

BOARD OF APPEALS

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

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
October 24, 2022
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on September 26, 2022.
2. Consideration of 2023 Zoning Board of Appeals meeting dates.

PUBLIC HEARING

3. Petition No. A-808-22, Cole and Natalie Antley, Owner, request the following: Variance to Sec. 110-125. A.R. (d) (6) to reduce the side yard setback from 50 feet to 22 feet to allow for construction of a residential accessory structure (i.e. garage with breezeway). The subject property is located in Land Lots 108, 109 and 116 of the 4th District and fronts on S.R. 92.
4. Petition No. A-809-22, Bertie Lee Allen, Owner, request the following: Variance to Sec. 110-133. R-70. (d)(4)(a)(2) to reduce the front yard setback from 75 feet to 10 feet to allow existing single-family residence to remain. The subject property is located in Land Lot 38 of the 5th District and fronts on Seay Road.
5. Petition No. A-811-22, Magnolia Calderon and Alfonso Contreras, Owner, request the following: 1. Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 5 feet to allow an existing residential structure to remain. 2. Variance to Sec. 110-137. R-40, (d) (3) to reduce floor area from 1500 square feet to 1,447 feet to allow an existing residential structure to remain. The subject property is located in Land Lot 229 of the 5th District and fronts on Thornton Drive.

Meeting Minutes 9/26/22

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 26th 2022, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John Tate, Chairman
Marsha Hopkins, Vice Chairwoman
Anita Davis
Bill Beckwith
Tom Waller

STAFF PRESENT: Deborah Bell, Planning & Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning & Zoning Coordinator
E. Allison Ivey Cox, County Attorney

1. Consideration of the Minutes of the Meeting held on August 22nd, 2022.

*Anita Davis made a motion to approve the minutes of the meeting held on August 22nd, 2022.
Marsha Hopkins seconded the motion. The motion passed 5-0.*

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 9th District and fronts on Rivers Road. (The applicant has requested to withdraw the petition).

Chairman Tate made a motion to withdraw Petition No. A-799-22, 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). Bill Beckwith seconded the motion. The motion passed 5-0.

3. Petition No. A-807-22, Terry and Kristie Ferrell, Owner, request the following:

- 1. Variance to Sec. 110-79. Residential accessory structures and their uses, (g). Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern.**

2. Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 75 feet to 74 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 72 of the 4th District and fronts on Woods Road.

Chairman Tate asked if the petitioner was present?

Terry Ferrell stated he has been a long-time resident of Fayette County. He stated he is here today to get the variance approved so he can build a shop. He stated he understands the ordinance and understands what there's a need for in the County. He stated financially this is the shop he can afford. He stated he wouldn't be here wasting anyone's time or his money. He stated he has seen within a 4 mile radius of his home, new shops and new houses with vertical siding. He stated he would not be here if he knew there was not a chance of getting approved. He stated he also has a survey for his property.

Chairman Tate asked if there was anyone to speak in support? There were none. He then asked if anyone would like to speak in opposition? There were none. He brought the discussion back to the Board for discussion. He asked Mr. Ferrell to remain at the podium in case anyone had any questions?

Anita Davis stated she's never built a structure of this nature before. She stated she understands he's requesting the material to go vertical rather than horizontal. She stated it seems you would need pretty much the same amount of material to go one way as opposed to another, maybe there's a little difference due to the cuts. She asked how much of a difference in cost would it be to have the siding go horizontally as opposed to vertically.

Terry Ferrell stated this is a pole barn built with 66 posts in the main structure. He stated there are runners on the inside. Versus if you were to frame it you would have two (2) by fours (4) running 12 foot tall, every foot. So, if you count 30 foot across, 36 down, it's over 140 feet. So, it would be more two (2) by fours (4) than it would with the runners. He stated there is a big difference. He stated he has considered that but this is still considerably cheaper and it's the way the builder builds it. He stated there is a picture in the packet where you can see the runner, He stated that's what they use to do the screws and that's what they use to mount the side. He stated there is a considerable difference.

Chairman Tate asked what stage is the building at in terms of it being constructed?

Terry Ferrell stated it has not yet been constructed. He stated the first thing is to go through Planning and Zoning to get site approval. He stated after they approve it then it goes to Health Department to get the final permit to start building. He stated he was not going to sign a contract with his builder or do anything until the County says he's good to go.

Chairman Tate stated Mr. Ferrell stated part of the reasoning for this request was that he's been in his area and he's seen other buildings with vertical structures. He stated

unfortunately that may be the case if something has not been brought to the attention of the County. He stated that may have occurred, but no one knew about it. He stated they cannot use that as a basis to override what the general ordinance says. He stated there are five (5) different categories they use to determine if there should be a variance. He stated they are limited to those five (5) categories. He stated he doesn't see all of or any of those met at this moment.

Bill Beckwith stated one of the conditions on the application is that the property will create a difficulty or unnecessary hardship. He stated Mr. Ferrell's response on the application is that it will not create a hardship and that's one of the conditions. He stated it may be difficult but according to Mr. Ferrell it's not a condition, therefore the condition is not met.

Terry Ferrell stated he didn't understand some of the questions. He stated his hardship, financial wise, this is how much he's budgeted for his shop and with any changes, he may not be able to build the shop. He stated he doesn't know what the Board would define a hardship. He said to Chairman Tate's point, the shops and houses that have vertical sidings would have had to come through the County. He stated he's sure they had to be permitted because they have mechanical, power, water, things of that nature. He stated he doesn't know how they would slip through the cracks. He stated he understands what he's saying because people just go build stuff but it's hard for him to understand how they got by with it but he's not.

Bill Beckwith asked what material is the exterior?

Terry Ferrell stated it's metal. He stated it's the same thing that's in the picture.

Bill Beckwith stated one of the things the Zoning Board of Appeals looks at is the five (5) conditions that Chairman Tate mentioned. He stated, unfortunately, financial hardships is not one (1) of them. He stated that's not one of the cases that they would really consider. He stated it's always been that way over the ways. He stated they understand that but maintaining the ordinance that the County has set, anybody asking to break it would be breaking the law by having the Board approve a variance. He stated it's been set by the Zoning Ordinance that these conditions must be met for them to approve a variance. He stated as Mr. Ferrell said, it wouldn't create a hardship but would probably be difficult. He stated in some cases, probably not Mr. Ferrell's, but in some cases, it would be a convenience but not a hardship.

Terry Ferrell asked how is it a convenience if something is costing me more money?

Bill Beckwith stated, again that is one (1) thing we can't consider. He stated it's unfortunate the Zoning Board of Appeals has to function that way. He stated this has always been the criteria and if it costs more money that's unfortunate. By maintaining the ordinance of the County, which says horizontal exteriors are within the ordinance that's what we have to consider.

Chairman Tate stated he was looking back at the five (5) stipulations that must be met in order for the Board to approve a variance and he cannot see where all five (5) are met. He said he could see from the point of the literal interpretation of the ordinance would deprive the applicant rights that others in the same districts are allowed if you were to base it upon the fact that you're saying there are other citizens that have this then he'd have to look at this stipulation to say it has to be allowed. He added, from the standpoint of Zoning Board of Appeals this is not something they arbitrarily allow. He stated while there may have been some that were there he can't say that they came before the Board and therefore be able to use that particular stipulation to say you did it for somebody else. He stated he has to agree at this point that without having some viable basis to say that all of these stipulations that must be met have been met, he just doesn't see it.

Bill Beckwith stated he needed to get clarification from Deborah Bell. He asked if the horizontal siding applied to all buildings or just to resident buildings?

Deborah Bell stated it applies to residential accessory structures. There is an exemption for farm outbuildings, but it was staff's opinion that this wasn't a farm building it was a residential accessory structure.

Bill Beckwith asked Mr. Ferrell what would be the purpose of the building you want to build? He asked if he has farm implements or any implements that you'll repair in this building?

Terry Ferrell stated he has equipment that he uses, he has boats that he'll put in it. He stated he'd use it as a workshop. He stated he doesn't have a farm or tractor. It'd just be a shop and that's what he'd use it for.

Bill Beckwith asked if he planned on farming.

Terry Ferrell stated he has a lawn mower. He'll farm his land with his mower.

Bill Beckwith asked if he had a garden.

Terry Ferrell stated yes, he has a garden with jalapenos and tomatoes. He stated he farms. He then stated he had a question. He stated that the Chairman spoke about rights. He stated with his rights, some got allowed and some didn't. He stated that he reverts back to this, these structures and buildings are there and had to come through the County. He stated he could get a stack of 20 or 30 pictures within a five (5) mile radius of his house. He stated he wouldn't be here wasting their time and pleading his case if he didn't this wasn't fair. He stated he doesn't feel comfortable going to somebody's else and start taking pictures. He stated he's not going to turn anybody in or complain or do anything like that.

Bill Beckwith stated let me tell you what often happens with us. He stated that Mr. Ferrell has a second (2nd) variance for an existing building that might be too close to the setback

on the wetlands. He stated this is almost every situation we have. He said someone requests a building permit and building department will come out and check the property and make measurements. He stated you probably didn't know that the building was too close to the setback. He stated in many cases that's how a lot of these cases are found out. He stated someone who may have this structure you're referring to with the vertical siding on it, they may have put it up before the ordinance is made but unless someone makes a complaint to the code enforcement or somebody wants to build something else on their property, there's no way the County and staff as it is could go around and check the buildings that may be in violation. He stated that's why there's a second (2nd) variance, someone came out because of the shop you wanted to build and measured that distance. He stated that's probably how most of those buildings are in existence with vertical sidings.

Terry Ferrell asked don't you have to have a permit for EMC or Georgia Power to hook up power to a building in the County?

Bill Beckwith stated he did not know.

Terry Ferrell asked if anyone on the Board knew? The Board members did not know. He stated he is almost certain you do or they won't hook up to it because it's not passed inspection. He stated he reverts back to these buildings, that are fairly new because he knows the ordinance was put in way before these were built. He stated he is 99 percent sure you have to have a permit for them to come out and hook up a meter box because it has to be inspected, same as a house. Everything has to be inspected before EMC or a power company would come out there and do that. He stated he understands what the Board is saying, people do build shed out bins and stuff like that but he's referring to the buildings that have a vertical siding and that he knows had to go through the County.

Bill Beckwith stated unfortunately we are only considering your situation.

Terry Ferrell stated this is apart of my situation to get this approved because everyone else has gotten one (1). He stated he's trying to do the right thing, get it permitted and go through all the right steps to get this done so that when he closes on this, everything is done, and he can sleep at night.

Chairman Tate stated he understands what Mr. Ferrell is saying, he cannot offer any explanation as to how. He stated he certainly believes these buildings exist however coming before the Zoning Board of Appeals for variance, if it was never brought to them they would have no way of knowing about it. He stated we are bound by the ordinance, the ordinances themselves with certain exceptions and if we make an exception we do have to abide by the conditions as already stated. He stated that's where we are at this point. He asked if there were any other comments or questions?

Terry Ferrell stated he had a question. He stated Ms. Bell referred to this as a farm usage. He asked can they define what kind of farm usage this shop needs to be to have that exception?

Deborah Bell stated generally if a property is not an active farm, if they were to show that they were farm status for things like tax purposes and other agriculture purposes they would have a conservation plan through NRCS (Natural Resources Conservation Service) and a farm number through the Farm Service Administration. She stated that's been the standard she's used on past agricultural properties.

Chairman Tate stated he sees there is also a second request. He stated it is to allow an existing structure to remain with an encroachment into the rear yard setback. He asked if the reduction is from 75 to 74 feet?

Deborah Bell stated Mr. Ferrell's measurement on the ground, he came up with the building being about a one (1) foot encroachment but when we look at the aerial views of the property, Mr. Ferrell didn't have a survey that included the structure so rather than have a surveyor come out and locate the structure, she took the existing parcel survey that showed the property lines and overlayed it on an aerial photograph on the tax map with the tax lines. She stated she took some known measurements to calibrate those distances and she consistently came up with a measurement of a three (3) foot encroachment. She stated her recommendation was to approve a five (5) foot encroachment to provide a margin of error rather than ask Mr. Ferrell to survey it since it was a minor encroachment. She stated Environmental Management reviewed it in regards to floodplain and it did not appear to encroach on the floodplain.

Bill Beckwith stated the structure is listed as a pole barn. He asked is that correct?

Terry Ferrell stated yes.

Bill Beckwith asked if it has any siding on it?

Terry Ferrell stated the top where it's closed in does. He said he thinks it's call T111 siding, four (4) by eight (8) sheets, it's four (4) foot tall.

Bill Beckwith asked what the structure is used for?

Terry Ferrell stated he uses it for storage.

Bill Beckwith asked if Mr. Ferrell is the original owner of the property?

Terry Ferrell stated yes. He bought the property and built the house 22 years ago.

Bill Beckwith asked did he build the barn also?

Terry Ferrell stated yes, about 18 years ago.

Bill Beckwith stated he is looking to see if that was part of a farm.

Terry Ferrell, stated he has a tractor, bushhog, and his plow. He stated he had horses there. He stated he had a farm at one time. He added he does have pictures of the back fence that was surveyed. He stated he did print them out, those are the stakes in each corner of the property. He stated he measured from the stakes and that's what he sent to Planning and Zoning.

Bill Beckwith asked if he uses the pole barn to store equipment.

Terry Ferrell stated yes. It stores his tractor, trailer, and boat. He stated he also has pictures of the measurements.

Chairman Tate stated while they are at a standstill on the first variance, he will make a motion for the second (*see motion below*).

Terry Ferrell stated the only thing else he can say about his shop is that with his luck his taxes will go up which will increase revenue to the County. He said he's okay with that, he's 51 years old and finally gets his shop and this is the one he can afford. He stated he really really doesn't see an issue with the vertical siding. He said he does get the ordinance, if he was the only shop in Fayette County that was wanting to do this he would understand. He said he is trying to do the right thing and go about it the right way so when he sleeps at night he can sleep and doesn't have anybody looking over his shoulder. He added it's not hardly visible from the road.

Chairman Tate stated yes looking at the pictures he can see the house is located well beyond the road and certainly appreciates what Mr. Ferrell is saying about wanting to do this within the boundaries and the Board is in the same position. He stated they have to abide by the ordinances subject to certain specific conditions and if all of those conditions are not met then it puts the Board in a difficult position to simply say well let's just do it anyway because there are other people who may have gotten this done. Not necessarily through the Board but got it done and at this point he cannot see that that is a valid basis for that. He said he understands Mr. Ferrell's position but this is where the Board is at at this point.

Terry Ferrell said if it was a problem someone would be here to oppose it, correct?

Chairman Tate said I'm sorry?

Terry Ferrell stated if it was a problem with a resident in the County they should be here to oppose it, correct? So you say, do for one (1) and not for the other. He said that's why they

had the sign in the front yard for 30 days and why we had this [public hearing] if someone wanted to oppose it.

Chairman Tate stated a person has a right to voice their opposition with regard to when someone has requested a variance and those are comments the Board would take into consideration but that is not the overall binding factor that leads them to whatever determination the Board would make. The decisions are based on the guidelines that the Board has to follow; what does the ordinance state and under what basis does the Board have the authority to overrule that particular ordinance and they have very specific conditions and very specific circumstances so all they're trying to do is stay within the guidelines laid out before them.

Bill Beckwith stated what Chairman Tate is saying is if there was another situation just like this and we voted against the variance and someone comes along and says well you did it for him, how about doing it for me. He stated as an official Board action that would be something that would cause a problem. He said what they try to do is follow as much as possible the ordinance and they don't set any precedent that would cause legal action, doing something for one person and not for another. He stated by these ordinances being set the way they are the Board has to be bound by the ordinances and follow what they say. He said at some point there may be a change to the ordinance that makes it a different situation but right now like John was saying, without causing a precedence that would be opposed to the ordinance, not being an equal application of the ordinance would be what the Board wants to stay away from. He asked the chairman if that's what he was saying.

Chairman Tate stated yes and perhaps, Mr. Ferrell was stating that the other individuals with the vertical structures had them done then who did they come before, how did they get the approval? He stated he has no answer to that. He can not recall and they have all been there a various number of years but he cannot recall a situation where someone came before the Board and said well I need to do this because someone else did it without some valid basis.

Terry Ferrell stated okay, he said you wanted to make it equal and you cannot do for one (1) that you can do for the other so how do these houses around here have vertical siding? Homes that people live in and get away with it and I can't? You can't do for one (1) but can do for the other, how do they do it because I know a house has to be inspected. He said it has to have a final CO, goes through a building permit all that. It has to go through Planning and Zoning permit process, correct? He said you want to make it equal then let's make it equal. He said I'm just asking to build a little shop, I'm not asking to build a strip mall.

Chairman Tate said he understands but they cannot address the other situations because there would have to be some consideration given if you were to say well look I have this evidence, these people came before you. That means that we set a precedent.

Terry Ferrell stated he can't get that. He doesn't think the County is going to say here's all these permits because I'm just Joe Blow down there blowing smoke.

Chairman Tate said he understand Mr. Ferrell's position on that, it's just from the standpoint of this particular Board and the position their in at this point, he cannot think of a particular circumstance where they came before us. He doesn't know what Fayette County officials, or Board, or agency if these people went through that or not. He stated Mr. Ferrell's point is well made however they cannot react based upon what someone else may or may not have done.

Anita Davis stated she is not unsympathetic to what Mr. Ferrell is trying to do but she can't help but wonder if there is any other type of façade that he could possibly build. Could he possibly use stone? Or anything else to camouflage the vertical, is there any other option. Did he speak to the builder to find out if there was any other option?

Terry Ferrell stated no he hasn't discussed that because he started before with this. This is what he likes, this is what's in the budget, this is what he builds, a lot of these. He's seen them, a personal friend of his had it done. He did a great job and that's why he's stuck with this set of plans. He said he can't afford to put stone on the side. He said you're talking 12 foot walls by 36, that's a lot of money to do that and he's trying to keep this cost down as best he can.

Chairman Tate asked did Mr. Ferrell say he had not looked at other options or that he looked at this and this is what he wanted?

Terry Ferrell stated he knows there's other options and everything but he was trying to keep the cost down. With this shell and the way it's built, with this call it a pole barn garage because it's really stout and strong. That's why he picked it because of the overhangs he builds and everything with it, it fits with the needs on his property.

Chairman Tate asked if he would like to consider other possibilities as opposed to us continuing with this and perhaps table it?

Terry Ferrell said so pretty much what you're saying is change the siding to horizontal? What else can you do that's affordable to me to get this approved? He stated he doesn't know what else to look at and do.

Bill Beckwith stated they really try to work with the individual, the homeowners, and the property owners and by doing that we suggest that there may be other options to do what they want without breaking the law. He asked the Chariman, John are you saying perhaps we could table this and let Mr. Ferrell look at other options without denying him this evening?

Chairman Tate said if that's what he'd like to do, at least that's available. At this point if they were to put it to a vote and it's not approved then you would not be able to do it.

Terry Ferrell asked how many votes, does it have to be unanimous?

Chairman Tate stated three (3) votes one (1) way or the other.

Bill Beckwith stated again there may be some other options or other alternatives, some other material besides metal. He stated you mentioned that you've only talked to one builder.

Terry Ferrell stated he has talked to three (3) other builders and the closest bid to his bid which was \$40,000 for this shop, the closest bid was \$60,000 and that was with horizontal siding and that was from a builder he spoke with that builds a lot in Fayette County too.

Bill Beckwith said there may be some other creative solutions in the meantime.

Terry Ferrell said here's my options, you all will vote, you and you will probably turn it down and I'll have to find some different plans or either let y'all vote and go on with some different plans?

Chairman Tate stated if they vote and it's approved, then his variance is there. If it's not approved, he asked Deborah Bell to explain what would happen.

Deborah Bell stated if it's not approved, if it's denied there is a waiting period before you can come back and request another variance. The other option is to build something that is compliant with the architectural standards.

Terry Ferrell said so there's no waiting period for that? To apply for a different variance?

Deborah Bell stated if he brought in construction plans that complied with architectural standards he wouldn't need a variance.

Terry Ferrell said I'd be applying for a new one (1)?

Deborah Bell stated he can just amend his existing application and say will use this type of material and if it meets those standards he wouldn't need a variance at all. She stated if it's denied and he wanted to proceed with his building permit he would need to shift gears and provide a revised plan.

Bill Beckwith asked if it's table can it be tabled for 60 days? Is there an option for 30 or 60 days. He stated I think it can go 60 days.

Chairman Tate stated if they were to consider having it tabled would Mr. Ferrell want 60 days to consider other possibilities?

Terry Ferrell stated it sounds like he doesn't have a choice so sure.

Chairman Tate said they can vote.

Terry Ferrell stated if the Board votes and turns it down he'll try to find something else he can afford.

Bill Beckwith said or they could table it and can give him 60 days. It's still in a situation where he can come back as Deborah said, to provide other information.

Terry Ferrell said they can go ahead and table it. He said he has got one question, the houses that are built in Fayette County how do you let them get by when they have vertical siding? You say you want it equal and fair. How does it get by them, how does it get by yall and how does it get a final CO? This is a home that the Board knows has to be permitted. He stated if they want him to, he can go get pictures and take chances and he'll come back and show everybody. He said he wouldn't be here wasting time if he knew he didn't have a legit argument.

Chairman Tate said he understands and at this point Mr. Ferrell said he wanted to have this tabled. Certainly, if he returns in that period of time perhaps Mr. Ferrell may have something but at this point that seems like the better option. He asked Mr. Ferrell, did he say he did wish to table it?

Terry Ferrell stated that's fine (*see motion below*).

Terry Ferrell asked if he has to come back to this meeting and do this again? He asked who does he have to see.

Deborah Bell stated yes, he would have the option to come back to the meeting in 60 days. She stated we will send an updated calendar for that and if he has alternative materials that you'd like to present for the Board to consider, he could present them at that meeting. Terry Ferrell asked if he comes to Deborah Bell with the different plans that meet the criteria for the County does he still have to come back to the meeting and wait 60 days.

Deborah Bell stated no, he could withdraw the variance request for that part of the variance and they would close the case, similarly to the first hearing tonight and he would proceed with his building permit.

Terry Ferrell asked if he needed to bring the sign back before the County gets more money from him?

Deborah Bell stated yes, if he returns the sign the deposit for the sign is refunded.

Bill Beckwith made a motion to table Petition No. A-807-22, Variance to Sec. 110-79. Residential accessory structures and their uses, (g). Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern for 60 days. Tom Waller seconded the motion. The motion passed 5-0.

Chairman Tate made a motion to approve Petition No. A-807-22, Petition No. A-807-22, Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 75 feet to 70 feet to allow an existing residential accessory structure to remain. Bill Beckwith seconded the motion. The motion passed 5-0.

Chairman Tate asked is there a motion to adjourn?

Anita Davis made a motion to adjourn. Bill Beckwith seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:55 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

CHELSIE BOYNTON, ZBA SECRETARY

SCHEDULE FOR 2023 ZONING BOARD OF APPEALS APPLICATIONS

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

Deadline for application is the first Friday of the month by noon. If the first Friday of the month is on a holiday, the application filing deadline is extended to the next business day. Variance applications require a public hearing held on the fourth Monday of the month before the Zoning Board of Appeals. The Meeting Schedule reflects adjustments for holidays. The public hearing is held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville) on the first floor in the Public Meeting Room (near the fountain) and hearings begin at 7:00 p.m.

APPLICATION DEADLINES

January 6, 2023

February 3

March 3

April 7

May 5

June 2

July 7

August 4

September 1

October 6

November 3

December 1

ZBA MEETING DATES

February 27, 2023

March 27

April 24

May 22

June 26

July 24

August 28

September 25

October 23

November 27

December 18

January 22, 2024

PETITION NO: A-808-22

Requested Action: Variance to side building setback

Location: 2748 SR 92 South, Fayetteville, GA 30215

Parcel(s): 0418 019

District/Land Lot(s): 4th District, Land Lot(s) 108, 109, 116

Owner(s): Cole Antley & Natalie Antley

Agent: n/a

Zoning Board of Appeal Public Hearing: October 24, 2022

REQUEST

Applicant is requesting variances to the side setback for an existing principal structure and a new accessory structure:

1. Variance to Sec. 110-125.(d)(6) Side yard setback – to reduce the side yard setback from 50 feet to 22 feet to allow an existing accessory structure to remain.

STAFF RECOMMENDATION

Regarding variance request A-808-22, requesting to reduce the side building setback for an accessory structure, staff recommends **DENIAL**, as there is no evidence of a hardship related to the consideration criteria for variances.

HISTORY

The subject property is a 3.65-acre tract zoned A-R. The tract fronts on S.R. 92 in Land Lots 108, 109, 116 of the 4th District. The current use is Single-Family Residential. The lot and its existing structures are legal nonconforming. The existing home on the property was built in 1958 and is a legal nonconforming structure in terms of building setbacks.

On September 7, 2022, the Department of Building Safety received a complaint that a garage was being constructed without a permit. A Stop Work Order was issued, and the homeowner was advised that he needed to obtain a building permit. As part of the permitting process, a site plan is required. Through the review, staff discovered the violation. The survey provided shows the existing house is 44 feet from the side property line; therefore, the partially constructed detached garage is 22 feet from the side property line.

DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to the proposed variance. This property is currently outside our water service area.
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The right-of-way and access on S.R. 92 are managed by GDOT.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0160E dated September 26, 2008, and per the FC 2013 Dewberry Limited Flood Study.
 - **Wetlands** - The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property. The Flint River Watershed Protection Buffer applied to this parcel is, as measured from the Point of Wrested Vegetation, an undisturbed buffer of 400' + 50' setback **OR**, as measured from Base Flood Elevation, an undisturbed buffer of 100' + 50' setback, whichever is greater.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
- ☐ **Environmental Health Department**
 - 1: Prior to construction, owner must submit an application for an existing onsite evaluation
 - 2: This department has no issues.
 - 3: No objections to the variance, but the owner takes full responsibility for an damages that may have occurred to the septic system. This department has no record of approval for this structure.
- ☐ **Fire** – No comments.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

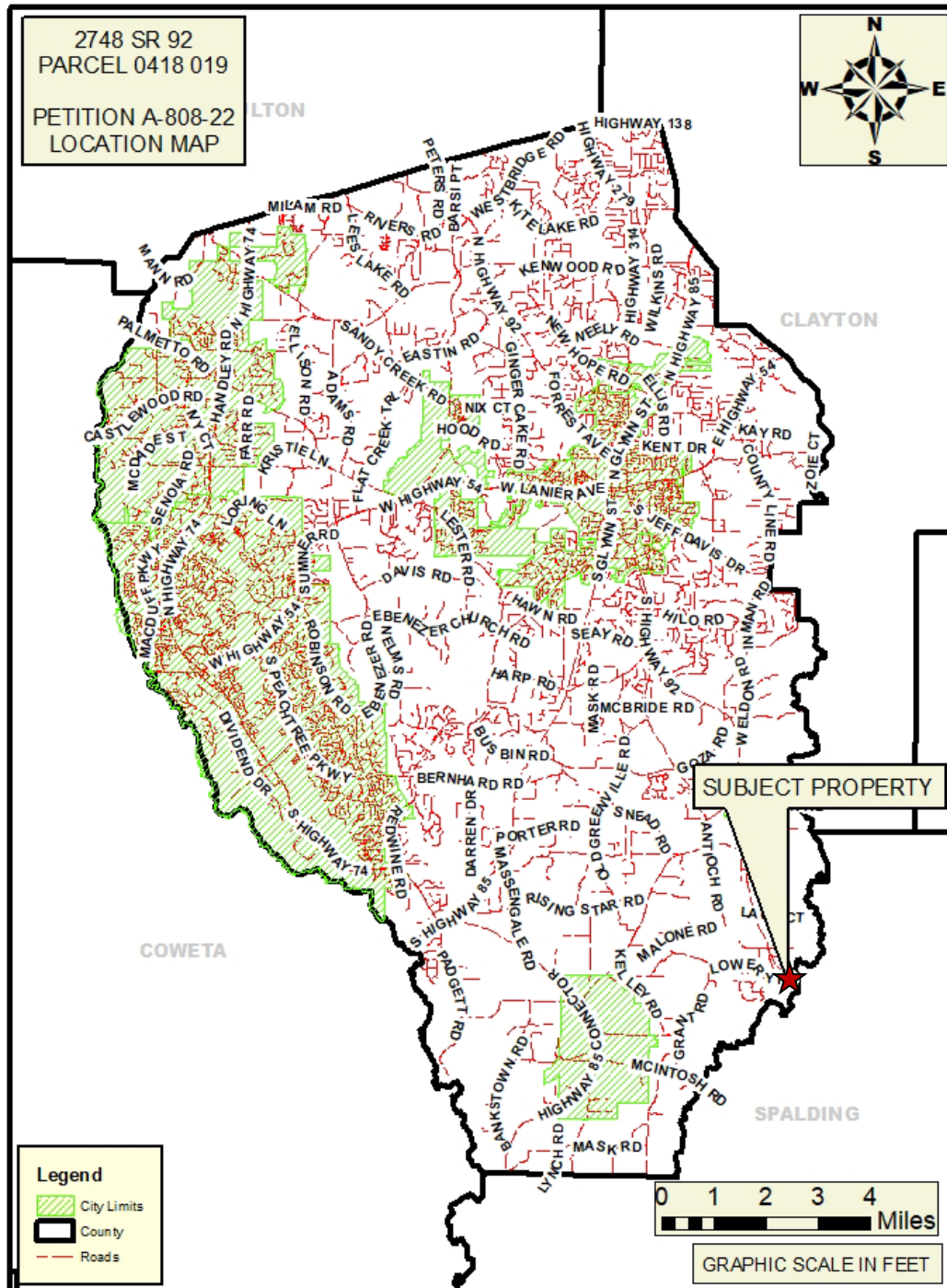
The applicant provides the following information

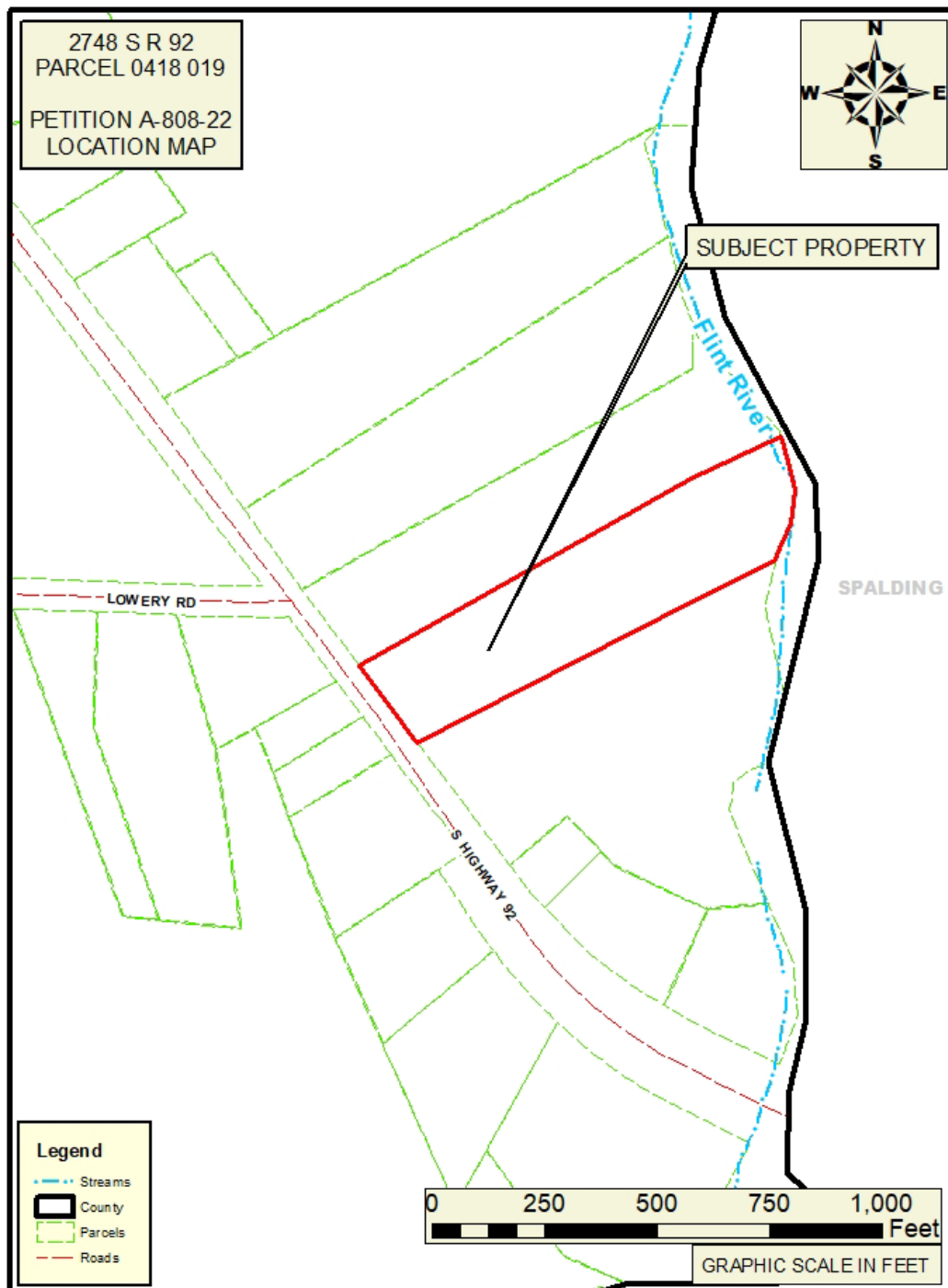
Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

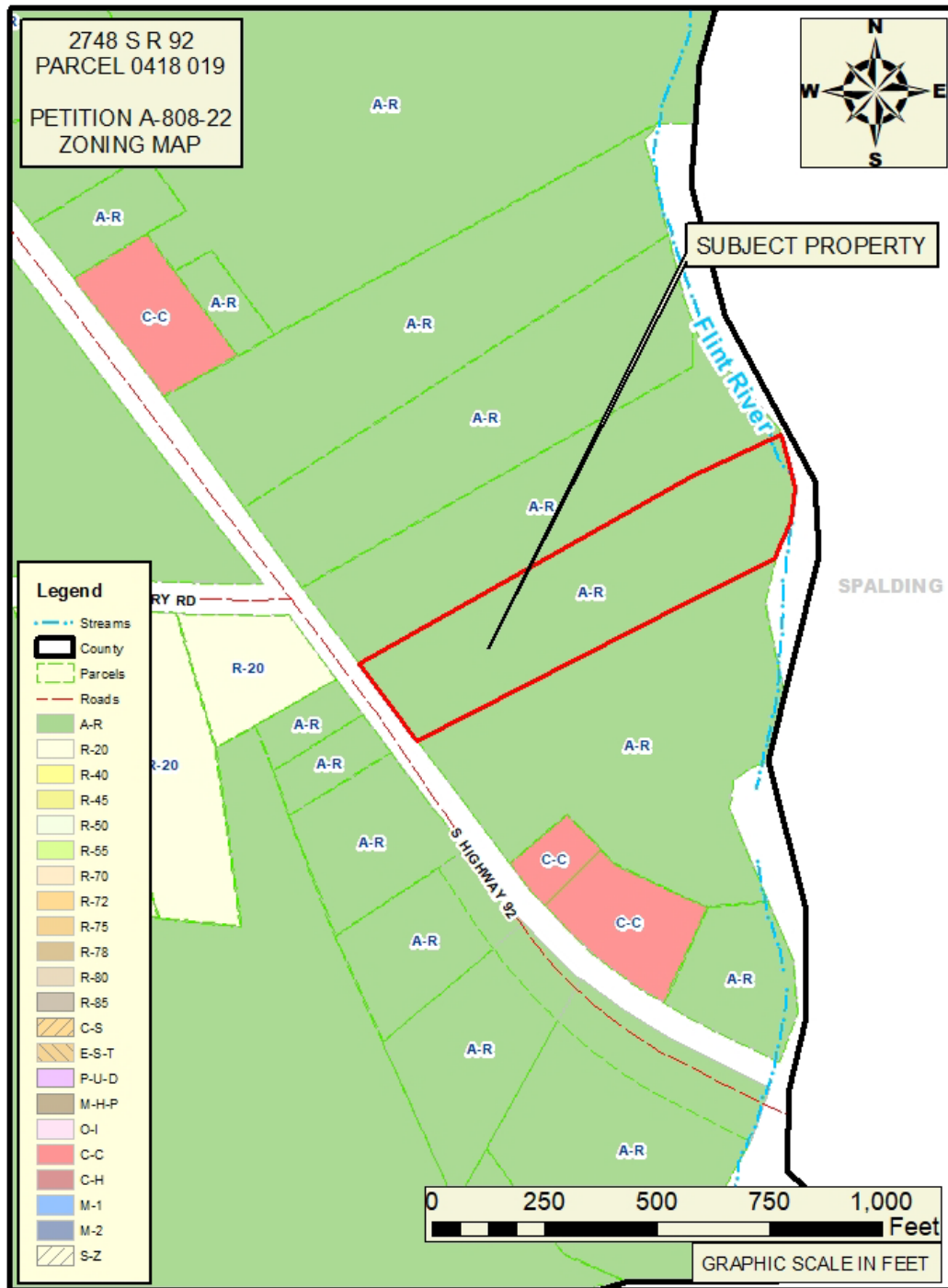
- a. Move property boundary setback 28' allowing for a detached garage 18' x 24

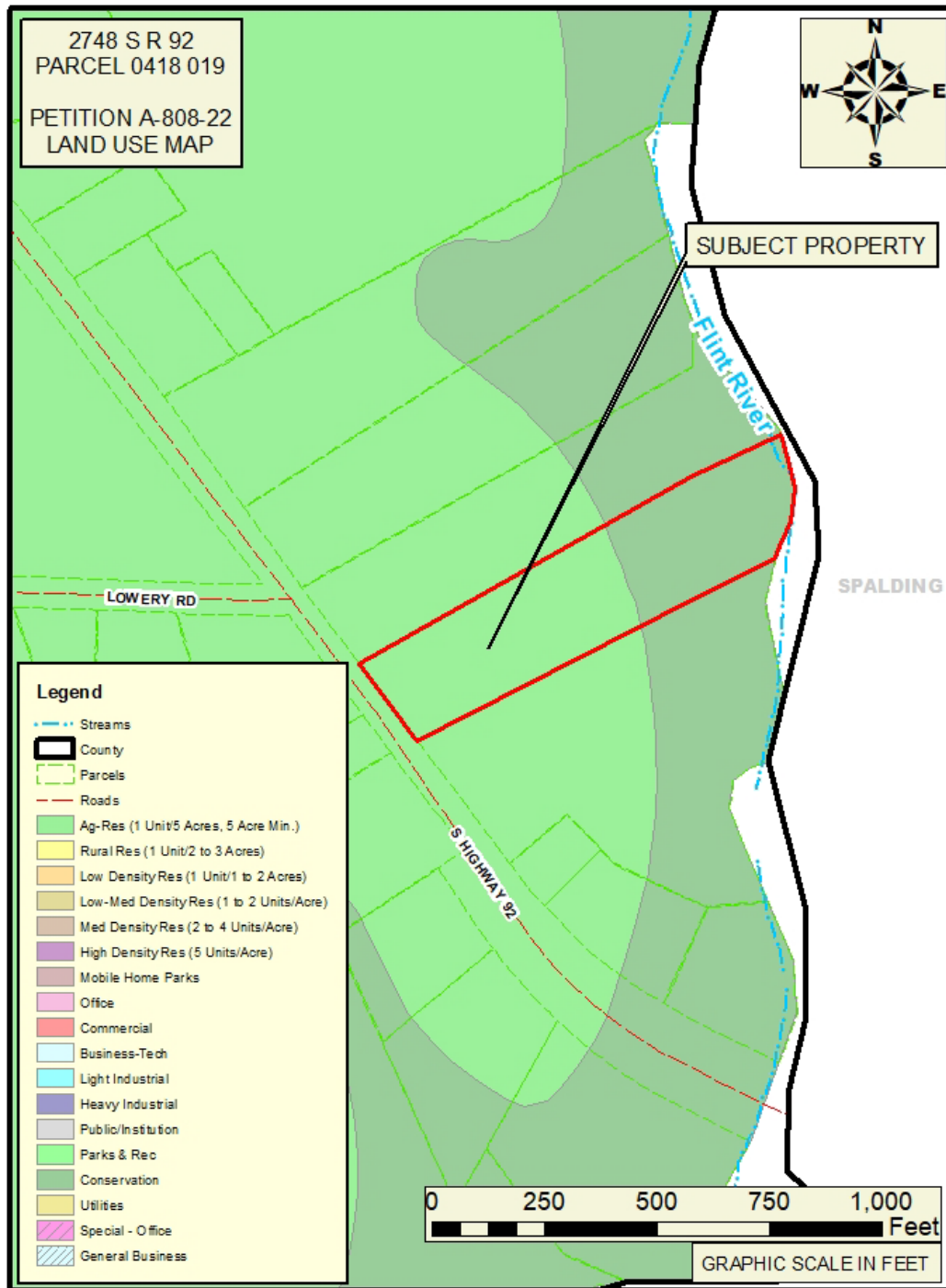
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

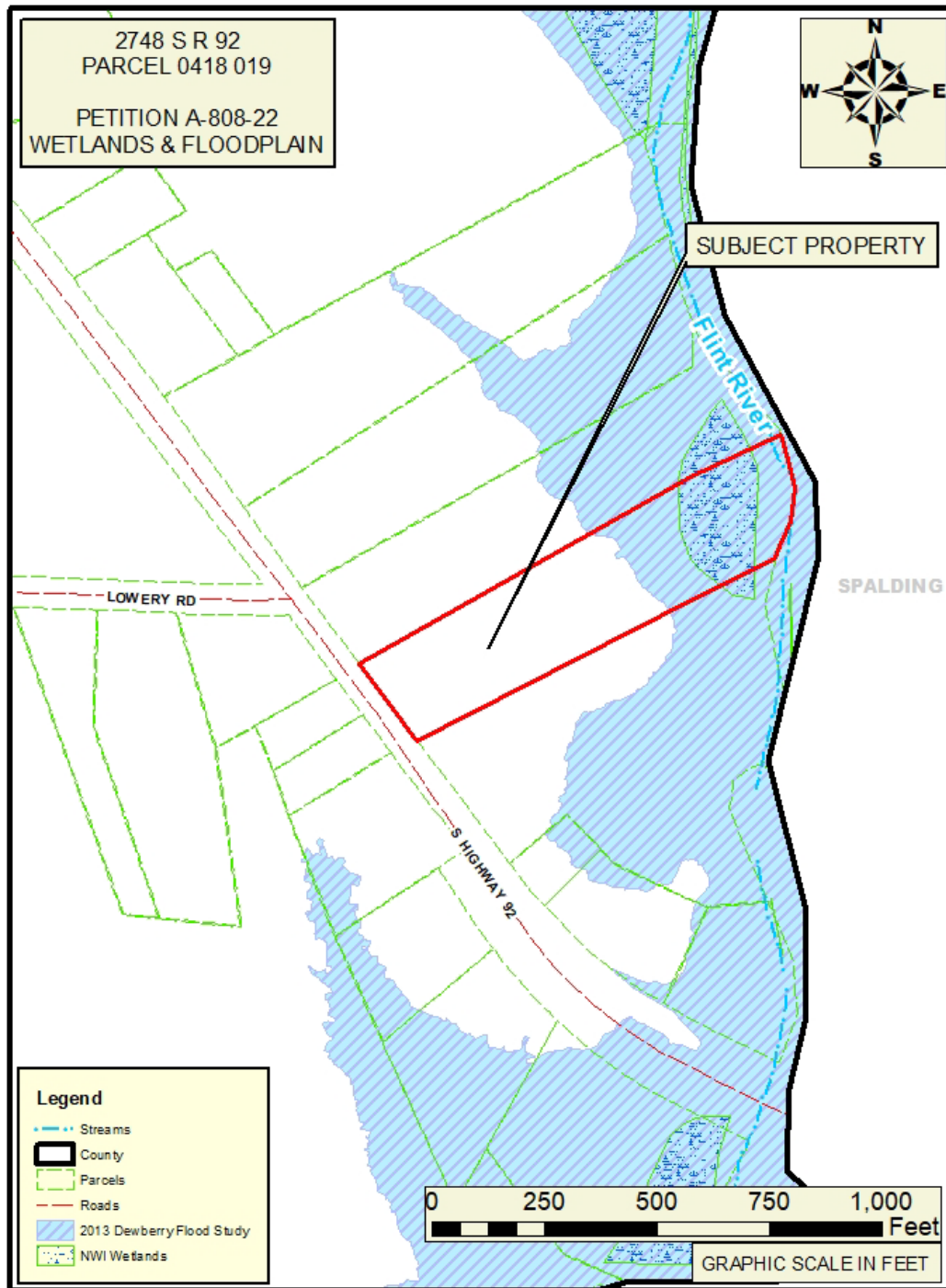
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - a. Too close to property line
 - b. There is no place for a functional garage other than the requested spot;
 - c. Septic is on the other side therefore no other options.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - a. The structure will allow access from both sides and will not create any obstacles to accessing the property.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - a. Existing driveway and entrance to the home are towards the north end making it easier and more practical to place the garage in requested spot.
- 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,**
 - a. There is no immediate or future detriment involved.
 - b. Access to the whole property from both sides of the structure will still be possible if emergency should arise on the property.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - a. There would be no deprivation in this situation. Given the property boundaries and house location, the allotted spot is most aesthetically and practically the best for the given situation.

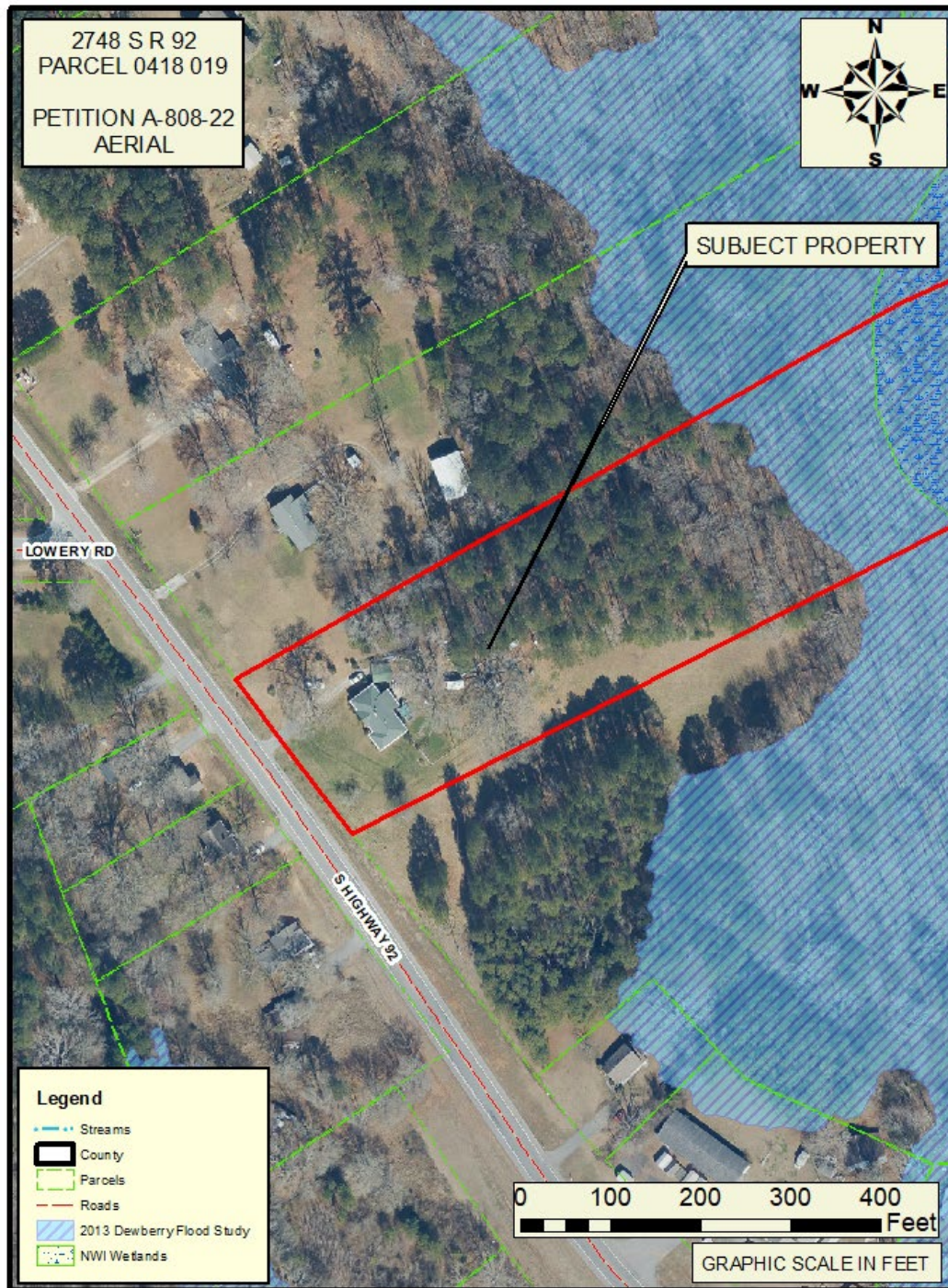














2748 S.R. 92



2748 S.R. 92

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Cole Antley Natalie Antley

MAILING ADDRESS: 2748 SR-92 Fayetteville GA 30215

PHONE: 678-326-2890 E-MAIL: cole@antley.com

AGENT FOR OWNERS: Cole Antley

MAILING ADDRESS: 2748 SR-92 Fayetteville GA, 30215

PHONE: 678-326-2890 E-MAIL: cole@antley.com

PROPERTY LOCATION: LAND LOT 108, 109 LAND DISTRICT 4 PARCEL 0418019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 3.65

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: residential

PROPOSED USE OF SUBJECT PROPERTY: residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-808-22

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: SEP. 9, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: OCT. 24, 2022

Received from COLE ANTLEY a check in the amount of \$ 195.00

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

Date Paid: SEP. 9, 2022 Receipt Number: 015866

Total Paid \$195.00 Cash.

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:

Cole Antley & NATALIE ANTLEY

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0418

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4 District, and (if applicable to more than one land district) Land Lot(s) 116 of the District, and said property consists of a total of 3.8 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

Address

2748 SR-92

Signature of Property Owner 2

Address

2748 SR-92, Fayetteville, GA 30215

Signature of Authorized Agent

Address

Signature of Notary Public

Date

9-9-22

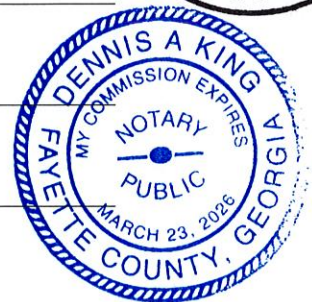
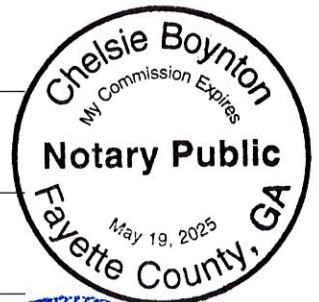
Signature of Notary Public

Date

SEP 7, 22

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
110-125 (d)(6)	Side Yard Setback 50'	22'	28' To Allow For CONSTRUCTION OF A RESIDENTIAL ACCESSORY STRUCTURE.
110-125 (d)(6)			
110-125 (d)(6)			

NCE SUMMARY

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

24 x 18 ~~detached~~ ^{de-tached} garage

Breezeway 6 x 8

Move property Boundary setback 28' allowing for a de-tached garage 18' x 24

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.

too close to property line,
There is no place for a functional garage
other than the requested spot. Septic is on the other
side therefore no other options.

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

The structure will allow access from both sides and
will not create any obstacles to accessing the property.

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

existing driveway and entrance to the home are towards
the north end making it easier and more practical
to place the garage in requested spot.

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.

There is no immediate or future detriment involved.
Access to the whole property from both sides of the structure
will still be possible if emergency should arise on the property.

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

There would be no deprivation in this situation. Given
the property boundaries and house location, the allotted
spot is most aesthetically and practically the best for
the given situation

NOTE:
NO NEW STREETS OR ROADS ARE CREATED OR NO NEW
UTILITY IMPROVEMENTS ARE REQUIRED OR NO NEW
SANITARY SEWER OR APPROVAL OF A SEPTIC
TANK IS REQUIRED.



N/F
JEAN J. & LERRY G. KILGORE
D.B. 467 Pg. 625

N/F
JEAN J. & LERRY G. KILGORE
D.B. 467 Pg. 625

APPROXIMATE LAND LOT LINE

N 84°49'39" E

1.1'

5/8" RBF @ AXLE

1/2" RBS

1" OTP

R/W

228.97'

44.0'

67.5'

66.4'

1.1'

5/8" RBF @ AXLE

1/2" RBS

1" OTP

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Fee Amt: \$8.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Shelia Studdard Clerk of Court
BK 47 PG 25

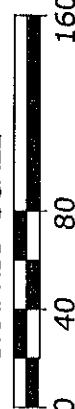
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FIELD CLOSURE=1" IN 10,000+
ANGLE POINT ERROR=< 20"
EQUIPMENT USED=TOPCON 3005W
& TOPCON HYPER GA GPS SYSTEM
ADJUSTMENT METHOD=COMPASS RULE
PLAT CLOSURE=1" IN 100,000+

THIS SURVEY DOES NOT CONSTITUTE A TITLE
SEARCH BY SURVEYOR. ALL INFORMATION
REGARDING RECORD EASEMENTS, ADJOINERS
AND OTHER DOCUMENTS THAT MIGHT AFFECT
THE QUALITY OF TITLE TO TRACT SHOWN
WERE NOT SUPPLIED TO THIS OFFICE.

DECLARATION IS MADE TO ORIGINAL PURCHASER
OF THE SURVEY. ANY USE BY THIRD PARTIES IS
AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
AND ORIGINAL SIGNATURE OF SURVEYOR.

GRAPHIC SCALE



LEGEND

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
221-2524Y/CASSI

Doc ID: 011415620001 Type: WD
Recorded: 12/03/2021 at 10:10:00 AM
Fee Amt: \$25.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5415 PG 32

TAX PARCEL ID: 0418 019

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 1st day of December, 2021, by and between COLE ANTLEY, as party or parties of the first part, hereinafter referred to as "Grantor," and COLE ANTLEY and NATALIE ANTLEY as Joint Tenants with Right of Survivorship, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 108 & 109 OF THE 4TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 158,940 SQ. FEET (3.65 ACRES), PREPARED FOR GWENDOLYN A. SPOHN BY ROLAND MCCANN, GEORGIA RLS# 1752 OF FOUR CORNERS SURVEYORS, DATED 09/05/2012 AND RECORDED IN PLAT BOOK 47, PAGE 25, FAYETTE COUNTY RECORDS WHICH PLAT IS HEREBY INCORPORATED AND MADE APART HEREOF BY REFERENCE.

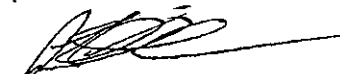
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.


TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple.

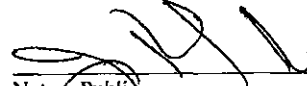
AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

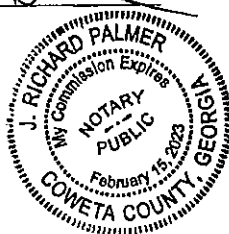
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Signed this 1st day of December, 2021 in the presence of:


Unofficial Witness


COLE ANTLEY


Notary Public
My Commission Expires:
[Notary Seal]



PETITION NO: A-809-22

Requested Action: Variance to front building setback in the R-70 (Single-Family Residential) District

Location: 214 Seay Road, Fayetteville, GA 30215

Parcel(s): 0510 04005

District/Land Lot(s): 5th District, Land Lot(s) 38

Owner(s): Bertie Lee Owens Allen

Agent: n/a

Zoning Board of Appeal Public Hearing: October 24, 2022

REQUEST

Applicant is requesting variances to the front setback for an existing principal structure:

1. Variance to Sec. 110-133.(d)(4)a.2. Front yard setback – to reduce the front yard setback from 75 feet to 10 feet to allow an existing principal structure to remain.

STAFF RECOMMENDATION

Regarding variance request A-809-22, requesting to reduce the front building setback for a principal structure, staff recommends **APPROVAL**. It is staff's opinion that the property presents unique situation. The request and subsequent change to parcel lines does not increase the nonconformity.

HISTORY

The subject property is part of a minor final plat for the Owens/Allen family that was originally recorded in 1986. These parcels were all created for family members from the original family farm. The subject parcel is Lot 6 of the Owens Family Estate and is currently an 8.62-acre tract zoned R-70. The tract fronts on Seay Road in Land Lot 38, of the 5th District. The current use is Single-Family Residential. The lot is a legal lot of record and meets all zoning requirements. The existing home on the property was built in 1930 and is a legal nonconforming structure in terms of building setbacks.

Mrs. Allen owns Lots 6 and 7. She would like to change the lot line between the two lots to provide some additional acreage to Lot 7 so there is an equitable distribution of property between her daughters, who will inherit the properties. Both lots meet current zoning standards and will meet zoning standards in the new configuration. The existing house on Lot 6 is nonconforming in terms of the front setback so the change in the lot configuration triggered the need to request a variance for the substandard front setback.

DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this proposed variance. Water is available in a 8" DIP water main along north side of Seay Rd.
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The right-of-way on Seay Road is adequate. Any new driveways will require a driveway permit.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008, nor per the FC 2013 Dewberry Limited 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** known state waters located on the subject property. They are located at the southernmost end of the property and have a 50' buffer + a 25' setback.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Fire** – No objections.

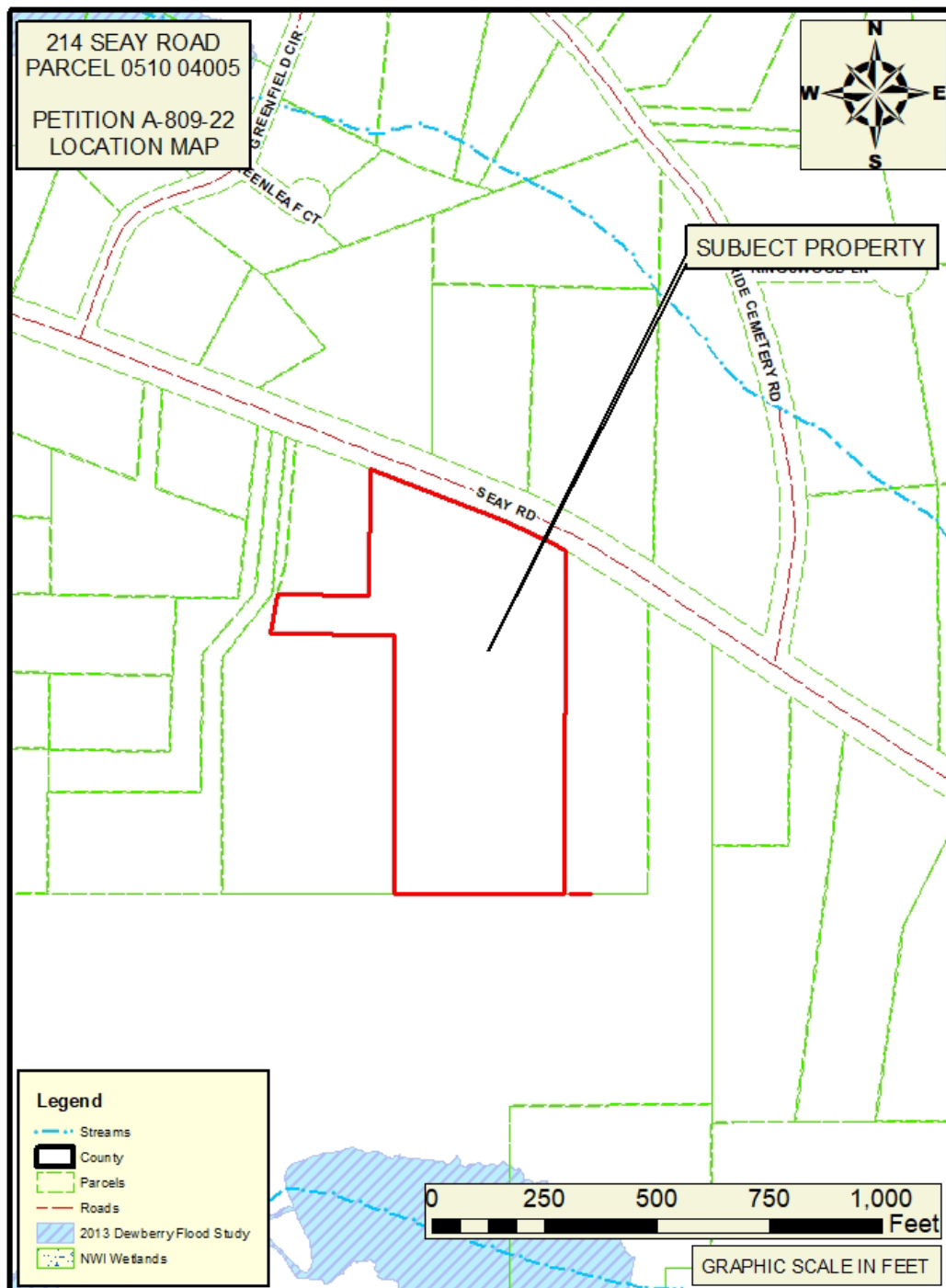
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

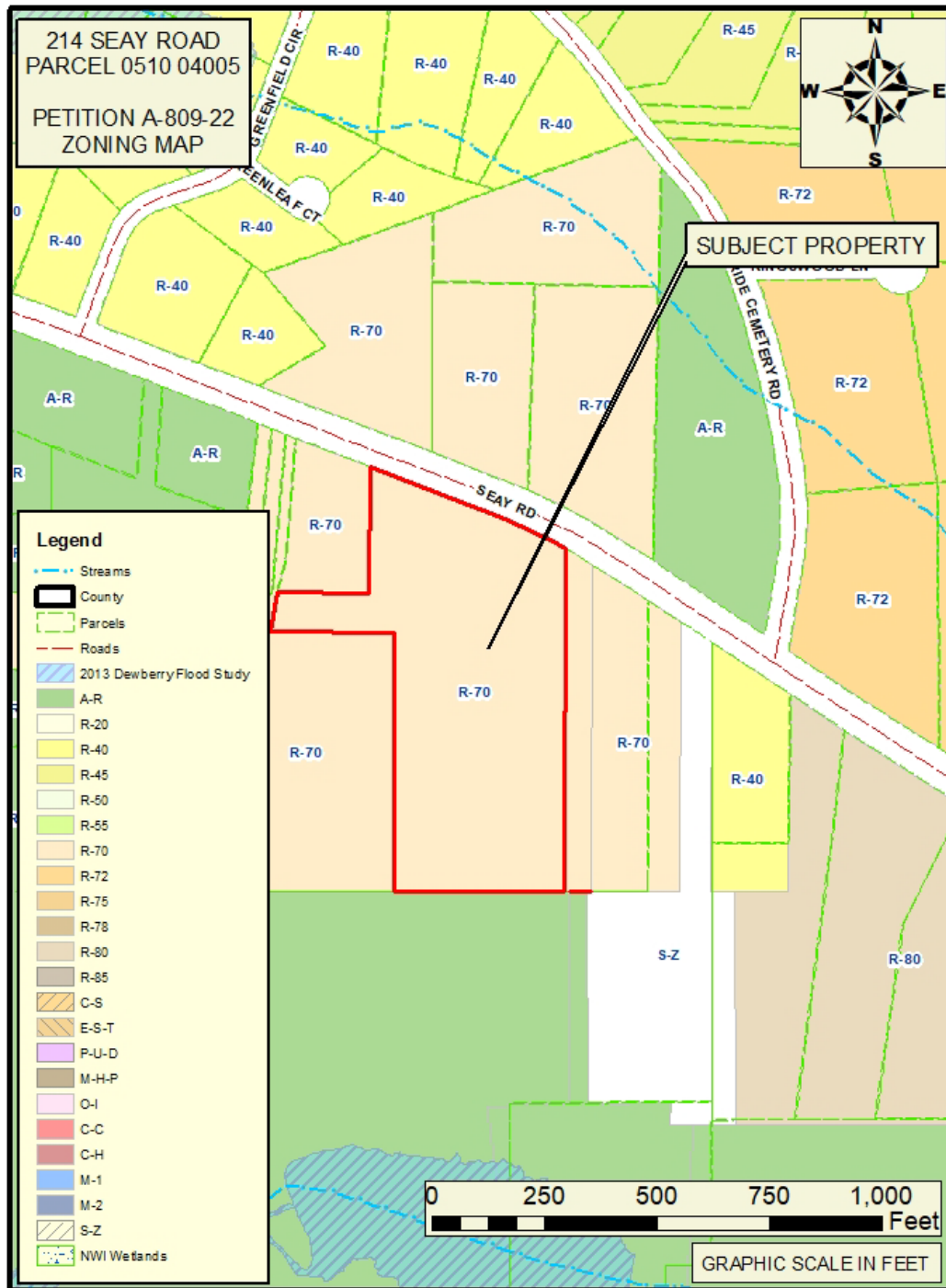
The applicant provides the following information

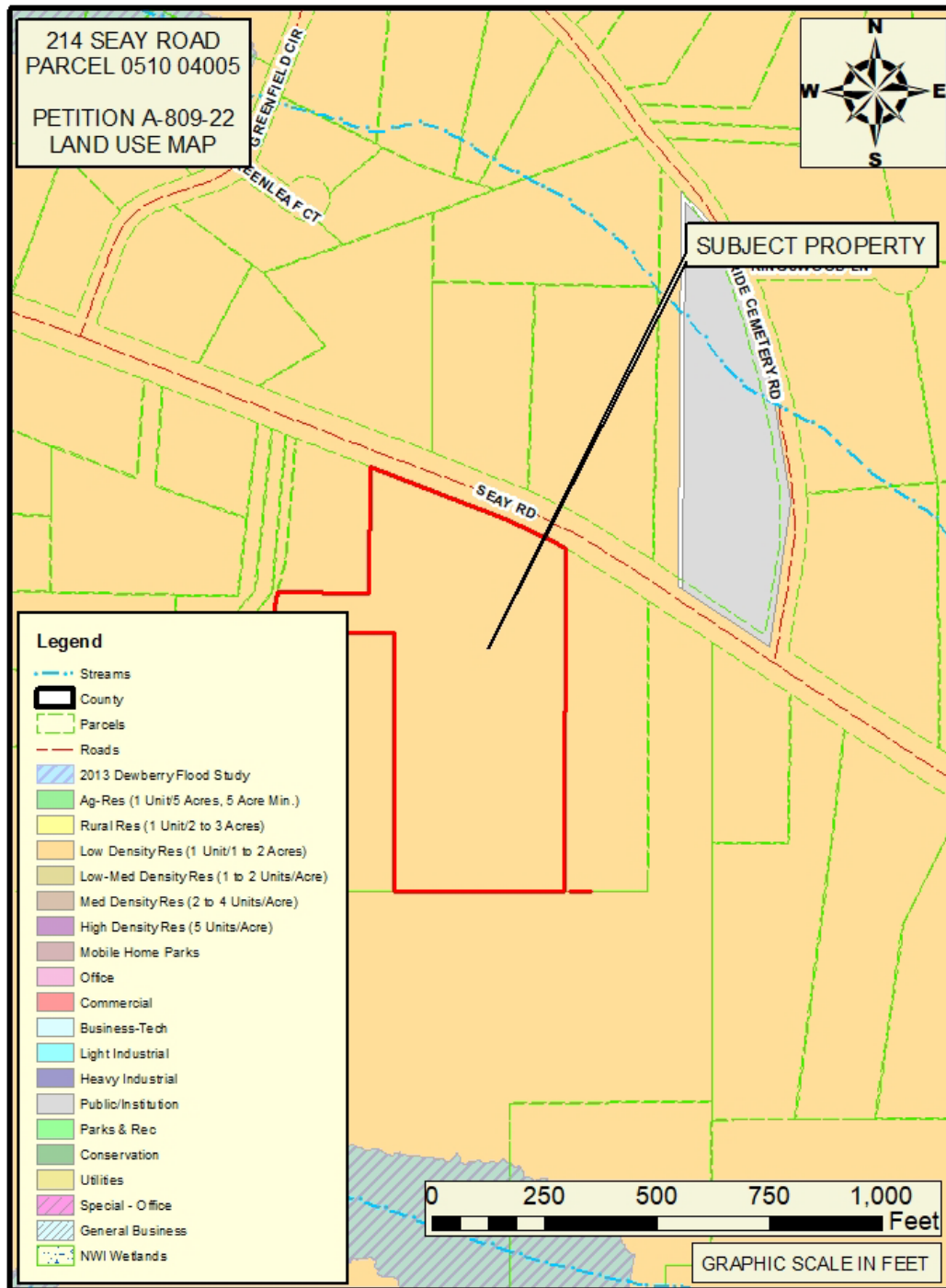
Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

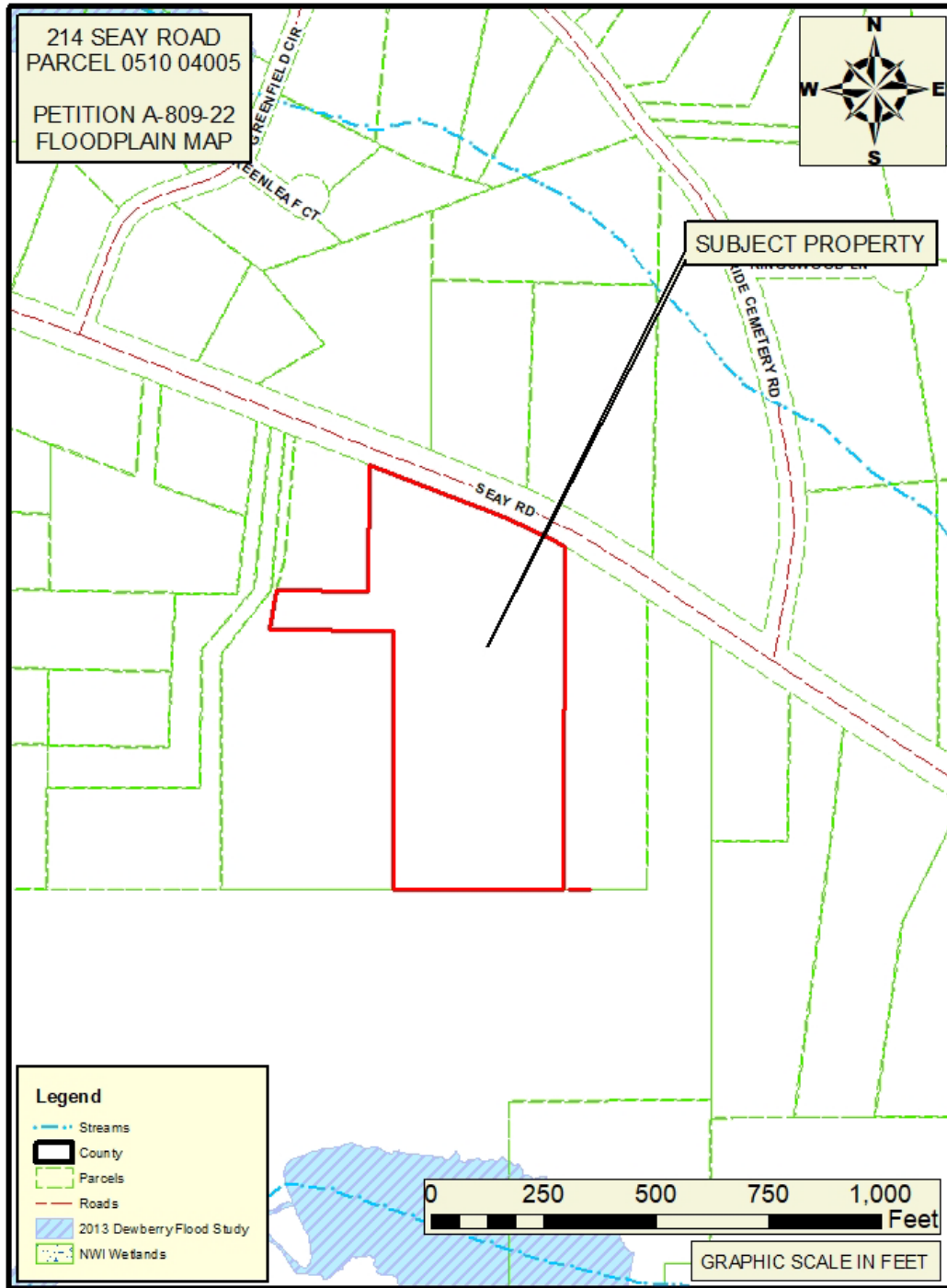
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

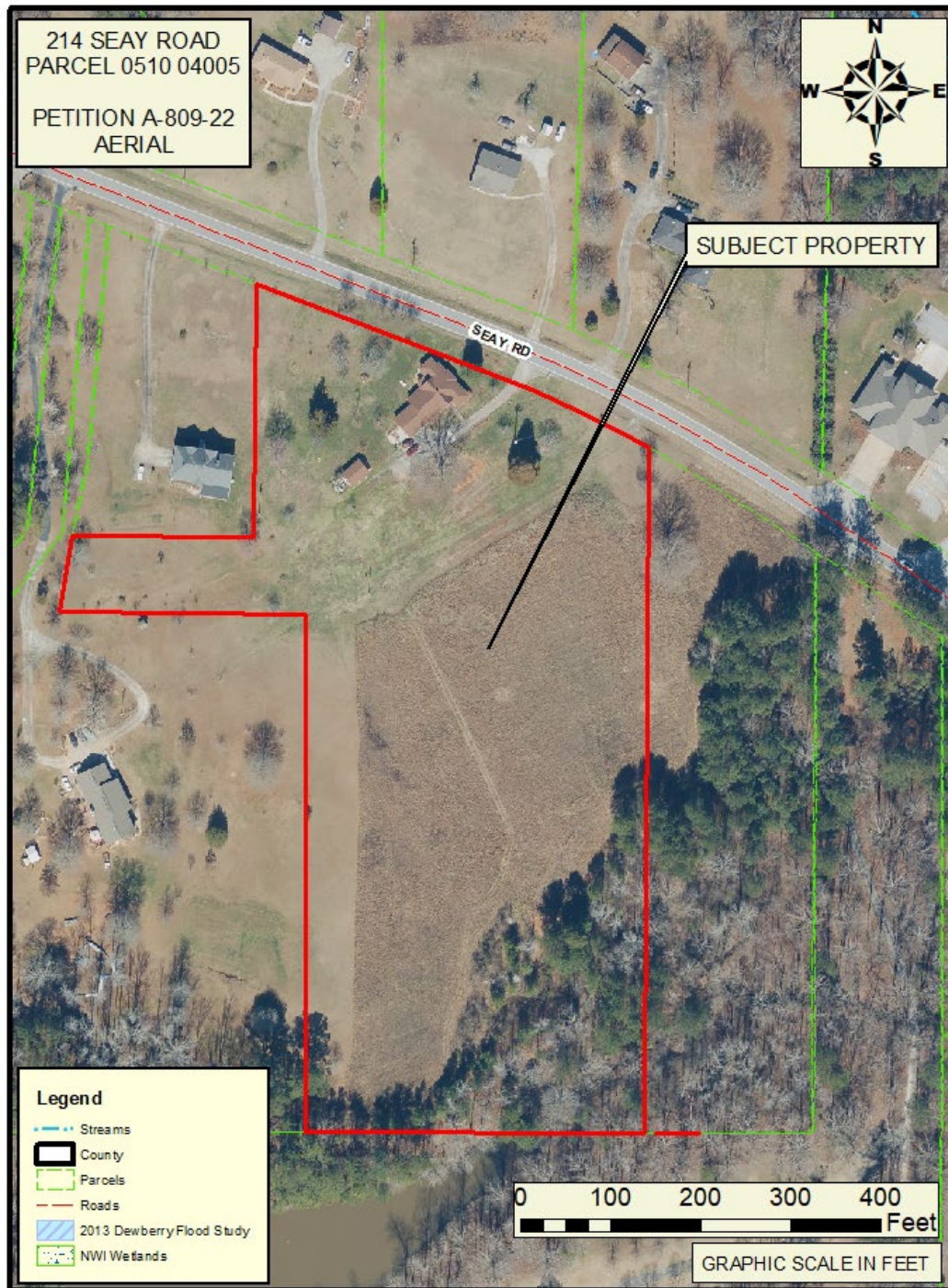
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - a. The house was built between 1930 and 1940 and back then the road was a dirt road and was a single road at the time.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - a. The house is close to the road but I want to shift property lines running down one side of the property to add acreage to the connecting property.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - a. Yes.
- 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,**
 - a. No
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - a. Yes

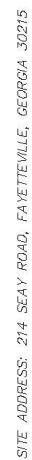














214 Seay Road

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Bertie Lee Allen

MAILING ADDRESS: 814 Seay Rd 30215

PHONE: 770-461-6549 E-MAIL: Reebie1216@yahoo.com

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 38 LAND DISTRICT 5 PARCEL 051004085

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.042

ZONING DISTRICT: B-70

ZONING OF SURROUNDING PROPERTIES: B-70 A-R

PRESENT USE OF SUBJECT PROPERTY: Single Family residential

PROPOSED USE OF SUBJECT PROPERTY: Single Family residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-809-22

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: Sep 12, 2022

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

Received from BERTIE L. ALLEN a check in the amount of \$ 195.00

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

Date Paid: Sep 12, 2022 Receipt Number: 015902

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:

Bertie Lee Allen

Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the ~~005~~ 5 District, and (if applicable to more than one land district) Land Lot(s) 38 of the District, and said property consists of a total of 5.042 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Bertie Lee Allen

Signature of Property Owner 1

214 Seay Rd Fayetteville Ga.

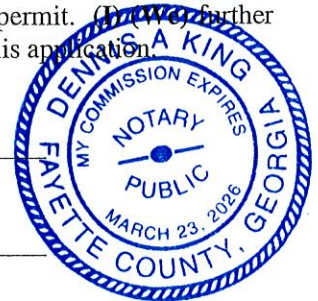
Address

[Signature]

Signature of Notary Public

SEP 12, 2022

Date



Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
(D) Sec. 110-133 (4) a. 2. Collector: 75 feet	75'	10'	65'

VARIANCE SUMMARY

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

This is a request to reduce the front yard setback from 75' to 10' to allow an existing house to remain.

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 house was built between 1930 + 1940 and back then the road was dirt road and was a single road at that time.

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

The house is close to the road but I want to ~~move~~^{shift} property line running down on side of property to add more acreage to connecting property.

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

yes

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

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

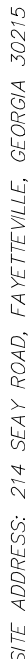
YES

BASED ON THE INFORMATION SHOWN ON THE
FLOOD HAZARD BOUNDARY MAPS FURNISHED
BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY. IT IS MY OPINION THAT THIS
PROPERTY IS OUTSIDE OF THE 100 YEAR FLOOD
HAZARD AREA. PANEL #1311300112E
EFFECTIVE DATE: 9/26/2018

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

A	= ARC LENGTH
B	= BUILDING SETBACK LINE
C	= CENTERLINE
CA	= CALCULATED POINT
CB	= CHORD BEARING
CH	= CHORD LENGTH
D	= DELTA ANGLE
DB	= DEED BOOK
F	= FIRE HYDRANT
FM	= IRON "M" PLACED
FP	= IRON "P" PLACED
L	= LAND LOT
LL	= LAND LOT AND LOT LINE
LP	= LIGHT POLE
NF	= NOW OR FORMERLY
OW	= OVERHEAD PIPE
OT	= OPEN TOP PIPE
P	= PROPERTY LINE
PB	= PLAT BOOK
P	= PAGE
POB	= POINT OF BEGINNING
POC	= POINT OF COMMENCEMENT
R	= POWER POLE
S	= POWER POLE
R	= RADIUS
W	= RIGHT-OF-WAY
REAR	= REAR
SOFT	= SQUARE FEET

■ CONCRETE
 ■ ASPHALT PAVEMENT
 ■ BUILDING OUTLINE
 ■ IRON PIN PLACED
 ■ IRON PIN PLACED 1/2" RB
 ○ BOUNDARY POINT
 — RIGHT-OF-WAY
 — CENTERLINE OF ROAD
 - - - UNDISTURBED STATE WATERS BUFFER
 - - - 50' UNDISTURBED STATE WATERS BUFFER
 — LAND LOT LINE
 — C/L OF CREEK
 * APPROXIMATE LAND LOT CORNER
 ■ LAND LOT NUMBER



THE CURRENT PROPERTY OWNER IS BERTIE ALLEN
PER DEED BOOK 2706, PAGE 543 OF FAYETTE
COUNTY, GEORGIA RECORDS.

ALL EXISTING STRUCTURES TO REMAIN

ALL OR A PORTION OF THIS SURVEY WAS PERFORMED BY GPS. 100% OF THIS SURVEY WAS PERFORMED BY GPS. THE TYPE OF GPS USED WAS REAL TIME KINEMATIC (RTK). THE TYPE OF GPS EQUIPMENT USED TO PERFORM THIS SURVEY IS MADE BY LEICA AND IS GPS UNITS GS16 OR GS18T AND ARE MULTI-FREQUENCY (GNSS) RECEIVERS. THE RELATIVE POSITION ACCURACY OF THIS SURVEY IS 0.05'.

THE FIELD WORK WAS COMPLETED ON 2/15/2022
THE PLAT WAS COMPLETED ON 2/22/22

REFERENCE MATERIALS INCLUDE:

PB 25, PG 29
PB 18, PG 177
PB 25, PG 53
DB 2706, PG 543
DB 2524, PG 145
DB 2808, PG 336
DB 4276, PG 668
DB 929, PG 55

DB 929, PG 55
FAYETTE COUNTY RECORDS

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 AN APPLICABLE LOCAL JURISDICTION FOR RECORDING AS EVIDENCED BY THE ISSUANCE OF A CERTIFICATE. SIGNATURES, STAMPS, AND SEALS OF ANY PERSONS OR SUCH OFFICIALS, AGENCIES, OR BODIES, SHALL BE IN CONFORMANCE WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL OR PORTION THEREOF. THE PLAT COMPLETES THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR LAND SURVEYORS. THE LAND SURVEYORS AND SEAL FORTH IN O.C.G.A. SECTION 15-6-67.



GA. REG. L.S. LIC. NO. 3244

02/21/2022

DATE _____

SITE ADDRESS: 214 SEAY ROAD, FAYETTEVILLE, GEORGIA 30215

REVISED
FINAL PLAT

OWENS FAMILY ESTATES
GEORGIA - FAYETTE CO.

DIST. 5 L.L. 38
SURVEY FOR WILLIE OWENS

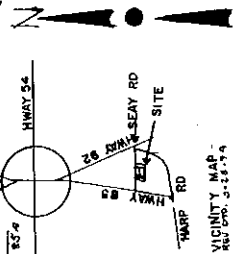
6-25-86
LEE ENG
REVISED 6-2-87

NOTE: REVISED TO ADD
0.35 AC TO LOT 4 MAKE LOT 7
REDUCING LOT 5 TO 7.32 AC
9-28-94 FINAL PLAT
C.E. Lee

NOTE - TRACT 7 REVISED TO FIT LINE
SEGMENT 2-11-94 BY C.E. Lee
AS DELTA SURVEYORS 6-15-94 BY C.E. Lee

NOTE: APPLICANT AGREED WITH ALL CONDITIONS
A. TO PROVIDE A MINIMUM SIGHT-DISTANCE OF 400'
AT DRIVEWAY LOCATIONS ALONG SEAY ROAD
B. THAT ALL STRUCTURES BE SET BACK FROM SEAY ROAD
C. DRIVEWAY CUTS BE LIMITED TO TWO NOT INCLUDING
EXISTING DRIVEWAYS
AND ONE FOR TRACT 7

NOTE TO CORRECT ERROR
REVISED TO CORRECT ERROR
THAT WAS MADE ON AGREEMENT
2-11-94 C.E. Lee



APPROVED BY DEPT. OF HEALTH, FAYETTE CO.
DATE 6-2-87
SIGNED [Signature]
COUNTY ENGINEER, FAYETTE CO.
DATE 6-2-87
SIGNED [Signature]
FAYETTE COUNTY ZONING
APPROVED [Signature]
DATE 6-15-88
SIGNED [Signature]
DATE 6-2-86
SIGNED [Signature]

THE FIELD DATA UPON WHICH THIS PLAT IS BASED
WAS OBTAINED BY THE SURVEYOR BY THE USE OF
AN ELECTRONIC DISTANCE MEASURING AND ANGLE
MEASURING INSTRUMENTS. THE PRECISION OF THE
MEASUREMENTS WAS 1/4" PER 1000' AND WAS
ADJUSTED USING THE COMPASS RULE PLAT CLOSURE
EXCESS 7-22-88

AN ELECTRONIC DISTANCE MEASURING AND ANGLE
MEASURING INSTRUMENTS WERE USED TO OBTAIN
ANGULAR AND LINEAR MEASUREMENTS
FAYETTE COUNTY DOES NOT ACCEPT THE
OWNERSHIP, MAINTENANCE OR RESPONSIBILITY
FOR ANY ORANGE OR LEMON OR OTHER WALL
OR FENCE OR OTHER STRUCTURE OR FENCE
INDICATED BY THIS PLAT

WE THE UNDERSIGNED OWNERS (AND OR MORTGAGEES) HEREBY OFFER
TO DEDICATE AND RESERVE FOR PUBLIC USE THE RIGHTS OF WAY &
EASEMENTS SHOWN ON THIS PLAT

OWNER	DATE	MORTGAGEE	DATE

Sheet 18. Page - 4

APPROVED BY FAYETTE COUNTY PLANNING
DATE 6-2-87
SIGNED [Signature]

DATE 6-2-87
SIGNED [Signature]

H-25506
H-25560



Doc ID: 006598810002 Type: GLR
Filed: 02/11/2005 at 12:26:45 PM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 2706 PG 543-544

STATE OF GEORGIA
COUNTY OF FAYETTE

CROSS REFERENCE:

Plat Book 25, Page 53
Deed Book 717, Pages 667-668

After Recording Return To:

T. Kyle King
Hodges, McEachern & King
177 North Main Street
Jonesboro, Georgia 30236
(770) 473-0072

EXECUTOR'S/ADMINISTRATOR'S DEED

THIS INDENTURE, made and entered into this 9th day of February, 2005, between **BERTIE LEE OWENS ALLEN** of the State of Georgia, County of Fayette, as duly constituted Executor of the Estate of Bertie Lee Owens, Deceased, by Letters Testamentary issued by the Probate Court of Fayette County, Georgia, dated the 16th day of July, 2004, and as duly constituted Administrator De Bonis Non Cum Testamento Annexo of the Estate of Willie Owens, Deceased, by Letters of Administration with the Will Annexed issued by the Probate Court of Fayette County, Georgia, dated the 16th day of July, 2004, as Party or Parties of the First Part (hereinafter called "Grantor"), and **BERTIE LEE OWENS ALLEN**, as Party or Parties of the Second Part (hereinafter called "Grantee");

WITNESSETH, THAT WHEREAS Willie Owens died testate on the 4th day of January, 1990, a resident of Fayette County, State of Georgia; and,

WHEREAS, Letters Testamentary were issued to Bertie Lee Owens as Executor of the Estate of Willie Owens on the 23rd day of March, 1990; and,

WHEREAS, Bertie Lee Owens died testate on the 10th day of June, 1995, a resident of Fayette County, State of Georgia; and,

WHEREAS, Letters Testamentary were issued to Bertie Lee Owens Allen as Executor of the Estate of Bertie Lee Owens on the 16th day of July, 2004; and,

WHEREAS, at the time of her death, Bertie Lee Owens had not completed the administration of the Estate of Willie Owens; and,

WHEREAS, Letters of Administration with the Will Annexed were issued to Bertie Lee Owens Allen as Administrator De Bonis Non Cum Testamento Annexo of the Estate of Willie Owens on the 16th day of July, 2004; and,

WHEREAS, the Will of Willie Owens is recorded at Will Book I, Pages 300-304; and,

WHEREAS, the Letters of Administration with Will Annexed issued to Bertie Lee Owens Allen in the Estate of Willie Owens are recorded at Minute Book A-204, Page 128; and,

WHEREAS, the Will of Bertie Lee Owens is recorded at Minute Book A-204, Pages 129-

136; and,

WHEREAS, the Letters Testamentary issued to Bertie Lee Owens Allen in the Estate of Bertie Lee Owens are recorded at Minute Book A-204, Page 159, all on the Records of the Probate Court of Fayette County, Georgia; and,

NOW, THEREFORE, the Grantor, in Grantor's representative capacity, and by and under authority contained in Item VII of the Last Will and Testament of Willie Owens and in Item VIII of the Last Will and Testament of Bertie Lee Owens (as amended by Item 1 of the First Codicil to said Last Will and Testament), has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, Grantee's heirs, successors and assigns:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 38 of the 5th District of the County of Fayette, State of Georgia, being Lot 5 as shown on plat of survey for Owens Family Estates, by C.E. Lee, Registered Land Surveyor, last revised July 1, 1994, and recorded in Plat Book 25, Page 53, Fayette County, Georgia, Records (which plat is incorporated herein by reference), less and except any portions of caption property conveyed to Timothy Owens and Terrance L. Owens by deed dated February 11, 1992, and recorded in Deed Book 717, Pages 667-668, aforesaid records, containing .23 acres.

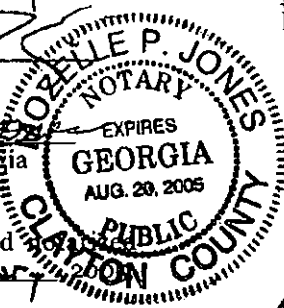
Now, the said Grantor, in consideration of the premises and pursuant to said Administration, and in consideration of ASSENT TO THE DEVISE, at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, and conveyed, and hereby does grant, bargain, sell, and convey unto the said Grantee, Grantee's heirs, successors, and assigns, the said described land, with all the rights, members, and appurtenances thereof belonging or in any proper use, benefit, and behoof forever, in as full and ample manner as the same possessed and enjoyed by the said Decedent during life.

IN WITNESS WHEREOF, the said Grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed, delivered, and notarized
on the 9th day of February, 2005,
in the presence of:

Unofficial Witness

Mozelle P. Jones
Notary Public, State of Georgia
My Commission Expires:

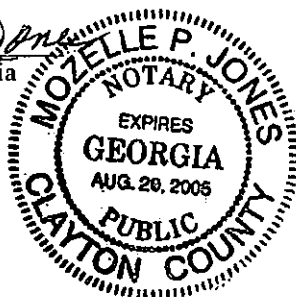


Bertie Lee Owens Allen (SEAL)
BERTIE LEE OWENS ALLEN, as
Executor of the Estate of
Bertie Lee Owens

Signed, sealed, delivered, and
on the 9th day of February,
in the presence of:

Unofficial Witness

Mozelle P. Jones
Notary Public, State of Georgia
My Commission Expires:



Bertie Lee Owens Allen (SEAL)
BERTIE LEE OWENS ALLEN, as
Administrator De Bonis Non
Cum Testamento Annexo of
the Estate of Willie Owens

PETITION NO: A-811-22

Requested Action: Variance to side building setback in the R-40 (Single-Family Residential) District

Location: 275 Thornton Drive, Fayetteville, GA 30215

Parcel(s): 0550 02009

District/Land Lot(s): 5th District, Land Lot(s) 229

Owner(s): Magnolia Calderon and Alfonso Contreras

Agent: n/a

Zoning Board of Appeal Public Hearing: October 24, 2022

REQUEST

Applicant is requesting the following variances for an existing principal structure:

1. Variance to Sec. 110-137.(d)(6). Side yard setback – to reduce the front yard setback from 75 feet to 10 feet to allow an existing principal structure to remain.
2. Variance to Sec. 110-137.(d)(3) Dimensional Requirements - Floor Area – to reduce the minimum floor area from 1500 square feet to 1447 square feet to allow an existing principal structure to remain.

STAFF RECOMMENDATION

Regarding variance request A-811-22, part 1., requesting to reduce the side building setback for a principal structure, staff recommends **APPROVAL**;

Regarding variance request A-811-22, part 2., requesting to reduce the minimum floor area for a principal structure, staff recommends **APPROVAL**;

It is staff's opinion that the property presents unique situation. The applicants purchased the property with the principal structure in this location and size.

HISTORY

The subject property is part of Bethsaida Woods subdivision, built in 1976. This parcel was originally developed as the neighborhood amenity area, with a pool, pool/club house and tennis court. The existing structure was built with an encroachment into the side setback by the original subdivision developer. At a later date, the HOA dissolved and the property was sold at a tax sale in 2015.

The current owners purchased the property with the intent to convert the pool/club house into a residential dwelling. They were unaware of permitting requirements and began making renovations and additions. The addition made by the new owners is within the buildable area of the lot and did not increase the setback encroachment. Additionally, because the building was not originally intended to be a residential structure, it was not required to meet the minimum house size of 1500 square feet. Once the addition is completed, the house will have a total of 1447 square feet.

Building Safety received a complaint about the construction and a stop work order was issued on August 8, 2022. We have been working with the owners to obtain the proper variances and building permits to bring the property into compliance.

The current owners also began construction on a carport that encroaches into the setback; they have been advised that this will not be permitted as an encroachment, and it must be altered to bring it within the buildable area of the lot.

DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this proposed variance. Water is available in an 8" DIP water main along north side of Seay Rd.
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The right-of-way on Seay Road is adequate. Any new driveways will require a driveway permit.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008, nor per the FC 2013 Dewberry Limited 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** known state waters located on the subject property. They are located at the southernmost end of the property and have a 50' buffer + a 25' setback.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

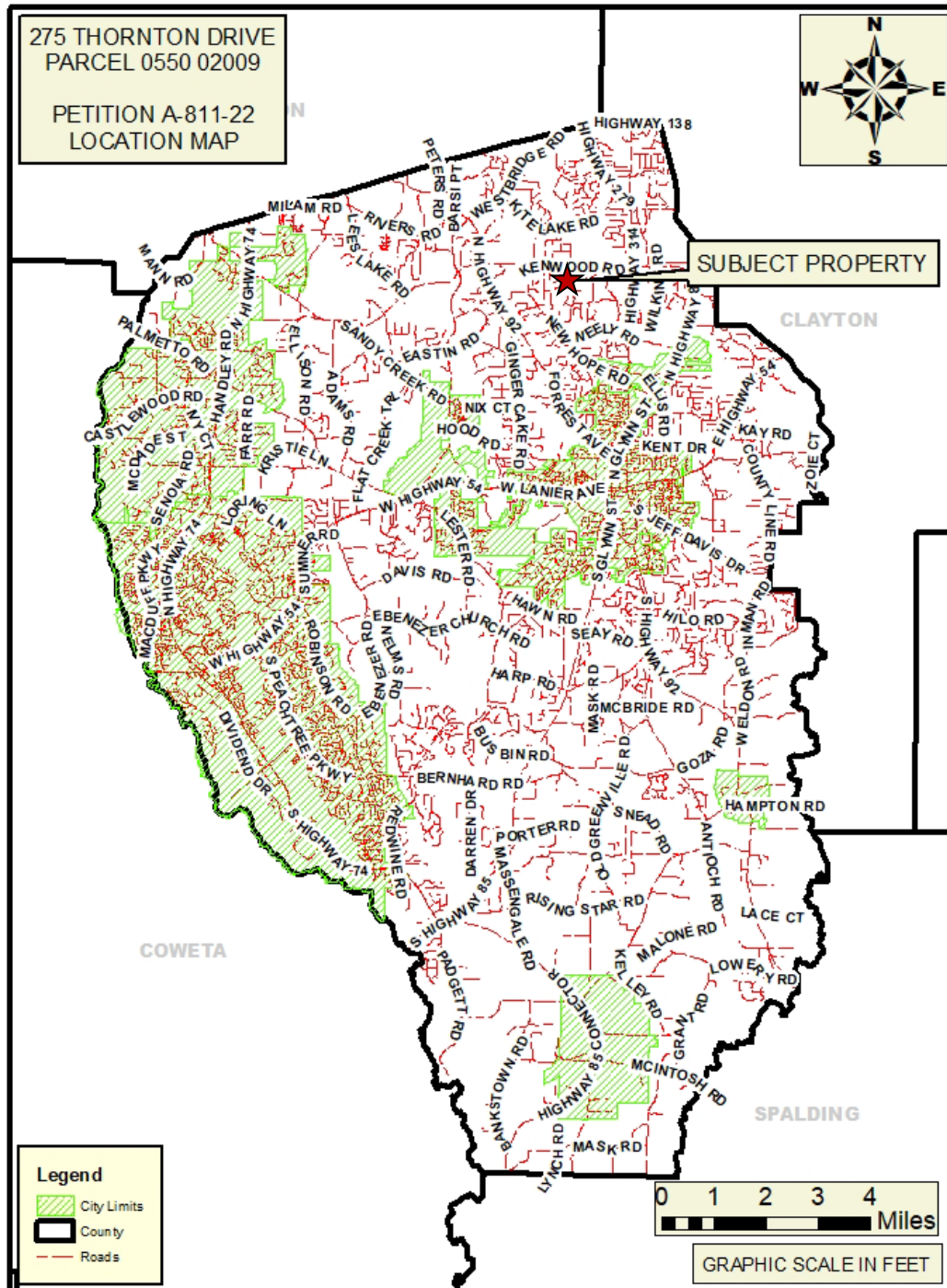
The applicant provides the following information

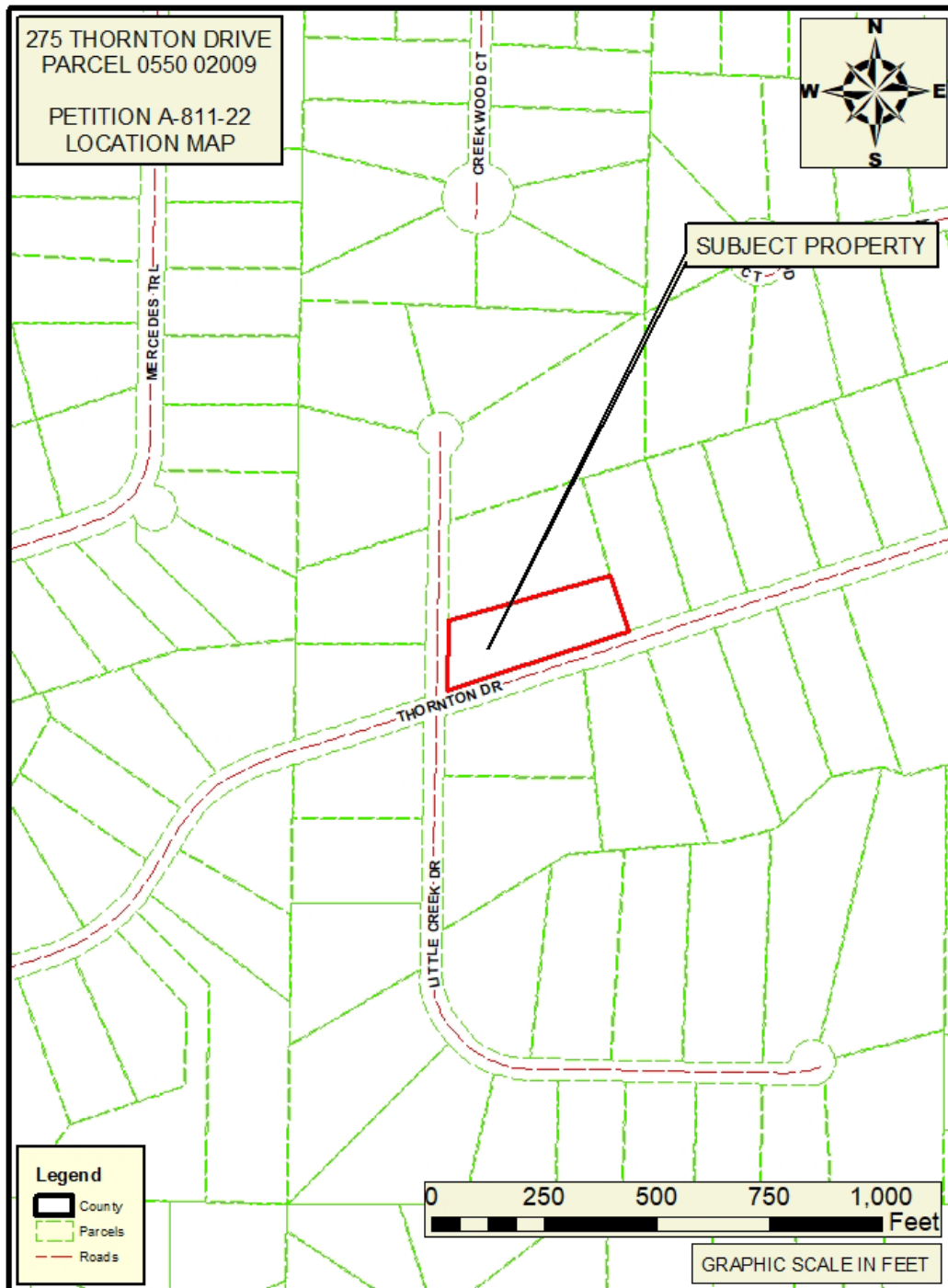
Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

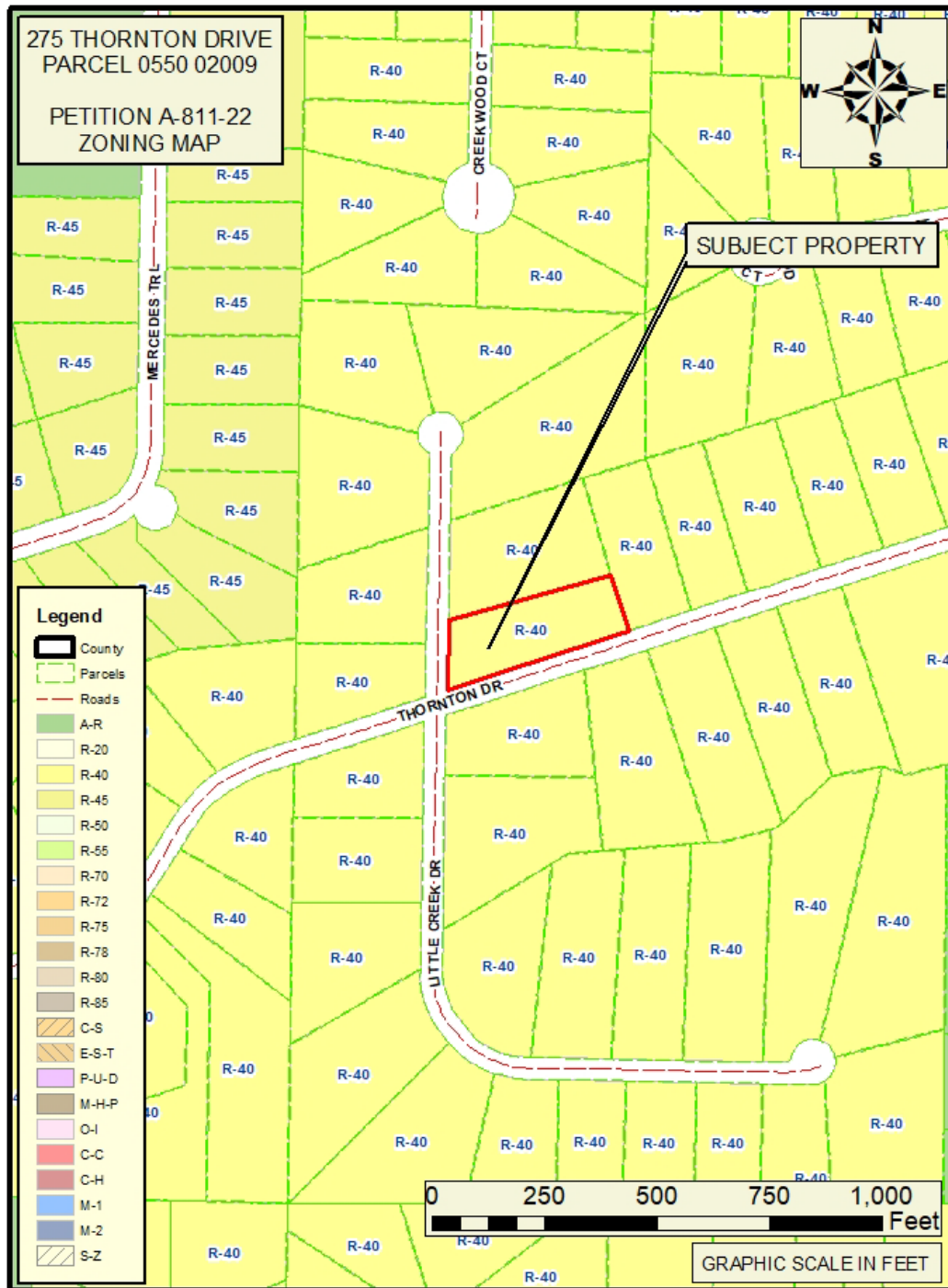
We are requesting a variance to the building setback to the building setback to allow the existing structures to remain.

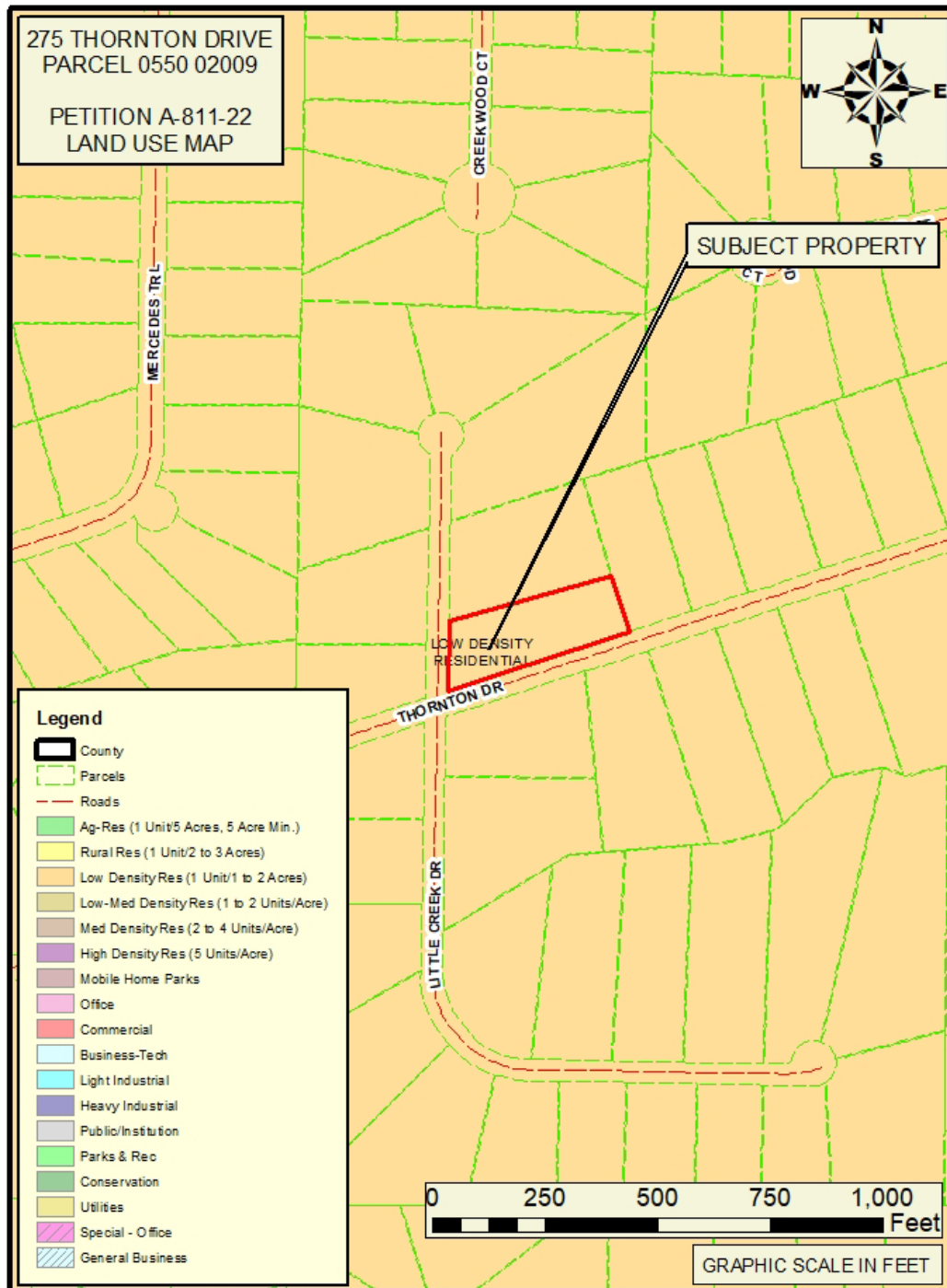
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

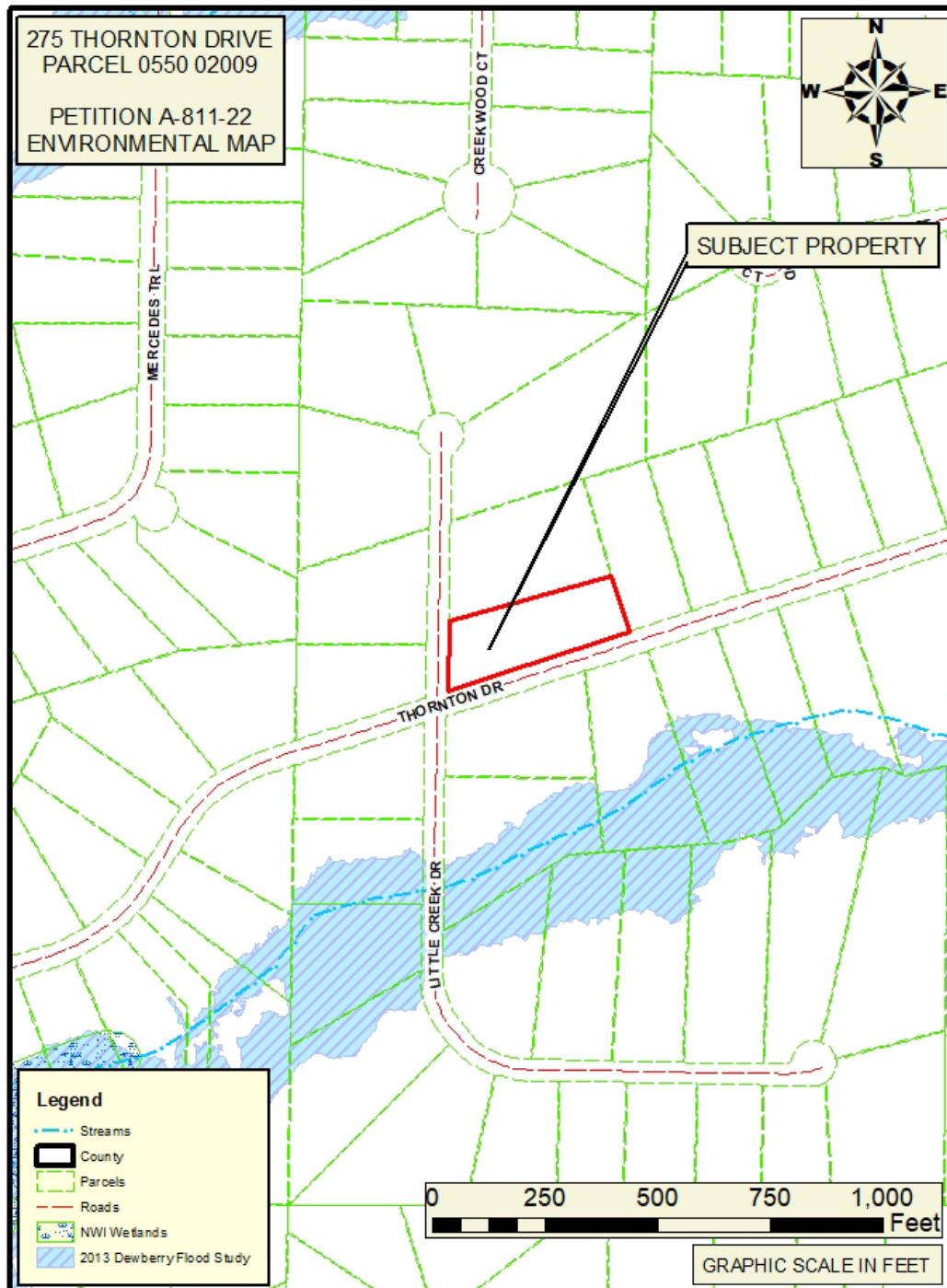
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
a. The property was purchased to convert from bath house on HOA property to a res home
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
a. We would be homeless if this site is not approved for use in this subdivision which is R-40.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
a. This should never happen on other parcels in the community as the subdivision is completed.
- 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,**
a. No
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
a. Other homes are R-40. We purchased this property and did not understand any of these requirements.

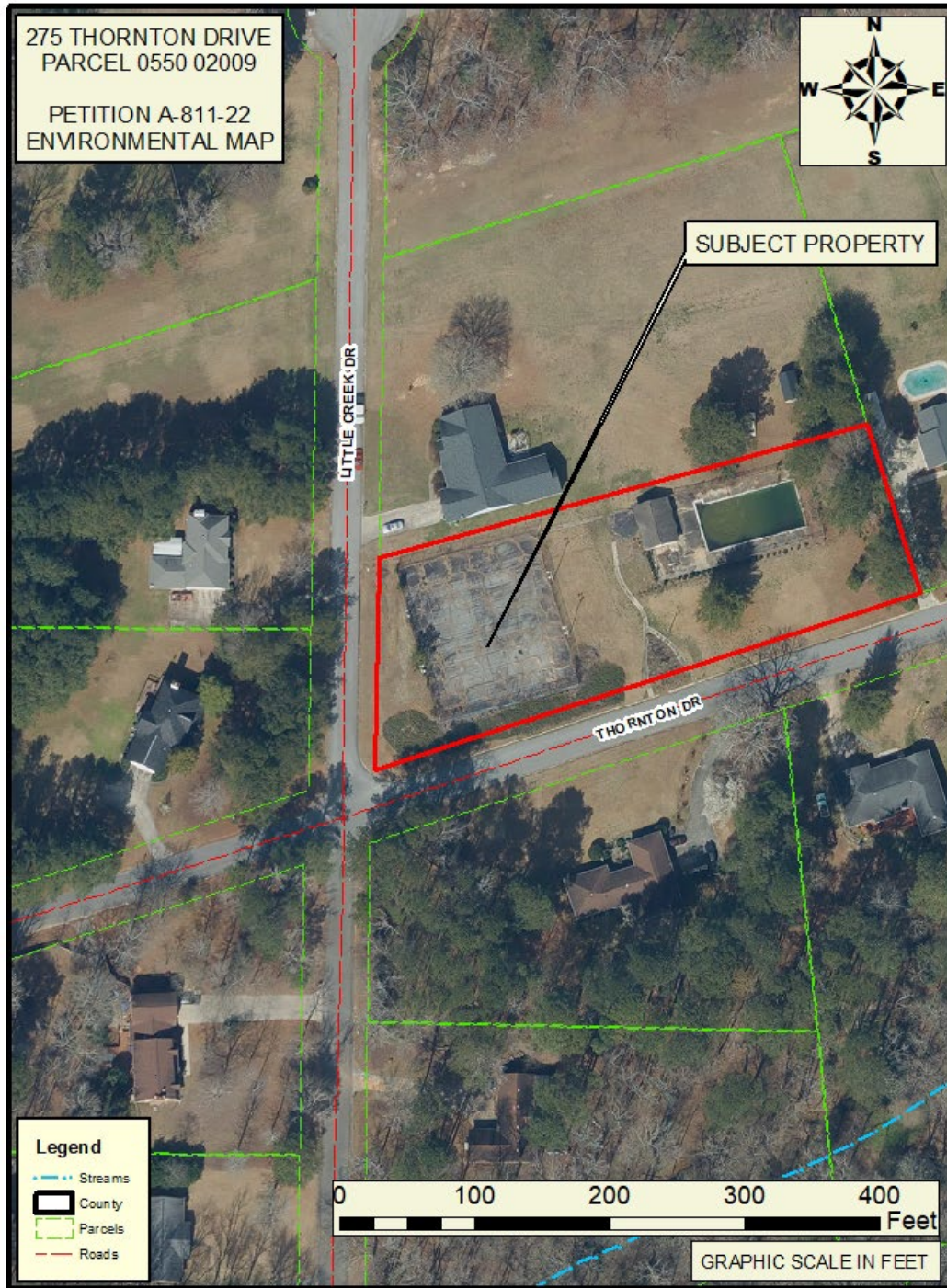
















275 Thornton Drive



275 Thornton Drive

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Magnolia Calderon, Alfonso Contreras

MAILING ADDRESS: 275 Thornton Drive 30214

PHONE: _____ E-MAIL: _____

AGENT FOR OWNERS: _____

MAILING ADDRESS: 275 Thornton Drive 30214

PHONE: 678-668-0446 E-MAIL: lilianacontreras802@gmail.com

PROPERTY LOCATION: LAND LOT 229 LAND DISTRICT 5 PARCEL 055002009

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.17

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: R-40

PROPOSED USE OF SUBJECT PROPERTY: Res. Home

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-811-22

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: D. Bell Date: 09/16/2022

DATE OF ZONING BOARD OF APPEALS HEARING: Oct. 24, 2022

Received from Strike Rock CREATIONS, LLC. a check in the amount of \$ 215.00

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

Date Paid: SEP. 20, 2022 Receipt Number: 015978

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:

Magnolia Calderon Dominguez
Please Print Names

Property Tax Identification Number(s) of Subject Property: 055002009

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5 District, and (if applicable to more than one land district) Land Lot(s) 229 of the District, and said property consists of a total of 1.17 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

275 Thornton Drive
Address

[Signature]
Signature of Property Owner 2

N/A
Address

Signature of Authorized Agent

Address

Chelsie Boynton
Signature of Notary Public

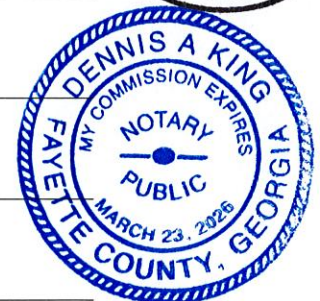
9-16-22
Date

[Signature]
Signature of Notary Public

27 Sep 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) side yard setback	15'	5'	10'
Sec. 110-137(d)(3) Room Floor Area	1,500 Sq Ft.	1,447 Sq Ft.	53 Sq Ft.

VARIANCE SUMMARY

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

We are requesting a variance to the building setback to allow existing structures to remain.

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.

Property was purchased to convert from
bath house on HOA property to Res
Home.

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

We would be homeless if this
site is not approved for use
in this subdivision which is R-40.

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

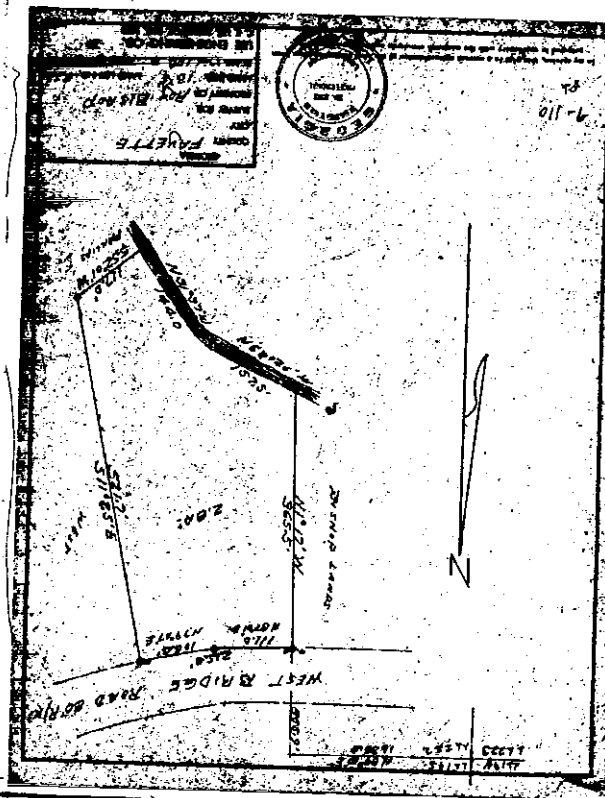
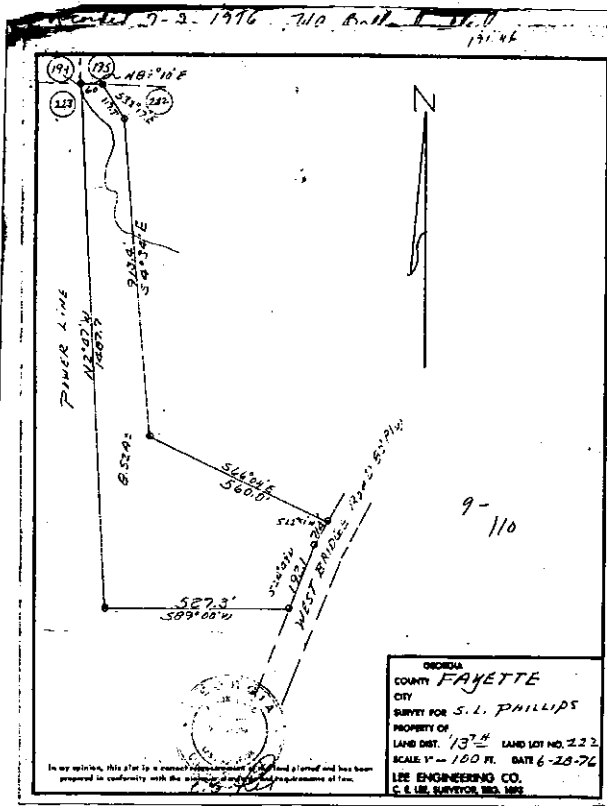
This should never happen on other
parcels in this community as the
subdivision is completed

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:

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

Other homes are R-40 we
Purchased this property and did
not understand any of these
Requirements-

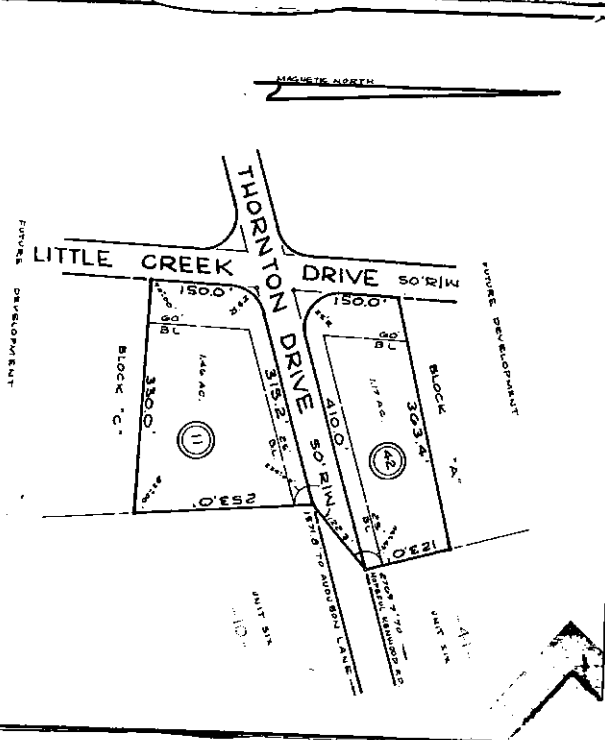


BETHSAIDA WOODS SOUTH
UNIT SEVEN
LAND LOT 229 5TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE 1"=100' APRIL 12, 1976
BY ESTON PENDLEY & ASSOC. INC.
NOTE: 1980 HAS PLACED AT ALL LOT CORNERS

These names of land shown on this plan and shown on the plat are necessary for the purpose of the survey and are not to be construed as a warranty or guarantee of the accuracy of the survey. The surveyor is not responsible for the accuracy of the survey. The surveyor is not responsible for the accuracy of the survey. The surveyor is not responsible for the accuracy of the survey.

9-110

GEORGIA
COUNTY
CITY
SURVEY FOR S.L. PHILLIPS
PROPERTY OF
LAND DIST. 137.4 LAND LOT NO. 222
SCALE 1" = 100 FT. DATE 6-28-76
LEE ENGINEERING CO.
C.E. LEE SURVEYOR REG. 1991



Type: WD
Recorded: 5/26/2020 1:58:00 PM
Fee Amt: \$85.00 Page 1 of 1
Transfer Tax: \$60.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

WHEN RECORDED RETURN TO:
Huddleston Law Group, LLC
125 Flat Creek Trail, Suite 250
Fayetteville, GA 30214
File # 20-112

Participant ID: 9152897021

BK 5038 PG 388

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, Made the 26th day of MAY, in the year Two Thousand Twenty (2020), between DELIA VILLANUEVA-PINEDA A/K/A DELIA VILLANUEVA of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MAGNOLIA CALDERON DOMINGUEZ AND ALFONSO CONTRERAS TORRES, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT MERELY AS TENANTS IN COMMON, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/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 said Grantee,

All that tract or parcel of land lying and being in Land Lot 229 of the 5th Land District of Fayette County, Georgia, being Lot 42, Block A, Unit Seven of Bethesda Woods Subdivision, as shown on plat recorded in Plat Book 9, Page 110, Fayette County, Georgia Records, which recorded plat is incorporated herein and made a part hereof by reference. Said property being known as 275 Thornton Drive according to the present system of numbering property in Fayette County, Georgia.

Parcel # 055002009

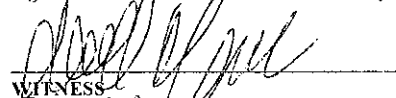
This conveyance is made subject to all easements, covenants and restrictions of record.

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

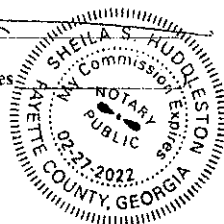
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered this 26TH day of MAY, 2020 in the presence of:


WITNESS

NOTARY PUBLIC
(My Commission Expires




DELIA VILLANUEVA-PINEDA


A/K/A DELIA VILLANUEVA