

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairwoman
Brian Haren
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
May 22, 2023
7:00 P.M.**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on April 24, 2023.

PUBLIC HEARING

5. Petition No. A-836-23, Jonathan Paul Campagna and Rebecca Jean Ruthberg-Campagna, Owner, request the following: Variance to Sec. 110-79. (c) (1) (a) Number and size, to increase the square footage amount from 3600 square feet to 4100 square feet for residential accessory structures on lots more than five (5) acres. The subject property is located in Land Lot 21 of the 7th District and fronts on Eastin Road.

Meeting Minutes 4/24/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on April 24, 2023, 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
Bill Beckwith
Brian Haren

MEMBERS ABSENT: Anita Davis

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

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Bill Beckwith made a motion to approve the agenda. Marsha Hopkins seconded the motion. The motion passed 4-0. Anita Davis was absent.

4. Consideration of the Minutes of the Meeting held on March 27, 2023.

Brian Haren made a motion to accept the minutes of the meeting held on March 27, 2023. Bill Beckwith seconded the motion. The motion passed 4-0. Anita Davis was absent.

PUBLIC HEARING

5. **Petition No. A-834-23, Stephanie Ceglia and Vincent Ceglia, Owner, Randy Boyd, Agent, request the following: Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 8 feet to allow existing accessory structures (barn and playhouse) to remain. The subject property is located in Land Lot 30 of the 4th District and fronts on Highway 85 Connector.**

Debbie Bell, Planning and Zoning Director stated this barn was built about 25 years ago and the property was brought to their attention because the parcels are owned between family members. She stated the family is doing a land swap and consolidating creating a slightly less nonconforming parcel with a more conventional shape. She continued because the structures

were built prior to the subdivision of the parcels it has put them too close to the property line. Ms. Bell then displayed the parcels for the Board members on the projector and explained how the parcels would be altered. She stated the Ceglia parcel will now front Bankstown Road. She continued, the zoning of the parcel and surrounding parcels are A-R as well as the Land Use. She stated there is a small pond but no other environmental issues. She displayed the barn and playhouse in question. She then displayed the proposed lot configuration.

Randy Boyd stated he is the land surveyor engineer presenting on behalf of the Ceglias. He stated they purchased the property in October of 2021. He stated they were going to swap out with the Knight property owners to clear up road frontage issues and that's when they found out the barn and playhouse was too close to the property line. He displayed pictures of the barn and playhouse. He then explained the history of the parcels. He stated Scott Knight purchased the property in the late 90s and it was a 73 acre tract that was intended to be a family property. He continued that the son, Jay, had children who played baseball. Jay created fields that his children and teams would play on. He stated the barn was created to store equipment and have gatherings after a ball game. He stated it was an honest mistake that the son and other property owners built it too close to the property line. He continued, they have letters from Scott Knight and Perry Knight and they have no objections to the variance. He stated that it cannot be seen from the road. He explained the Ceglias purchased it, had nothing to do with it, and would like to request the reduction.

Stephanie Ceglia spoke in favor. She stated the structure is picturesque and respectfully asked for the Board to allow the structures to remain.

Scott Knight spoke in favor. He stated Jay was having problems finding places for the children to practice so he built the t-ball field. He continued, as the children got older, they built two more. He stated they didn't know the barn was close to the property line until Mr. Boyd surveyed it and told them. He agreed it cannot be seen from the street and asked that the Board approve the variance.

There were no comments in opposition. Chairman Tate brought the discussion back to the Board.

Brian Haren asked staff if there was a construction permit?

Debbie Bell stated she was unable to locate one but permits from 25 years ago are not digitized. It would take an extremely long time to research.

Brian Haren asked if this would have been legal 25 years ago? He asked if the lot would have had setbacks back then?

Debbie Bell stated yes, there would have been setbacks in place.

Bill Beckwith stated drove down to the parcel and confirmed it cannot be seen from the road. He asked if this is a family compound?

Randy Boyd stated yes.

Bill Beckwith stated though they all own separate parcels, it's family that owns everything.

Randy Boyd stated yes.

Bill Beckwith stated when the barn was built, it was built for convenience and there was no indication of requirements such as setbacks because it was on everybody's property.

Randy Boyd agreed and stated if Jay could be here tonight he would explain he did not know and would have moved it over had he known. He stated there isn't much opportunity to move it over due to the driveway. He stated it fits well where it's located. He continued they weren't trying to get away with anything, they were just trying to build some ball fields.

Chairman Tate stated he agreed with the comments made by Bill Beckwith.

John Tate made a motion to approve Petition No. A-834-23, Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 8 feet to allow existing accessory structures (barn and playhouse) to remain. Brian Haren seconded the motion. The motion passed 4-0. Anita Davis was absent.

6. **Petition No. A-835-23, Yves Fenelon and Gertha Fenelon, Owner, request the following: Variance to Sec. 110-134. R-55, (d) (6) to reduce the side yard setback from 25 feet to 10 feet to allow an accessory structure outside the buildable area to remain and complete construction. The subject property is located in Land Lot 250 of the 5th District and fronts on Highway 279.**

Debbie Bell stated this is the construction of a new building in conjunction with a new single family residence. She stated foundation survey are required for all structures built within two feet of the setback. When a site plan was submitted they showed the structures in the correct location however when the foundation survey was submitted, it showed the accessory structure encroaching the setback. She continued, the zoning is R-55. Surrounding zoning is R-55 or A-R and Land Use is medium density residential. She stated there are no environmental features that affect the property. Ms. Bell displayed the foundation survey and pointed out the structures and encroachment. She also displayed the site plan that was originally submitted. She stated it is staff's recommendation that the variance be denied. They should have waited until they had the foundation survey returned before starting with the vertical construction.

Chairman Tate reminded the petitioner that there is not a full Board present and if there was a tie vote it would result in denial. He stated the petitioner has the option to table to petition.

Yves Fenelon stated he wanted to proceed. He stated he moved to Fayetteville when he retired. He stated they are requesting a variance out of special conditions that were not in his control. As a retired couple they cannot afford to demolish or rebuild. He stated construction will cost more to build it into compliance. He stated the violation is not visually evident, the variance, if granted, will not negatively impact the nearby property owners. He continued the variance will not increase traffic or affect the fire department or safety. He stated it will not change the character of the neighborhood or violate the spirit of the zoning regulations.

There were no comments in support or in opposition.

Mr. Fenelon then provided a letter in support from his neighbor.

Bill Beckwith asked if the builder responsible for putting the house where it is?

Mr. Fenelon stated yes.

Bill Beckwith asked if he was present?

Mr. Fenelon stated yes.

Bill Beckwith asked if they had a reason for why they did not wait for the foundation survey? He asked if they had any comments to help them understand the situation.

Obraine Forde introduced himself as the builder. He stated they were working off of the location of the pin. When the foundation survey was done the pin was moved and they were told the pin had been in the wrong place. He stated that's when they realized the house was in the setback. He explained how an original survey is done and the pin was placed in one location yet when the foundation survey was done, the surveyor moved the pin and said it had been in the wrong place.

Mr. Fenelon explained there was confusion with the pin and they do not know what happened.

Chairman Tate clarified Mr. Forde's comment. He asked if he said the pin was moved?

Mr. Forde stated yes. He stated there are nine parcels and nine different builders and nine different surveys.

Chairman Tate asked if the primary residence and guesthouse are being built simultaneously?

Mr. Forde stated yes.

Chairman Tate asked when was the foundation of the guesthouse laid?

Mr. Forde stated they were laid at the same time.

Chairman Tate asked if that was done prior to the foundation survey.

Mr. Forde stated yes.

Chairman Tate asked if there was any reason they didn't wait to begin on the guesthouse?

Mr. Forde stated he pulled permits at the same time.

Bill Beckwith asked Ms. Bell who does the foundation surveys?

Debbie Bell stated the homeowner is responsible for hiring a surveyor to prepare the foundation survey and then it is submitted through the electronic permitting program.

Bill Beckwith asked if it's a registered engineer?

Debbie Bell stated it would be a registered land surveyor.

Bill Beckwith asked Mr. Forde if the surveyor was on his team or from a different organization?

He stated he's an independent surveyor.

Marsha Hopkins asked if the surveyor had been made aware of the issue?

Mr. Forde stated yes and the surveyor has said because there was so much work going on he doesn't know what went wrong. He stated the surveyor is not taking accountability for the situation.

Bill Beckwith asked if it was because he had more work than he could handle?

Mr. Forde stated it was due to the nine (9) parcels and so much work going on.

Chairman Tate asked how much of the guesthouse is completed.

Mr. Forde stated 80%.

Brian Haren asked if the same surveyor did all the surveying in this subdivision?

Mr. Forde stated no. There were nine (9) lots and nine (9) different surveyors.

Marsha Hopkins asked staff are there checks and balances along the way during the construction?

Debbie Bell stated for new constructions, building inspectors conduct building inspections. They are strictly inspecting the construction of the building. She stated the County can't field locate which is why the requirement is in place for them to hire registered surveyors. She stated they will have an established point of beginning. The surveyor are to work off of a benchmark such as fire hydrant and they will have the known measurements to measure back to the lot. She stated the County would not be able to walk into the field and say where the property lines are.

Chairman Tate wanted to clarify about the process. He stated the homeowner has to hire a builder to build the house. Is the next step getting a permit?

Mr. Forde stated yes.

Chairman Tate stated construction can't start until they get the permit.

Mr. Forde stated yes.

Chairman Tate asked what's the timeline for getting the permit?

Mr. Forde stated he has to get the survey before getting the permit. He stated there are two surveys, the original and the foundation. He said he was working from where the pin was placed during the original survey but the pin was moved between the original survey and the foundation survey and they realized they were too close to the property line.

Chairman Tate asked if they're required to wait on the foundation survey before continuing with the construction?

Mr. Forde stated no. He stated he pours the foundation and then the surveyor comes and does the foundation survey.

Deborah Sims, Zoning Administrator, stated they are not allowed to get framing inspections until they have an approved foundation survey.

Mr. Forde stated that's what they are trying to get now and are unable to get the framing inspection until the foundation survey is passed. He stated it is not in the code that they cannot build until they get foundation survey. He continued, it's stated that the foundation survey is a requirement, and they suggest when the builder should get it. He stated they have to do the framing before they can get a framing inspection. He stated they've already framed and are trying to get framing inspections.

Bill Beckwith asked is the process to get the foundation survey, have it approved, then start framing?

Mr. Forde stated no, it's not in the code like that code. He stated they can pour the foundation and start vertical construction but before they can get a foundation inspection they have to get a foundation survey.

Bill Beckwith asked when do they establish where they want to put the foundation?

Mr. Forde stated it's on the original survey.

Bill Beckwith asked if the foundation survey is needed before they pour the foundation?

Mr. Forde stated no, the foundation is poured.

Bill Beckwith asked staff if that is correct?

Debbie Bell stated they are allowed to pour the foundation, the next series of inspections would be the framing survey so they have the option to wait and not go vertical until that foundation survey is approved, there's not an inspection in between to hold it.

Deborah Sims stated the goal of the foundation survey at the time was to try and stop them before anything got higher but there's no stop but they can't get inspections if they don't have a foundation survey. She stated there's nothing that says they can't go beyond but it's at their own risk.

Bill Beckwith asked if there pins that establish the boundaries of the foundation?

Mr. Forde stated it shows the property. After the foundation survey, there's a pin that shows the house is in the right place. He continued, there's nothing that says they cannot frame.

Bill Beckwith asked what does the foundation survey do?

Deborah Sims stated it marks that they've met setbacks and shows they are compliant with any flood hazard if they have to have a minimum finished floor. She stated it is to make sure they are not encroaching on any watershed setbacks or that they have built to a safe level if there was an elevation established on that survey.

Bill Beckwith asked if it would be prudent to have the survey approved before pouring the foundation?

Deborah Sims stated it would be prudent to consult with the surveyor throughout the entire process. She stated they've seen forum boards and the surveyor can say these are forum boards and these are the elevations. She stated he just needs to work hand in hand with his surveyor.

Bill Beckwith stated he's seen evidence where there was a stop work order because the foundation was not at the location it was supposed to be.

Deborah Sims stated though a stop work order hasn't been issued they are essentially under a stop work order because they can't get further inspections.

Brian Haren asked what is the timeline for foundation survey approval?

Debbie Bell stated it can be done same day.

Deborah Sims stated it's approved by Planning and Zoning and Environmental Management but 95% of the time it is approved same day.

Chairman Tate asked about the site plan. He stated it appears the guesthouse is directly behind the primary structure and on that site plan, both structures are within the setbacks. He stated the guesthouse is not located behind the primary residence on the foundation survey.

Mr. Forde stated the site plan is based on the original survey and where the pin was. He stated they measured from where the pin was saw they could still get 25 feet so they didn't have to put it exactly there. He stated the first survey said they could build there but then everything changed with the foundation survey.

Chairman Tate asked why did they move it?

Mr. Forde stated when they measured they realized they could move it over. It was based on where the pin was.

Chairman Tate stated they didn't place it directly behind the primary residence.

Mr. Forde stated it was based on the pin.

Bill Beckwith stated the site plan shows the guesthouse at the proper location and the foundation survey shows it encroaching. He stated somewhere between where it was designed to be built and where he built it there was a mistake it.

Mr. Forde stated he was working off the pin to make sure he was in the building line.

Bill Beckwith stated it appears the surveyor surveyed the foundation and found out the guesthouse had encroached because the building was built differently than the site plan. He stated there are two layouts, one is correct and after the work was done it was incorrect.

Mr. Fenelon stated there was a mistake and they don't want to put all the blame on anyone. He stated there was a lot of work going on at once and Mr. Forde was following the pin. He stated they are looking for the variance because he and his wife are both retired and cannot afford to demolish or move the guesthouse. He stated there is nothing else they can do to bring it into compliance. He stated they admit their mistake like the previous case. A mistake was made and they are seeking a variance. He stated they are not close to the property owner and the property

owner did not have an issue. He stated they could not come because of work. He stated it will not increase traffic or affect fire or safety. He continued he is trying to see what can be done.

Brian Haren stated the site plan and survey were done by the same company and that somebody measured very badly. He stated he could understand if it was one (1) or two (2) feet but this is 15 feet. He continued, he's worked as a surveyor before and they notice 15 foot errors.

Bill Beckwith stated they've had cases where the homeowners have been in similar situations where the surveyor is at fault and the homeowner had to suffer. He stated he gets the idea of the pin being removed. He continued he is in a quandary about what to do.

Marsha Hopkins stated they clearly did a disservice, but it is their role to uphold the requirements to grant a variance. She agreed it is a quandary. She continued she doesn't know if it's their responsibility to make right what someone else did wrong because it is outside of their scope.

Chairman Tate stated looking at the five conditions of the variance, he can see where in some instances that would be a financial hardship, and he too is in the middle. He stated from the standpoint of the homeowner it doesn't appear to be a situation caused by anything done by Mr. Fenelon. He continued, they are bound by certain stipulations at the same time. He stated he would give the Board a moment for consideration.

Bill Beckwith stated again they've had cases in the past where the survey was incorrect and the homeowners had to suffer the consequences but he's never felt comfortable about homeowners having to deal with that. He continued, the builder is here and has admitted to making to mistake. He doesn't see a reasonable resolution to this situation by having the homeowner suffer because of this. Bill Beckwith made a motion to approve the variance.

Chairman Tate agreed and stated he would second the motion due to the hardship to the homeowner and some of the other factors.

Bill Beckwith made a motion to approve Petition No. A-835-23, Variance to Sec. 110-134. R-55, (d) (6) to reduce the side yard setback from 25 feet to 10 feet to allow an accessory structure outside the buildable area to remain and complete construction. John Tate seconded the motion. The motion passed 4-0. Anita Davis was absent.

- 7. Petition No. A-837-23, Butch's Auto, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 199 of the 13th District and fronts on Highway 314.**

Executive Session

One item of threatened litigation. Bill Beckwith made a motion to go into Executive Session. Brian Haren seconded the motion. The motion passed 4-0. Anita Davis was absent.

The Board recessed into Executive Session at 8:07 p.m. and returned to Official Session at 8:14 p.m.

Return to Session: John Tate made a motion to return to Official Session. Brian Haren seconded the motion. The motion passed 4-0. Anita Davis was absent.

Regular Session

Mike Fitzgerald stated the boards are effective for local businesses. He stated he knows there is reluctance to them as indicated by denial of the first nine (9). He suggested dressing them up and making them look nice by having them say “Welcome to Fayette County” and making them match the character of the pavilion. He stated going the other right will be years of litigation and a big expense for the tax payers of Fayette County. He asked if they would talk to the Commissioners and see if there is a way to make a win-win out of the situation.

Adam Webb stated he would go through the issues of the denial. He stated it is similar to last time. He stated at the time the sign ordinance was adopted the County did not have the internal Zoning procedures adopted in the appropriate fashion. That means the sign ordinance is a nullity. He continued there is a Supreme Court case directly on point involving landfill and the County went on to court below and went to Georgia Supreme Court and the Georgia Supreme Court said the law of Georgia is clear; if you don't have the local zoning procedures adopted in accordance with the Zoning Procedures Law, any code you adopted during that time period is nullity. He stated there is strict compliance requirements in Georgia. He stated that fact alone is one reason the Board should grant the appeal. He stated the other basis are somewhat similar. He continued, in January 2011, when the sign ordinance was adopted, it was not adopted at a public hearing. It was adopted on the consent agenda. He stated the consent agenda can never be a public hearing. He stated the minutes are the law. There was no public hearing. He continued, there was no legal ad. He stated there has to be a legal ad when you pass a sign ordinance when you regulate signs based on zoning. He stated this is the law of Georgia. He stated no legal ad is a nullity and no public hearing is a nullity. He then stated if the local rules had been adopted at the time, a planning commission public hearing and a Board of Commissioners public hearing is required. He stated two (2) public hearings are required. He stated the County did not do this. He stated if they had been adopted, they would not have been complied with here. He stated these are four (4) reasons under the Zoning Procedures Law why the sign ordinance that was used to deny the application is invalid and void. He stated his recommendation is to get the ordinance cleaned up because the applications will continue to come in. He stated they have ended up with some that were left open for years and they ended up with dozens of locations. He gave Fulton County as an example where Sandy Springs, Milton, John's Creek, and Alpharetta all had to permit billboards because the County kept letting applications come in instead of closing it up and doing the right thing. He stated it's simple, you just have to adopt the rules that you have now in a manor that is compliant with the

Zoning Procedures Law. He stated there is a second level of legal basis which is the constitutional items. He stated Georgia has a constitution that is more protective of speech than the First Amendment and the Georgia Supreme Court has been clear on that. He stated they had a series of cases that led to the ordinance being passed that's at issue here tonight. He referenced the Coffee Cases. He stated it was three (3) cases and the County lost them all. The County was found not to have properly considered Georgia's constitutional requirements and adopting its code, not to have properly balanced what it was trying to do and what it did in the code, and later on the Court held that damages was owed. He stated they ended up settling the case for a couple of billboards on Highway 85 and getting some money from it. He stated he thinks this is what could happen in this case. He stated the County has a ban on billboards and the state of Georgia says you can't do that. He stated they have to be allowed like strip clubs have to be allowed. He stated Georgia Supreme Court says you cannot ban speech. You have to allow it under some part of the code. He stated that's a simple argument and that's a serious problem and Georgia law is very strong on that. He stated the last basis is the letter of the denial. He stated it deals with needing a survey. The County says they needed a survey and they've shown before that is made up. The code says you need a site plan showing the proposed location. He stated the application shows exactly where it will be. He stated they looked at all the sign applications in the County for the last few years and there were no surveys. He stated this was made up for this case. He stated you can't make up rules when you're talking about speech permit because it has a constitutional dimension. He stated for these reasons it's a very strong appeal and they hope that they will take back word to the their Commissioners that this is a bad situation and will get a lot worse when it's forced to be dealt with. He stated he would answer any questions.

Allison Cox, County Attorney, stated he's arguing that the ordinance was not passed properly. She stated even if it wasn't, Georgia Law will allow them to rely on the previously adopted ordinance which was adopted in 2005, after a proper notice in September 2005. She stated the it went before Planning Commission on September 13th and the Board of Commissioners in October. It was tabled and the sign ordinance was passed in November. She stated they have the minutes and everything was properly done for that ordinance. She stated they have the legal ad for it with the date of September 7th, 2005. She stated most of the constitutional arguments around sign ordinances, particularly cases he's referring to, the sign ordinance has been completely rewritten since the Coffee case. She said it's content neutral, based on size and height restrictions. She stated nothing about speech is involved in the sign ordinance. She stated although there is some language that refers to a ban on billboards, they do nothing to enforce any such ban. Everything is looked at in accordance with the size limitations and returned to the petitioner to redraw in size limitations that the ordinance requires.

Debbie Bell stated they do require all building permits for houses and accessory structures to be shown on a survey. She stated the reason for that is because qpublic is a depiction of those parcels, it isn't a survey grade accuracy and the ariel photography is not top dead center over every single parcel so you'll get variation throughout the site. She stated it's good for looking at when estimating purposes and zoning purposes but for the purposes building a structure, they require a site plan be shown on a survey.

Chairman Tate stated is the role of the Board is to approve the denial.

Allison Cox stated yes.

Chairman Tate asked if there was a motion.

Brian Haren made a motion to affirm the decision of the Zoning Administrator and Planning and Zoning Director for Petition No. A-837-23, to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. Bill Beckwith seconded the motion. The motion carried 4-0. Anita Davis was absent.

Chairman Tate asked is there a motion to adjourn?

Brian Haren made a motion to adjourn. Marsha Hopkins seconded the motion. The motion passed 4-0. Anita Davis was absent.

The meeting adjourned at 8:31 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

CHELSIE BOYNTON, ZBA SECRETARY

PETITION NO: A-836-23

Requested Action: Per Sec. 110-79(c)(1)a., requesting a variance to exceed a combined total footprint of 3600 square feet on a lot with a minimum of five acres.

Location: 481 Eastin Road, Fayetteville, GA 30214

Parcel(s): 0706 023

District/Land Lot(s): 7th District, Land Lot(s) 21

Zoning: R-70

Owner(s): Jonathan Paul Campagna & Rebecca Jean Ruthberg-Campagna

Agent: N/A

Zoning Board of Appeal Public Hearing: May 22, 2023

REQUEST & ORDINANCE

Applicant is requesting the following:

Per Sec. 110-79(c)(1)a., requesting a variance to exceed a combined total footprint of 3600 square feet on a lot with a minimum of five acres. The applicant's request was to exceed the allowable SF by 192 SF. However, when staff reviewed the building permits for the existing accessory structures, the area of the existing structures totals 3504 SF, so the actual variance amount would be 480 SF (square feet).

Sec. 110-79.- Residential accessory structures and their uses.

(c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.

(1) Residential accessory structures shall be limited to one of the following options:

a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or three residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres. One of these residential accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure;

STAFF RECOMMENDATION

It is staff's opinion that a variance to exceed the allowable square footage of accessory structures is not justified under the variance criteria.

Staff recommends **DENIAL** of the request to exceed the allowable combined total footprint of accessory structures.

HISTORY

The subject property is zoned R-70; this was part of a blanket zoning in 1973. It is a legal lot of record, with a plat recorded June 2, 2021. The house was built in 1978. A detached garage was permitted and constructed in 2021. A guest house/barn was permitted and constructed in 2021.

The applicant obtained a variance in 2021 to allow vertical siding on the garage.

Applicant is requesting to exceed the maximum allowable footprint by 192 square feet. However, upon verification of size of the existing structures, staff calculates that the structure footprints are as follows:

STRUCTURE	AREA of STRUCTURE in SF
BARN	2304
GARAGE	1200
PROPOSED BARN ADDITION	576
PROPOSED TOTAL SF	4080

The proposed addition will exceed the allowable total footprint of accessory structures by 480 SF rather than 192 SF, which was the original request.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance. The property has an 8" PVC watermain along its road frontage and the property is currently a customer of FCWS.
- Public Works/Environmental Management** – No comments.
- Environmental Health Department** – This office has no objection to the proposed increase in square footage; however, floor plans must be submitted to determine bedroom count.
- Fire** – No comments.
- Building Safety** – Due to building permitting & inspection requirements, the existing structure is considered a guest house with additional storage space rather than a barn.

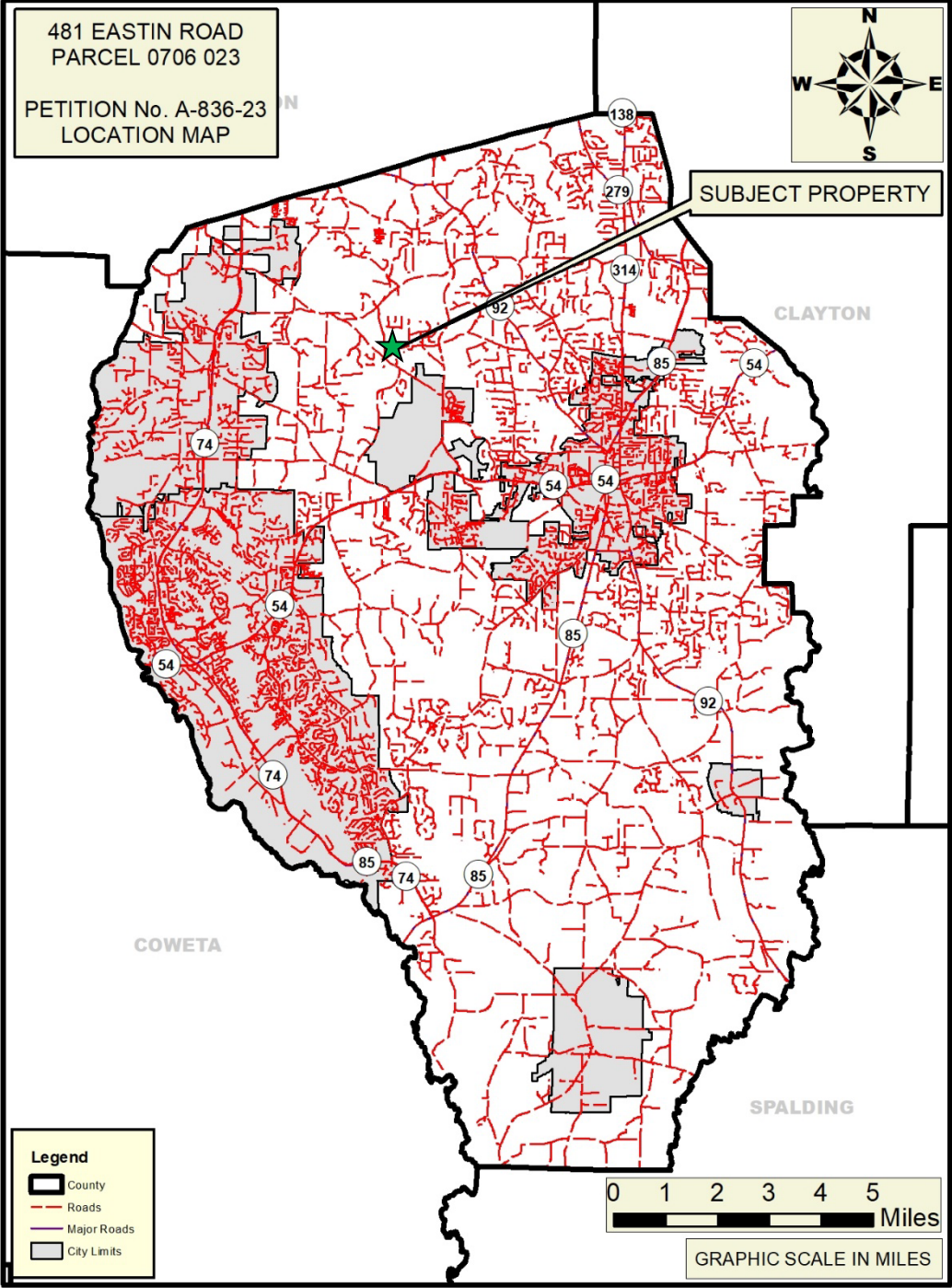
CRITERIA FOR CONSIDERATION OF A VARIANCE

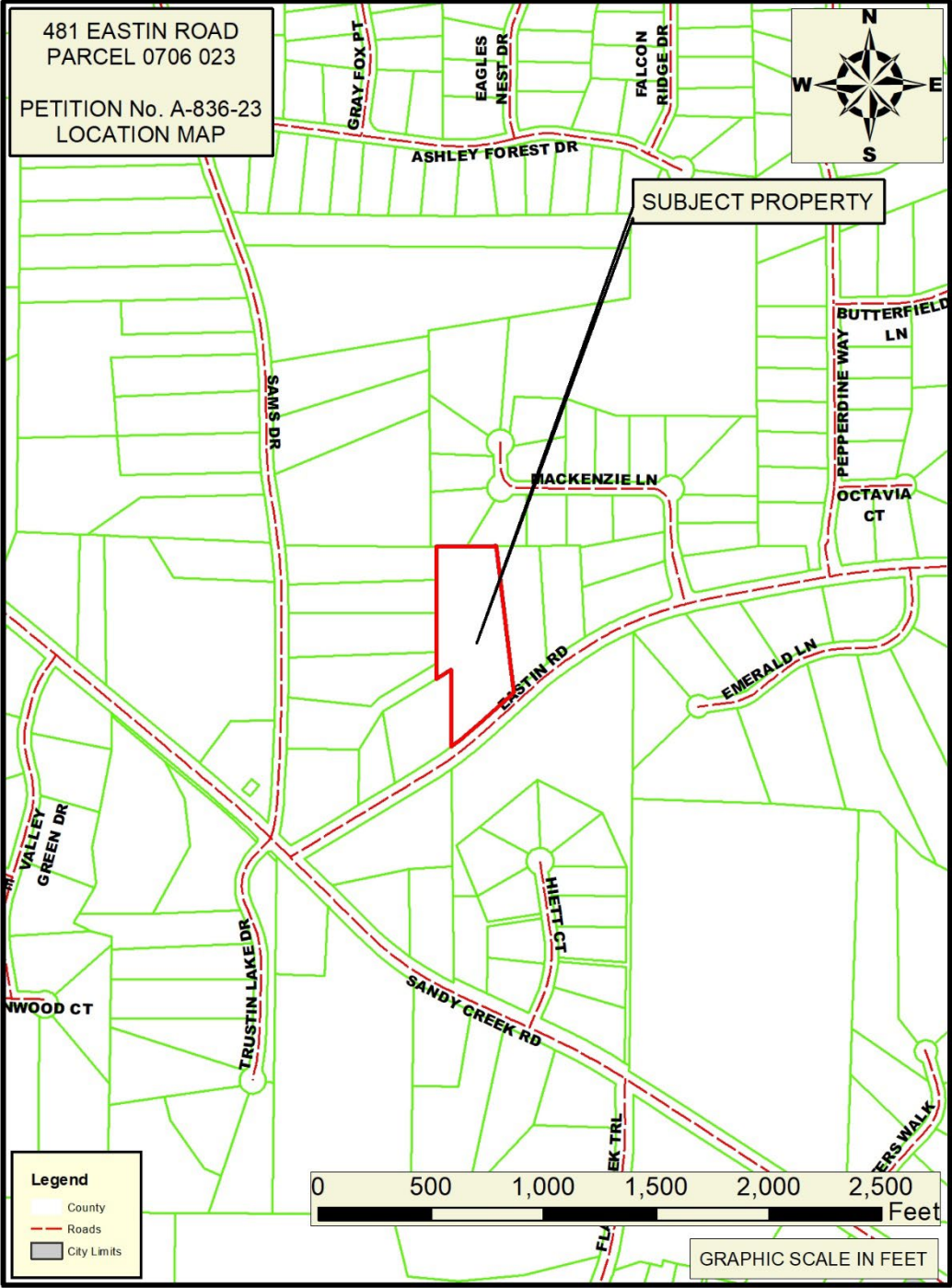
STAFF ASSESSMENT OF CRITERIA

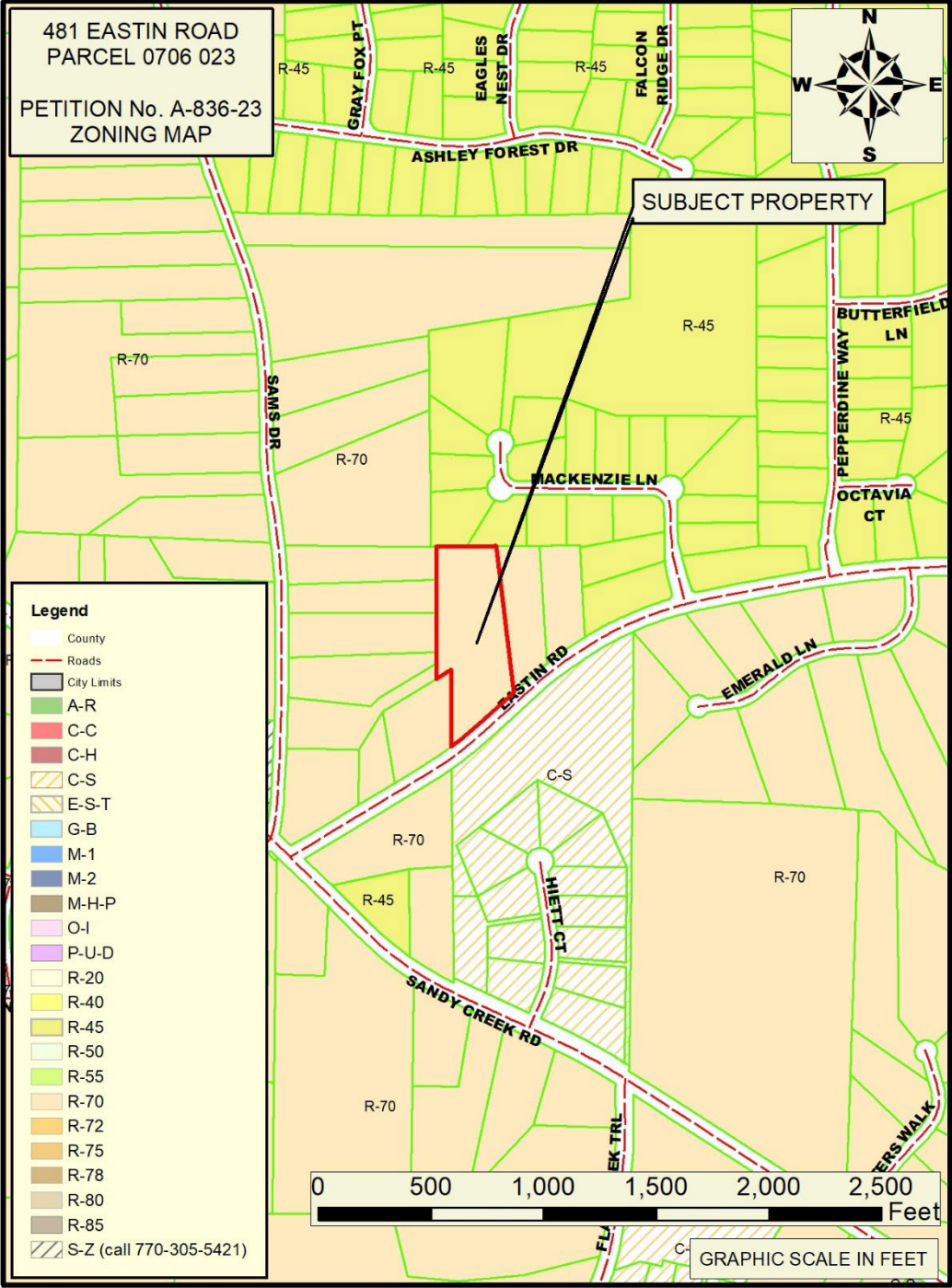
(Please see the attached application package for the applicant's responses to the criteria.)

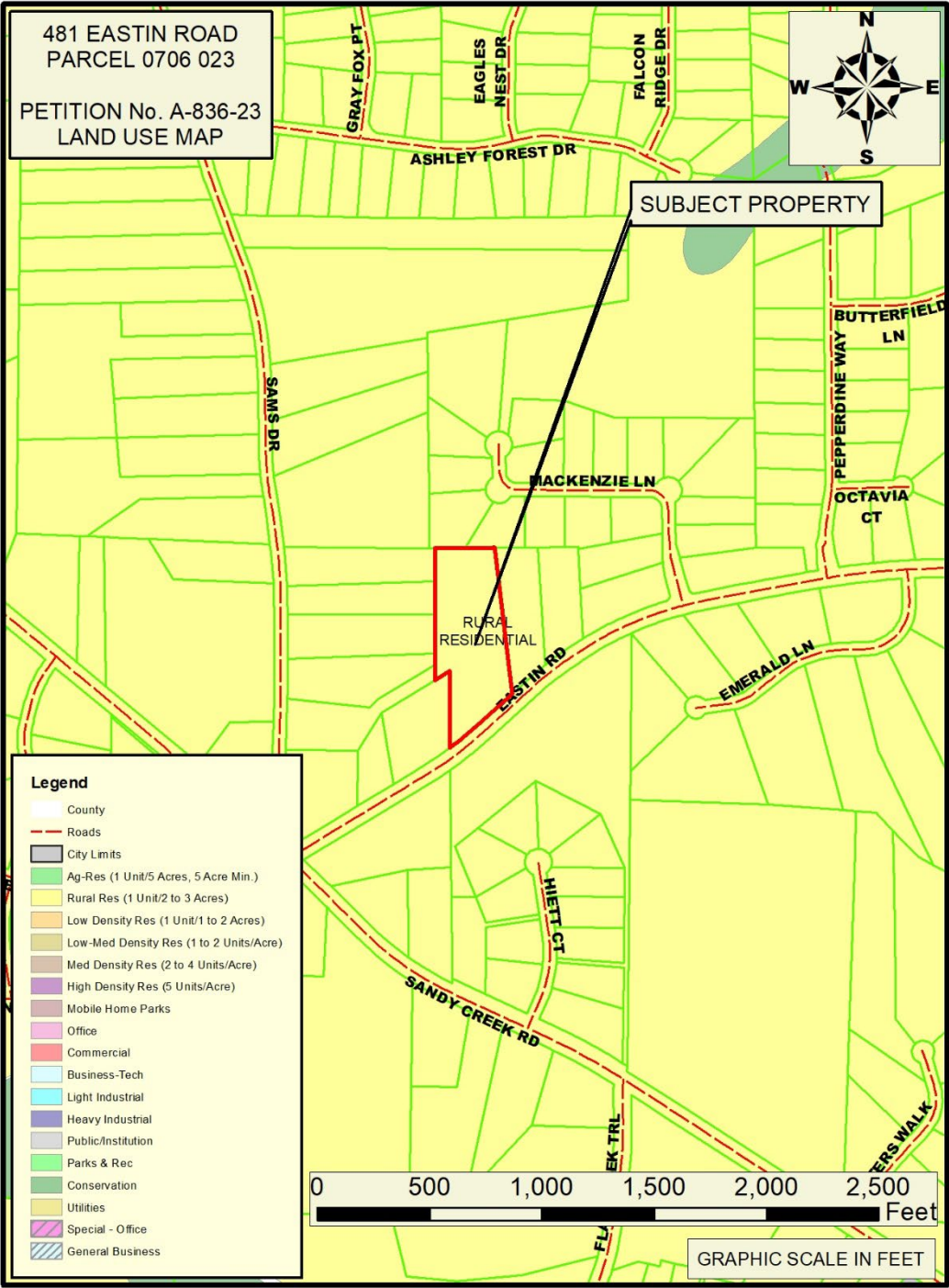
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

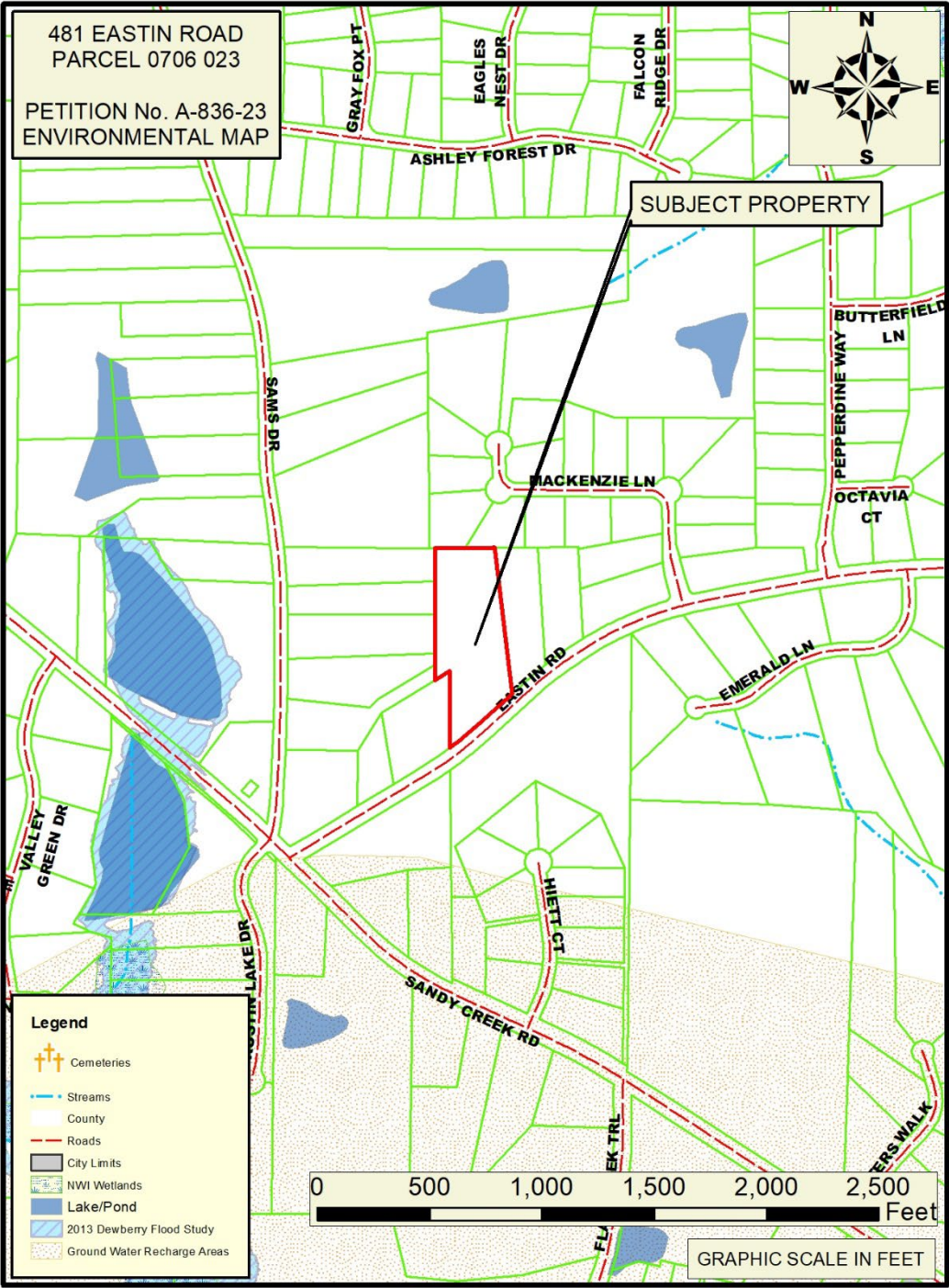
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The size, location and topography do not present extraordinary challenges to development, nor do they necessitate a larger footprint.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The building setbacks applied to this lot are the same as those applied to all the other lots in the neighborhood; they do not present an unnecessary hardship.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
There are no conditions on this parcel that preclude use and development within the bounds of the current zoning regulations.
- 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,**
Relief, if granted, might impair the purposes and intent of the regulations.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
A literal interpretation of this Ordinance would not deprive the applicant of any rights allowed for anyone else in the R-70 zoning district.

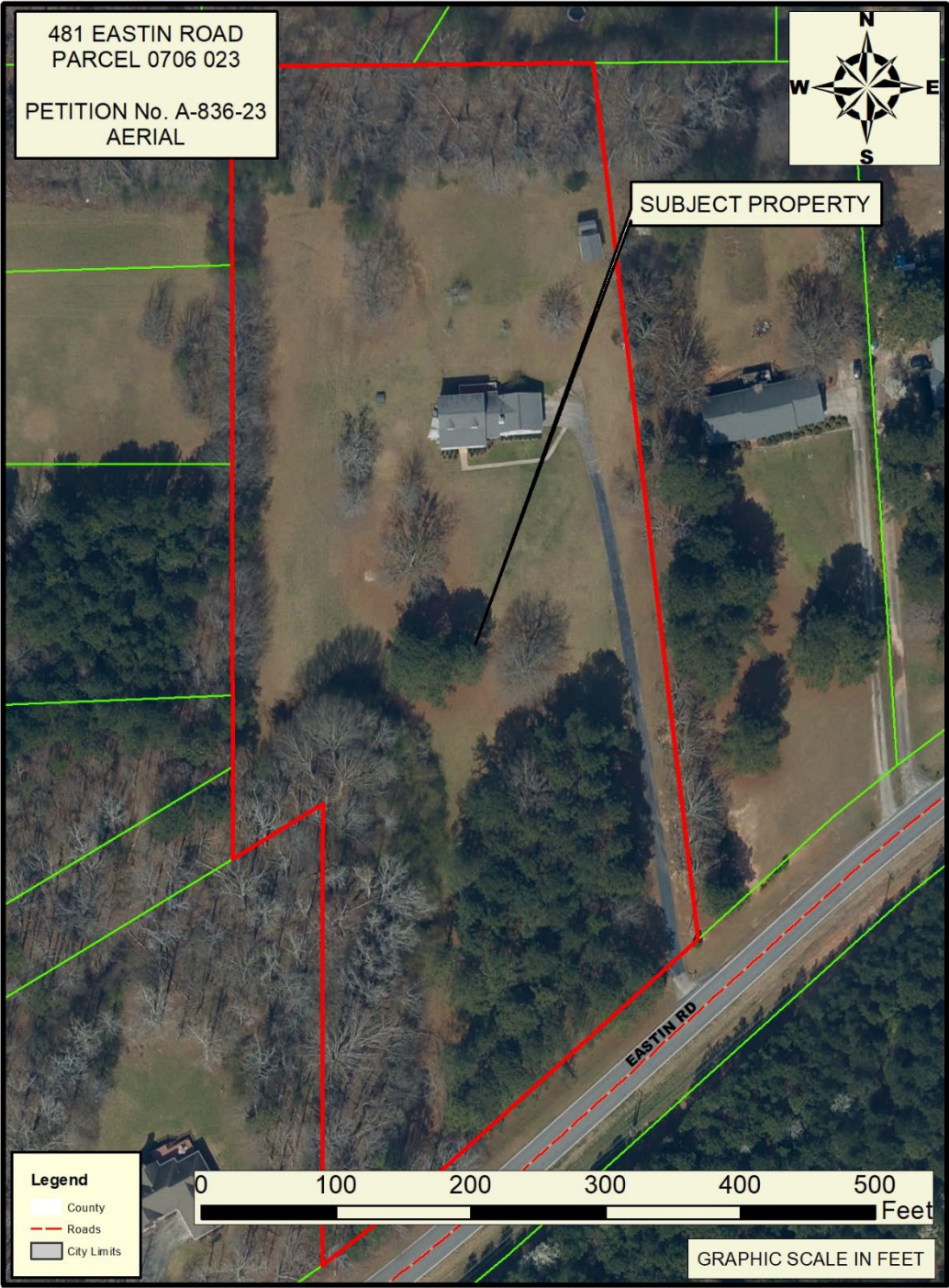












Type: PLAT FILED
RECORDED: 02/22/21 4:08:00 PM
Fee Amt: \$10.00 Page 1 of 1
Sylvia, Ga. Clerk Superior Court
Sheila Studdard, Clerk of Court
Participant ID: 109355574
BK 101 PG 14

INVESTOR OR RECORDOR FOR THE CLERK OF THE SUPERIOR COURT.

SURVEY NOTES

EQUIPMENT USED:

ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED USING A SPECTRA PRECISION RANGER 5000 PLUS TOTAL STATION AND A SPECTRA PRECISION RANGER DATA COLLECTOR.

CLOSURE STATEMENT:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 105,222 FEET WITH AN ANGULAR ERROR OF THREE SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPOUND RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 435,943 FEET.

THE BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH (GA NAD 83) ZONES AND WERE OBTAINED FROM ANOMALOUS SURVEYING IN THE FIELD.

THE PROJECT HORIZONTAL DATUM IS RELATIVE TO THE NORTH AMERICAN DATUM 1983 AND IS 2011 ADJUSTMENT PROJECTED TO THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

FIELD WORK FOR THIS SURVEY WAS PERFORMED ON THE FOLLOWING DATE: 08/02/21.

SUBJECT PROPERTY INFORMATION:

TAX PARCEL ID # 0706 023
OWNER(S) PER TAX RECORD:
JONATHAN PAUL CAMPAGNA & REBECCA JEAN RUTHBERG-CAMPAGNA
RETIRED LEGAL DESCRIPTION: 06-4901-01-01

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT (TIF). THEREFORE, THE UNDERSIGNED B. JEFF DAVIS, RLS MAKES NO WARRANTIES OR REPRESENTATIONS REGARDING INFORMATION HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, EASEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. ALL MATTERS SHOULD BE CLARIFIED BY THE SURVEYOR.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED ON THIS PLAT. THIS DOES NOT EXTEND TO ANY UNKNOWN THIRD PARTY WITHOUT AN EXPRESS RESALIGNMENT BY THE SURVEYOR.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR UTILITIES SHOWN HEREON. FOR UTILITY LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH-DISTURBING ACTIVITIES.

FLOOD STATEMENT:

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO FIRM PANEL 13103002E, EFFECTIVE SEPTEMBER 26, 2008.

REFERENCE MATERIAL

- 1. DEED BOOK 300, PAGE 382
- 2. DEED BOOK 348, PAGE 313
- 3. DEED BOOK 493, PAGE 3
- 4. DEED BOOK 506, PAGE 409
- 5. DEED BOOK 1163, PAGE 47
- 6. DEED BOOK 1231, PAGE 260
- 7. DEED BOOK 1481, PAGE 508
- 8. DEED BOOK 1676, PAGE 650
- 9. DEED BOOK 1860, PAGE 755
- 10. DEED BOOK 3066, PAGE 433
- 11. DEED BOOK 3870, PAGE 382
- 12. DEED BOOK 4860, PAGE 288
- 13. DEED BOOK 4901, PAGE 128
- 14. DEED BOOK 5100, PAGE 109
- 15. DEED BOOK 5100, PAGE 19
- 16. DEED BOOK 5100, PAGE 79
- 17. DEED BOOK 5100, PAGE 23
- 18. DEED BOOK 5100, PAGE 110
- 19. DEED BOOK 5100, PAGE 152

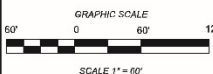
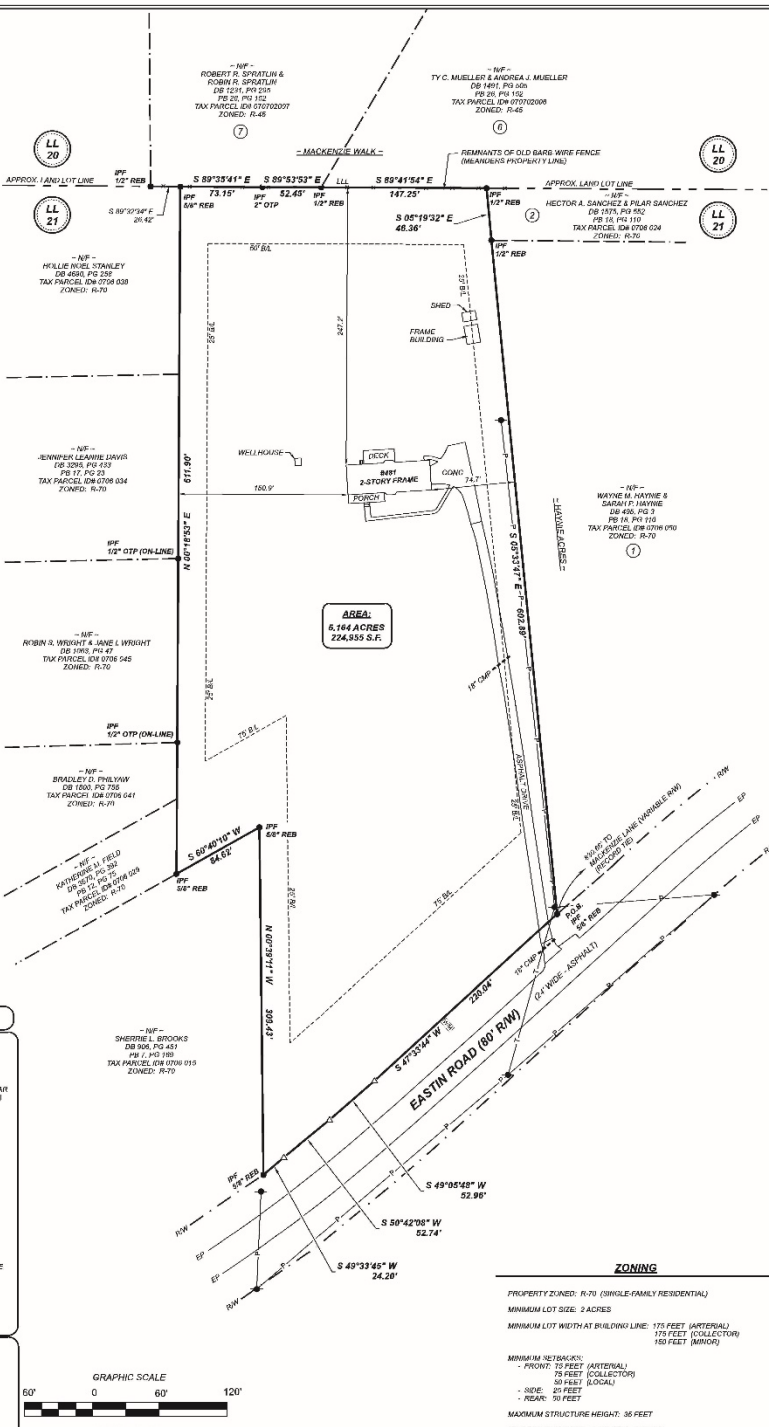
LEGEND

ABBREVIATIONS	SYMBOL
BSL BUILDING SETBACK LINE	● IRON PIN FOUND
CAI C CANAL AFD	○ IRON PIN PLACED - 1/2" REBAR (W/FRAM CAP "3/8" RLS 43211)
CLP CHAIN LINK FENCE	△ COMPUTED CORNER
COMP COMPOUNDED METAL PIPE	□ POWER POLE
CONC CONCRETE	○ FISC INDIANT
CIP CORRUGATED TOP PIPE	WM WATER METER
CRIP CORRUGATED TOP PIPE	--- FENCE LINE
DEP DIRT/PILE IRON PIPE	--- OVERHEAD POWER LINE
EDGE OF GRAVEL	--- OVERHEAD TELEPHONE LINE
EM ELECTRIC METER	
ESD EDGE OF PAVEMENT	
EAS EASEMENT	
FHT FIRE HYDRANT	
FW FIRE WEED	
HW HEAD WALL	
IRW IRON PIN PLACED	
IRW IRON PIN FOUND	
IRW IRON PIN PLACED	
LL LAND LOT LINE	
LLL LAND LOT LINE	
LN LN NON-CONFORMING	
OPN OPEN TOP PIPE	
FR FLAT BOOK	
P.P.O. POINT OF BEGINNING	
P.O.C. POINT OF COMMENCEMENT	
PP POWER POLE	
PCP CORRUGATED CONCRETE PIPE	
REAR REAR	
ROW RIGHT-OF-WAY	
REAR REAR	
WM WATER METER	
WV WATER VALVE	

SURVEYORS CERTIFICATION

This plat is a representation of a building parcel or parcels of land and does not subdivide or create a new parcel or create any changes to any real property boundaries. The recording information of the instruments, maps, plans, or other instruments which encumber the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OR ANY LEGAL RESPONSIBILITY, AVAILABILITY OF PERMITS, 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 as set forth in the rules and regulations of the Georgia Board of Registered Professional Engineers and Land Surveyors and so set forth in O.C.G.A. Section 13-5-47.

GEORGIA REGISTERED LAND SURVEYOR
NO. 3211
B. JEFF DAVIS
DATE: 08-02-21



SCALE 1" = 60'

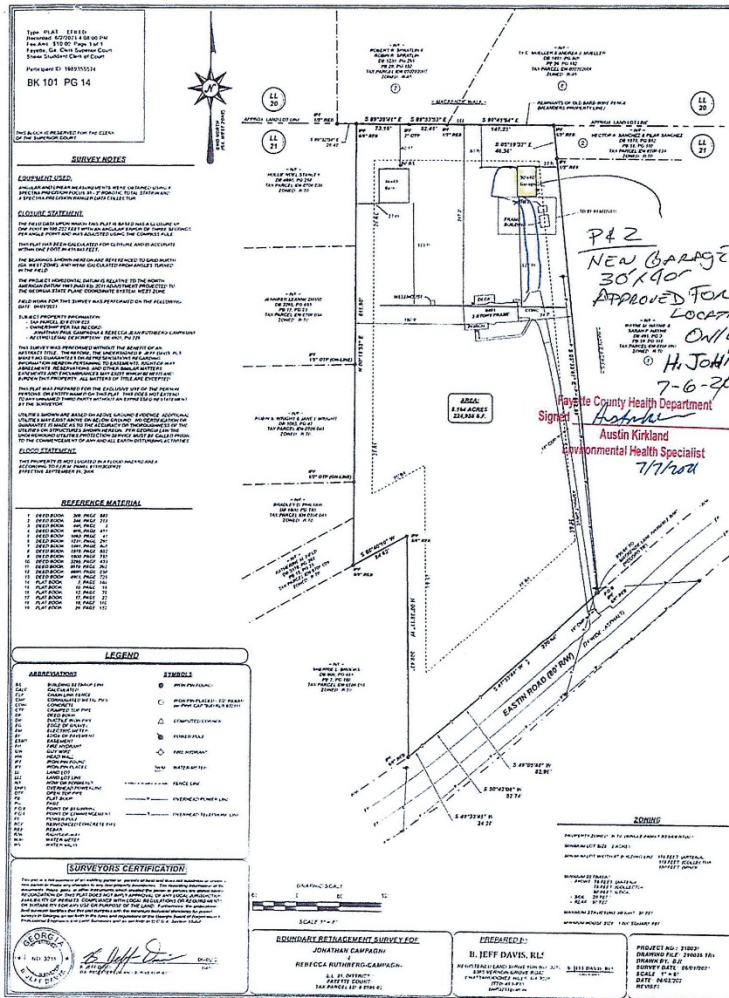
BOUNDARY RETRACEMENT SURVEY FOR:
JONATHAN CAMPAGNA & REBECCA RUTHBERG-CAMPAGNA
LL 21, DISTRICT 7
FAVETTE COUNTY
TAX PARCEL ID # 0706 023

PREPARED BY:
B. JEFF DAVIS, RLS
REGISTERED LAND SURVEYOR NO. 3211
8306 KERNON GROVE ROAD
CHATTANOOCHEE HILLS, GA 30268
(770) 461-8138
bjd3211@gmail.com

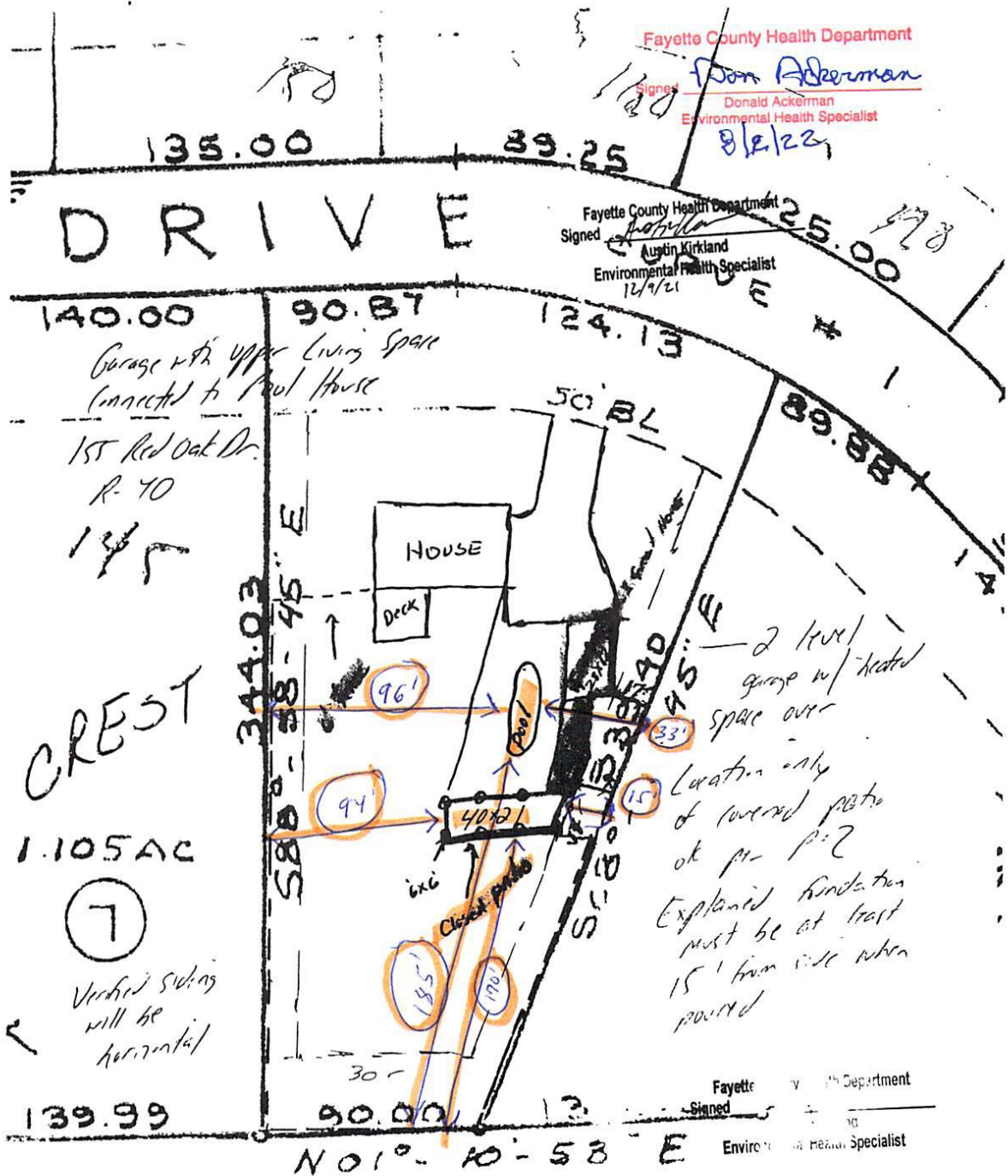
ZONING
PROPERTY ZONED: R-70 (SINGLE-FAMILY RESIDENTIAL)
MINIMUM LOT SIZE: 3 ACRES
MINIMUM LOT WIDTH AT BUILDING LINE: 175 FEET (ARTERIAL)
175 FEET (COLLECTOR)
150 FEET (MAJOR)
MINIMUM SETBACKS:
- FRONT: 35 FEET (ARTERIAL)
75 FEET (COLLECTOR)
30 FEET (LOCAL)
- SIDE: 25 FEET
- REAR: 35 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MINIMUM HOUSE SIZE: 1,200 SQUARE FEET

PROJECT NO.: 210033
DRAWING FILE: 210033.TRV
DRAWN BY: BJD
SURVEY DATE: 08/01/2021
SCALE: 1" = 60'
DATE: 08/02/2021
REVISED:

SURVEY of PARCEL – small accessory structures that encroached on setback were removed



SITE PLAN for GARAGE & BARN



Garage 28x12 = 336 ft²
 Pool House 31x10 = 310 ft²
 Covered Patio 40x21 = 840 ft²

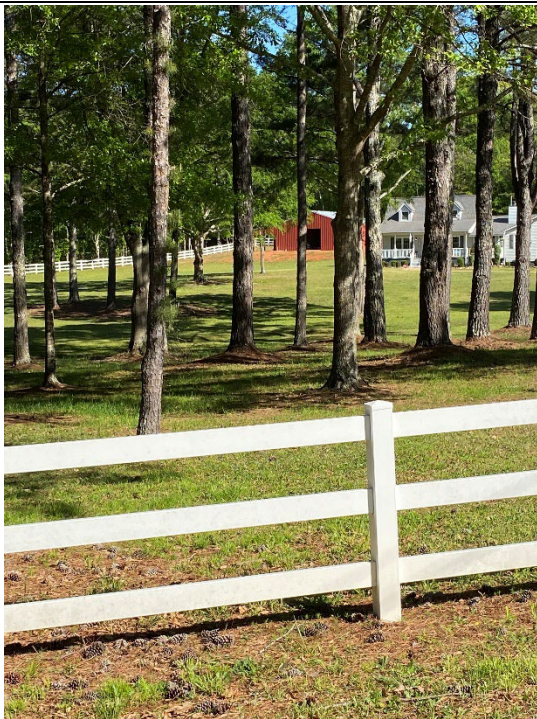
 1486

Scale 1:50 SCALE
 8-9-22
 location of pool and patio approved by P-2 **Chelsea Bryant**

MOST RECENT APPROVED SITE PLAN – AUGUST 12, 2022; ALL PROPOSED STRUCTURES SHOWN TO MEET THE SETBACK REQUIREMENT



A-836-23 – 481 Eastin Road



A-836-23 – 481 Eastin Road

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Rebecca Ruthberg-Campagna, Jonathan Campagna

MAILING ADDRESS: 481 Eastin Rd, Fayetteville, GA 30214

PHONE: (727) 698-4403 E-MAIL: ruthberg@gmail.com

AGENT FOR OWNERS: NA

MAILING ADDRESS: NA

PHONE: NA E-MAIL: NA

PROPERTY LOCATION: LAND LOT 21 LAND DISTRICT 77A PARCEL 0706-023

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.1

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70, C-S ; R-45

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A 836-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: March 21, 2023

DATE OF ZONING BOARD OF APPEALS HEARING: Mar 22, 2023

Received from REBECCA RUTHBERG-CAMPAGNA a check in the amount of \$ 225.00

for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: 21 March 2023 Receipt Number: 017519

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:

Jonathan Campagna + Rebecca Ruthberg-Campagna
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0706-023

(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) 21 of the District, and said property consists of a total of 5.1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to NA 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

481 Eastin Rd Fayetteville GA
Address

[Signature]

Signature of Property Owner 2

481 Eastin Rd Fayetteville GA
Address

[Signature]

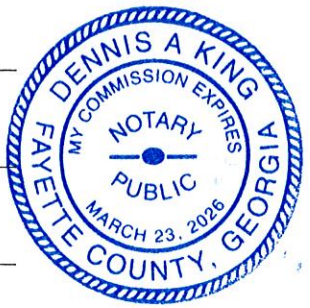
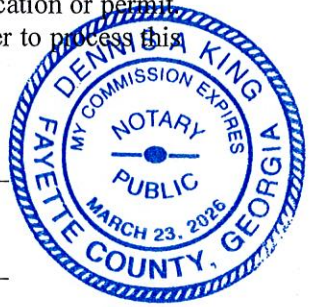
Signature of Notary Public

March 21, 2023
Date

[Signature]

Signature of Notary Public

March 21, 2023
Date



Signature of Authorized Agent

Address

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec 110-79 (c)(1)(a)	3,600 Sq Ft.	3,792 Sq Ft.	192 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.

The request is for the addition of a 12 x 12 x 46 open overhang to an existing structure on the property.

The addition if the overhang would exceed the allotment of space permitted for an accessory building on a parcel of our size.

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.

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

The addition of an overhang will provide a covered space to store and maintain lawn equipment as well as tools used to maintain the property

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

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 overhang extends onto our property, so no public detriment would occur.

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

NA

Type: PLAT FILED
Recorded: 6/2/2021 4:08:00 PM
Fee Amt: \$10.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
Participant ID: 1989355574
BK 101 PG 14



THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

SURVEY NOTES

EQUIPMENT USED:
ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED USING A SPECTRA PRECISION FOCUS 35 - 3" ROBOTIC TOTAL STATION AND A SPECTRA PRECISION RANGER DATA COLLECTOR

CLOSURE STATEMENT:
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 105,222 FEET WITH AN ANGULAR ERROR OF THREE SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 435,843 FEET.

THE BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH (GA. WEST ZONE), AND WERE CALCULATED FROM ANGLES TURNED IN THE FIELD.

THE PROJECT HORIZONTAL DATUM IS RELATIVE TO THE NORTH AMERICAN DATUM 1983 (NAD 83), 2011 ADJUSTMENT PROJECTED TO THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

FIELD WORK FOR THIS SURVEY WAS PERFORMED ON THE FOLLOWING DATE: 06/01/2021.

SUBJECT PROPERTY INFORMATION:
- TAX PARCEL ID # 0706 023
- OWNERSHIP PER TAX RECORD:
- JONATHAN PAUL CAMPAGNA & REBECCA JEAN RUTHBERG-CAMPAGNA
- RECORD LEGAL DESCRIPTION: DB 4901, PG 726

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. THEREFORE, THE UNDERSIGNED B. JEFF DAVIS, RLS MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. ALL MATTERS OF TITLE ARE EXCEPTED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED ON THIS PLAT. THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

FLOOD STATEMENT:
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO FLR.M. PANEL #13113C0082E, EFFECTIVE SEPTEMBER 29, 2008.

REFERENCE MATERIAL

- 1. DEED BOOK 309, PAGE 582
- 2. DEED BOOK 346, PAGE 213
- 3. DEED BOOK 463, PAGE 3
- 4. DEED BOOK 906, PAGE 451
- 5. DEED BOOK 1063, PAGE 47
- 6. DEED BOOK 1231, PAGE 295
- 7. DEED BOOK 1491, PAGE 505
- 8. DEED BOOK 1575, PAGE 552
- 9. DEED BOOK 1800, PAGE 755
- 10. DEED BOOK 3295, PAGE 433
- 11. DEED BOOK 3570, PAGE 392
- 12. DEED BOOK 4650, PAGE 258
- 13. DEED BOOK 4901, PAGE 726
- 14. PLAT BOOK 7, PAGE 189
- 15. PLAT BOOK 10, PAGE 19
- 16. PLAT BOOK 12, PAGE 75
- 17. PLAT BOOK 17, PAGE 23
- 18. PLAT BOOK 18, PAGE 110
- 19. PLAT BOOK 26, PAGE 152

LEGEND

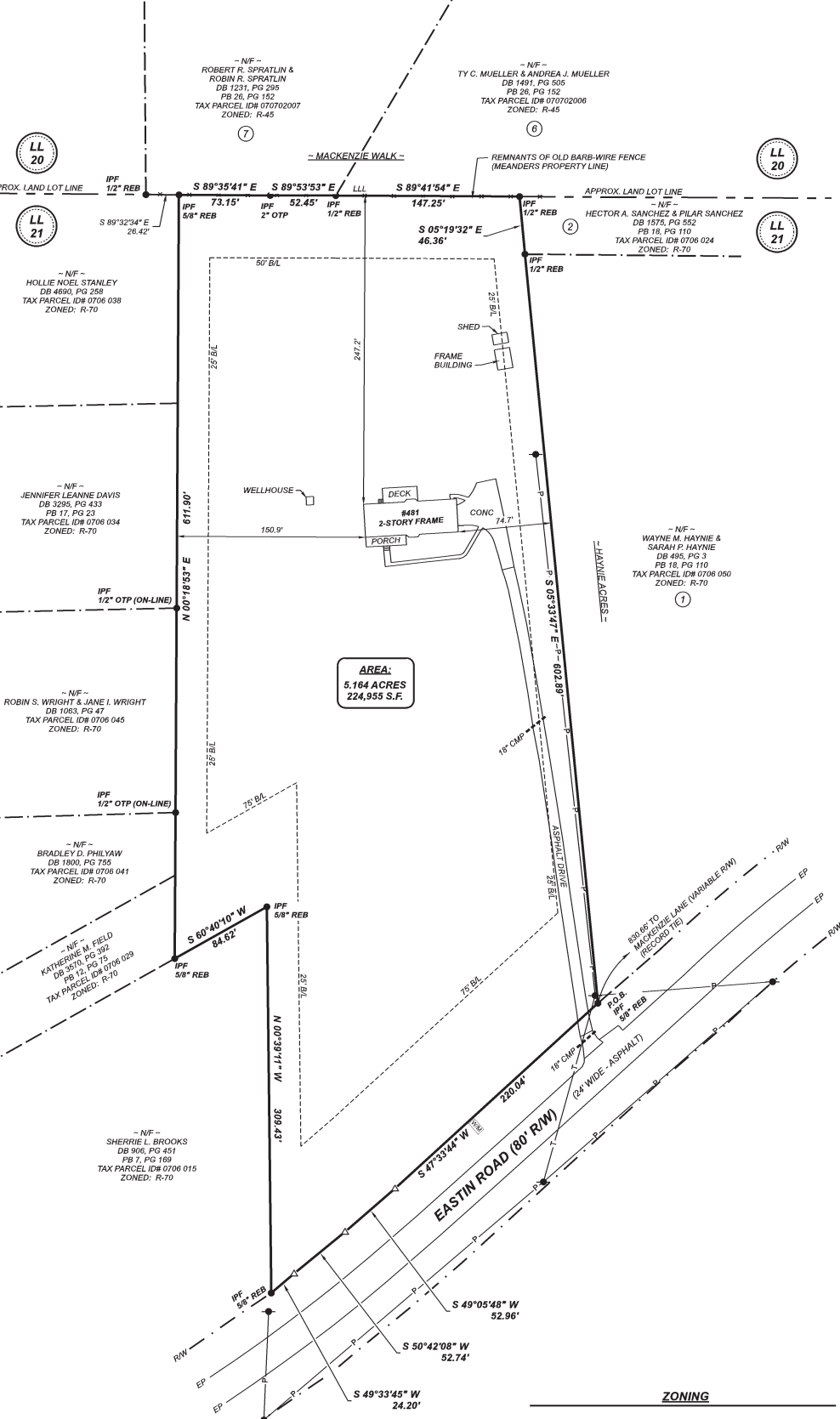
ABBREVIATIONS	SYMBOLS
BL	BUILDING SETBACK LINE
CALC	CALCULATED
CLF	CHAIN LINK FENCE
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
CTP	CRIMPED TOP PIPE
DB	DEED BOOK
DIP	DUCTILE IRON PIPE
EG	EDGE OF GRAVEL
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
ESMT	EASEMENT
FH	FIRE HYDRANT
GW	GUY WIRE
HW	HEAD WALL
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
LL	LAND LOT
LLL	LAND LOT LINE
NF	NOW OR FORMERLY
OHP/L	OVERHEAD POWERLINE
OTP	OPEN TOP PIPE
FB	FLAT BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PP	POWER POLE
RCP	REINFORCED CONCRETE PIPE
REB	REBAR
R/W	RIGHT-OF-WAY
WM	WATER METER
WV	WATER VALVE
●	IRON PIN FOUND
○	IRON PIN PLACED - 1/2" REBAR (w/ PINK CAP "BJD RLS #3211")
△	COMPUTED CORNER
⊙	POWER POLE
⊕	FIRE HYDRANT
W/M	WATER METER
---	FENCE LINE
- - - - -	OVERHEAD POWER LINE
- - - - -	OVERHEAD TELEPHONE LINE

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recordings information of the documents, maps, plats, or other instruments which created the parcel or parcels is stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, 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 in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



B. Jeff Davis
B. JEFF DAVIS
GA. REGISTERED LAND SURVEYOR #3211
DATE: 06-02-21



ZONING

PROPERTY ZONED: R-70 (SINGLE-FAMILY RESIDENTIAL)
MINIMUM LOT SIZE: 2 ACRES
MINIMUM LOT WIDTH AT BUILDING LINE: 175 FEET (ARTERIAL)
175 FEET (COLLECTOR)
150 FEET (MINOR)

MINIMUM SETBACKS:
- FRONT: 75 FEET (ARTERIAL)
75 FEET (COLLECTOR)
50 FEET (LOCAL)
- SIDE: 25 FEET
- REAR: 50 FEET

MAXIMUM STRUCTURE HEIGHT: 35 FEET
MINIMUM HOUSE SIZE: 1,500 SQUARE FEET

BOUNDARY RETRACEMENT SURVEY FOR:

JONATHAN CAMPAGNA &
REBECCA RUTHBERG-CAMPAGNA
L.L. 21, DISTRICT 7
FAYETTE COUNTY
TAX PARCEL I.D. # 0706 023

PREPARED BY:

B. JEFF DAVIS, RLS
REGISTERED LAND SURVEYOR NO. 3211
8385 VERNON GROVE ROAD
CHATTAHOOCHEE HILLS, GA 30268
(770) 463-8339
bjdf3211@att.net



PROJECT NO.: 210039
DRAWING FILE: 210039.TRV
DRAWN BY: BJD
SURVEY DATE: 06/01/2021
SCALE: 1" = 60'
DATE: 06/02/2021
REVISED:

Doc ID: 010687960002 Type: WD
Recorded: 07/23/2019 at 09:45:00 AM
Fee Amt: \$298.00 Page 1 of 2
Transfer Tax: \$286.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4901 PG 726-727

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
19-1123K/CASSI

TAX PARCEL ID: 0706 023

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 19th day of July, 2019, by and between RANDALL DAVID MONSON, as party or parties of the first part, hereinafter referred to as "Grantor," and JONATHAN PAUL CAMPAGNA and REBECCA JEAN RUTHBERG-CAMPAGNA, as JOINT TENANTS WITH RIGHTS 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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION.

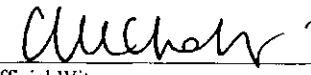
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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.

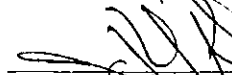
AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

Signed this 19 day of July, 2019 in the presence of:


Unofficial Witness


RANDALL DAVID MONSON


Notary Public
My Commission Expires:

[Notary Seal]

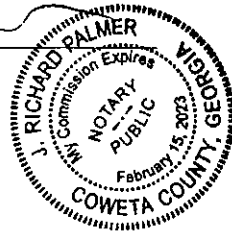


EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 21 of the 7th District of Fayette County, Georgia and by plat of C. E. Lee dated July 6, 1982, entitled "Survey for W. D. Gilmer" being more particularly described as follows:

BEGINNING at an iron pin located North 89 degrees and 20 minutes East, as measured along the north line of Land Lot 21 aforesaid, 704.1 feet from the common corner of land lots 20, 21, 44, and 45 of said State, County and District; running thence North 89 degrees and 20 minutes East, 73.6 feet to an iron pin; thence South 0 degrees and 37 minutes East, 570.4 feet to an iron pin; thence South 59 degrees and 38 minutes West, 84.73 feet to an iron pin; thence North 0 degrees and 37 minutes West 612.86 feet back to the iron pin and the POINT OF BEGINNING; said tract containing one acre, more or less.

AND

All that tract or parcel of land lying and being in Land Lot 21 of the 7th Land District of Fayette County, Georgia, as shown by plat of Lee Engineering Company, entitled "Survey for W. D. Gilmer" dated May 28, 1977, and recorded in Plat Book 10, Page 19, records of Fayette County, Georgia and in accordance with said Plat being more particularly described as follows:

BEGINNING at a point located 777.7 feet south 89 degrees 21 minutes east, as measured along the north line of Land Lot 21 aforesaid, from the original northwest corner of said Land Lot 21 (which corner is also the common corner of Land Lots 20, 44 and 45 of said District, County and State) running thence south 89 degrees 21 minutes east, continuing along the north line of Land Lot 21 aforesaid, 200 feet to a corner; thence south 05 degrees 17 minutes east, 649.8 feet to a point on the northwesterly margin of the right-of-way 80 feet in width for public road known as Eastin Road; thence southwestwardly, as measured along the northwesterly margin of the right-of-way of said Eastin Road, 350.9 feet to a point; thence north 00 degrees 28 minutes east, 876.8 feet to the north line of Land Lot 21 at the point of beginning, said tract containing 4.1 acres, more or less.