)(a)(2) to reduce the front yard setback from 75 feet to 49 feet to allow for the construction of a new single-family home to continue.

History: The Minor Final Plat of Coastline Corners for 224 Coastline Road was recorded on May 25, 2021, in Plat Book 101 and Page 6-7. Tax Assessor's records indicate that the applicant purchased the property in June 2021 in Deed Book 5312 and Page 0731. The lot is 2.009 acres. A building permit was issued for the single-family home on September 8, 2021.

As part of the building permit process for single-family home construction, a foundation survey is required. Through the review staff discovered the violation. The survey provided shows the single-family residence located 49 feet from the front yard property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

This variance application is being submitted because our home is built within the 75 feet front setback, therefore we are requesting a variance of 26 feet for the front setback. We incorrectly measured our front setback from the edge of the asphalt instead measuring from the start of our property line. With this being our first home build and we are our own builders; we are asking for forgiveness on this error. We submitted our inspection for the slab mono, it was approved and so we proceeded with build. When we were close to the completion of framing, we went back into sages to schedule the next inspection, we saw a hold on our account due to foundation survey needed to be submitted. When we submitted the foundation survey, it showed the house was built within the front setback.

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 incorrectly started the home build within the front setback. The outline of our home build is narrow and we have railroad tracks and a ditch behind us.

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

This variance will not alter the essential character of the neighborhood.

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

The peculiar condition of this property is the narrowness of the lot and the active railroad tracks sits behind 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,**

If we are granted relief, this variance will not cause substantial detriment to the public good or impair the purpose ad intent of the regulations. Coastline Road does not have a lot of traffic and we are not in a subdivision. We do not have any close by neighbors.

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

If denying us the rights will this is a primary home and would deprive us of building our home.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This department has no objection to the proposed variance requesting the minimum setback at the front be reduced from 75 ft to 49 ft. However, this lot has been issued a septic permit that will become void at time of approved variance; the prescribed location for the initial septic system is in the front of proposed home. Additionally, the best soils on the lot are to the front and right of the home. Movement forward of the proposed home, driveway location, and topography could impact the availability of soils in which a conventional septic system can be installed. Furthermore, an updated site plan must be submitted to this office showing all modifications based on the variance approval. Previous issuance of a septic permit does not necessarily constitute issuance of new septic permit.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: No comments.

PUBLIC WORKS/ENGINEERING: No comment.

WATER SYSTEM: FCWS has no objection to the proposed variance. Water availability is along Coastline Rd. served by a 8" ductile iron watermain.

**A-785-21
Aerials**



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: James and Natasha Johnson

MAILING ADDRESS: 121 Evenview Drive, Jonesboro, GA 30236

PHONE: 404-917-3122 **E-MAIL:** jj30260@yahoo.com

AGENT FOR OWNERS: same as above

MAILING ADDRESS: same as above

PHONE: same as above **E-MAIL:** same as above

PROPERTY LOCATION: LAND LOT 80 **LAND DISTRICT** 7th **PARCEL** 0724-022

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.0

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: Build a home

PROPOSED USE OF SUBJECT PROPERTY: Build a home

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-785-21

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff:  Date: 12/14/2021

DATE OF ZONING BOARD OF APPEALS HEARING: January 24, 2022

Received from Natasha + James Johnson a check in the amount of \$ 175⁰⁰

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

Date Paid: December 14, 2021 Receipt Number: 013251

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:

James and Natasha Johnson

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0724 022

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 80 of the District, and said property consists of a total of 2 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Us 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.

James Johnson
Signature of Property Owner 1

224 Coastline road Fayetteville
Address

Brian Robert Hitchcock
Signature of Notary Public

12-14-2021
Date

Natasha Johnson
Signature of Property Owner 2

Brian Robert Hitchcock
Signature of Notary Public

12-14-2021
Date

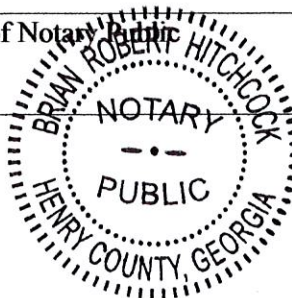
224 Coastline Rd Fayetteville
Address

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
encroachment of front set back	75 ft	49ft from front set back	26ft

VARIANCE SUMMARY

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

This variance application is being submitted because our home is built within the 75 feet front set back, therefore we are requesting a variance of 26 feet for the front set back. We incorrectly measured our front set back from the edge of the asphalt instead measuring from the start of our property line. With this being our first home build and we are our own builders, we are asking for forgiveness on this error. We submitted our inspection for the slab mono, it was approved and so we proceeded with the build. When we were close to the completion of framing we went back into sages to schedule the next inspection, we saw a hold on our account due to foundation survey needed to be submitted. When we submitted the foundation survey, it showed the house was built within the front set back.

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.

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We incorrectly started the home build within the front setback. The outline of our home build is
narrow and we have railroad tracks and a ditch behind us.

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

This variance will not alter the essential character of the neighborhood.

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

The peculiar condition of this property is the narrowness of the lot and the active railroad tracks sits
behind the property.

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

If we are granted relief, this variance will not cause substantial detriment to the public good or
impair the purpose and intent of the regulations. Coastline Road does not have a lot of traffic
and we are not in a subdivision. We do not have any close by neighbors.

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

If denying us the rights will this is a primary home and would deprive us of building our home.





A-785-21 Coastline Road



A-785-21 Coastline Road



A-785-21 Coastline Road



A-785-21 Coastline Road



A-785-21 Coastline Road



A-785-21 Coastline Road



A-785-21 Coastline Road

Please return to: **DAVID A. HOWARD ATTORNEYS AT LAW, LLC**
255 CORPORATE CENTER DRIVE, SUITE A
STOCKBRIDGE, GA 30281
File # 2100003



Doc ID: 011266280001 Type: WD
Recorded: 06/28/2021 at 10:30:00 AM
Fee Amt: \$78.50 Page 1 of 1
Transfer Tax: \$53.50
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **5312** PG **731**

STATE OF GEORGIA
COUNTY OF HENRY

**LIMITED
WARRANTY DEED**

THIS INDENTURE made this **22nd** day of **June, 2021**, between

Accent Property Solutions, LLC,

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

James L. Johnson, Jr. and Natasha S. Johnson,

as Joint Tenants with Rights of Survivorship,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

All that tract or parcel of land lying and being in Land Lot 80 of the 7th District, Fayette County, Georgia, being Lot 2, Coastline Corner Subdivision, as per plat recorded in Plat Book 101, Page 6-7, Fayette County, Georgia Records, which plat is incorporated herein by reference and made a part of this description. Said property being known as Lot 2 Coastline Road according to the present system of numbering property in Fayette County, Georgia.

Tax ID#: 0724-007-(Mother-Parcel)

Subject to any Easements or Restrictions of Record

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

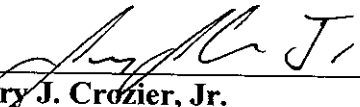
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of the Grantor and all persons holding or claiming by, through or under the said Grantor.

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

Signed this **22nd** day of **June, 2021**
in the presence of:


Witness

Accent Property Solutions, LLC

by:  (Seal)
Jerry J. Crozier, Jr.

PETITION NO. A-786-21
Willard J. Koethe, John & Rebecca Douville
197 New Oak Ridge Trail
Fayetteville, GA 30214
Public Hearing Date: January 24, 2022

The subject property is located at 197 Oak Ridge Trail Fayetteville, GA 30214, is zoned A-R and is one (1) acre. The applicant is requesting four Variances as follows:

1. Variance to Section 110-242 (h), Request for an illegal lot to be deemed a nonconforming lot, due to the lot being landlocked and having less acreage than is required for its zoning district to be a nonconforming lot.
2. Variance to Sec. 110-125. A-R (d)(6) to reduce the west side yard setback from 50 feet to 48 feet to allow an existing single-family residence to remain.
3. Variance to Sec. 110-125. A-R (d)(6) to reduce the west side yard setback from 50 feet to 48 feet to allow an existing garage and lean-to to remain.
4. Variance to Sec. 110-125. A-R (d)(6) to reduce the east side yard setback from 50 feet to 49 feet to allow an addition to the single-family residence to be constructed.

Section 110-242. Powers and duties.

(h) **Request for an illegal lot to be deemed a nonconforming lot.** The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
- (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and
- (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

Sec. 110-170. Nonconformances.

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. **Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.** Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, **provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed.** In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.

Sec. 110-106. Yards on a flag lot or a nonconforming landlocked lot.

Due to the various development patterns of flag lots in the past and their irregular shapes, and that nonconforming **land locked lots have no road frontage, flag lots and nonconforming land locked lots shall not have a designated front, side or rear yard. All setbacks will be the distance of the side setback per the zoning district of the property or the required front setback per the zoning district of the property as measured from the closest right-of-way and whichever is greater shall apply.** Minor subdivision plats and final plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply.

History:

1. A Warranty Deed was recorded on December 28 1982 from Linda J. Stone to Clyde Stone creating (subject property) one (1) acre lot (see attached deed).
2. The Tax Assessor records indicate a single-family dwelling (subject property) was built on the property in 1982. There are no building permits files prior to 1982 as the records were destroyed in the Courthouse fire in that year so there is no record of the deed and/or plat used to issue the building permit. Per the 1993 historical aerials this single-family dwelling is located on the one (1) acre parcel (subject property) described in the 1982 Warranty Deed of Linda J. Stone to Clyde A. Stone (see attached historical aerial).
3. An Executor's Deed was recorded on October 26, 1999 transferring the one (1) acre lot (subject property) to Clyde Stone (see attached).
4. A Warranty Deed was recorded on June 16, 2003 from John E. Douville to John E. Douville and Rebecca A. Douville, as Joint Tenants with Right of Survivorship for the 4.5 acre, 5.1 acre, 5 acre lot that encompasses the southwest portion of the lake, one (1) acre parcel (subject property), private drive and easements (see attached deed).
5. A Warranty Deed was recorded on March 9, 2006 from Grady A. Stone to Willard J.

Koetje and John E. Douville, as Joint Tenants with rights of survivorship for the one (1) acre parcel (subject property).

6. A Quit Claim Deed was recorded on August 19, 2021 releasing any interest from Willie W. Koetje has on a one (1) acre lot (subject property) to Willard J. Koetje (see attached).

As part of the building permit process for an addition to the single-family residence, staff is required to review the parcel. Through that review staff discovered the illegality of the lot and setback violations. The survey given shows the single-family residence and detached garage 48 feet from the west side yard property line and the proposed addition to the single-family residence 49 feet from the east side yard property line.

Staff has determined that there is no adjacent land available to add to the subject property. The adjacent lots are either nonconforming (i.e. landlocked) or a part of an established subdivision (i.e. Oak Hills).

The applicant provides the following information:

ILLEGAL LOT VARIANCE INFORMATION

VARIANCE SUMMARY

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

Back in 1977-78 Grady Stone purchased the entire property located at 205 New Oak Ridge Trail which was 16.10 acres. They built the existing home and pool in 1979.

In 1982, Grady's wife Linda's parents had Grady build them a home on the 1-acre site known as 197 New Oak Ridge Trail. They carved out 1 acre from the 16.10 acres to create the site.

In 2003, John and Rebecca Douville purchased the property, 205 New Oak Ridge Trail (plat book 2221/page 704) from Grady and Linda Stone. In 2006, Rebecca's parents, Willard J Koethe purchased the property known as 197 New Oak Ridge Trail (plat book 2972/page 446)

The Douville's and the Koethe had no idea upon purchasing the property that it was a non-conforming lot. The Mrs. Koethe has had to move to assisted living and the Douville son, Cooper and his Fiancé CorryAnne would like to renovate the property for their future family.

FACTORS FOR CONSIDERATION

1. **The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;**

I have included the deeds from Grady and Linda Stone from back in April of 1979 and the sale from the Stone's to the Douville's in 2003. All buildings was done under the Stone family in the 1980's.

2. **The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and**

There is no relationship of any kind with current owners and the Stone's.

3. **No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.**

There is no property available. The Douville's want to keep the farm intact. The hardship has been created by the Stones who are no longer in the area.

VARIANCE SUMMARY

1. Non-conforming lot. This was created back in 1982 when the lot was allowed, and a permit issued to build the current residence.
2. Variance on main house, the west side of the property where the house is over the current setbacks.

3. Variance on main house, the east side to allow the new master wing to be added. Would request on this side the setback be moved to 45' from the current 50'. This would keep from having to do a foundation survey for the permitting department.
4. Variance on the garage/lean-to for encroaching on the west side building line.

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 9-2.B. states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all six (6) 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 hardships pre-existed the current owner's purchase of the property. The hardship was created by Grady and Linda Stone in 1983. We had no way of knowing these problems existed.

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

Due to the setbacks required with the building lines we not be able to add the east side addition. The encroachment is less than 1' on the east side new addition and just over 1' on the west side parts.

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

Not sure what the zoning was back in 1983 when the home was built. The west side garage of the home, the rear garage and lean-to encroach currently by just over a 1.2'.

- 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.**

Oak Hills development has been built out since the mid 80's. Those homes do not see this property. The large farm is owned by the same folks that own 197 New Oak Ridge Trail, this one (1) acre tract. The remodel will be in keeping with the current home style (see attached plans).

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

N/A

DEPARTMENTAL COMMENTS

ENGINEERING: No comments for PW – NA.

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

ENVIRONMENTAL MANAGEMENT: No comments for EMD – NA.

FIRE MARSHAL: No comments.

WATER SYSTEM: FCWS has no objection to the variance. Water is available via a 6" watermain along New Oak Ridge Trail.

A-786-21 Aerials

New Oak Ridge Trail

SUBJECT
PROPERTY



ILLEGAL LOT VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Koethe Willard J , Douville John & Rebecca

MAILING ADDRESS: 197 New Oak Ridge Trail, Fayetteville, GA 30214

PHONE: 770-595-1359 E-MAIL: bob@remodelingdreams.com

AGENT FOR OWNERS: Bob Barnard, Barnard & Associates Remodeling, Inc

MAILING ADDRESS: PO Box 398, Brooks, GA 30205

PHONE: 770-527-7835 E-MAIL: bob@remodelingdreams.com

PROPERTY LOCATION: LAND LOT 221 LAND DISTRICT 5th PARCEL 0543 124

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1 Acre

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-786-21

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 12/17/2021

DATE OF ZONING BOARD OF APPEALS HEARING: January 24, 2021

Received from Bob Barnard a check in the amount of \$ 370.00

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

Date Paid: December 17, 2021 Receipt Number: 013346

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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


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

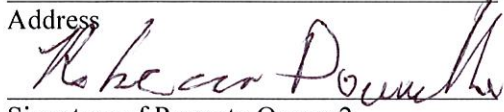
Please Print Names

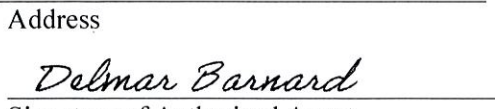
Property Tax Identification Number(s) of Subject Property: 0543 124

(I am) (we are) the sole owner(s) of the above-referenced property and hereby delegate authority to **Bob Barnard of Barnard & Associates Remodeling, Inc** 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
197 New Oak Ridge Trl, Fayetteville, GA 30214

Address

Signature of Property Owner 2
197 New Oak Ridge Trl, Fayetteville, GA 30214

Address

Signature of Authorized Agent
PO Box 398, Brooks, GA 30205
Address


Signature of Notary Public

12-17-21
Date


Signature of Notary Public

12-17-21
Date


Signature of Notary Public

12-17-21
Date

RHONDA J STEELE
NOTARY PUBLIC
SPALDING COUNTY, GEORGIA
My Commission Expires March 7, 2023

ILLEGAL LOT VARIANCE INFORMATION

VARIANCE SUMMARY

Provide a summary of the request.

~~The property was purchased by Grady and Linda Stone April of 1979. They built the main home and in 1982 they surveyed off the 1 acre lot for her parents and built the existing home, garage and lean to. John and Rebecca Douville purchased the entire 15 acres and this property from Grady and Linda Stone in June of 2003 as it is currently setting. The Douville sold 197 New Oak Ridge Trail to her parents William and Willie Koetje in 2006. Failing health, Willie quit claimed owner ship to William and the Douville's. William and Willie have since moved to assisted living. John and Rebecca Douville would like to renovate and make additions to the property for their son, Cooper and his fiance' CorryAnne.~~

FACTORS FOR CONSIDERATION

1. The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
have included the deeds from Grady and Linda Stone from back in April of 1979 and the sale from the Stone's to the Douville's in 2003. All building was done under the Stone family in the 1980's
-
-
-

2. The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and
There is no relationship of any kind with current owners and the Stone's
-
-

3. No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

~~There is no property available. The Douville's want to keep the farm intact. The hardship has been created by the Stone's who are no longer in the area.~~

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED

- ___ 1. Application form and all required attachments, completed, signed, and notarized (if applicable).
- ___ 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property.
- ___ 3. Fifteen (15) copies of the survey plat of the property (if larger than 11" x 17"), drawn to scale with accurate dimensions, including total acreage
- ___ 4. Application filing fee.

STATE OF GEORGIA

COUNTY OF FULTON

CORRECTIVE
WARRANTY DEEDTHIS INDENTURE made this 15th day of May 1979 by and between
HAROLD W. MOORE

party or parties of the first part, hereinafter referred to as "Grantor", and

LINDA J. STONE

party or parties of the second part hereinafter referred to as "Grantee", the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor, has and hereby does grant bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee

All that tract or parcel of land lying and being in Land Lot 221 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the Northeast corner of Land Lot 221 of the 5th District of Fayette County, Georgia, same being the common corners of Land Lots 221, 220, 228, and 229 of said District and County; run thence South 89 degrees 30 minutes West along the North Land Lot Line of Land Lot 221, a distance of 1561 feet to an iron pin; run thence South 1 degree 07 minutes East 743.2 feet to an iron pin and the TRUE POINT OF BEGINNING; run thence North 87 degrees 01 minutes East 520.5 feet to an iron pin; run thence South 32 degrees 59 minutes East 168.6 feet to an iron pin; run thence South 18 degrees 35 minutes West 708.0 feet to an iron pin; run thence South 89 degrees 07 minutes West 370.6 feet to an iron pin, said iron pin being located on the East property line of Lot 1, Block C of the Oak Hills Subdivision, Unit two as per plat recorded in Plat Book 11, Page 24 of the Fayette County, Georgia records; run thence North 1 degree 07 minutes West along the East property line of lots 1, 2, 3 and 4 of Block C of the above-referenced subdivision and unit, and thence continuing for a total distance of 791.6 feet to an iron pin and the Point of Beginning; said iron pin being located on the East property line of that property now or formerly owned by M. V. Roberts.

This deed is given to correct the legal description contained in prior Warranty Deed between the parties, dated March 22, 1979 and recorded in Deed Book 198, Page 703, Fayette County Records.

FILED 5-16-1979
RECORDED 5-16-1979
10:00 AM
W. B. Ballantyne

CLERK SUPERIOR COURT

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of 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 Grantee and the heirs, legal representatives, successors and assigns of Grantee, forever, in fee simple.

GRANTOR SHALL WARRANT and forever defend the right and title to said tract or parcel of land unto the Grantee and the heirs, legal representatives, successors and assigns of Grantee, against the claims of all persons whomsoever.

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:

Harold W. Moore (SEAL)
Harold W. Moore

(SEAL)

Richard B. Ben
(Notary Public)

Notary Public, Georgia, State of Large

My Commission Expires October 20, 1985

BOOK 201 PAGE 693

Book: 201 Page: 693 Seq: 1

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, Made the 22nd day of March, in the year one thousand nine hundred Seventy-Nine, between

RONALD M. DODSON, CHARLES S. KNOWLES, AND HOMER E. KNOWLES

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

LINDA J. STONE

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and No/100----- and other valuable considerations----- (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 221 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin placed at the Northwest corner of Lot 4 Block C of the Oak Hills Subdivision, Unit II per plat recorded in Plat Book 11, Page 24 of the Fayette County Georgia Records, said iron pin being located on the East right of way margin of Oak Ridge Trail (60 foot right of way); from said point of beginning run thence North along the East right of way margin of said Oak Ridge Trail, and following the curvature thereof a distance of 60.0 feet to an iron pin; run thence North 89 degrees 30 minutes East 326.0 feet to an iron pin; run thence South 1 degrees 11 minutes East 59.0 feet to an iron pin; said iron pin being located at the Northeast corner of said lot 4, Block C of the above-referenced subdivision; run thence South 89 degrees 30 minutes West along the Northerly property line of said Lot 4, Block C of the above-referenced subdivision a distance of 326.0 feet to an iron pin and the Point of Beginning.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 2.00 Date 3-30-79
Clerk of Superior Court

FILED 3-30-19 79
RECORDED 3-30-19 79
10:30 AM
W. B. Lottland
CLERK SUPERIOR COURT

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

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

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

Signed, sealed and delivered in presence of:

[Signature]
[Signature]

[Signature]
Ronald M. Dodson (Seal)
[Signature]
Charles S. Knowles (Seal)
[Signature]
Homer E. Knowles (Seal)

C. CRANDLE BRAY
Notary Public, Georgia, State of Large
My Commission Expires

Book: 198 Page: 697 Seq: 1

WARRANTY DEED

BOOK 268 PAGE 302

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, Made the 28th day of DECEMBER, in the year
one thousand nine hundred EIGHTY-TWO, between

LINDA J. STONE

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

CLYDE A. STONE

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context requires or
permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100
and other valuable consideration----- (\$10.00) DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 221
of the 5th District of Fayette County, Georgia, and being more
particularly described as follows:

To find the true point of beginning, begin at the northeast
corner of Land Lot 221 of the 5th District of Fayette County,
Georgia, same being the common corners of Land Lots 221, 220,
228 and 229 of said district and county. Run thence south 89
degrees 30 minutes west along the north land lot line of Land
Lot 221 a distance of 1,561 feet to an iron pin; run thence
south 01 degrees 07 minutes east 1,091.41 feet to an iron pin
and the true point of beginning; run thence north 87 degrees 01
minutes east 175.0 feet to an iron pin; run thence south 01
degrees 07 minutes east 250.0 feet to an iron pin; run thence
south 87 degrees 01 minutes west 175.0 feet to an iron pin; run
thence north 01 degrees 07 minutes west 250.0 feet to an iron pin
and the true point of beginning.

ALSO:

An ingress and egress easement across that property described in Exhibit "A"
attached hereto and made a part hereof by reference.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 12-29-82
Date 12-29-82
Clerk of Superior Court

FILED 12-29-1982
RECORDED 12-29-82
W. A. Ballard
CLERK SUPERIOR COURT
1:40 PM

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

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

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

Signed, sealed and delivered in presence of:

[Signature]
Walden

[Signature] (Seal)
LINDA J. STONE

Notary Public, Georgia, State at Large
Commission Expires Oct. 13, 1986

(Seal)

WARRANTY DEED

BOOK 268 PAGE 302

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, Made the 28th day of DECEMBER, in the year
one thousand nine hundred EIGHTY-TWO, between

LINDA J. STONE

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

CLYDE A. STONE

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context requires or
permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100
and other valuable consideration----- (\$10.00) DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 221
of the 5th District of Fayette County, Georgia, and being more
particularly described as follows:

To find the true point of beginning, begin at the northeast
corner of Land Lot 221 of the 5th District of Fayette County,
Georgia, same being the common corners of Land Lots 221, 220,
228 and 229 of said district and county. Run thence south 89
degrees 30 minutes west along the north land lot line of Land
Lot 221 a distance of 1,561 feet to an iron pin; run thence
south 01 degrees 07 minutes east 1,091.41 feet to an iron pin
and the true point of beginning; run thence north 87 degrees 01
minutes east 175.0 feet to an iron pin; run thence south 01
degrees 07 minutes east 250.0 feet to an iron pin; run thence
south 87 degrees 01 minutes west 175.0 feet to an iron pin; run
thence north 01 degrees 07 minutes west 250.0 feet to an iron pin
and the true point of beginning.

ALSO:

An ingress and egress easement across that property described in Exhibit "A"
attached hereto and made a part hereof by reference.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 12-29-82
Date 12-29-82
Clerk of Superior Court

FILED 12-29-1982
RECORDED 12-29-82
W. A. Ballard
CLERK SUPERIOR COURT
1:40 PM

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

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

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

Signed, sealed and delivered in presence of:

[Signature]
Walden

[Signature] (Seal)
LINDA J. STONE

Notary Public, Georgia, State at Large
Commission Expires Oct. 13, 1986

(Seal)

(Seal)

AFTER RECORDING RETURN TO:
GEORGE N. SPARROW JR., P.C.
719 W. LANIER AVE. STE. B
FAYETTEVILLE, GA 30214

FILED & RECORDED
FAYETTE COUNTY, GA.

'99 NOV 15 PM 12 38

W.A. BALLARD, CLERK

STATE OF GEORGIA
COUNTY OF FAYETTE

This Deed is being re-recorded for
the purpose of adding the Exhibit "A"

EXECUTOR'S DEED

BOOK 1447 PAGE 676

FILED & RECORDED
FAYETTE COUNTY, GA.

'99 OCT 26 AM 11 57

W.A. BALLARD, CLERK
FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID
DATE 10-26-99
W.A. Ballard
CLERK OF SUPERIOR COURT

THIS INDENTURE, Made this the 14th day of October 1999, between **Grady A. Stone**, as Executor of the last will and testament of Clyde A. Stone, late of the State of Georgia, and County of Fayette, deceased, of the First Part (hereinafter called "grantor") and **Grady A. Stone** of the State of Georgia and County of Fayette, 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 the said 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 Probate Court of Fulton County, Georgia) in order to assent to the devise in said will, has granted and conveyed, and by these presents does grant and convey unto the said grantee:

All that tract or parcel of land lying and being in Land Lot 221 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To find the true point of beginning, begin at the northeast corner of Land Lot 221 of the 5th District of Fayette County, Georgia, same being the common corners of Land Lots 221, 220, 228 and 229 of said district and county. Run thence south 89 degrees 30 minutes west along the north land lot line of Land Lot 221 a distance of 1,561 feet to an iron pin; run thence south 01 degrees 07 minutes east 1,091.41 feet to an iron pin and the true point of beginning; run thence north 87 degrees 01 minutes east 175.0 feet to an iron pin; run thence south 01 degrees 07 minutes east 250.0 feet to an iron pin; run thence south 87 degrees 01 minutes west 175.0 feet to an iron pin; run thence north 01 degrees 07 minutes west 250.0 feet to an iron pin and the true point of beginning.

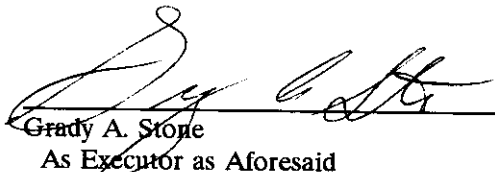
ALSO:

An ingress and egress easement across that property described in Exhibit "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said grantee forever, IN FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

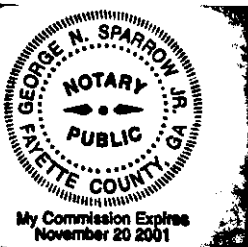
IN WITNESS WHEREOF, each grantor herein has hereunto set my hand and seal, the day and year first above written.

Signed, sealed and delivered
in the presence of:

 Exec. (SEAL)
Grady A. Stone
As Executor as Aforesaid


Witness


Notary Public



BOOK 1442 PAGE 405

RETURN TO:

SLEPIAN & SCHWARTZ, LLC
42 EASTBROOK BEND
PEACHTREE CITY, GA 30269

BOOK 2221 PAGE 702

FILED & RECORDED
FAYETTE COUNTY, GA.

03 JUN 20 PM 3 47

SHEILA STUDDARD, CLERK

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF OF FAYETTE

THIS INDENTURE, made this 16th day of June, 2003, between G. L. STONES, INC., F/K/A GRADY STONE REALTY, INC. D/B/A GRADY STONE BUILDER, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and JOHN E. DOUVILLE, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

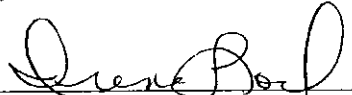
Subject to all easements and restrictions of record.


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

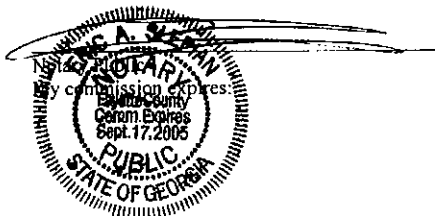
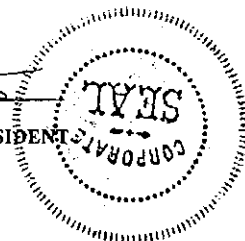
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:


Witness


G. L. STONES, INC.
BY: GRADY A. STONE, PRESIDENT



FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 1.00
DATE 6-20-03
Sheila Studdard
CLERK OF SUPERIOR COURT

EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot 221 of the 5th District of Fayette County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING; COMMENCE AT THE COMMON CORNER OF LAND LOTS 221, 220, 229 and 228, 5th District of Fayette County, Georgia; run thence South 89° 06' 04" West, along the North line of aforesaid Land Lot 221, 550.09 feet to a point; run thence South 0° 53' 53" East, 302.13 feet to a point; run thence South 26° 22' 18" West, 505.0 feet to a point and the TRUE POINT OF BEGINNING; From said established point; run thence South 26° 22' 18" West, 125.00 feet to a point; run thence South 10° 09' 40" West, 145.80 feet to a point; run thence South 15° 50' 04" West, 547.69 feet to a point located on the North line of property now or formerly owned by Huie L. Bray; run thence South 88° 48' 32" West along the North line of aforesaid Bray property, 150.00 feet to an iron pin found; run thence North 18° 12' 00" East along the Southeasterly line of property now or formerly owned by Linda Stone and Grady Stone, 707.60 feet to an iron pin; run thence North 33° 22' 53" West along the Northeasterly line of aforesaid Stone property, 168.04 feet to an iron pin found; run thence South 86° 37' 43" West, along the Northerly line of aforesaid Stone property, 506.19 feet to a point; run thence Northerly, 167.30 feet, more or less, to the South line of property now or formerly owned by A. T. Jackson; run thence North 69° 56' 22" East along the Southerly line of aforesaid Jackson property, 158.12 feet to an iron pin found; run thence North 31° 43' 05" East, 250.00 feet to a point; run thence South 47° 57' 32" East, 650.09 feet to the TRUE POINT OF BEGINNING.

The above metes and bounds are in accordance with an individual plat of survey by R. M. Boyd & Assoc., dated February 13, 1985 and being a part of the property shown on Plat of Survey for Evergreen Communities, Inc.

This deed is executed subject to easements and restrictions of record.

The property described herein includes the southwestern portion of a lake and property surrounding the lake along the southwestern boundary of the lake. Grantor owns the northeastern portion of the lake and property surrounding the lake along its northeastern, northwestern and southeastern boundary. Should Grantor subdivide its remaining property and impose restrictions on such subdivided property with regard to the upkeep of the lake and dam, Grantee agrees that the property described herein shall be treated as one lake lot for determining its share of lake and dam upkeep costs. No other restrictions shall pertain to Grantee's property. In the event the herein described property is subdivided, then each subdivided parcel having lake frontage shall be treated as one lake lot for the purpose of their share of upkeep of the lake and dam. The foregoing shall be considered as covenants running with the land.

BOOK 2221 PAGE 703

AFTER RECORDING RETURN TO:

SLEPIAN & SCHWARTZ, LLC
 42 EASTBROOK BEND
 PEACHTREE CITY, GA 30269

Doc ID: 007041410003 Type: GLR
 Filed: 03/13/2006 at 08:25:00 AM
 Fee Amt: \$142.50 Page 1 of 3
 Transfer Tax: \$128.50
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 2972 PG 446-448

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 9th day of March, 2006, between GRADY A. STONE, as party or parties of the first part, hereinafter called Grantor, and WILLARD J. KOETJE AND JOHN E. DOUVILLE, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants with right of survivorship 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:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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 behoof of the said Grantees, as joint tenants with right of survivorship 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 a tenancy 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, sealed and delivered in the presence of:

Susan E. Young
 Witness

Grady A. Stone
 GRADY A. STONE

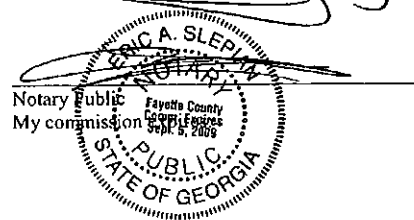


EXHIBIT A (LEGAL DESCRIPTION)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 221 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE NORTHEAST CORNER OF LAND LOT 221 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, SAME BEING THE COMMON CORNERS OF LAND LOTS 221, 220, 228 AND 229 OF SAID DISTRICT AND COUNTY. RUN THENCE SOUTH 89 DEGREES 30 MINUTES WEST ALONG THE NORTH LAND LOT LINE OF LAND LOT 221 A DISTANCE OF 1,561 FEET TO AN IRON PIN; RUN THENCE SOUTH 01 DEGREES 07 MINUTES EAST 1,091.41 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; RUN THENCE NORTH 87 DEGREES 01 MINUTES EAST 175.0 FEET TO AN IRON PIN; RUN THENCE SOUTH 01 DEGREES 07 MINUTES EAST 250.0 FEET TO AN IRON PIN; RUN THENCE SOUTH 87 DEGREES 01 MINUTES WEST 175.0 FEET TO AN IRON PIN; RUN THENCE NORTH 01 DEGREES 07 MINUTES WEST 250.0 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING.

ALSO:

AN INGRESS AND EGRESS EASEMENT ACROSS THAT PROPERTY DESCRIBED IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

EXHIBIT "B"

INGRESS AND EGRESS EASEMENT LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 221 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING OF THE INGRESS AND EGRESS EASEMENT, BEGIN AT A POINT FORMED BY THE INTERSECTION OF LAND LOTS 220, 221, 228 AND 229; RUN THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LAND LOT LINE OF LAND LOT 221 A DISTANCE OF 1561.00 FEET TO A POINT; RUN THENCE SOUTH 01 DEGREE 07 MINUTES 00 SECONDS EAST A DISTANCE OF 1091.41 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING OF THE INGRESS AND EGRESS EASEMENT; RUN THENCE NORTH 01 DEGREE 07 MINUTES 00 SECONDS WEST A DISTANCE OF 283.66 FEET TO A POINT; RUN THENCE SOUTH 89 DEGREES 03 MINUTES 00 SECONDS WEST A DISTANCE OF 326.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF NEW OAK RIDGE TRAIL (A 60 FOOT RIGHT-OF-WAY) RUN THENCE NORTH 00 DEGREES 57 MINUTES 00 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF NEW OAK RIDGE TRAIL A DISTANCE OF 35.00 FEET TO A POINT; RUN THENCE NORTH 89 DEGREES 03 MINUTES 00 SECONDS EAST A DISTANCE OF 360.90 FEET TO A POINT; RUN THENCE SOUTH 01 DEGREE 07 MINUTES 00 SECONDS EAST A DISTANCE OF 317.42 FEET TO A POINT; RUN THENCE SOUTH 87 DEGREES 01 MINUTE WEST A DISTANCE OF 35.02 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING OF THE INGRESS AND EGRESS EASEMENT.

SAID TRACT OR PARCEL OF LAND CONTAINING APPROXIMATELY 0.52 ACRES AS PER PLATS OF SURVEY PREPARED BY ESTON PENDLEY & ASSOCIATES, INC., REGISTERED LAND SURVEYORS, FOR GRADY STONE, DATED 6-09-03, COPIES OF WHICH ARE ATTACHED HERETO AS EXHIBITS AND INCORPORATED HEREIN BY THIS REFERENCE.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 221 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To find the true point of beginning, begin at the Northeast corner of Land Lot 221 of the 5th District of Fayette County, Georgia, same being the common corners of Land Lots 221, 220, 228, and 229 of said District and County; run thence South 89 degrees 30 minutes West along the North land lot line of Land Lot 221 a distance of 1,561 feet to an iron pin; run thence South 01 degrees 07 minutes East 1,091.41 feet to an iron pin and the true point of beginning;

Run thence North 01 degrees 07 minutes West 283.66 feet to an iron pin; run thence South 89 degrees 03 minutes West 326.0 to an iron pin located on the East right of way margin of Oak Ridge Trail; run thence North along the East right of way margin of said Oak Ridge Trail and following the curvature thereof a distance of 20.0 feet to an iron pin; run thence North 89 degrees 03 minutes East 346 feet to an iron pin; run thence South 01 degrees 07 minutes East 303.66 feet to an iron pin; run thence South 89 degrees 01 minutes West 20.0 feet to an iron pin and the true point of beginning.

BOOK 1447 PAGE 677

BOOK 268 PAGE 305

Book: 1447 Page: 676 Seq: 2

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 221 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To find the true point of beginning, begin at the Northeast corner of Land Lot 221 of the 5th District of Fayette County, Georgia, same being the common corners of Land Lots 221, 220, 228, and 229 of said District and County; run thence South 89 degrees 30 minutes West along the North land lot line of Land Lot 221 a distance of 1,561 feet to an iron pin; run thence South 01 degrees 07 minutes East 1,091.41 feet to an iron pin and the true point of beginning;

Run thence North 01 degrees 07 minutes West 283.66 feet to an iron pin; run thence South 89 degrees 03 minutes West 326.0 to an iron pin located on the East right of way margin of Oak Ridge Trail; run thence North along the East right of way margin of said Oak Ridge Trail and following the curvature thereof a distance of 20.0 feet to an iron pin; run thence North 89 degrees 03 minutes East 346 feet to an iron pin; run thence South 01 degrees 07 minutes East 303.66 feet to an iron pin; run thence South 89 degrees 01 minutes West 20.0 feet to an iron pin and the true point of beginning.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Koethe Willard J , Douville John & Rebecca

MAILING ADDRESS: 197 New Oak Ridge Trail, Fayetteville, GA 30214

PHONE: 770-595-1359 E-MAIL: bob@remodelingdreams.com

AGENT FOR OWNERS: Bob Barnard, Barnard & Associates Remodeling, Inc

MAILING ADDRESS: PO Box 398, Brooks, GA 30205

PHONE: 770-527-7835 E-MAIL: bob@remodelingdreams.com

PROPERTY LOCATION: LAND LOT 221 LAND DISTRICT 5th PARCEL 0543 124

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1 Acre

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-780-2021

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 12/17/2021

DATE OF ZONING BOARD OF APPEALS HEARING: January 24, 2022

Received from Bob Barnard a check in the amount of \$ 370⁰⁰

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

Date Paid: December 17, 2021 Receipt Number: 013346

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 Koetje, John and Rebecca Douville

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0543 124

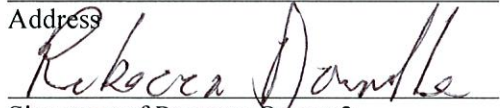
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 221 of the District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Bob Barnard of Barnard & Associates Remodeling, Inc 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

197 New Oak Ridge Trail, Fayetteville, GA 30214

Address

Signature of Property Owner 2

197 New Oak Ridge Trail, Fayetteville, GA 30214

Address

Signature of Authorized Agent

PO Box 398, Brooks, GA 30205
Address


Signature of Notary Public

12-17-21
Date


Signature of Notary Public

12-17-21
Date


Signature of Notary Public

12-17-21
Date

RHONDA J STEELE
NOTARY PUBLIC
SPALDING COUNTY, GEORGIA
My Commission Expires March 7, 2023

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 additional sheet			
Section 110-125 A-R(d)(4)	50'	48'	2' - existing home - existing garage lean to
Section 110-125 A-R(d)(4)	50'	44'	1' addition to existing home

VARIANCE SUMMARY

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

See additional sheet

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 hardships pre-existed the current owners purchase of the property. the hardship was created by Grady and Linda Stone in 1983.

had no way of knowing these problems existed.

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

~~due to the set backs required with the building lines we would not be~~
able to add the east side addition. the encroachment is less then 1'
on the east side new addition and just over 1' on the west side parts

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

~~not sure what the zoning was back in 1983 when the home was built. but~~
~~the west side garage of the home, the rear garage and lean too encroach~~
currently by just over a 1.2'

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.

~~Oak ridge development has been built out since the mid 80's. Those homes~~
~~do not see this property. The large farm is owned by the same folks that~~
~~own 197, this 1 acre tract. The remodel will be in keeping with the current~~
~~home style. have attached plans~~

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

N/A

Variance Summary

Back in 1977-78 Grady Stone purchased the entire property located at 205 New Oak Ridge Trail which was 16.10 acres. They built the existing home and pool in 1979.

In 1982, Grady's wife Linda's parents had Grady build them a home on the 1-acre site known as 197 New Oak Ridge Trail. They carved out 1 acre from the 16.10 acres to create the site.

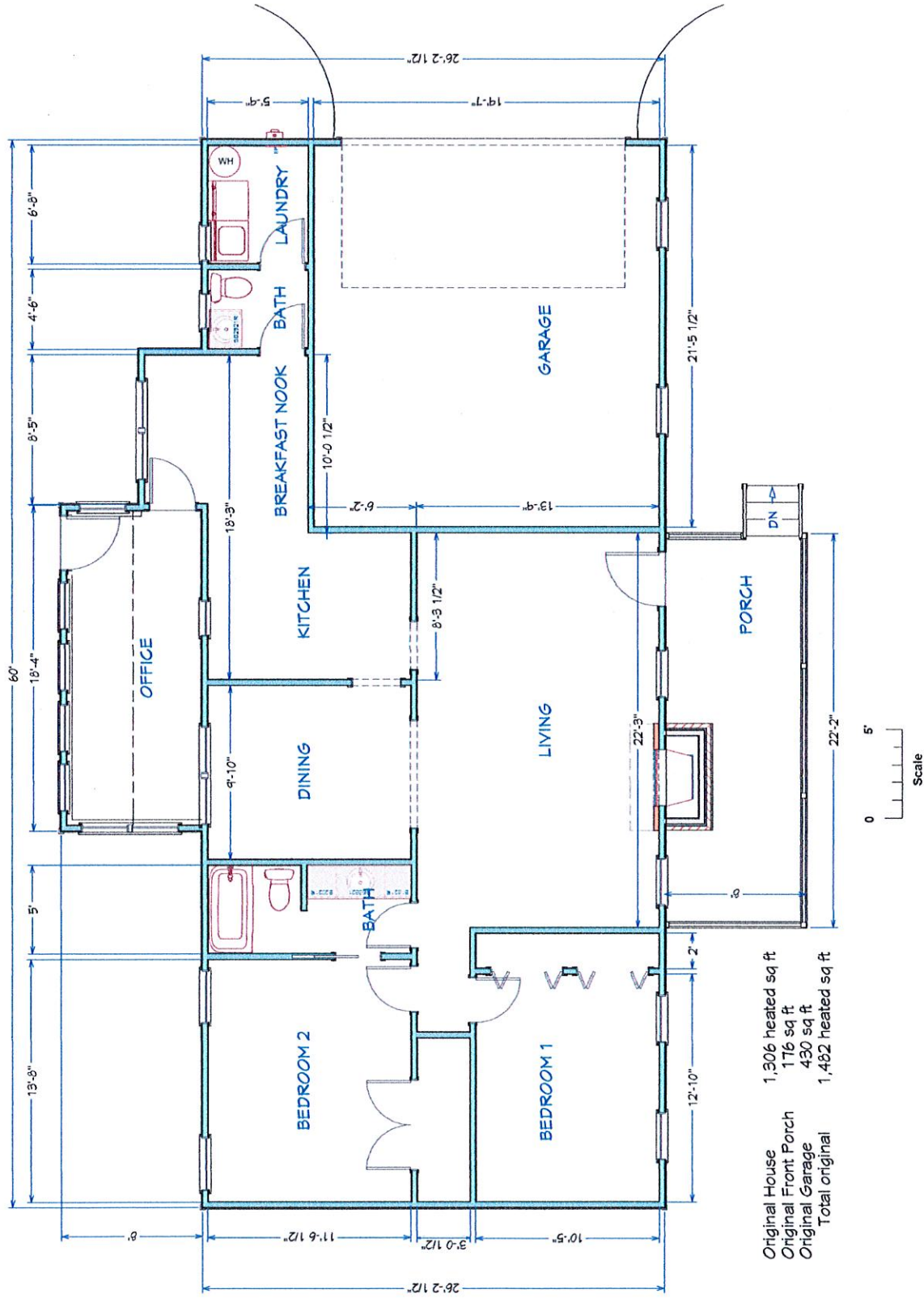
In 2003, John and Rebecca Douville purchased the property, 205 New Oak Ridge Trail (plat book 2221/page 704) from Grady and Linda Stone. In 2006, Rebecca's parents, Willard J Koethe purchased the property known as 197 New Oak Ridge Trail (plat book 2972/page 446)

The Douville's and the Koethe had no idea upon purchasing the property that it was a non-conforming lot. The Mrs. Koethe has had to move to assisted living and the Douville son, Cooper and his Fiancé CorryAnne would like to renovate the property for their future family.

The variance request:

1. Non-conforming lot. This was created back in 1982 when the lot was allowed and a permit issued to build the current residence.
2. Variance on main house, the west side of the property where the house is over the current setbacks.
3. Variance on main house, the east side to allow the new master wing to be added. Would request on this side the set back be moved to 45' from the current 50'. This would keep from having to do a foundation survey for the permitting department.
4. Variance on the garage/lean-to for encroaching on the west side building line.

Thank you in advance,
Bob Barnard
Agent on behalf of all parties above

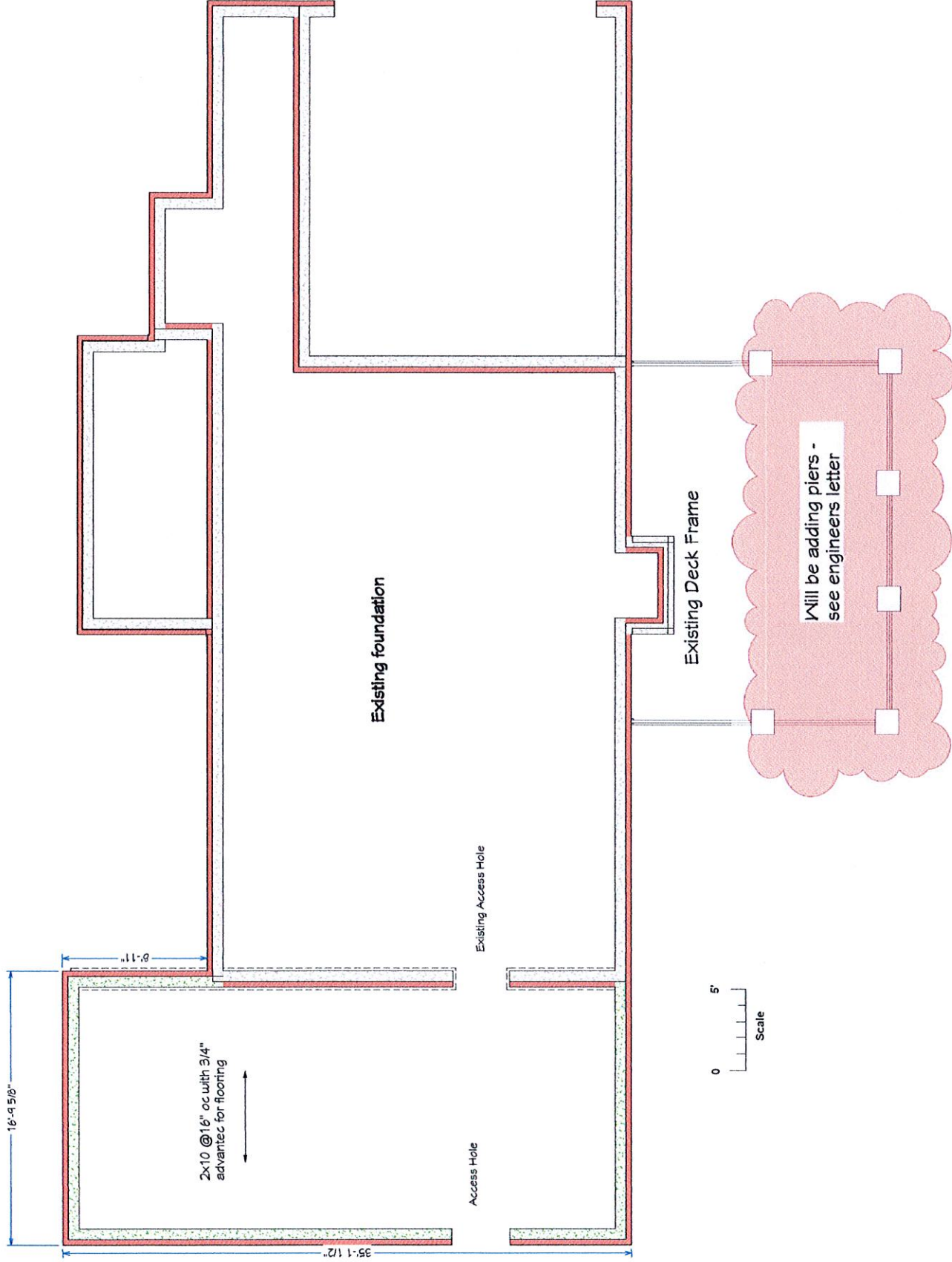


Foundation

DRAWINGS PROVIDED FOR:
John Douville
197 New Oak Ridge Trail
Fayetteville, GA 30214

DRAWINGS PROVIDED BY:
Barnard & Associates Remodeling, Inc
PO Box 0398
Brooks, GA 30205

DATE:	10/5/2021
SCALE:	
SHEET:	

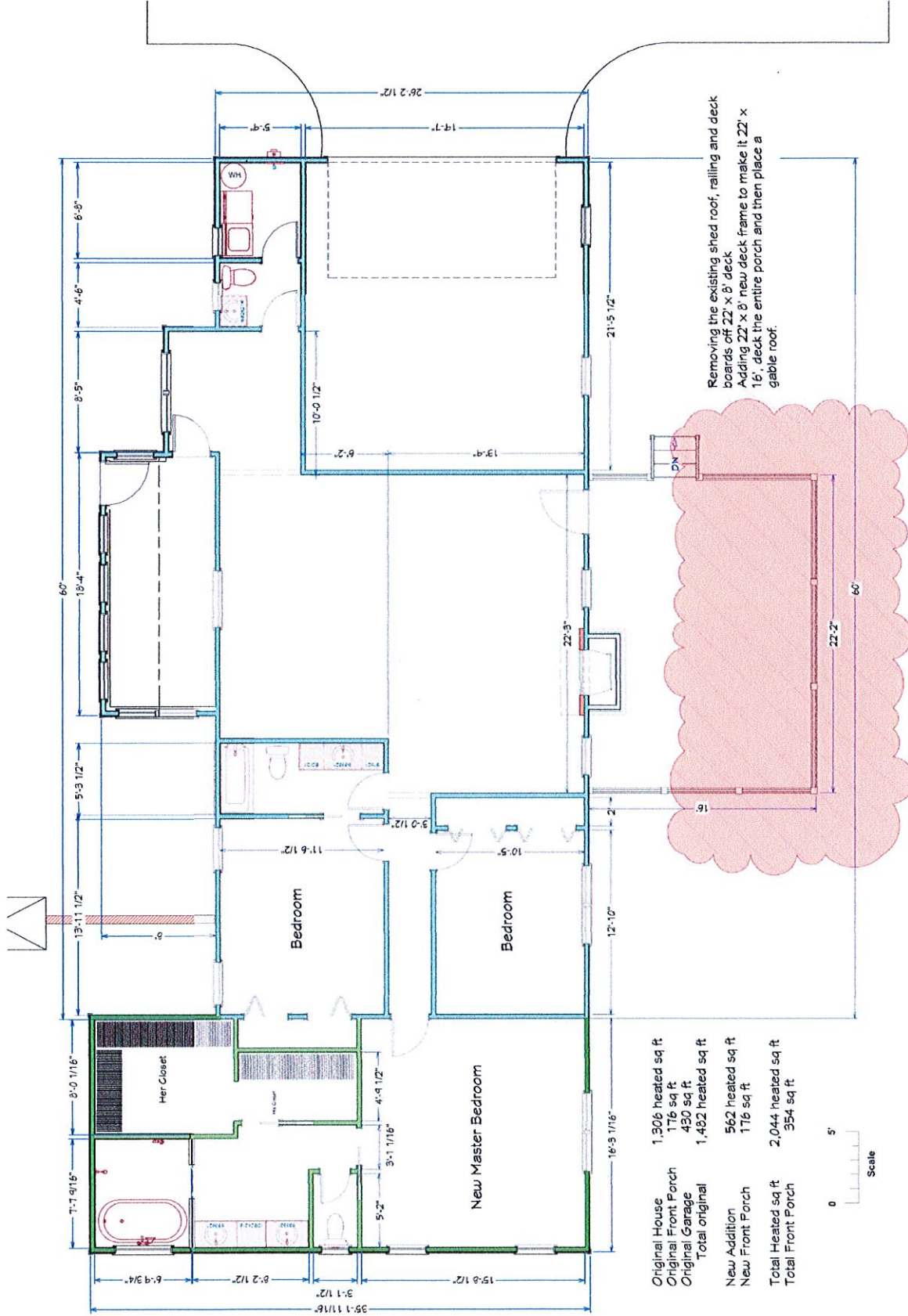


New Plan

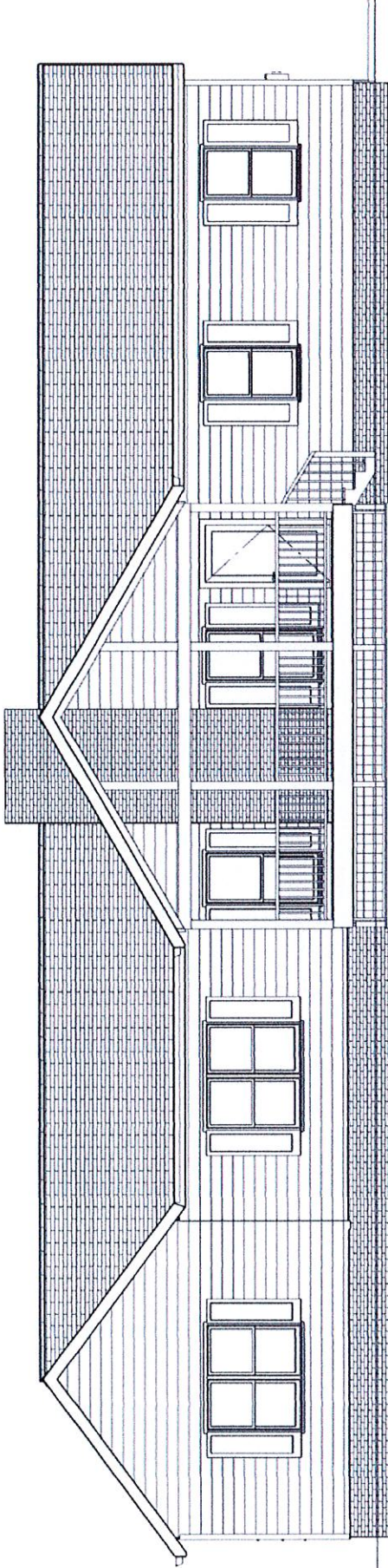
John Douville
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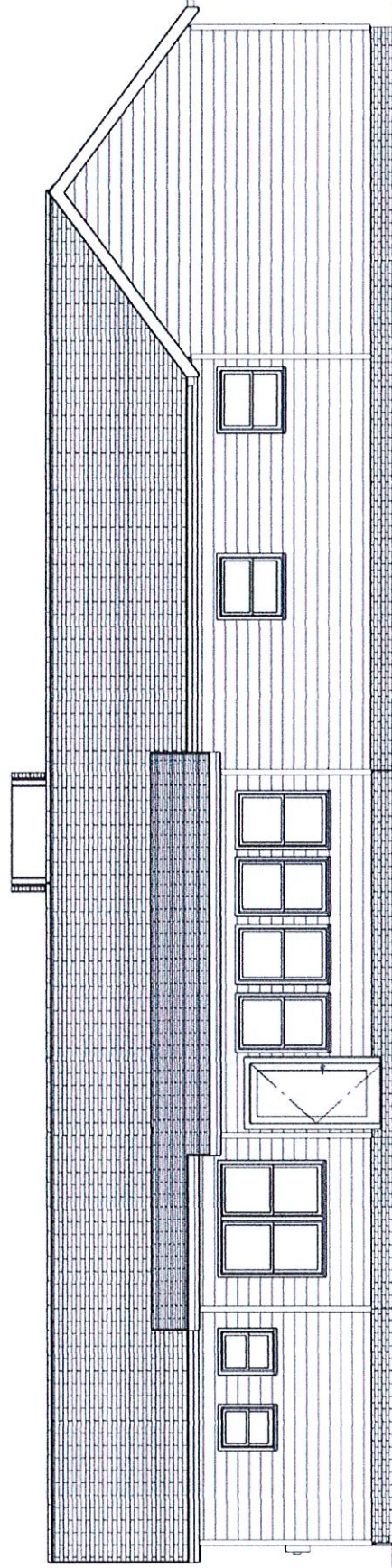
Original House	1,306 heated sq ft
Original Front Porch	176 sq ft
Original Garage	430 sq ft
Total original	1,482 heated sq ft
New Addition	562 heated sq ft
New Front Porch	176 sq ft
Total Heated sq ft	2,044 heated sq ft
Total Front Porch	354 sq ft



New Addition

New Addition

Front Elevation



New Addition

Back Elevation

Elevations

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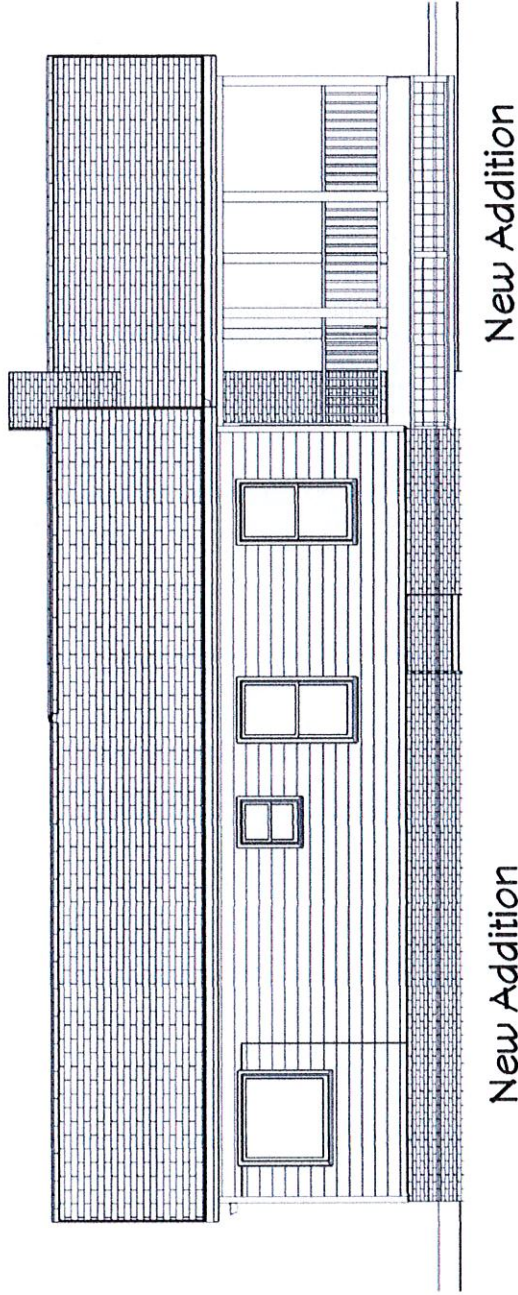
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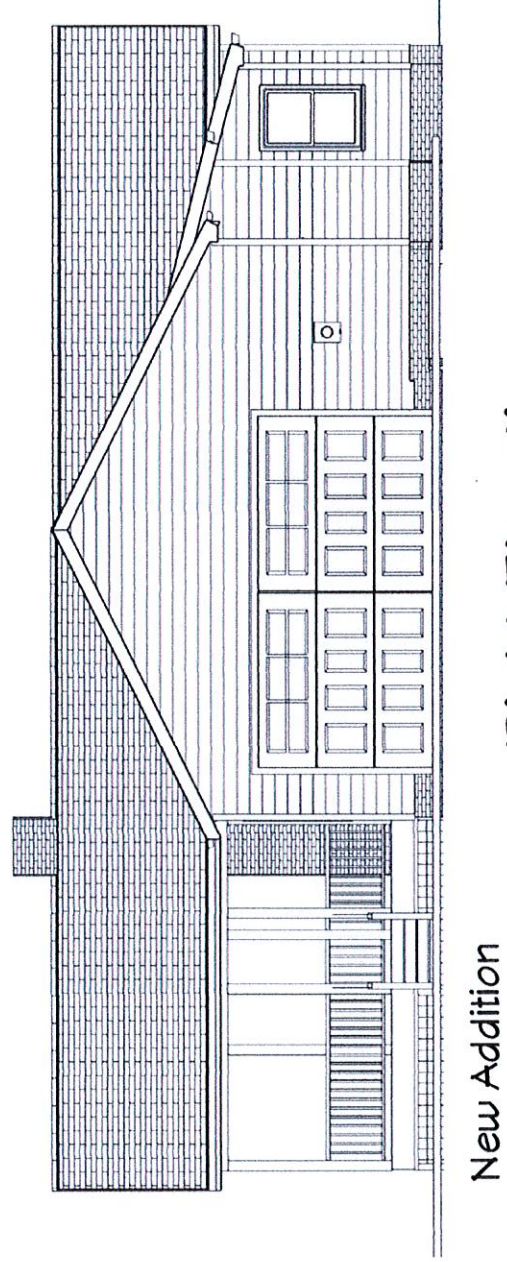
10/5/2021

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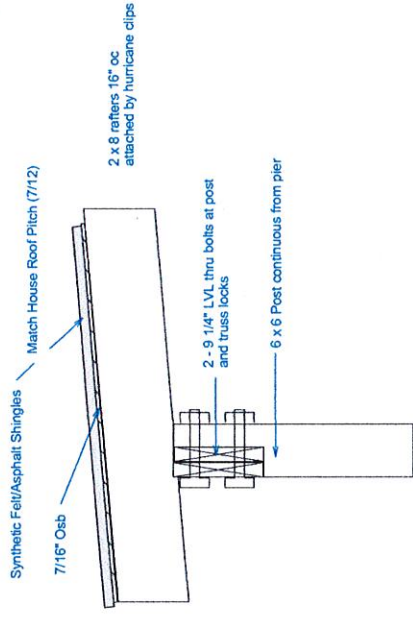
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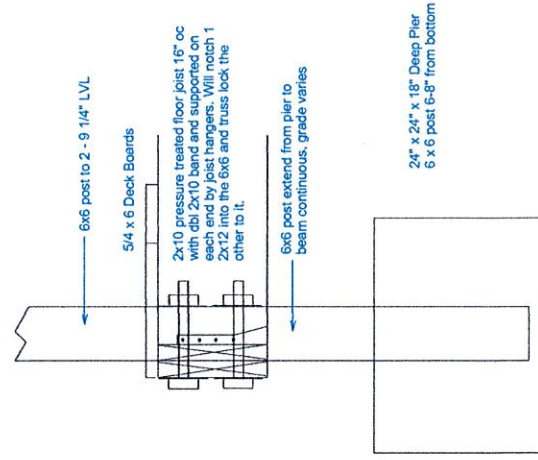
Left Elevation



Right Elevation



Front Porch



Front Porch Piers and deck

Details

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