

**BOARD OF APPEALS**

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

**STAFF**

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

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
July 25, 2022  
7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on June 27, 2022.

**PUBLIC HEARING**

2. Petition No. A-799-22, James Brinkerhoff, Owner, request the following: Variance to Section 110-133. R-70, (d) (5), to reduce the rear yard setback from 50 feet to 18 feet to allow for construction of a residential accessory structure (i.e., garage). The subject property is located in Land Lot 1 of the 9<sup>th</sup> District and fronts on Rivers Road.
3. Petition No. A-800-22, Johann and Monica Reckley, Owner, request the following: Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 15 feet to 13.5 feet to allow an existing single-family dwelling to remain. The subject property is located in Land Lot 16 of the 7<sup>th</sup> District and fronts on Janice Drive.
4. Petition No. A-801-22, Christopher and April Szopa, Owner, request the following: Variance to Sec. 110-133. R-70, (d) (6) to reduce the side yard setback from 20 feet to 1 foot to allow an existing residential accessory structure to remain. The subject property is located in Land Lots 163 and 190 of the 5<sup>th</sup> District and fronts on Ginger Cake Road. **(There was a an issue with the petitioner's request and the applicant has requested to table the petition August 22, 2022).**

**PETITION NO. A-799-22**  
**James Brinkerhoff**  
**223 Rivers Road**  
**Fayetteville, GA 30214**  
**Public Hearing Date July 25, 2022**

The subject property is located at 223 Rivers Road Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Section 110-133. R-70, (d) (5), to reduce the rear yard setback from 50 feet to 18 feet to allow for construction of a residential accessory structure (i.e., garage).

**History:** The Final Plat of Davenport Property Retracement Boundary Survey with Division for Charles & Brenda Davenport was recorded on September 16, 2016 in Plat Book 49 and Page 65, the subject property is 3.192 acres. Tax Assessors indicate the applicant purchased the property in 2022.

As part of the building permit process for a garage permit, a site plan is required. Through the review staff discovered the violation. The site plan shows the garage located 18 feet from the rear 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.**

**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.**

I would like to add a detached garage on my property. Due to the odd shape of property and location of the septic tank I need to build in this location.

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

The location of my septic tank and leech field makes this the best place to build.

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

Septic tank location. No driveway to other side of property.

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

No driveway. Septic tank on that side of property – opposite of where I want to build.

**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,**

True, where I'm asking to build is hidden by trees all around on both properties and not seen.

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

Okay.

### **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** This office has no objection to the proposed variance request.

**ENVIRONMENTAL MANAGEMENT & PUBLIC WORKS/ENGINEERING:** **Traffic Data** Rivers Road is classified as a Collector and has an 80' ROW. The posted speed limit is 45 mph. There is no traffic data for Rivers Road. **Sight Distance** No new driveways are proposed. The existing driveway was constructed about 1981 and has adequate sight distance for the road speed/classification. **Floodplain Management** The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0019E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study. **Wetlands** The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. **Watershed Protection** There **ARE NOT** state waters located on the subject property. **Groundwater** The property **IS** within a groundwater recharge area. **Post Construction Stormwater Management** This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if a setback variance is granted and developed with a garage building. **Staff Recommendations:** No comments.

**FIRE MARSHAL:** Not applicable.

**WATER SYSTEM:** FCWS has no objection to the proposed variance. Water is available along south side of Rivers Rd in a 8" water main.



# A-799-22 Aerials

Jewel Bluff

SUBJECT  
PROPERTY

Rivers Road





REVISED APPLICATION

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: JAMES BRINKERHOFF

MAILING ADDRESS: 223 RIVERS RD, FAYETTEVILLE, GA 30214

PHONE: 408-426-1886 E-MAIL: BRINK24@ATT.NET

AGENT FOR OWNERS: N/A.

MAILING ADDRESS:

PHONE:  E-MAIL:

PROPERTY LOCATION: LAND LOT 1 LAND DISTRICT 9<sup>TH</sup> PARCEL 0901053

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 3.192

ZONING DISTRICT: 9<sup>TH</sup>

ZONING OF SURROUNDING PROPERTIES: R-70: R-40

PRESENT USE OF SUBJECT PROPERTY: R-70

PROPOSED USE OF SUBJECT PROPERTY: ADD DETACHED GARAGE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-799-22

[ ] Application Insufficient due to lack of:

by Staff:  Date:

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

by Staff: [Signature] Date: JUNE 13, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: JULY 25, 2022

Received from JAMES BRINKERHOFF a check in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 20 for deposit on frame for public hearing sign(s).

Date Paid: \$195.00 (CASH) Receipt Number: 015043

TOTAL 195<sup>00</sup>

## 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 BRINKERHOFF

Please Print Names

Property Tax Identification Number(s) of Subject Property: 540-90-2319

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 9<sup>th</sup> 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 3.192 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

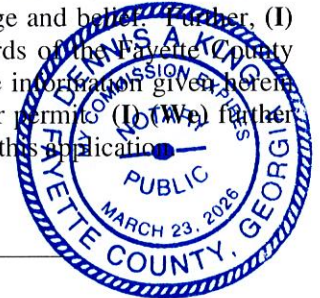
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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

223 RIVERS RD  
Address GA 024 070747750

[Signature]  
Signature of Notary Public

June 13<sup>th</sup>, 2022 - EXPIRES MARCH 23, 2026  
Date



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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
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
110-133(d)(5)	Rear Yard Set Back 50 Feet.	Rear Yard Set Back 18 Feet.	32 Feet Variance

## VARIANCE SUMMARY

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

I WOULD LIKE TO ADD A DETACHED GARAGE ON  
 MY PROPERTY. DUE TO THE ODD SHAPE ~~AND~~ OF PROPERTY AND  
 LOCATION OF THE SEPTIC TANK I NEED  
 TO BUILD IN THIS LOCATION

## 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 LOCATION OF MY SEPTIC TANK AND  
LEECH FIELD MAKES THIS THE ~~ONLY~~ BEST  
PLACE TO BUILD

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

SEPTIC TANK LOCATION  
NO DRIVEWAY TO OTHER SIDE OF PROPERTY

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

NO DRIVEWAY  
SEPTIC TANK ON THAT SIDE OF PROPERTY - OPPOSITE  
OF WHERE I WANT TO BUILD



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.

TRUE, WHERE IM ASKING TO BUILD IS  
HIDDEN BY TREES ALL AROUND ON BOTH  
PROPERTIES AND NOT SEEN

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

OK

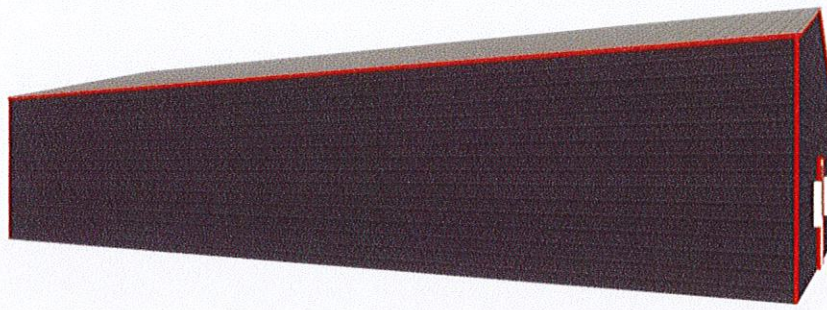
**BUILDING VIEW**



**FRONT**

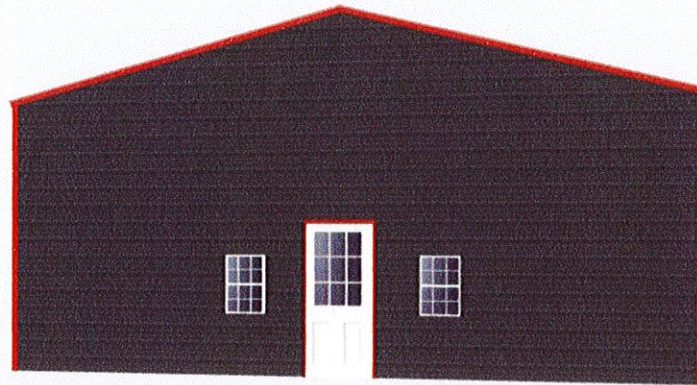


**BUILDING VIEW**



**LEFT**

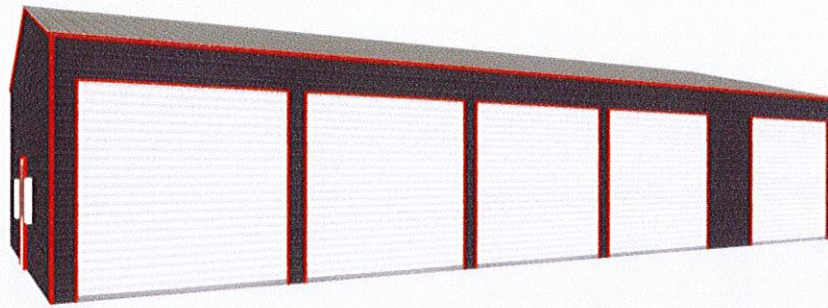
**BUILDING VIEW**



**BACK**



**BUILDING VIEW**

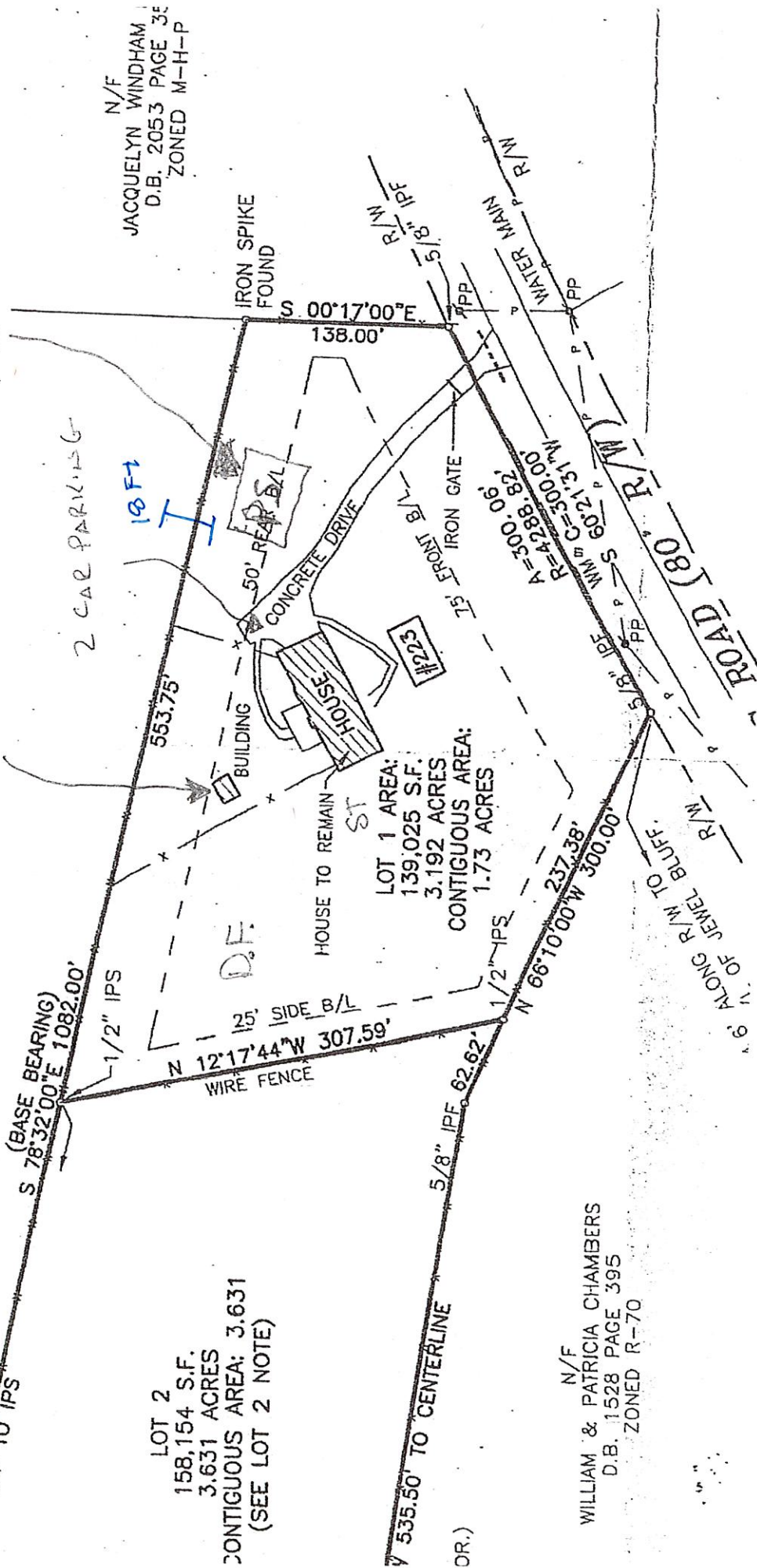


**RIGHT**

P.S. = Proposed Structure  
 PARKING = 2 CAR

PROPOSED STRUCTURE  
 30X60X12 METAL GARAGE  
 5 BUMP DIKERS  
 2 ENTRANCE DIKERS  
 4 WINDOWS

TO BE REMOVED



WILLIAM & PATRICIA CHAMBERS  
 D.B. 1528 PAGE 395  
 ZONED R-70

DEED

Parcel ID # 04100053  
After Recording Return To:

Merino & Associates, LLC  
325 West Park Drive, Suite 300  
Peachtree City, GA 30269

Order No.: GA220505020

Type: WD

Recorded: 6/2/2022 4:49:00 PM

Fee Amt: \$450.00 Page 1 of 2

Transfer Tax: \$425.00

Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID(s): 5997014128,  
7067927936

**BK 5502 PG 270 - 271**

### LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 31st day of May, 2022, between James Gregory Steinkellner and Debra Kay Steinkellner, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and James Brinkerhoff, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/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,

All that certain tract or parcel of land situate, lying and being in Land Lot 1 of the 9th Land District of Fayette County, Georgia, being Lot 1 containing 3.192 acres as per plat prepared for Charles and Brenda Davenport by Christopher Brothers Land Surveying, LLC, dated 6/8/2016 and being of record in Plat Book 49, Page 65, Fayette County, Georgia Records. Reference to said plat is hereby made for a more complete accurate description of the property herein described.

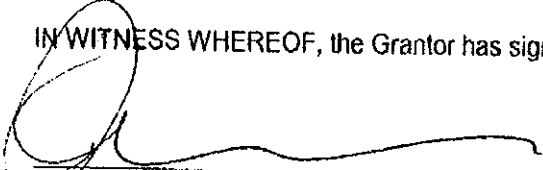
SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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



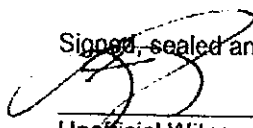
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

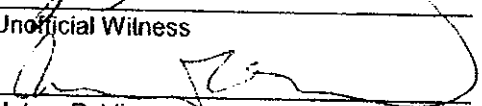
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 31st day of May, 2022.

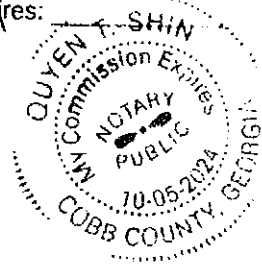
  
James Gregory Steinkellner

  
Debra Kay Steinkellner

Signed, sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public  
My Commission Expires:



**PETITION NO. A-800-22**  
**Johann and Monica Reckley**  
**563 Janice Drive**  
**Fayetteville, GA 30214**  
**Public Hearing Date July 25, 2022**

The subject property is located at 563 Janice Drive Fayetteville, GA 30214 and is zoned R-40. The applicant is requesting a Variance as follows:

Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 15 feet to 13.5 feet to allow an existing single-family dwelling to remain.

**History:** The original plat for McClenney Estates staff was unable to locate. The tax parcel map of 1971 shows Block A and Block B of McClenney Estates, the subject property is 1.14 acres. Tax Assessors indicate the applicant purchased the property in 2014. According to building permit records the house was built in 2004. The original homeowner provided the county a site plan showing the house 39 feet from the side property line (see attached).

As part of the building permit process for a pool permit, a site plan is required. Through the review staff discovered the violation. The site plan shows the pool located 13.5 feet from the 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.**

**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.**

When I purchased the home, it was the way it currently is. It is not an easy task for me to correct the errors. To be clear, in 2004 when the house was built, I was not the owner. The setback variance is not in tolerance to the current rules and expectations of construction in Fayette County. It is supposed to be 15 feet from the end of my property line, but according to the most recent survey of my home conducted by Wide Open Land Surveying, LLC, suggests, that the space between my home and the neighbor of the left is between 13.5 and 14.5 feet. Again, I was not in any way associated with the original building of the home and any imperfections that took place prior to my moving in May of 2008. Thank you in advance for your consideration.

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

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed.

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

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed.

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

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed.

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 errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed. We would like to upgrade the damaged deck and to do other upgrades to our home such as pool and a pool house.

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

I would like the opportunity to maximize the land and property that I own. I serve as principal of a local school and I would like to continue to live in the community where I work while having a property that I am proud of and that my family can enjoy.



## DEPARTMENTAL COMMENTS

**ENVIRONMENTAL HEALTH:** This office has objection to the proposed variance.

**ENVIRONMENTAL MANAGEMENT & PUBLIC WORKS/ENGINEERING:** **Traffic Data** There is no traffic data for Janice Drive. It is classified as an Internal Local and has an 50' ROW. The request would not impact traffic patterns or volume. **Sight Distance** No new driveways are proposed. **Floodplain Management** The 1.14-acre site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0019E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study. **Wetlands** The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. **Watershed Protection** There **ARE NOT** state waters located on the subject property.

**Groundwater** The property **IS** within a groundwater recharge area. **Post Construction Stormwater Management** This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces. **Staff Recommendations:** No comments.

**FIRE MARSHAL:** No comment from Fire Marshal.

**WATER SYSTEM:** FCWS has no objection to the proposed variance. Water is available at this location - there is a 8" water main that serves Janice Dr.



# A-800-22 Aerials



Janice Drive

SUBJECT  
PROPERTY

Veterans Parkway



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Johann and Monica Reckley

MAILING ADDRESS: 563 Janice Drive Fayetteville, GA 30214

PHONE: 404-435-4874 (Johann) 865-385-3624 (Monica)

E-MAIL: reckley.johann@gmail.com and reckley.monica@fcboe.org

AGENT FOR OWNERS: Not Applicable

MAILING ADDRESS: Not Applicable

PHONE: Not Applicable E-MAIL: Not Applicable

PROPERTY LOCATION:

LAND LOT: 16 AND DISTRICT: 7TH PARCEL: 070802018

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.143

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-800-22

[ ] Application Insufficient due to lack of:

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

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: JUNE 16, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: JULY 25, 2022  
Received from Monica Reckley a check in the amount of \$ 175.00  
for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).  
Date Paid: JUNE 15, 2022 Receipt Number: 015073

TOTAL \$ 195.00



# 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:

Johann and Monica Reckley

Please Print Names

Property Tax Identification Number(s) of Subject Property: 07-0802-018

(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) 16 of the District, and said property consists of a total of 1.143 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.

Johann Reckley  
Signature of Property Owner 1

563 Janice Drive Fayetteville, GA 30214  
Address

Monica Reckley  
Signature of Property Owner 2

563 Janice Drive Fayetteville, GA 30214  
Address

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

\_\_\_\_\_  
Address

Brandalynn R. Kennedy  
Signature of Notary Public

06-15-2022  
Date

Brandalynn R. Kennedy  
Signature of Notary Public

06-15-2022  
Date

\_\_\_\_\_  
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. 110-137(d)(6)	15 Ft	13.5 Ft	1.5 Ft.

## VARIANCE SUMMARY

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

When I purchased the home, it was the way it currently is. It is not an easy task for me to correct the errors. To be clear, in 2004 when the house was built, I was The setback variance is not in tolerance to the current rules and expectations of construction in Fayette County. It is supposed to be 15 feet from the end of my property line, but according to the most recent survey of my home conducted by Wide Open Land Surveying, LLC, suggests that the space between my home and the neighbor of the left is between 13.5 and 14.5 feet. .Again, I was not in any way associated with the original building of the home and any imperfections that took place prior to my moving in in May of 2008. Thank you in advance for your consideration.

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## JUSTIFICATION OF REQUEST

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

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

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed.

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

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed.

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

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed.



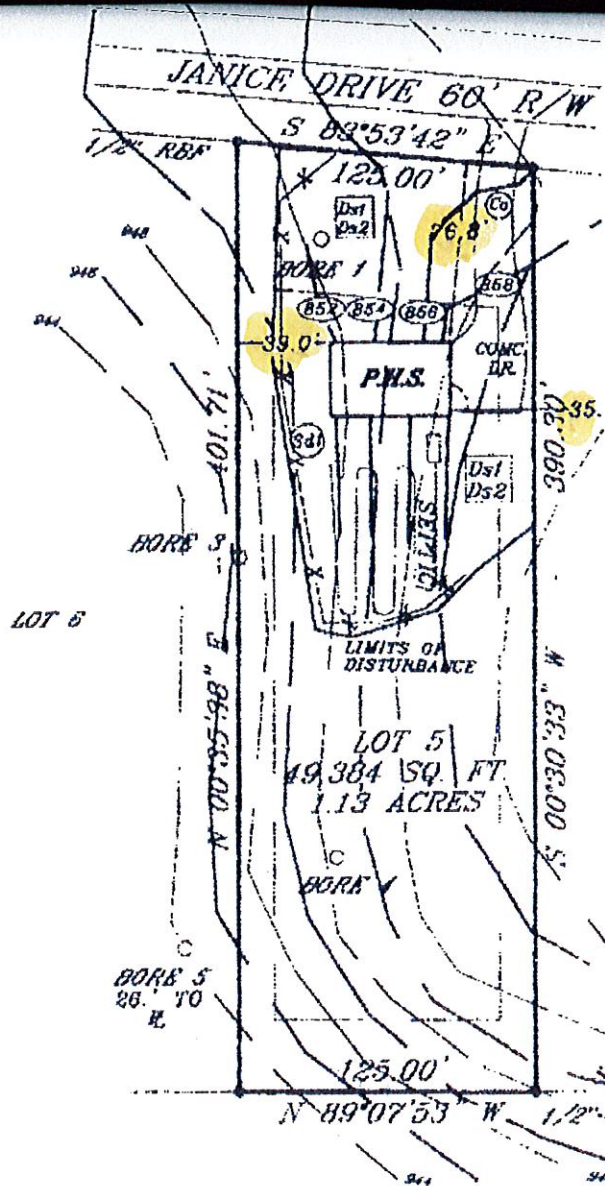
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

The variance errors that exist were present when I purchased the home. It would be a hardship for me and my relatively young family to force the home into the proper guidelines. We did not intentionally break any rules. It was not until we attempted to do home renovations that we realized that an issue existed. We would like to upgrade the damaged deck and to do other upgrades to our home such as a pool and a pool house.

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

I would like the opportunity to maximize the land and property that I own. I serve as principal of a local school and I would like to continue to live in the community where I work while having a property that I am proud of and that my family can enjoy.



\* From Original Building Permit (2004-522)

Graphic Scale: 1" = 100'

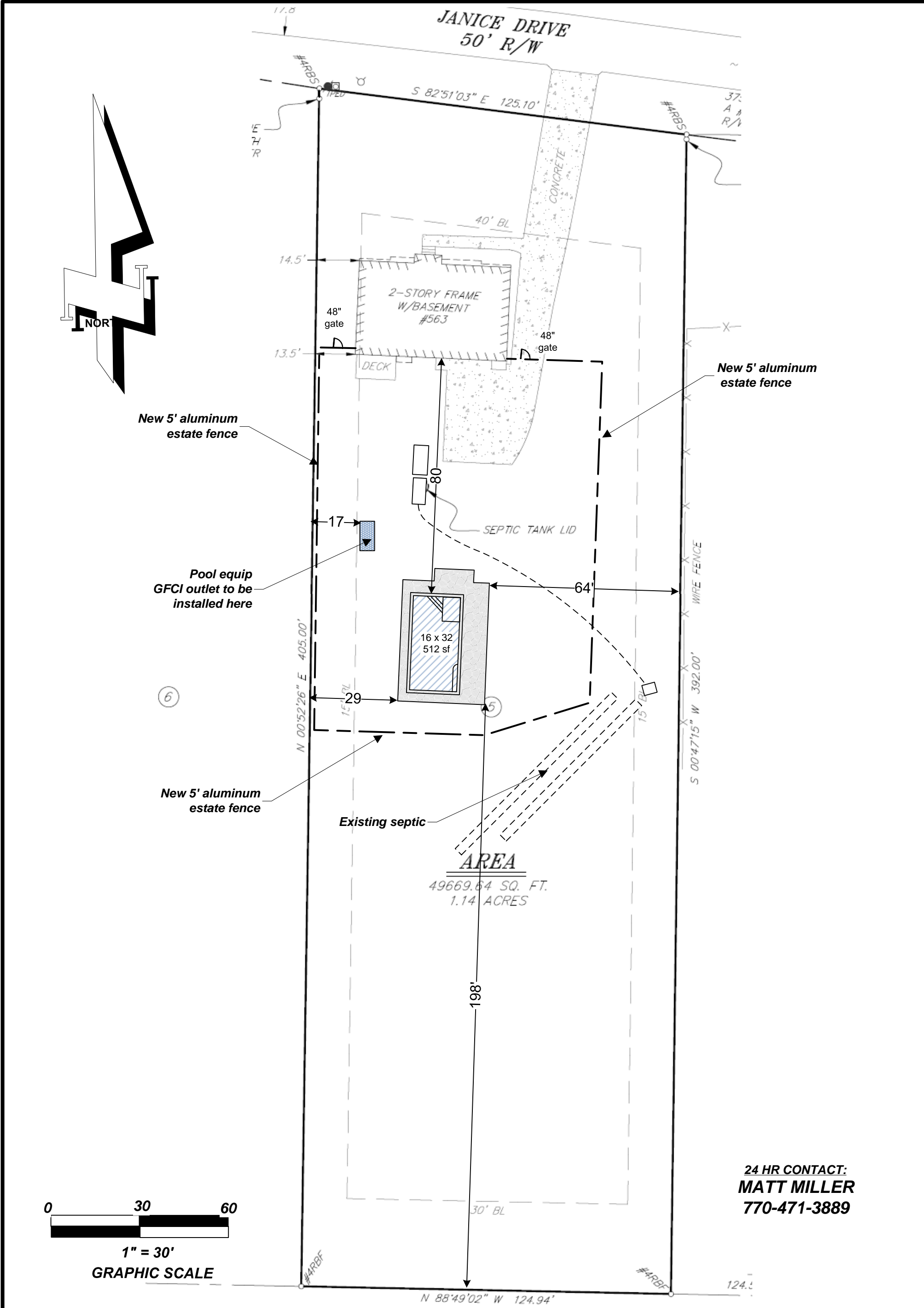
PREPARED FOR:

**REGINA LARKIN**

SUBDIVISION: J.L. McCLENNEY PROPERTY S/D

D.B. 300

Pg. 62



**SITE PLAN FOR:**  
**MONICA RECKLEY**  
**563 JANICE DR**  
**FAYETTEVILLE GA 30214**  
**865-385-3624**

**LOCATED IN:**  
**LOT: 5 BLOCK: B**  
**JL MCLENNY**  
**FAYETTE COUNTY**  
**GEORGIA**

**SWIMMING POOL CONTRACTOR:**  
**HILLTOP POOLS**  
**9133 SOUTH MAIN ST**  
**JONESBORO GA 30236**  
**770-471-3889**

<b>Maximum length:</b>	<b>33'</b>
<b>Maximum width</b>	<b>18'</b>
<b>Minimum depth:</b>	<b>3.0</b>
<b>Maximum depth:</b>	<b>5.0</b>
<b>Perimeter feet:</b>	<b>82</b>
<b>Square feet:</b>	<b>381</b>

**Spa:** no spa  
**Square feet:** n/a

**Pool Equipment:**

**Pump: 1.5hp VARIABLE**

**Filter: IC40 cartridge**

Chem Type: salt

**Lighting:** 12 volt LED

**Heater: no heat**

**Reinforcement:**

**Steel C x C:**

Rebar Size: #3 3/8"

**Piping:**

**Returns:** 2w/2" nyc

**Skimmer:** 2w2" pvc

**Drain:** VGB Compliant

**Draht. VGB Comp**  
**Dual Anti Vortex**

Dual Anti Vortex  
Auto sweep: yes

**Coping:** *Bluestone/travertine*

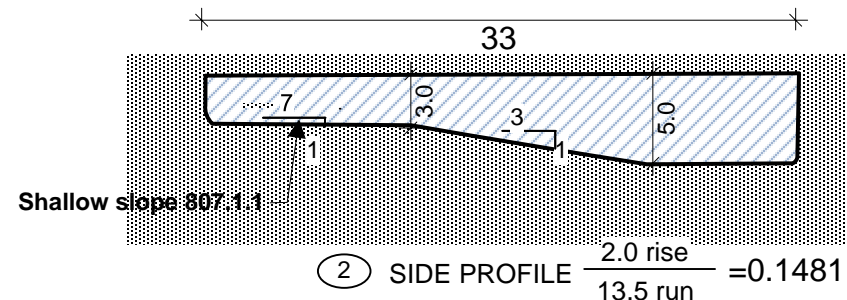
**Tile:** 6X6 stone

**Inside finish: Pebble Tec**

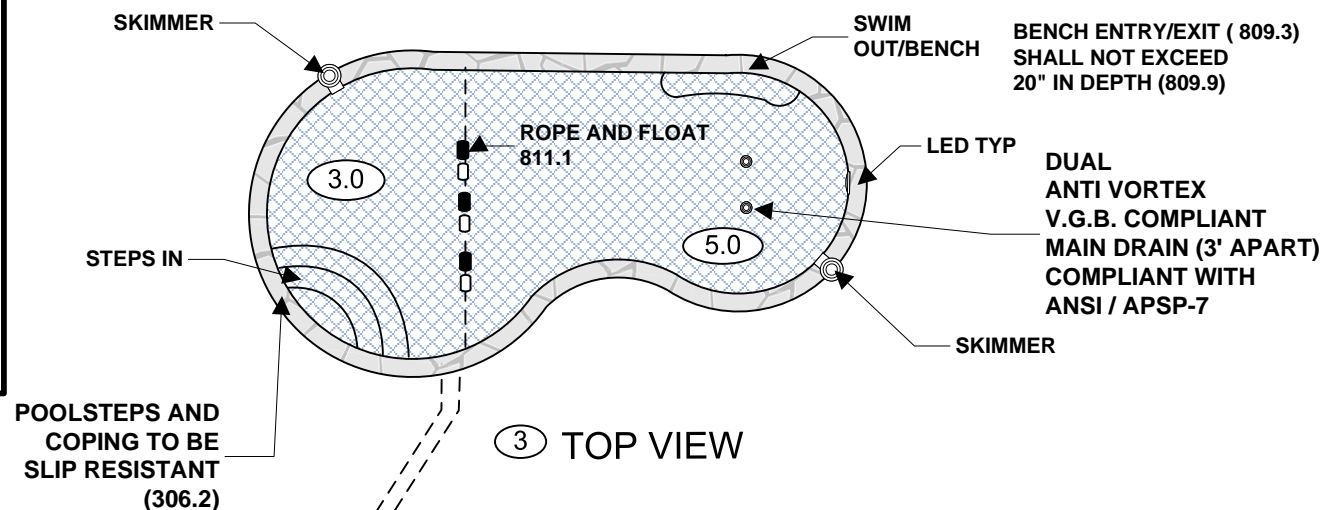
## 1 DETAILS

**SWIMMING POOL NOTE:  
POOL IN AN ENCLOSED  
CARTRIDGE FILTER  
SYSTEM. AUTOFILL  
CONNECTED TO EXISTING  
IRRIGATION AND WILL  
CONTAIN DUAL/DBL CHECK  
VALVE.**

- NOTES:**
- 1. #3 (3/8") REBAR SCHED .40 SPEC. 615 USED THROUGHOUT POOL EXCEPT IN BEAM**
  - 2. STEEL WILL BE 12" O.C. EXCEPT IN BOND BEAM.**
  - 3. BOND BEAM WILL BE 3 BARS #3 (3/8")**
  - 4. STARTING AT 6½ " DEPTH AND RUNNING AROUND THE DEEP END BOWL TO THE OPPOSITE SIDE OF THE POOL AT THE 6½ " DEPTH. #3 REBAR SHALL BE INSTALLED ON 12" CENTERS 10" LONG BARS WILL START AT THE TOP OF THE BEAM AND BE SPLICED INTO THE FLOOR.**
  - 5. ALL STEEL TO BE CONTINUOUS BY SPLICING.**
  - 6. ALL SPLICES SHOULD BE APPROXIMATELY 18" WITH A MINIMUM OF 12" AND TWO TIES.**
  - 7. ALL STEEL WILL BE BLOCKED 2" OFF DIRT.**
  - 8. ADD #3 @10.0' LONG @ 12" VERT. MAKING A TOTAL OF #3 VERT. @ 6" O.C.. #3 TO BEGIN 2'0" INTO THE FLOOR & EXTEND UPWARD INTO THE WALL. ADD #3 @ 6" O.C. 2' INTO SHALLOW END EXTENDING DOWN BREAK 2' DEEP INTO THE DEEP END FLOOR.**



ALL PUMP MOTORS AND WET NICHE  
FIXTURES ARE PROTECTED WITH GFCI  
OVERCURRENT DEVICES



## POOLSTEPS AND COPING TO BE SLIP RESISTANT (306.2)

— GFCI TO BE INSTALLED HERE

## 2" PVC PIPE TO SKIMMERS AND RETURNS

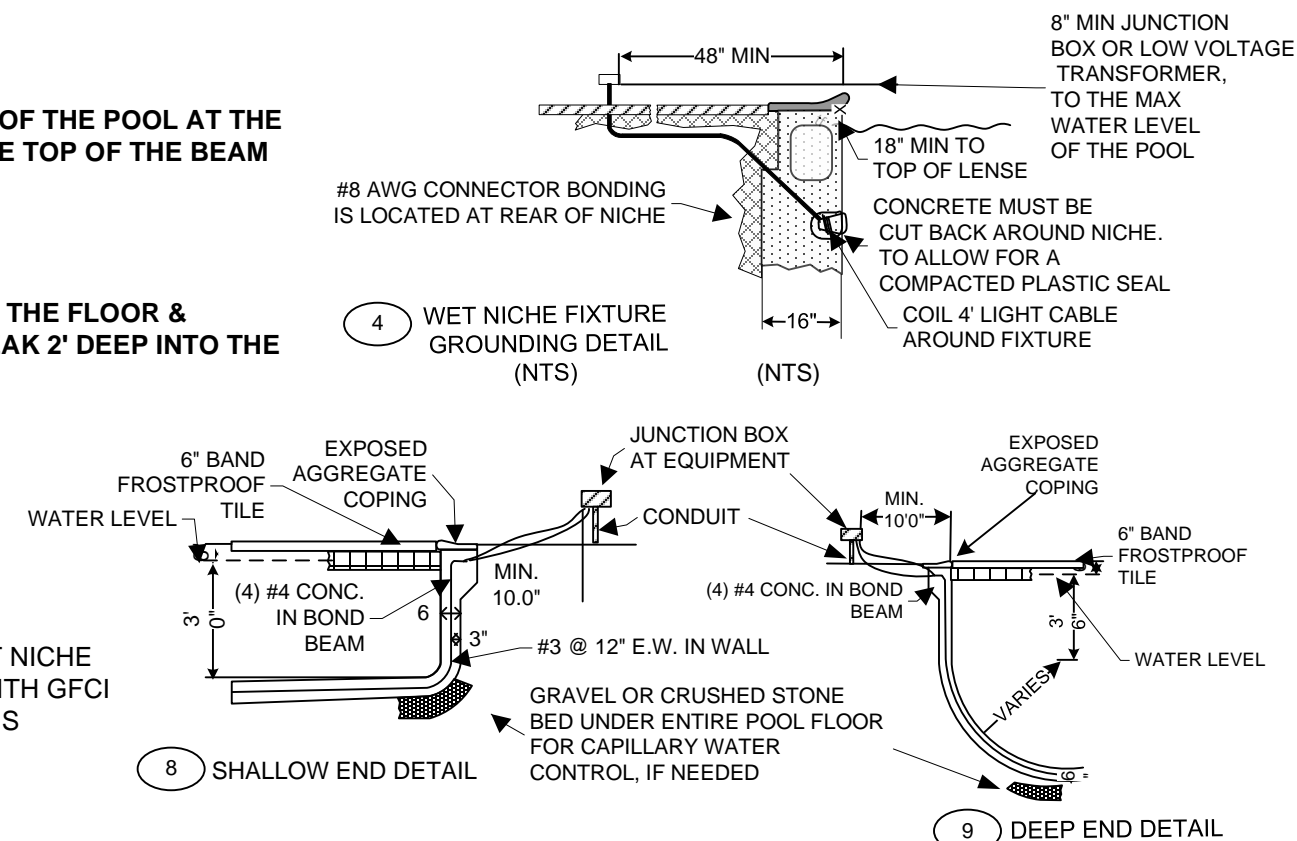
**BONDING OF PERIMETER SURFACES MUST BE IN ACCORDANCE AND BE ATTACHED TO THE CONCRETE POOL REINFORCING STEEL OR COPPER CONDUCTOR GRID AT A MINIMUM OF FOUR EQUAL POINTS AROUND THE PERIMETER**

**ALL METAL PARTS OF POOL STRUCTURE WILL BONDED TOGETHER WITH AN 8 AWG SOLID COPPER CONDUCT**

**ALL METAL PARTS OF ELECTRICAL EQUIPMENT ASSOCIATED WITH WATER CIRCULATING SYSTEM MUST BE BONDED**

**EQUIPOTENTIAL BONDING MUST EXTEND A MINIMUM OF 3' HORIZONTALLY BEYOND THE INSIDE WALLS OF A POOL/SPA**

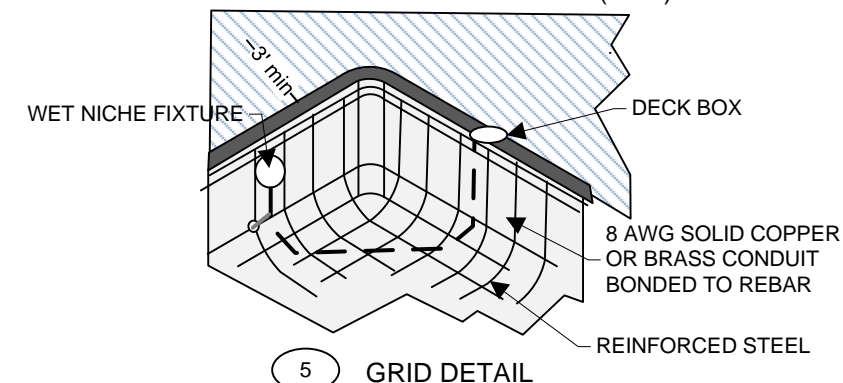
**Pool covers. Heated pools shall be equipped with a vapor-retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.**  
**(2015 IECC403.9.3)**



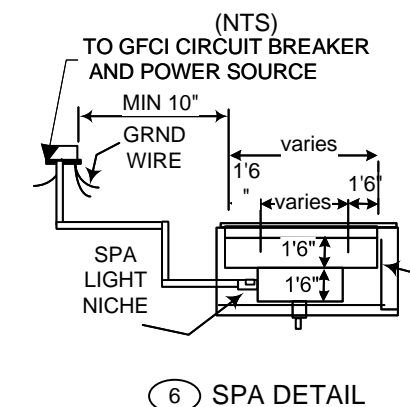
## EQUIPOTENTIAL BONDING AND BONDING

GRID:

“ BONDING SHALL BE DONE IN  
ACCORDANCE WITH SECTION 680.26 OF  
THE NATIONAL ELECTRICAL CODE (NEC)”



**CURRENT MINIMUM CONSTRUCTION CODES  
( AS APPLICABLE )**



\*\*\*\*RELEASED FOR CONSTRUCTION

**HILLTOP POOLS**  
**9133 S. MAIN ST**  
**JONESBORO GA 30236**

**24 HR Contact:**  
**Phone:**

**MATT MILLER**  
**770-4712-3889**

JAN 2022

## CURRENT APPLICABLE CODES FROM 2018 ISPSC FOR SWIMMING POOLS AND SPAS

**E00-122**  
**Designed for:**

**PYLES  
253 BANKS RD  
FAYETTEVILLE GA 30214**



RECORDING INFORMATION

CLOSURE NOTE

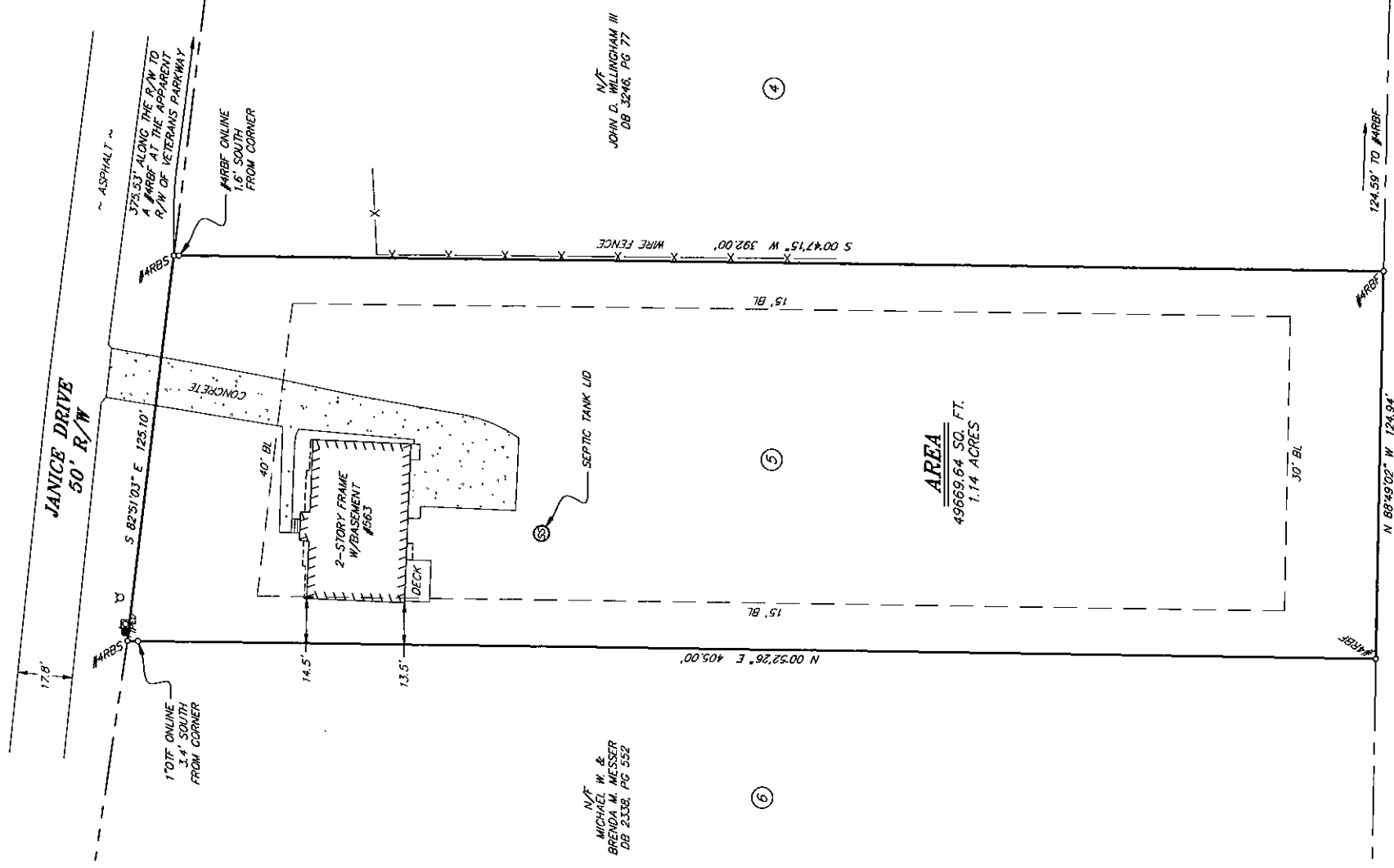
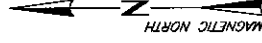
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 24,358 FEET, AN ANGULAR ERROR OF 0.1 SECONDS PER ANGLE, AND A DISTANCE ERROR OF 0.1 FEET PER 1,000 FEET. THE SURVEYOR HAS CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 340,012 FEET. A TRIMBLE TOTAL STATION AND RECON DATA COLLECTOR WERE USED TO GATHER THE INFORMATION USED TO PREPARE THIS PLAT.

FLOOD NOTE

I HAVE EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS WITHOUT AN ELEVATION CERTIFICATE. SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE FLOOD HAZARD MAP. REVISION DATE: 09/28/08  
MAP NUMBER: 1311320019E

LEGEND

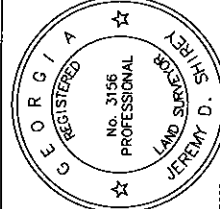
- 1/2" REBAR FOUND  
1/2" REBAR SET  
1" CRIMP TOP PIPE FOUND  
3/4" CRIMP TOP PIPE FOUND  
1" CRIMP TOP PIPE FOUND  
FIRE HYDRANT  
POWER POLE  
SANTARY SEWER MANHOLE  
LIGHT POLE  
WATER METER  
POWER BOX  
POWER METER  
CABLE TV PEDESTAL  
TELEPHONE PEDESTAL  
GAS METER  
GAS VALVE  
FIBER OPTIC MARKER  
OVERHEAD POWER  
FENCE



NOTES

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES OF RECORD MUST BE SHOWN BY THE SURVEYOR. THIS PLAT IS NOT TO BE USED TO DETERMINE THE BOUNDARIES OF ANY ADJACENT PROPERTY.
- ONLY VISIBLE UTILITIES SHOWN.

N/T  
FAYETTE BUILDERS, INC.  
DB 619, PG 280



THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN FOR THE PURPOSE OF PROVIDING A PUBLIC RECORD OF ANY LOCAL JURISDICTION, AVAILABILITY OF RECORDS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS WITHIN THE MINIMUM FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-87.

DATE: 10/12/2020  
DIGITALLY SIGNED ON 10/12/2020  
JERRY D. SURRY, JR. RLS #3156

WIDE OPEN



FIELD DATE:	10/12/2020
PLAT DATE:	10/18/2020
SCALE:	1"=30'
COUNTY:	FAYETTE
DISTRICT:	7TH
LAND LOT:	16

52 CURETON LANE  
MORELAND, GA 30259  
678-633-5695  
WWW.WIDEOPENLANDSURVEYING.COM  
JOB #2113

BOUNDARY SURVEY FOR:

563 JANICE DRIVE

MONICA RECKLEY

LOT 5, BLOCK B, J.L. MCLENNY PROPERTY SUBDIVISION  
DB 4224, PG 736

Mc Clenney  
or  
Fernando



050  
J-M  
L-N

FERNANDO VALLEY

**MARCH, 1971**

SCALE: 1" = 100'

Doc ID: 009426580003 Type: WD  
Recorded: 08/18/2014 at 01:50:00 PM  
Fee Amt: \$14.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4224 PG 736-738

After Recording, Return To:  
MORTGAGE CONNECT, LP  
260 AIRSIDE DRIVE  
MOON TOWNSHIP, PA 15108  
File No. 640445

This instrument prepared by:  
Julie Mira Sankovic., (Georgia Bar Number: 865256) and Jay A. Rosenberg, Esq., Rosenberg  
LPA, Attorneys At Law, 3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605  
Fax: (866) 611-0170.

**PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER**

**070802018**

**Exempt from transfer tax OCGA 48-6-2(a)(2)**

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**GENERAL WARRANTY DEED**

Johann Reckley, aka Johann J. Reckley, and Monica Harper Reckley, aka Monica B. Reckley, hereinafter grantors, whose tax-mailing address is 563 JANICE DRIVE, FAYETTEVILLE, GA 30214, for \$0.00 (Zero Dollar and Zero Cents) in consideration paid, grant, with general warranty covenants to Johann J. Reckley and Monica B. Reckley, hereinafter grantees, whose tax mailing address is 563 JANICE DRIVE, FAYETTEVILLE, GA 30214, the following real property:

**SEE "EXHIBIT A" ATTACHED HERETO FOR LEGAL DESCRIPTION**

The real property described above is conveyed subject to general warranty covenants, the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantors, either in law or equity, to the only proper use, benefit and behalf of the grantees forever.

Prior instrument reference: **Official Records Book 3399, Page 160** recorded on **05/06/2008**

The preparing attorney has not been asked to perform any title examination on the conveyed property and therefore makes no representations concerning the state of the title or the accuracy/sufficiency of the legal description.

Grantee or Grantees are advised that if he or she desires to file for a homestead exemption than he or she should immediately contact the tax assessor of the county named in the above legal description.

Signed, Sealed and Delivered on July 24, 2014:

*Johann Reckley aka Johann J. Reckley*

Johann Reckley aka Johann J. Reckley

*Monica Harper Reckley aka Monica B. Reckley*  
Monica Harper Reckley aka Monica B. Reckley,

Signed in my presence:

*Martha Head*  
(Witness Signature)

Print Name: MARSHA HEAD

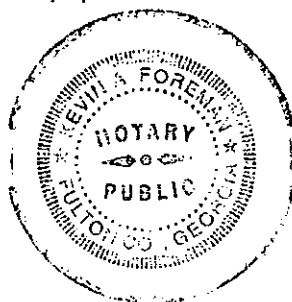
STATE OF GEORGIA  
COUNTY OF TAYLOR

Signed in my presence:

*Artavia Murray*  
(Witness Signature)

Print Name: Artavia Murray

The foregoing instrument was acknowledged before me on 7/24/2014, 2014 by **Johann Reckley, aka Johann J. Reckley, and Monica Harper Reckley, aka Monica B. Reckley**, who are personally known to me or have produced DRIVERS LICENSES as identification, and furthermore, the aforementioned persons have acknowledged that their signatures were their free and voluntary act for the purposes set forth in this instrument.



*Kevin A. Foreman*  
Notary Public  
COMMISSION EXPIRES  
2/28/2017



**EXHIBIT A**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 16, OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 5, BLOCK B, J.L. MCLENNEY PROPERTY SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF JANICE DRIVE, FIVE HUNDRED (500) FEET WEST AS MEASURED ALONG THE SOUTH SIDE OF JANICE DRIVE, FROM THE POINT OF INTERSECTION OF THE SOUTH SIDE OF JANICE DRIVE AND THE EAST LINE OF LAND LOT 16; SAID POINT OF BEGINNING ALSO BEING AT THE LINE WHICH DIVIDES LOTS 4 AND 5, SAID BLOCK AND SUBDIVISION; THENCE WEST ALONG THE SOUTH SIDE OF JANICE DRIVE ONE HUNDRED TWENTY FIVE (125) FEET TO THE LINE WHICH DIVIDES LOT 5 AND 6, SAID BLOCK AND SUBDIVISION, THENCE SOUTH ALONG THE LINE WHICH DIVIDES SAID LOTS 5 AND 6, FOUR HUNDRED FIVE (405) FEET; THENCE EAST ONE HUNDRED TWENTY FIVE (125) FEET TO THE LINE WHICH DIVIDES SAID LOTS 4 AND 5; THENCE NORTH ALONG THE LINE WHICH DIVIDES THE ABOVE MENTIONED LOTS 4 AND 5, THREE HUNDRED NINETY TWO (392) FEET TO THE SOUTH SIDE OF JANICE DRIVE AND THE POINT OF BEGINNING.

Also known as 563 JANICE DRIVE, FAYETTEVILLE, GA 30214

Parcel ID #: 070802018

Tax ID: 070802018