

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairwoman
Tom Waller
Bill Beckwith
Anita Davis

STAFF

Chanelle Blaine, Zoning Administrator
Chelsie Boynton, Planning & Zoning Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
May 23, 2022
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on April 25, 2022.

PUBLIC HEARING

2. Petition No. A-793-22, Stephen H. & Christine D. Kane, Owner, request the following: Variance to Section 110-136. R-45 (d) (5), to reduce the rear yard setback from (the existing plat) 30 feet to 28 feet to allow for construction of a residential accessory structure (i.e., garage).
3. Petition No. A-794-22, Dana A. Bryant, Owner, request the following: Variance to Section 110-137. R-40 (d) (4) (b), to reduce the front yard setback from (the existing plat) 64 feet to 63 feet to allow for construction of a new single-family residence to continue.

PETITION NO. A-793-22
Stephen H. and Christine D. Kane
240 Galway Bend
Tyrone, GA 30290
Public Hearing Date: May 23, 2022

The subject property is located at 240 Galway Bend Tyrone, GA 30290 and is zoned R-45. The applicant is requesting a Variance as follows:

Variance to Section 110-136. R-45 (d) (5), to reduce the rear yard setback from (the existing plat) 30 feet to 28 feet to allow for construction of a residential accessory structure (i.e., garage).

History: The Final Plat of Gaelic Glen Subdivision Phase 1 was recorded on October 4, 1994 in Book 25 and Page 112, the subject property is Lot 33. Tax Assessor's records indicate that the house was built in 1998, and according to the deed the applicant purchased the property in 2003. The lot is 1.08 acres.

As part of the building permit process for a residential accessory structure, a site plan is required. The site plan provided shows the residential accessory structure located 28 feet from the rear property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

Request a variance from the subdivisions rear yard setback of 30'. The location I need to place the accessory structure is on the west side of the single family home due to the septic system an drain fields on the east side of the home. The placement of the shed will of over the rear 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.**

The East side of the home is where the septic system and drain fields are located which makes the lot extraordinary and exceptional.

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

My wife, Christine Kane, has paralysis of her left leg and therefore the shed needs to be close to the garage entrance on the west side of the home.

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

Due to shape and septic lines on the east side, the only place to erect the shed is over the rear setback line.

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,**

It would not cause any detriment to the public good.

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

It would not.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This department has no objection to the proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL: No Comment.

PUBLIC WORKS/ENGINEERING: No comments.

WATER SYSTEM: FCWS has no objection to the proposed variance. The property is served by a 2" watermain along Galway Bend.

**A-793-22
Aerials**



Galway Bend

Healey Pass

**SUBJECT
PROPERTY**

Rosecommon Court

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Stephen H. and Christine D. Kane

MAILING ADDRESS: 240 Galway Bend, Tyrone, GA 30290

PHONE: (404) 583-2417 E-MAIL: prlig8s@gmail.com

AGENT FOR OWNERS: n/a

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 84 LAND DISTRICT 7th PARCEL 33

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.08 acres

ZONING DISTRICT: R-45

ZONING OF SURROUNDING PROPERTIES: R-45

PRESENT USE OF SUBJECT PROPERTY: single family residential dwelling

PROPOSED USE OF SUBJECT PROPERTY: no change proposed

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-793-22

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 4/11/2022

DATE OF ZONING BOARD OF APPEALS HEARING: May 23, 2022

Received from Stephen H. Kane a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ ~~175⁰⁰~~^{20⁰⁰} for deposit on frame for public hearing sign(s).

Date Paid: April 11, 2022 Receipt Number: 014464

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:

Stephen H. and Christine D. Kane

Please Print Names

Property Tax Identification Number(s) of Subject Property: 072303033

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

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

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

[Signature]

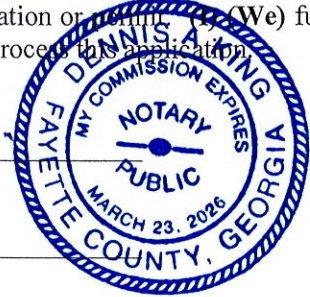
Signature of Property Owner 1

240 Galway Bld, Tyrone, GA 30290
Address

[Signature]

Signature of Notary Public

11 April 2022
Date



Signature of Property Owner 2

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
Sec. 110-136 R-45 (d) (5)	30'	28'	2

★ VARIANCE SUMMARY

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

Request a variance from the subdivisions
rear yard set back of 30'

The location I need to place the accessory
structure is on the west side of the single-
family home due to the septic system and
drain fields on the East side of the home.

The placement of the shed will go over the
rear 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.

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

The East Side of the home is where the septic system and drain fields are located which makes the lot extraordinary and exceptional

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

My wife
Christine Kane has paralysis of her left leg and, therefore the shed needs to be close to the garage entrance on the West side of the home

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

Due to shape and septic lines on the East side, the only place to erect the shed is over the rear set back line

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.

It would not cause any detriment to the public good.

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

It would not

NOTES:

- 1) TOTAL AREA THIS PHASE = 61.52 ACRES.
TOTAL NUMBER OF LOTS = 51
- 2) AS PER FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 130432 0040A EFFECTIVE DATE JULY 5, 1983, THIS PROPERTY IS NOT LOCATED WITHIN AN IDENTIFIED FLOOD HAZARD ZONE (100 YEAR).
- 3) MINIMUM LOT SETBACKS: FRONT YARD 40' OR AS SHOWN ON PLAT
REAR YARD 30' MINIMUM LOT SIZE 1.00 ACRES
SIDE YARD 15' MINIMUM HOUSE SIZE 1800 SQ. FT.
ZONED R4S MINIMUM LOT WIDTH 125'
- 4) THIS SURVEY WAS MADE USING A TOPCON GTS-3B ELECTRONIC TOTAL STATION. THE TRAVERSE WAS ADJUSTED USING COMPASS RULE AND CONTAINED AN APPARENT ANGULAR ERROR OF 00'00"01" PER ANGLE POINT. THE TRAVERSE WAS FOUND TO CLOSE 1 PART IN 20,000 PARTS OR BETTER.
- 5) NO PORTION OF THIS PROPERTY FALLS WITHIN WATERSHED RESTRICTION AREA.
- 6) IRON PINS (1/2" REBARS) SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- 7) BOUNDARY INFORMATION OBTAINED FROM SURVEY FOR WILLIAM H. McNEAL AND CAROLINE VASON DATED JANUARY 25, 1994 - PREPARED BY S. L. COLWELL & ASSOC. INC.
- 8) NO INDIVIDUAL LOT SHALL ACCESS JENKINS ROAD OR ELLISON ROAD.
- 9) LOTS WILL BE SERVED BY INDIVIDUAL SEPTIC TANK/DRAIN FIELD SYSTEMS.
- 10) B.M. = FULTON COUNTY G.P.S. MONUMENT LOCATED ON WEST EDGE OF ELLISON ROAD, 1150'± NORTH OF SWANSON ROAD. INFORMATION PROVIDED BY JACK DUGGER FULTON CO. ENG. DEPT. PHONE 730 - 7541 ELEVATION PROVIDED = 977.15'
- 11) THIS PLAT HAS BEEN CHECKED FOR SCRIVENER ERRORS AND FOUND TO CLOSE 1 PART IN 20,000 PARTS OR BETTER.
- 12) LIMITS OF HYDRIC SOILS DELINEATED BY A REGISTERED SOIL SCIENTIST.

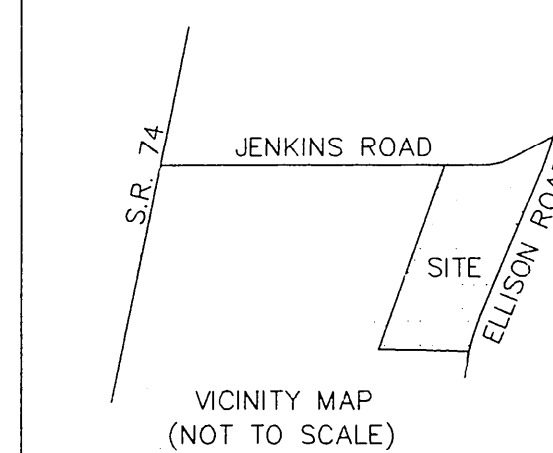
FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT.

OWNER/DEVELOPER:
DON SCARBROUGH
146 EAST GEORGIA AVENUE
FAYETTEVILLE, GA. 30214
(404) 461-8603

ENGINEER
CROPSEY, UPSON & ASSOCIATES, INC.
P.O. BOX 1006
GRIFFIN, GEORGIA 30224-1006
(404) 229-1100

THIS PLAT HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY HEALTH DEPARTMENT AND BASED ON PERIODIC LATION TEST RESULTS, LAY OF THE LAND, SOIL INFORMATION, ETC. THIS LAND APPEARS SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAIN FIELDS. HOWEVER, EACH LOT WILL HAVE TO BE INSPECTED TO DETERMINE STYLE OF HOUSE, LOCATION OF HOUSE, ETC. BEFORE A FINAL PERMIT CAN BE ISSUED.

FAYETTE COUNTY SANITARIAN



I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ORIGINAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION; THAT THE PROPERTY IS CORRECTLY SHOWN; AND, THAT THE PROPERTY WILL BE MAINTAINED AS SHOWN BY IRON PINS.

NO. 2605
S. L. COLWELL & ASSOC., INC.
SURVEYOR.
(SEAL) DATE 8/31/94

GA. REG. NO. 1005
WE, THE UNDERSIGNED OWNER(S) AND/OR MORTGAGEE(S) OF THE GAELIC GLEN SUBDIVISION, PHASE 1, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

OWNER DATE MORTGAGE DATE
9-29-94

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GEORGIA.

DATE 9/8/94 SIGNED [Signature]
ENVIRONMENTAL HEALTH SPECIALIST III

FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY. ALL AS-BUILT CONSTRUCTION PLANS HAVE BEEN APPROVED.

DATE 10/3/94 SIGNED [Signature]
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION.

DATE 10-4-94 SIGNED [Signature]
SECRETARY

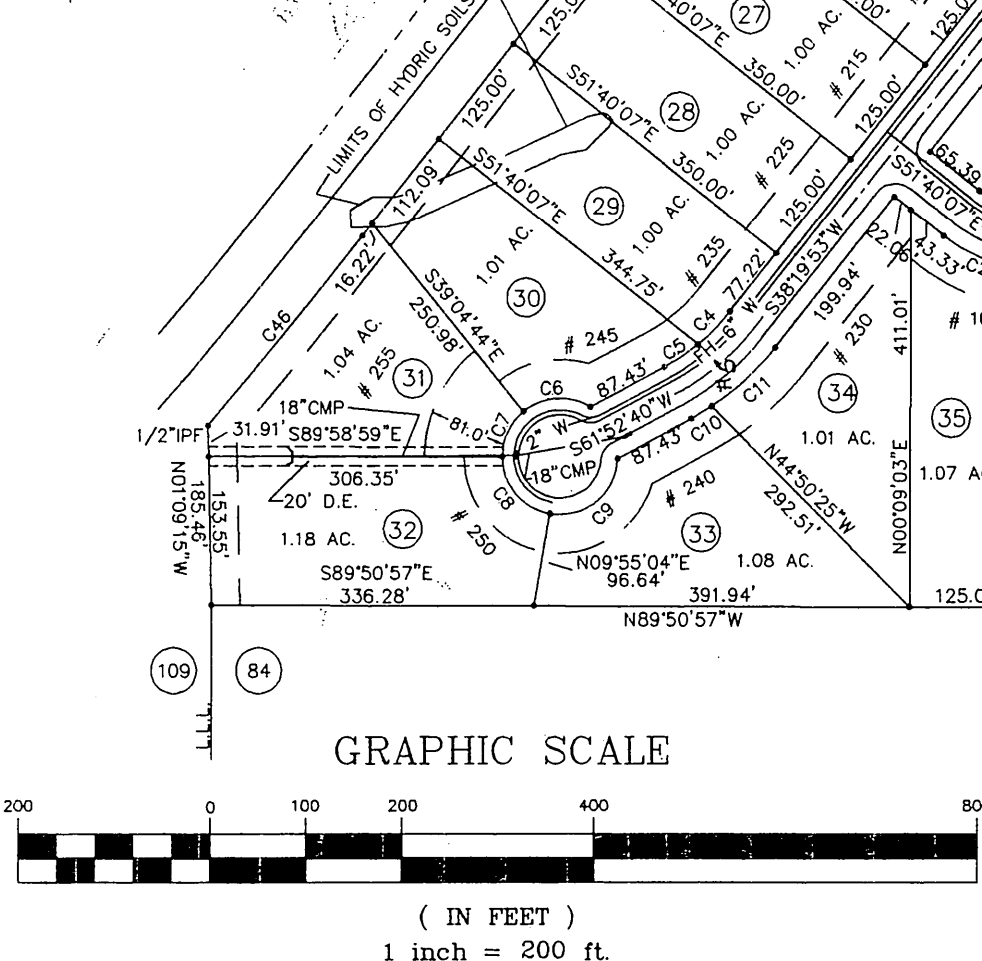
APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE 9/30/94 SIGNED [Signature]
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHAL. ALL FIRE HYDRANTS LOCATED AS SHOWN HEREON.

DATE 9/30/94 SIGNED [Signature]
FIRE MARSHAL

BASED ON GPS MONUMENTS
(PROVIDED BY FULTON CO. ENG. DEPT.)



PREPARED BY
S.L. COLWELL & ASSOC., INC.
275 WISSO ROAD
GRIFFIN, GEORGIA 30223
(404) 228-9033

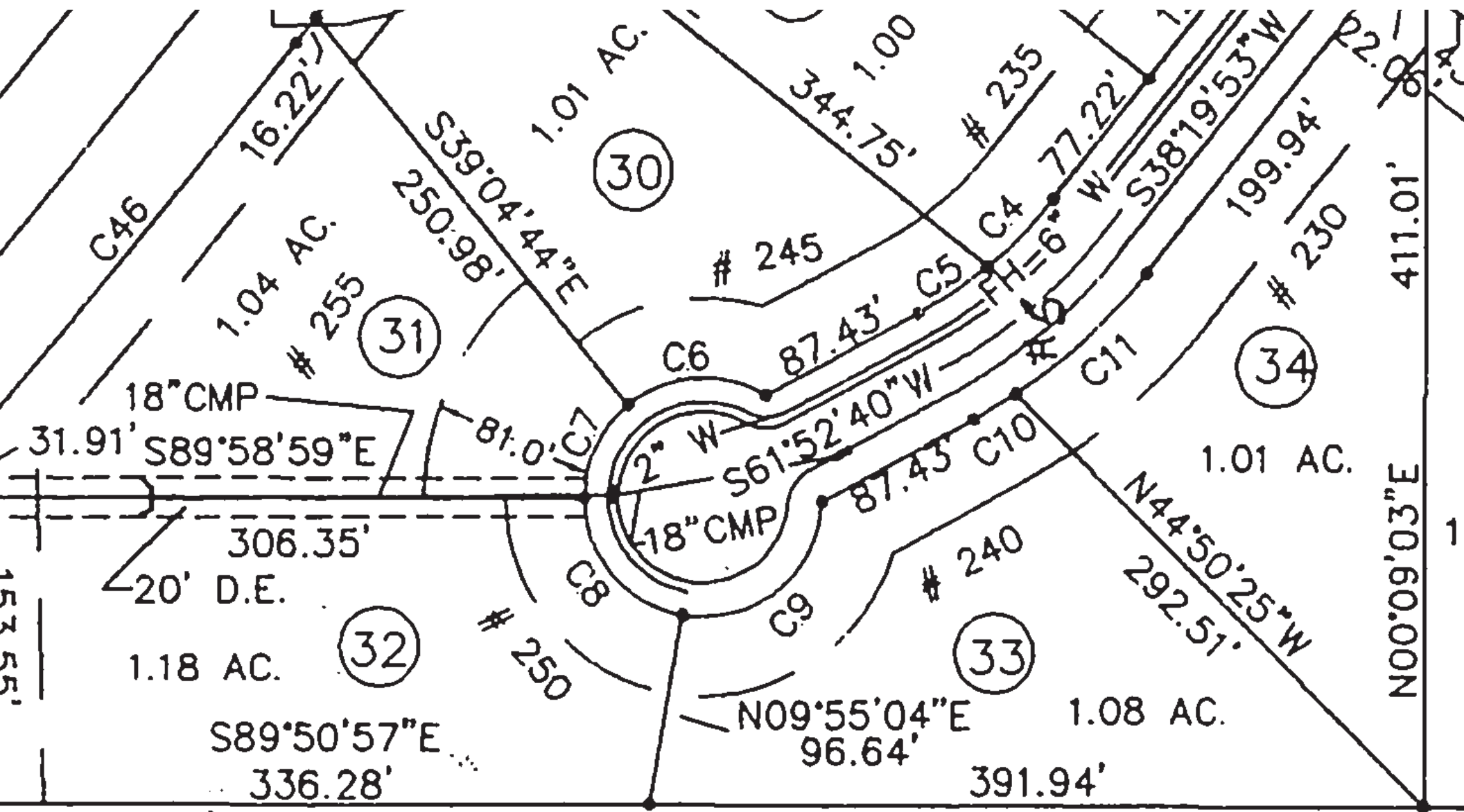
FUTURE PHASE II

FINAL PLAT OF
GAELIC GLEN SUBDIVISION
PHASE I
LOCATED IN
LAND LOT 84 7th. LAND DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 200' DATE: 8/31/94

CURVE DATA

#	DELTA	RADIUS	TANGENT	ARC
1	22° 44' 41"	250'	50.36'	99.39'
2	38° 08' 25"	207.5'	71.51'	138.1'
3	18° 30' 28"	130'	21.18'	41.99'
4	38° 10' 51"	130'	44.94'	86.63'
5	23° 31' 46"	250'	52.11'	102.74'
6	51° 49' 09"	130'	63.15'	117.57'
7	51° 21' 30"	250'	120.20'	224.01'

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	160.00'	27.81'	27.78'	S85°10'17"W
C2	160.00'	82.12'	81.22'	S65°29'21"W
C3	160.00'	34.78'	34.71'	N44°33'33"E
C4	220.00'	48.16'	48.06'	S44°36'10"W
C5	220.00'	42.25'	42.19'	N56°22'33"E
C6	60.00'	74.31'	69.65'	N86°23'58"E
C7	60.00'	53.31'	51.57'	N25°28'09"E
C8	60.00'	83.88'	77.21'	N40°01'57"W
C9	60.00'	102.67'	90.59'	N50°53'52"E
C10	280.00'	25.17'	25.16'	N59°18'10"E
C11	280.00'	89.90'	89.52'	N47°31'47"E
C12	100.00'	39.72'	39.46'	N49°42'33"E
C13	100.00'	50.73'	50.18'	N75°37'08"E
C14	280.00'	106.82'	106.17'	N79°13'18"E
C15	280.00'	120.58'	119.65'	N55°57'19"E
C16	60.00'	9.13'	9.12'	S84°28'41"E
C17	60.00'	80.56'	74.64'	N52°41'58"E
C18	60.00'	49.81'	48.39'	N09°32'46"W
C19	60.00'	49.49'	48.10'	S56°57'27"E
C20	60.00'	124.99'	103.59'	N39°43'59"E
C21	220.00'	92.95'	92.26'	N56°43'10"E
C22	220.00'	81.89'	81.42'	N79°29'12"E
C23	160.00'	98.65'	97.10'	S69°19'57"E
C24	160.00'	7.97'	7.97'	S88°25'22"E
C25	100.00'	32.30'	32.16'	S80°35'44"E
C26	160.00'	28.76'	28.72'	N76°29'26"W
C27	160.00'	22.93'	22.91'	N85°44'39"W
C28	100.00'	66.64'	65.41'	N70°45'32"W
C29	280.00'	18.25'	18.25'	S02°01'05"W
C30	280.00'	93.06'	92.64'	N13°24'25"E
C31	2045.54'	60.22'	60.21'	N22°05'07"E
C32	2045.54'	127.80'	127.78'	N19°27'08"E
C33	2045.54'	127.80'	127.78'	S15°52'21"W
C34	2045.54'	127.80'	127.78'	N12°17'34"E
C35	2045.54'	132.57'	132.55'	N08°38'46"E
C36	2105.54'	334.49'	334.14'	N11°27'54"E
C37	2105.54'	65.49'	65.49'	N06°01'22"E
C38	2105.54'	194.00'	193.93'	N20°17'21"E
C39	220.00'	87.46'	86.89'	N11°32'23"E
C40	1665.54'	49.36'	49.36'	N22°05'15"E
C41	1665.54'	104.07'	104.05'	N19°26'54"E
C42	1665.54'	104.07'	104.05'	N15°52'06"E
C43	1665.54'	104.07'	104.05'	N12°17'18"E
C44	1665.54'	102.21'	102.19'	N08°44'26"E
C45	1665.54'	60.00'	60.00'	S05°57'02"W
C46	4956.44'	254.13'	254.10'	N39°17'14"E
C47	631.63'	272.43'	270.33'	N74°33'34"E
C48	1869.85'	83.21'	83.21'	S21°39'42"W



FILED & RECORDED
FAYETTE COUNTY, GA.
03 JUL 3 PM 3 50
SHEILA STUDDARD, CLERK

Record and Return to:
JACKSON AND HARDWICK
800 COMMERCE DRIVE; SUITE 202
PEACHTREE CITY, GEORGIA 30269
03-PCTR-10715/KANE

BOOK 2240 PAGE 22

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, Made the 30th day of June, 2003, between JOANNE ANGELA FAVER, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and STEPHEN H. KANE AND CHRISTINE D. KANE, 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 AND 00/100 (\$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 84 OF THE 7TH DISTRICT, OF FAYETTE COUNTY, GEORGIA, BEING LOT 33 OF GAELIC GLEN SUBDIVISION PHASE I AS PER PLAT RECORDED IN PLAT BOOK 25, PAGE 112, RECORDS OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS BY REFERENCE INCORPORATED HEREIN AND MADE A PART HEREOF.

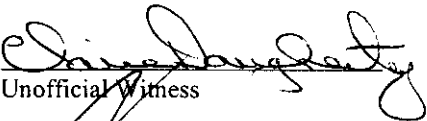
SUBJECT to restrictive covenants and general utility easements of record.

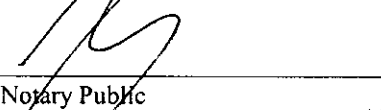
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

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

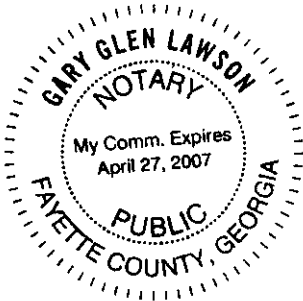
Signed, sealed and delivered in presence of:


Unofficial Witness


Notary Public

 [SEAL]
JOANNE ANGELA FAVER

_____[SEAL]



FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 212.90
DATE 7-3-03
Sheila Studdard
CLERK OF SUPERIOR COURT

PETITION NO. A-794-22
Chisel Mill Design & Build, LLC/Dana Bryant (Agent)
115 Unity Court
Fayetteville, GA 30214
Public Hearing Date May 23, 2022

The subject property is located at 115 Unity Court Fayetteville, GA 30214 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Section 110-137. R-40 (d) (4) (b), to reduce the front yard setback from (the existing plat) 64 feet to 63 feet to allow for construction of a new single-family residence to continue.

History: The Final Plat of Fairbrook was recorded on March 5, 2021 in Plat Book 100 and Page(s) 517-524, the subject property is Lot 16 and is one acre. Tax Assessors indicate the applicant purchased the property in 2021.

Building Safety's records indicate that the building permit was issued on June 4, 2021, and a hold was issued on April 13, 2022. The owner applied for the variance on April 15, 2022. The survey given shows the home 63 feet from the front 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.

Variance is requested to allow relief on front set back. The set back is 64' and our house placement at the setback line is 63.1 feet and 63.7 feet. We are requesting relief from the set back so we can continue to build the home.

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.**

Steep topography is a character of the property. We are requesting relief on the front set back line.

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

Steep topography is a character of the property. We are requesting relief on the front set back line.

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

Yes. No harm would be impacted on any other property.

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

Nothing peculiar other than steep front yard. We are requesting relief at front property set back.

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

No harm would be caused to neighboring property.

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

None.

DEPARTMENTAL COMMENTS

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

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: No comment.

PUBLIC WORKS/ENGINEERING: No comment.

WATER SYSTEM: FCWS has no objection to the variance. Property is served by a 8" DIP water main.

**A-794-22
Aerials**

S.R. 314

Unity Court

**SUBJECT
PROPERTY**

Ilene Drive



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Chisel Mill Design & Build, LLC
MAILING ADDRESS: P.O. Box 959 Newnan, GA 30263
PHONE: 678-300-8990 E-MAIL: dana@chiselmill.com

AGENT FOR OWNERS: Dana A. Bryant

MAILING ADDRESS: same as owner

PHONE: Same as owner E-MAIL: same as owner

PROPERTY LOCATION: LAND LOT 198 LAND DISTRICT 13th PARCEL 130611003

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.00

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: Neighborhood for Single Family Homes


PROPOSED USE OF SUBJECT PROPERTY: Same

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-794-22

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff:  Date: 4/15/2022

DATE OF ZONING BOARD OF APPEALS HEARING: MAY 23, 2022

Received from Dana Bryant a check in the amount of \$ 175.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s). (2) signs

Date Paid: 4/15/2022 Receipt Number: 014529

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:

Chisel Mill Design & Build, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 130611003

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 13th District, and (if applicable to more than one land district) Land Lot(s) 198 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 Dana Alan Bryant 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

2787 Callaway Rd. Greenville, GA 30177
Address

[Signature]
Signature of Notary Public

4/15/22
Date



Signature of Property Owner 2

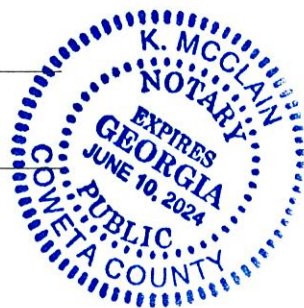
Signature of Notary Public

[Signature]
Signature of Authorized Agent

164 Lamb Rd
Address
Moreland, GA 30259

[Signature]
Signature of Notary Public

4/15/22
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
Sect. 110-137 R-40 (d)(4)(b)	64'	63'	1'

VARIANCE SUMMARY

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

Variance is requested to allow relief on front set back. The set back is 64' and our house placement @ the set back line is 63.1' and 63.7'. We are requesting relief from the set back so we can continue to build the home.

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.

Steep topography is a character of the property. We are requesting relief on the front set back line.

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

Yes. No harm would be impacted on any other property.

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

Nothing peculiar other than steep front yard. We are requesting relief @ front property set back.

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

No harm would be caused to
neighboring property.

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

None

Type: PLAT EFILED
Recorded: 3/5/2021 2:48:00 PM
Fee Amt: \$80.00 Page 1 of 8
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 4759818338

BK 100 PG 517 - 524

MAJOR FINAL PLAT OF FAIRBROOK

PARCEL NUMBER 1306 127

REFERENCE CONSTRUCTION PLANS FOR FAIRBROOK
PREPARED FOR DON BRENT, LLC BY HOVEY AND ASSOCIATES, INC.
LAST REVISED 07/03/2018

CURRENT OWNER:
DON BRENT, LLC PER DEED BOOK 4648, PAGES 542-545,
DATED AUGUST 25, 2017 AND RECORDED AUGUST 28, 2017

RESERVED FOR THE CLERK
OF SUPERIOR COURT

LEGEND

CA - CONTIGUOUS AREA
M.F.F.E. - MINIMUM FINISHED FLOOR ELEVATION
N/F - NOW OR FORMERLY
CMP - CORRUGATED METAL PIPE
RCP - REINFORCED CONCRETE PIPE
DWCB - DOUBLE WING CATCH BASIN
SWCB - SINGLE WING CATCH BASIN
JB - JUNCTION BOX
DI - DROP INLET
HW - HEADWALL
SQ. FT. - SQUARE FEET
D.E. - DRAINAGE EASEMENT
A.E. - ACCESS EASEMENT
L/P - LIGHT POLE
H.W. - HEADWATER
⊗ - POWER STUB OUT
Δ - WATER METER
⊕ - FIRE HYDRANT
V - WATER VALVE
-W- - WATER LINE

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

OWNER/MORTGAGEE DATE

ALL PROPERTY CONTAINED WITHIN THE RIGHT-OF-WAY OF ALL
NEW STREETS AND ALL EXISTING STREETS ADJACENT TO THE
SUBDIVISION AS INDEICATED HEREON, ARE HEREBY DEEDED TO
FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF
GEORGIA, AT NO COSTS TO FAYETTE COUNTY UPON RECORDATION
OF SAID MAJOR FINAL PLAT WITH THE FAYETTE COUNTY CLERK
OF SUPERIOR COURT.

STORMWATER MANAGEMENT INSPECTION AND MAINTENANCE
THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE RESTRICTIVE COVENANTS OF THE
FAIRBROOK HOMEOWNERS ASSOCIATION AND AN INSPECTION AND MAINTENANCE AGREEMENT
FOR STORMWATER MANAGEMENT CONTROLS RECORDED IN DEED BOOK _____ PAGES _____
FAILURE TO SATISFY THE INSPECTION AND MAINTENANCE REQUIREMENTS OF THE ABOVE-
REFERENCED AGREEMENT MAY RESULT IN ENFORCEMENT ACTION BY THE COUNTY, INCLUDING
BUT NOT LIMITED TO, JUDGEMENT LIENS AGAINST THE PROPERTY OWNERS AND/OR
HOMEOWNERS ASSOCIATION. THE INSPECTION AND MAINTENANCE AGREEMENT IS RECORDED
WITH THE CLERK OF COURTS. A COPY OF THE AGREEMENT IS AVAILABLE AT THE FAYETTE
COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT.

AREA SUMMARY
TOTAL AREA - 26.27 +/- ACRES
ACREAGE IN LOTS (17 TOTAL) - 17.17 +/- ACRES
ACREAGE IN COMMON AREAS - 6.75 +/- ACRES
ACREAGE IN RIGHT OF WAY - 2.35 +/- ACRES
NO SEPERATE TRACTS CREATED FOR STORMWATER MANAGEMENT.
ZONING AND SETBACKS
ZONED: R-40 (PER FAYETTE COUNTY GIS)
SETBACKS:
FRONT = 40' (MINOR THOROUGHFARE)
60' (ARTERIAL AND COLLECTOR)
SIDE = 15'
REAR = 30'
MINIMUM LOT SIZE: 1 ACRE (43,560 SQ. FT.)
MINIMUM FLOOR AREA: 1500 SQ. FT.
MINIMUM WIDTH AT BUILDING LINE: 125'

APPROVALS:

THIS PLAT HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY HEALTH
DEPARTMENT AND BASED ON SOILS INFORMATION, THE LAY OF THE LAND, ETC., THIS LAND
APPEARS SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAINFIELDS. HOWEVER,
EACH LOT MUST BE INSPECTED TO DETERMINE THE LOCATION OF HOUSE, STYLE OF HOUSE,
ETC. BEFORE FINAL APPROVAL CAN BE ISSUED.

ENVIRONMENTAL HEALTH SPECIALIST

DATE

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT:

ENVIRONMENTAL MANAGEMENT

DATE

APPROVED BY FAYETTE COUNTY ENGINEERING DEPARTMENT

COUNTY ENGINEER

DATE

APPROVED BY FAYETTE COUNTY PLANNING COMMISSION

PLANNING COMMISSION SECRETARY

DATE

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

ZONING ADMINISTRATOR

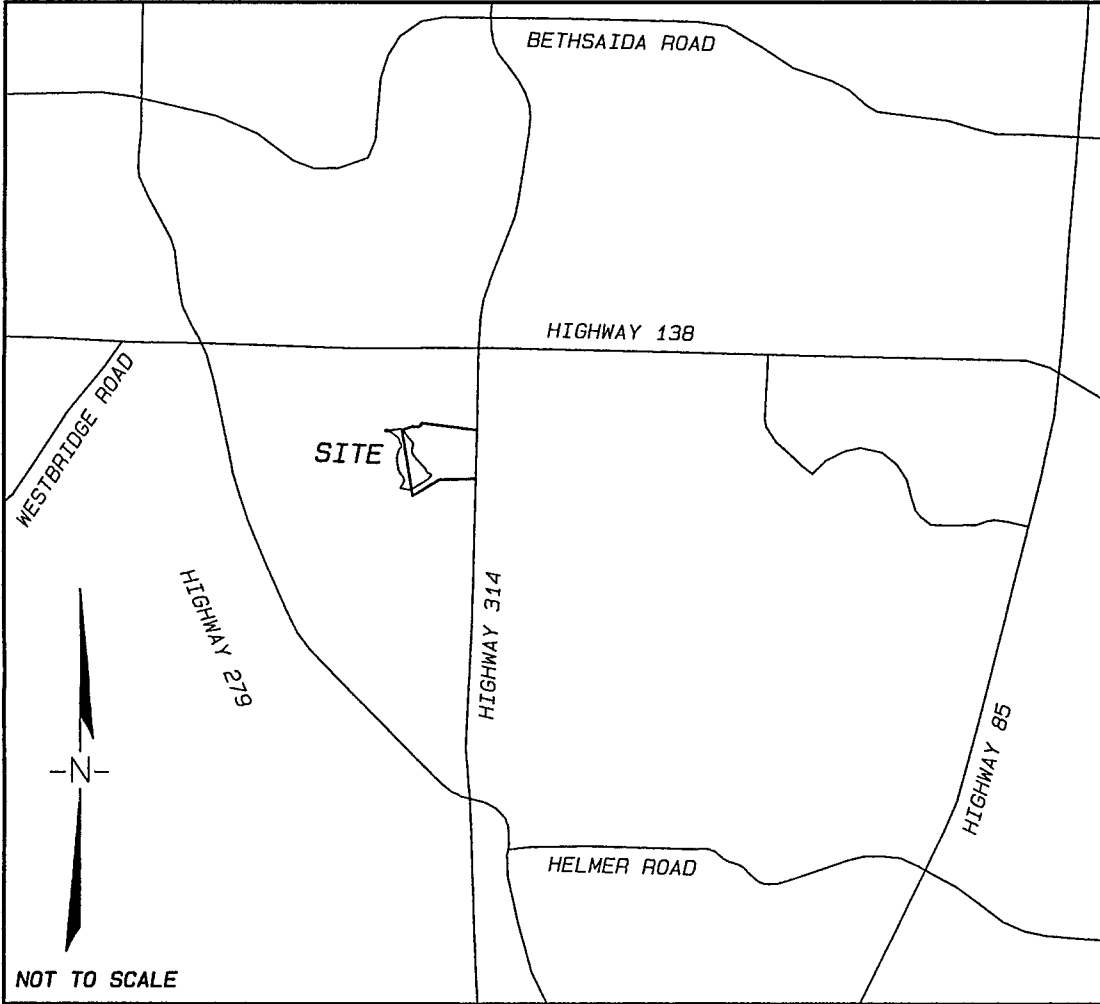
DATE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL

FIRE MARSHAL

DATE

CLOSURE DATA
FIELD CLOSURE = 1' : 42,060+
ANGLE POINT ERROR = < 1"
EQUIPMENT USED: EDM AND THEODOLITE
ADJUSTMENT METHOD: NONE
PLAT CLOSURE = 1' : 788,877



OWNER/DEVELOPER
DON BRENT, LLC
270 NORTH JEFF DAVIS DRIVE
FAYETTEVILLE, GA 30214
(770) 461-0475

NOTES:

- 1) THIS SURVEY WAS AUTHORIZED BY BRENT SCARBROUGH & CO. INC.
- 2) ACCORDING TO THE FAYETTE COUNTY GIS (GPUBLIC.NET), THIS PROPERTY DOES NOT LIE WITHIN A GROUND WATER RECHARGE AREA
- 3) ACCORDING TO THE FAYETTE COUNTY GIS, BY GRAPHIC SCALING, THERE ARE NO WETLANDS OR STATE WATERS LOCATED ON THE RESIDENTIAL, BUILDABLE LOTS OF FAIRBROOK. WETLANDS SHOWN ADJACENT TO EXISTING LAKE TAKEN FROM CONSTRUCTION PLANS BY HOVEY AND ASSOCIATES, AND ARE NOTED AS BEING DELINIATED BY APPLIED ENVIRONMENTAL SCIENCES.
- 4) FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.
- 5) WATER TO BE PROVIDED BY FAYETTE COUNTY WATER.
- 6) SEWERAGE TO BE PROVIDED BY AN ON-SITE SEPTIC SYSTEM
- 7) EACH BUILDABLE LOT HAS A MINIMUM CONTIGUOUS AREA OF 0.30 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- 8) PRELIMINARY PLAT OF FAIRBROOK APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION ON 02/15/2018.
- 9) THE 100 YEAR DETENTION POND FLOOD ELEVATIONS WERE CALCULATED AND PROVIDED BY HOVEY AND ASSOCIATES, AND BASED ON AS-BUILT CONDITIONS ON 12-21-2020. W.D. GRAY AND ASSOCIATES DID NOT PARTICIPATE IN THE ESTABLISHMENT OF THESE ELEVATIONS.
- 10) PER CONSTRUCTION PLANS PREPARED BY HOVEY AND ASSOCIATES, SIGHT DISTANCE EXCEEDS 1,000' IN BOTH DIRECTIONS.
- 11) UNLESS OTHERWISE NOTED, ALL LOT CORNERS SET ARE 1/2" REBARs WITH CAPS STAMPED "LSF 0701". MONUMENTS ARE NOT SET AT THE PC OR PT OF CURVES, UNLESS SAID POINT IS ALSO A LOT CORNER.
- 12) SUBDIVISION BENCHMARK IS A MAGNAIL SET IN THE TOP OF CATCH BASIN B-3, ELEVATION 902.91'
- 13) WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE OF THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
- 14) LOTS 5, 6, 7, 8, AND 9 EITHER CONTAIN OR ARE ADJACENT TO A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY. FLOOD ELEVATIONS SHOWN ARE FROM A STUDY DONE BY HOVEY AND ASSOCIATES BASED ON THE AS-BUILT CONCRETE SPILLWAY, AND DIFFER FROM THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY.
- 15) WATERLINE IN RIGHT-OF-WAY SHOWN PER PROVIDED CONSTRUCTION DRAWINGS AND LIMITED MARKINGS MADE BY OTHERS. THIS OFFICE DID NOT INDEPENDENTLY INVESTIGATE, NOR DOES IT GUARANTEE, THE ACCURACY OF THE WATER LINE SHOWN HEREON.
- 16) TOTAL LENGTH OF NEW STREETS IS 1,545 +/- LINEAR FEET
- 17) 100 YEAR HEADWATER ELEVATIONS ARE SHOWN PER THE REFERENCED PLANS. AS-BUILT INFORMATION FOR THE STORM SYSTEM SHOULD BE EVALUATED/VERIFIED BY THE DESIGN ENGINEER.
- 18) THIS PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF GEORGIA POWER COMPANY, RECORDED IN DEED BOOK 5063, PAGES 685-688, THE EASEMENT BEING 10' EACH SIDE OF UNDERGROUND POWERLINES, EQUIPMENT, AND FACILITIES.
- 19) FOR LOT 9, THE BUILDER IS TO DIRECT WATER RUNOFF TO THE WATER QUALITY BASIN #2. THIS INCLUDES ROOF DRAINS, DRIVEWAYS, PATIOS, SIDEWALKS, ETC.
- 20) THIS SUBDIVISION IS SUBJECT TO THE "SHARED LAKE DECLARATION OF EASEMENTS AND COST SHARE COVENANT", RECORDED IN DEED BOOK 4648, PAGES 534-541
- 21) REFERENCE QUIT CLAIM DEED RECORDED IN DEED BOOK 5151, PAGES 246-248 BETWEEN DAVID M. TRAVIS AND LINDA H. TRAVIS AND DON BRENT, LLC
- 22) REFERENCED WEIR INLET IS TO BE REGULARLY MAINTAINED AND KEPT CLEAR OF DEBRIS OR ANY MATERIAL THAT MAY BLOCK THE NATURAL FLOW OF WATER RUNOFF.
- 23) THE PRODUCTION OF THIS PLAT BY W.D. GRAY AND ASSOCIATES, INC. AND THE STAMP AND SEAL OF THE SURVEYOR THEREOF, DOES NOT EXTEND TO THE SOIL STUDY SHOWN. ADDITIONALLY, THE SAME DOES NOT INTEND TO REPRESENT THE SUITABILITY OF ANY LOT SHOWN TO SUPPORT ANY TYPE OF SEPTIC SYSTEM. IF SUITABILITY OF A SEPTIC SYSTEM IS IN QUESTION, A SOIL SCIENTIST SHOULD BE CONSULTED.
- 24) NO EXISTING BUILDINGS WERE OBSERVED ON THE SUBJECT PROPERTY.

SURVEYOR'S CERTIFICATE:

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

WARREN D. GRAY - GEORGIA PLS # 2984

02-26-2021

DATE

ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT ACCEPTED ENGINEERING PRACTICES AND DESIGN
METHODS WERE USED TO ESTABLISH THE LAYOUT OF THIS DEVELOPMENT;
THAT THE STREETS, DRAINAGE STRUCTURES AND OTHER DESIGN FEATURES
HAVE BEEN CONSTRUCTED ACCORDING TO THE DEVELOPMENT'S APPROVED
CONSTRUCTION DRAWINGS; AND THAT ALL APPLICABLE REQUIREMENTS OF
FAYETTE COUNTY'S DEVELOPMENT REGULATIONS HAVE BEEN
FULLY COMPLIED WITH.

DAVID G. HOVEY - GEORGIA P.E. #18090

3/5/2021

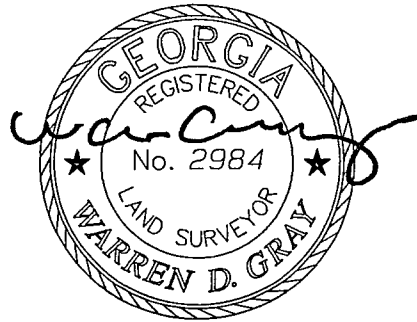
DATE

(i) 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.

WARREN D. GRAY - GEORGIA PLS # 2984

02-26-2021

DATE



**W.D. Gray and
Associates, Inc.**
land surveyors - planners

P.O. Box 3847 Peachtree City, GA 30269
(770) 486-7552 Fax (770) 486-0496

LSF000701

PREPARED FOR:

DON BRENT L.L.C.

SHEET 1 OF 8

DATE OF SURVEY: 10-15-2020

LAND LOT: 198

DISTRICT: 13TH

DATE OF DRAWING: 10-30-2020

FAYETTE COUNTY, GA

REV. 02-19-2021

SCALE: 1" = 50'

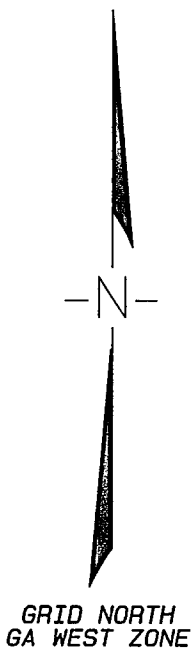
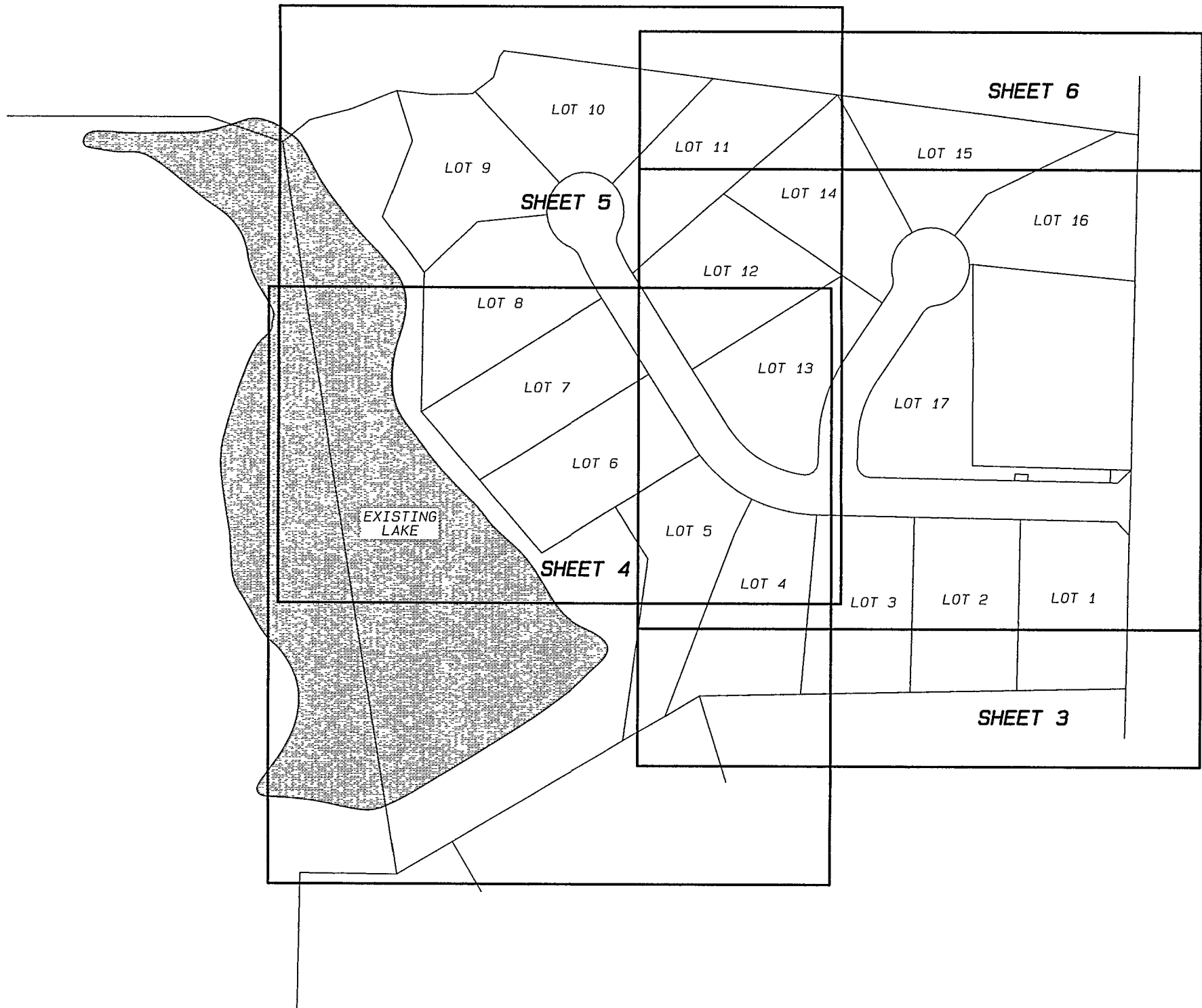
JOB NO: 0701064

MAJOR FINAL PLAT
OF
FAIRBROOK

RESERVED FOR THE CLERK
OF SUPERIOR COURT

LEGEND

CA - CONTIGUOUS AREA
M.F.F.E. - MINIMUM FINISHED FLOOR ELEVATION
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H.W. - HEADWATER
⊗ - POWER STUB OUT
⊙ - WATER METER
⊕ - FIRE HYDRANT
⊖ - WATER VALVE
-W- - WATER LINE



STRUCTURES A-1 AND A-2

STRUCTURE	TOP ELEVATION	INVERT IN SIZE/TYPE	INVERT OUT SIZE/TYPE	PIPE LENGTH	PERCENT GRADE
HW A-2			917.72 (TO HW A-1) 18" RCP	130+/-LF	1.79%
HW A-1		915.40 (FROM HW A-2) 18" RCP			

STRUCTURES B-1 THRU B-4, B-6 THRU B-8

STRUCTURE	TOP ELEVATION	INVERT IN SIZE/TYPE	INVERT OUT SIZE/TYPE	PIPE LENGTH	PERCENT GRADE
SWCB B-8	908.95	N/A	903.72 (TO SWCB B-7) 18" CMP	38+/- LF	4.57%
SWCB B-7	907.98	901.88 (FROM SWCB B-9) 24" CMP 901.97 (FROM SWCB B-8) 18" CMP	901.61 (TO SWCB B-6) 24" RCP	33+/-LF	2.09%
SWCB B-6	907.66	900.92 (FROM SWCB B-7) 24" RCP	900.92 (TO DWCB B-4) 24" CMP	126+/-LF	4.18%
DWCB B-4	903.10	895.59 (FROM DI B-5) 24" CMP 895.64 (FROM SWCB B-6) 24" CMP	894.63 (TO DWCB B-3) 36" RCP	33+/-LF	1.75%
DWCB B-3	902.95	894.05 (FROM DWCB B-4) 36" RCP	894.12 (TO JB B-2) 36" CMP	56+/-LF	2.73%
JB B-2	904.03	892.59 (FROM DWCB B-3) 36" CMP	892.06 (TO HW B-1) 42" CMP	101+/-LF	1.27%
HW B-1		890.78 (FROM JB B-2) 42" CMP			

STRUCTURES B-4 AND B-5

STRUCTURE	TOP ELEVATION	INVERT IN SIZE/TYPE	INVERT OUT SIZE/TYPE	PIPE LENGTH	PERCENT GRADE
WI B-5	900.70	SPIILL ELEVATION 899.70	896.17 (TO DWCB B-4) 24" CMP	28+/-LF	2.10%
DWCB B-4	903.10	895.59 (FROM DI B-5) 24" CMP 895.64 (FROM SWCB B-6) 24" CMP	894.63 (TO DWCB B-3) 36" RCP	33+/-LF	1.75%

STRUCTURES B-7 AND B-8

STRUCTURE	TOP ELEVATION	INVERT IN SIZE/TYPE	INVERT OUT SIZE/TYPE	PIPE LENGTH	PERCENT GRADE
SWCB B-9	912.35	N/A	908.07 (TO SWCB B-7) 24" CMP	38+/- LF	4.57%
SWCB B-7	907.98	901.88 (FROM SWCB B-9) 24" CMP 901.97 (FROM SWCB B-8) 18" CMP	901.61 (TO SWCB B-6) 24" RCP	33+/-LF	2.09%

STRUCTURES C-1 THRU C-3

STRUCTURE	TOP ELEVATION	INVERT IN SIZE/TYPE	INVERT OUT SIZE/TYPE	PIPE LENGTH	PERCENT GRADE
DWCB C-3	911.20	N/A	905.03 (TO JB C-2) 18" CMP	141+/-LF	9.55%
JB C-2	895.79	891.62 (FROM DWCB C-3) 18" CMP	891.60 (TO HW C-1) 18" CMP	20+/-LF	0.80%
HW C-1		891.44 (FROM JB C-2) 18" CMP			

LINE TABLE

LINE	BEARING	DISTANCE
L1	S43°52'55"E	28.28'
L2	S88°32'07"E	24.86'
L3	S46°07'09"W	28.28'
L4	N88°52'55"W	4.80'
L5	N00°56'46"E	20.15'
L6	N88°52'55"W	20.00'
L7	N01°07'05"E	10.00'
L8	S88°52'55"E	20.00'
L9	S01°07'05"W	10.00'
L10	N01°07'05"E	36.23'
L11	S86°53'46"W	5.77'
L12	S34°11'10"W	22.38'
L13	S01°07'05"W	34.99'
L14	S32°03'53"E	7.62'
L15	S39°41'52"W	10.26'
L16	S15°54'10"W	34.10'
L17	S51°55'49"W	36.12'
L18	S51°55'49"W	5.37'
L19	S88°53'52"W	64.36'
L20	N83°45'01"W	52.14'
L21	S68°02'41"W	75.78'
L22	S75°03'50"W	65.27'
L23	S50°30'08"W	53.53'
L24	S17°27'57"E	80.48'
L25	S20°31'59"W	35.16'

CURVE TABLE

LINE	ARC	CHORD BEARING	RADIUS	CHORD
C1	31.42'	N43°52'55"W	20.00'	28.28'
C2	98.11'	N17°39'07"E	170.00'	96.76'
C3	21.68'	N59°01'27"E	25.00'	21.00'
C4	91.07'	N40°22'45"E	60.00'	82.58'
C5	51.57'	N27°43'41"W	60.00'	50.00'
C6	69.41'	N85°29'32"W	60.00'	65.60'
C7	80.49'	S22°56'08"W	60.00'	74.59'
C8	21.68'	S09°20'40"W	25.00'	21.01'
C9	132.74'	S17°39'07"W	230.00'	130.91'
C10	33.98'	S49°47'52"W	20.00'	30.04'
C11	146.74'	N56°47'36"W	170.00'	142.23'
C12	47.07'	N28°25'13"W	370.00'	47.04'
C13	23.94'	N02°39'31"E	25.00'	23.04'
C14	79.81'	N08°00'56"W	60.00'	74.06'
C15	90.99'	N89°34'01"W	60.00'	82.52'
C16	54.72'	S20°51'58"W	60.00'	52.84'
C17	66.69'	S37°06'04"E	60.00'	63.31'
C18	19.84'	S46°12'43"E	25.00'	19.32'
C19	64.43'	S27°46'20"E	430.00'	64.37'
C20	18.30'	S34°20'38"E	230.00'	18.29'
C21	106.63'	S49°54'17"E	230.00'	105.68'
C22	103.15'	S76°02'03"E	230.00'	102.29'

CENTERLINE LINE AND CURVE TABLE

LINE	CHORD	CHORD BEARING	RADIUS	ARC	DELTA	TANGENT
CL L1	531.75'	N88°52'55"W				
CL C1	190.30'	N60°28'24"W	200.00'	198.33'	56°49'02"	108.18'
CL L2	272.37'	N32°03'53"W				
CL C2	120.30'	N23°24'58"W	400.00'	120.76'	17°17'50"	60.84'
CL L3	86.23'	N01°07'05"E				
CL C3	113.83'	N17°39'07"E	200.00'	115.43'	33°04'05"	59.37'
CL L4	190.56'	N34°11'10"E				

ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 13113 C 0037 E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA. FLOOD PLAIN SHOWN ON THE PLAT IS BASED ON CONSTRUCTION PLANS AND A STUDY PERFORMED BY HOVEY AND ASSOCIATES.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. SAID PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM CERTIFICATION RELATING TO LAND SURVEYING SERVICES, AS DEFINED IN O.C.G.A. 43-15-2(6) AND (11) SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

W.D. GRAY AND ASSOCIATES, INC. 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. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.



W.D. Gray and Associates, Inc.
land surveyors - planners

P.O. Box 3847 Peachtree City, GA 30269
(770) 486-7552 Fax (770) 486-0496
LSF000701

PREPARED FOR:

DON BRENT L.L.C.

SHEET 2 OF 8

LAND LOT: 198
DISTRICT: 13TH

FAYETTE COUNTY, GA

SCALE: 1" = 50'

DATE OF SURVEY: 10-15-2020

DATE OF DRAWING: 10-30-2020

REV. 02-19-2021

JOB NO: 0701064

LEGEND

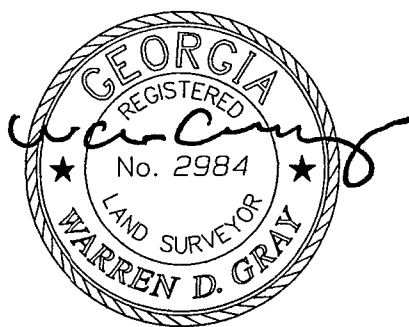
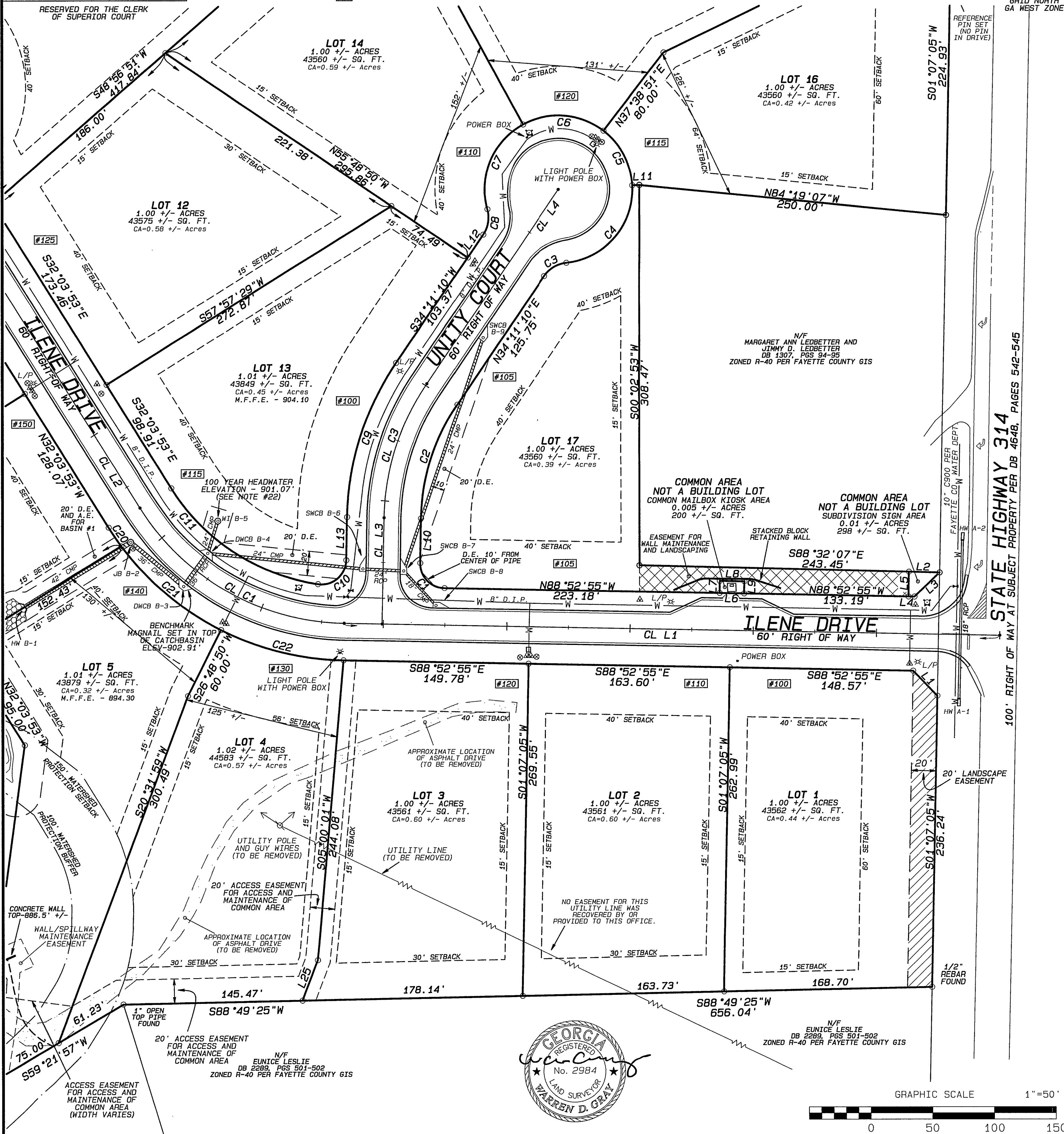
CA - CONTIGUOUS AREA
M.F.F.E. - MINIMUM FINISHED FLOOR ELEVATION
N/F - NOW OR FORMERLY
CMP - CORRUGATED METAL PIPE
RCP - REINFORCED CONCRETE PIPE
DWCB - DOUBLE WING CATCH BASIN
SWCB - SINGLE WING CATCH BASIN
JB - JUNCTION BOX
DI - DROP INLET
HW - HEADWALL
SQ. FT. - SQUARE FEET
D.E. - DRAINAGE EASEMENT
A.E. - ACCESS EASEMENT
L/P - LIGHT POLE
H.W. - HEADWATER
P - POWER STUB OUT
W - WATER METER
F - FIRE HYDRANT
V - WATER VALVE
W - WATER LINE

☒ - EASEMENT FOR WALL MAINTENANCE AND LANDSCAPING
▨ - LANDSCAPE EASEMENT

MAJOR FINAL PLAT OF FAIRBROOK

GRID NORTH
GA WEST ZONE

STATE HIGHWAY 314
100' RIGHT OF WAY AT SUBJECT PROPERTY PER DB 4648, PAGES 542-545



**W.D. Gray and
Associates, Inc.**
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LSF000701

PREPARED FOR:

DON BRENT L.L.C.

SHEET 3 OF 8

LAND LOT: 198

DISTRICT: 13TH

FAYETTE COUNTY, GA

SCALE: 1" = 50'

DATE OF SURVEY: 10-15-2020

DATE OF DRAWING: 10-30-2020

REV. 02-19-2021

JOB NO: 0701064

LEGEND

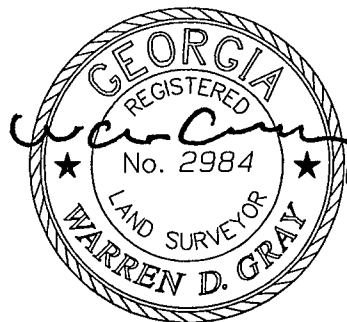
CA - CONTIGUOUS AREA
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☒ - EASEMENT FOR WALL MAINTENANCE AND LANDSCAPING
▨ - LANDSCAPE EASEMENT

MAJOR FINAL PLAT OF FAIRBROOK

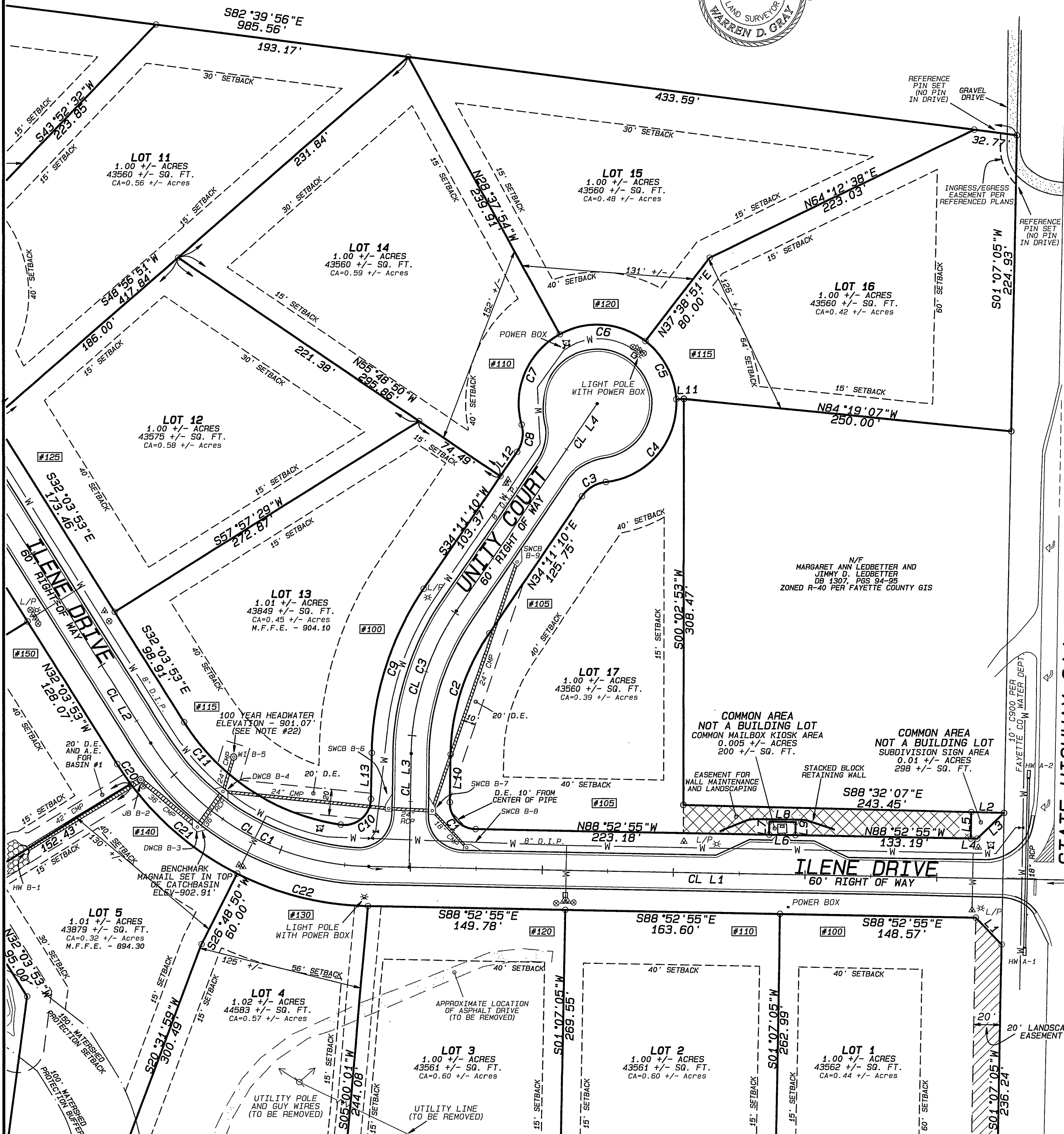
RESERVED FOR THE CLERK
OF SUPERIOR COURT

N/F
JERRY L. IRVING AND
HELEN H. IRVING
DB 1319, PGS 467-468
ZONED R-40 PER FAYETTE COUNTY GIS



GRAPHIC SCALE 1"=50'
0 50 100 150

GRID NORTH
GA WEST ZONE



**W.D. Gray and
Associates, Inc.**
land surveyors - planners

P.O. Box 3847 Peachtree City, GA 30269
(770) 486-7552 Fax (770) 486-0496

LSF000701

PREPARED FOR:

DON BRENT L.L.C.

SHEET 6 OF 8

LAND LOT: 198

DISTRICT: 13TH

FAYETTE COUNTY, GA

SCALE: 1" = 50'

DATE OF SURVEY: 10-15-2020

DATE OF DRAWING: 10-30-2020

REV. 02-19-2021

JOB NO: 0701064

Return to:
McMichael & Gray, PC
Attn: Randall C. McMichael
2055 North Brown Road, Ste. 250
Lawrenceville, GA 30043

Const- 210633



Doc ID: 011256780001 Type: WD
Recorded: 06/15/2021 at 09:45:00 AM
Fee Amt: \$105.00 Page 1 of 1
Transfer Tax: \$80.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5305 PG 308

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY WINNETT

THIS INDENTURE, made the 23rd day of April, 2021 between

Don-Brent, LLC

hereinafter called "Grantor/s" and

Chisel Mill Design & Build, LLC

hereinafter called "Grantee/s".

(the words "Grantor/s" and "Grantee/s" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor/s, for and in consideration of TEN DOLLARS and other good and valuable considerations—(\$10.00)—receipt of which is hereby acknowledged has/have granted, sold, transferred and conveyed, and by these presents does/do grant, sell, transfer and convey unto Grantee/s:

All that tract or parcel of land lying and being in Land Lot 198 of the 13th District, Fayette County, Georgia, being Lot 16, as shown on Major Final Plat of Fairbrook, prepared for Don Brent L.L.C., as recorded in Plat Book 100, pages 517- 524, Fayette County, Georgia records, which said plat being incorporated herein by reference thereto.

TO HAVE AND TO HOLD, in fee simple. And Grantor/s will warrant and forever defend the right and title to said premises unto Grantee/s against the lawful claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor's/s' hand and seal have been hereunto affixed, the day and year first above written.

Signed, sealed and delivered
in the presence of

Witness

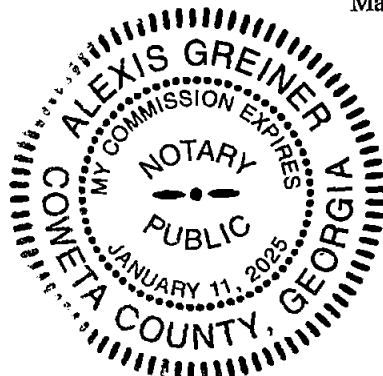
Notary Public

My Commission Expires: 1-11-25

Don-Brent, LLC

BY: Robert F. Rolader

Robert F. Rolader
Manager



Book: 5305 Page: 308 Seq: 1