

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
August 28, 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 June 26, 2023.

PUBLIC HEARING

5. Petition No. A-841-23, Normer M. and Pamela L. Adams, Owner, and Barnard & Associates Remodeling, Inc., Agent, request the following: Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 10 feet allow for construction of a residential accessory structure. The subject property is located in Land Lot 195 of the 5th District and fronts on Riley Avenue.

Meeting Minutes 6/26/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 26, 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
Anita Davis

STAFF PRESENT: Debbie 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. Anita Davis seconded. The motion carried 5-0.

4. Consideration of the Minutes of the Meeting held on June 12, 2023.

Brian Haren made a motion to approve the Minutes of the Meeting held on June 12, 2023. Anita Davis seconded the motion. The motion carried 5-0.

PUBLIC HEARING

5. **Petition No. A-821-23, Aura Lozada and Fenichel Perez, Owner, request the following: 1) Variance to Sec. 110-79. (c) (1) a. Number and size, to allow for the number of permitted residential accessory structures on the lot to be increased from two (2) to three (3), to allow three (3) existing accessory structures to remain. 2) Variance to Sec. 110-138. R-20, (d) (4) a. 1., to reduce front yard setback from 60 feet to 53.6 foot to allow an existing accessory structure to remain. The subject property is located in Land Lot 75 of the 5th District and fronts on Bonaventure Way, Bellevue Loop and County Line Road.**

Debbie Bell presented the petition and stated it is a double corner lot with three road frontages. The land use is low density residential and the zoning is R-20. She stated there aren't any

significant environmental features that affect a lot. She displayed the aerial and survey and pointed out the pool and the pool house. She stated the current property owner purchased the property in 2016 and these structures were already in place when they purchased the property. She stated you'll notice this survey shows a building setback line at 30 feet. Please disregard that, it was an error on the surveyors part. This subdivision has a 10 foot setback so this building is not in violation. She stated it's not a subject of this request, but she wanted to point it out because it does look like a discrepancy on the survey. She stated the building setback line is 60 feet at County Line Road. A little bit of that building encroaches and that was built by a prior owner without benefit of a permit. She stated the current owner is working with building safety to get building permits for this and for some work that they've done on the deck as well. She stated the permit is pending the outcome of the variance decision tonight. She continued it is staffs opinion that the lot does present some difficulties due to the multiple road frontages which require increased building setbacks. The encroachment of the pool house is not the fault of the current owner and the resident was unaware of the permitting requirements and is working to correct these deficiencies. She stated the permit applications are currently on hold pending the outcome of the variance request. Staff recommends conditional approval of the request to reduce the side yard setback to allow the pergola and pool to remain. If approved. The recommended conditions are 1. the applicant is to complete the permitting process for any unpermitted structures that are approved to remain. And 2. the applicant shall remove the unpermitted garden shed on the northwest corner of the property and the unpermitted metal carport near the gazebo.

Chairman Tate asked if the petitioner was present.

Mariyen Figueroa from Fayette County Human Resources served as interpreter for petitioner Fenichel Perez.

Mr. Perez stated he's been at this property for 10 years, and the property already has the structures that they have, and he is going through this permit process currently and he wants to do everything correctly to what the county asks for. He is willing to do any changes that you do ask in order to move forward and they feel embarrassed because of the situation. He stated the house was a blessing for them. He just wants to make sure that you know that if anything that he needs to change or make any changes he definitely wants to move forward.

Chairman Tate asked if Mr. Perez understood and agreed to the conditions.

Mr. Perez stated yes.

Chairman Tate asked if there was anyone to speak in favor or opposition.

Lynda and Tara Kujawski spoke in opposition. Tara Kujawski asked if a third structure was being allowed or if there is a third structure in place that they want to remain?

Brian Haren stated the structure is already there. He stated nothing new would be built they are just asking to bring everything into compliance. They are asking to get permits for what is already there.

Tara Kujawski asked which structures?

Debbie Bell stated a small garden shed in the corner is going to be removed or has already been removed and then metal carport is going to be removed. She stated the pool house to the right of the pool, a two story storage building toward the back of the property, and the gazebo. Those are the three structures that they're asking to remain.

Lynda Kujawski stated a lot of the trees are missing now when you drive down county line, you can see right into the back of his property and see the speed boats and the RVs and the metal structures that are falling and we're just concerned that the neighborhood is being depreciated by all these structures. That's all our concern is. She stated the homeowners association was intact originally when she first moved into the neighborhood then eventually it dissolved. The homeowners association is vital and have specifically asked to not do a lot of stuff that's been going on there. And most of us in the neighborhood let it go. Most of us work. So we let a lot of it go on and a lot of us don't say anything. Would you want to live next door to a house with RVs parked on the front yard and boats in the front yard.

Tara Kujawski stated we're just worried about existing structures and maintenance of the property. She stated it benefits the whole neighborhood.

Chairman Tate stated our function is to determine the structures that are already there.

Brian Haren stated the structures they are discussing tonight are already on the property.

Chairman Tate asked if there were any other comments in support or opposition.

Alexia Johnson spoke in support of the petition. She stated she had been there about 10 years, and she entered the neighborhood every day because her house is further down. She state she has no opposition against the house or any of the structure that's already on the premises. It's neat. They're in place. I don't think anybody has a problem with that at all. They are respectful with the community and that the structures don't affect the living or the livelihood of the other neighborhoods in the area. She stated I don't believe that anything that is discussed today will have a huge effect on those living there.

Lavetric Johnson spoke in support of the petition. She stated to me it is a beautification to the community to tour your Christmas lights every holiday to graduation signs. He puts that up for the for the neighbors and they're a good family. I do see the destruction going on but it doesn't take away from the neighborhood. It adds to it to me. It's beautiful back there. My daughter she stops by to move their dogs and she said wow that he just happened to walk back there and see

it for yourself. She's says it's beautiful back there, mom. So I'm just saying it's support. I don't see a nuisance.

Marsha Hopkins asked is there a time limit for the conditions?

Debbie Bell stated there should probably be a 60 day window. She stated some of the structures did not get a building permit yet. So he's applied for those building permits, but building safety won't approve, they won't go through the rest of the process unless they're approved here in the variance. So that was more of a housekeeping measure to ensure that they follow up with the permitting process.

Bill Beckwith asked if the Building Department will be able to finish in that time frame?

Debbie Bell stated yes.

Bill Beckwith made a motion to approve Variance to Sec. 110-79. (c) (1) a. Number and size, to allow for the number of permitted residential accessory structures on the lot to be increased from two (2) to three (3), to allow three (3) existing accessory structures to remain with conditions: 1. Applicant is to complete the permitting process for any unpermitted structures that are approved to remain within 60 days. 2. Applicant shall remove the unpermitted garden shed on the northwest corner of the property and the unpermitted metal carport near the gazebo. Brian Haren seconded the motion. The motion carried 5-0.

John Tate made a motion to approve Variance to Sec. 110-138. R-20, (d) (4) a. 1., to reduce front yard setback from 60 feet to 53.6 foot to allow an existing accessory structure to remain. Anita Davis seconded the motion. The motion carried 5-0.

6. Petition No. A-820-23, Tanesha Butler, Demetrius Butler and the Co-Trustees, Meshia Bean and Demetrius Anthony Bulter, of the Sterling Brown, Jr Irrevocable Trust as Tenants in Common, Owner, request the following: 1) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 11 feet to allow existing swimming pool to remain. 2) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 18 feet to allow existing accessory structure (Pergola) to remain. The subject property is located in Land Lot 224 of the 5th District and fronts on Navarre Drive.

Debbie Bell stated this lot is in between veterans Parkway and highway 92 Just a little bit south of Lees Mill Road. Land use map is medium density residential. Zoning is conservation subdivision. There aren't any significant environmental factors that affect the site. She stated this is a situation they did get a permit for the pool pool contractor started the permit they shifted the pool a little bit to avoid some septic lines septic field runs in this area central part of the yard when the pool was permitted it was shown within the setbacks but it did get shifted. But I think they didn't come. They didn't come back and get that foundation survey that they

should have gotten. And then the second part of the request is that the homeowner has started a gazebo and again this is a case the homeowner was unaware that a small building didn't need a building permit. So the gazebo out here a little pergola has a slight encroachment. The staffs opinion a lot does present some difficulties in terms of the location of the septic tank, while the pool might have been properly sited elsewhere in the lot relocation of the pool would at this point because of practical difficulty, the encroachment of the pergola falls within the same encroachment request area for the pool. Therefore, Staff recommends conditional approval request to reduce the side yard setback to allow the pergola and pool to remain conditions that are as follows. The applicant is to complete the permitting process for the pergola and the applicant is to coordinate with the pool contractor and building safety to complete the permitting process for the pool. In light of our other discussions, I would like to add that these items the the permitting items be completed within 60 days. This is a case also where the permit for the pergola is in the queue as well similar to the previous case.

Demetrius Butler was the applicant and stated he tried to do his due diligence and leave it up to the professionals about permitting. I'll take whatever fault is ours as far as the pergola is concerned. For the pool, I didn't know at the time. And they notified me. But I wanted to do whatever it takes to get this whole situation under control. He stated he didn't want to get his neighbors involved but no one has said anything. He said he's cut trees down and put up privacy fences and whatever the Board can do to help he would really appreciate.

Chairman Tate asked if he understood the conditions?

Mr. Butler stated yes.

Chairman Tate asked if the Board had any questions or comments?

Bill Beckwith stated it was good idea not to put the pool in the septic area.

Mr. Butler stated he tried to be as far away as the septic as possible. He apologized for going over the setback line.

Brian Haren stated he didn't realized the County permitted pergolas.

Debbie Bell stated any accessory structure over 200 square feet in size or if it has utilities run to it requires a permit

Mr. Butler stated it has a fan.

Brian Haren asked if the contractor told him they would have to shift the pool?

Mr. Butler stated no.

Brian Haren made a motion to approve Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 11 feet to allow existing swimming pool to remain with conditions: 1. Applicant is to complete the permitting process for the pergola. 2. Applicant is to coordinate with the pool contractor and Building Safety to complete the permitting process for the pool. Conditions must be met within 60 days. John Tate seconded the motion. The motion carried 5-0.

Brian Haren made a motion to approve Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 18 feet to allow existing accessory structure (Pergola) to remain with conditions: 1. Applicant is to complete the permitting process for the pergola. 2. Applicant is to coordinate with the pool contractor and Building Safety to complete the permitting process for the pool. Conditions must be met within 60 days. Bill Beckwith seconded the motion. The motion carried 5-0.

Chairman Tate asked is there a motion to adjourn?

Brian Haren made a motion to adjourn. Anita Davis seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:47 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

CHELSIE BOYNTON, ZBA SECRETARY

PETITION NO: A-841-23

Requested Action: Variance to reduce side building setback in the R-40 (Single Family Residential) District, to allow the construction of new detached garage.

Location: 125 Riley Avenue, Fayetteville, GA 30214

Parcel(s): 0543 01026

District/Land Lot(s): 5th District, Land Lot(s) 195

Zoning: R-40

Owner(s): Normer M. Adams and Pamela L. Adams

Agent: Bob Barnard, Barnard & Associates Remodeling, Inc.

Zoning Board of Appeal Public Hearing: August 28, 2023

REQUEST

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

1. Variance to Sec. 110-137(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 10 feet.

STAFF RECOMMENDATION

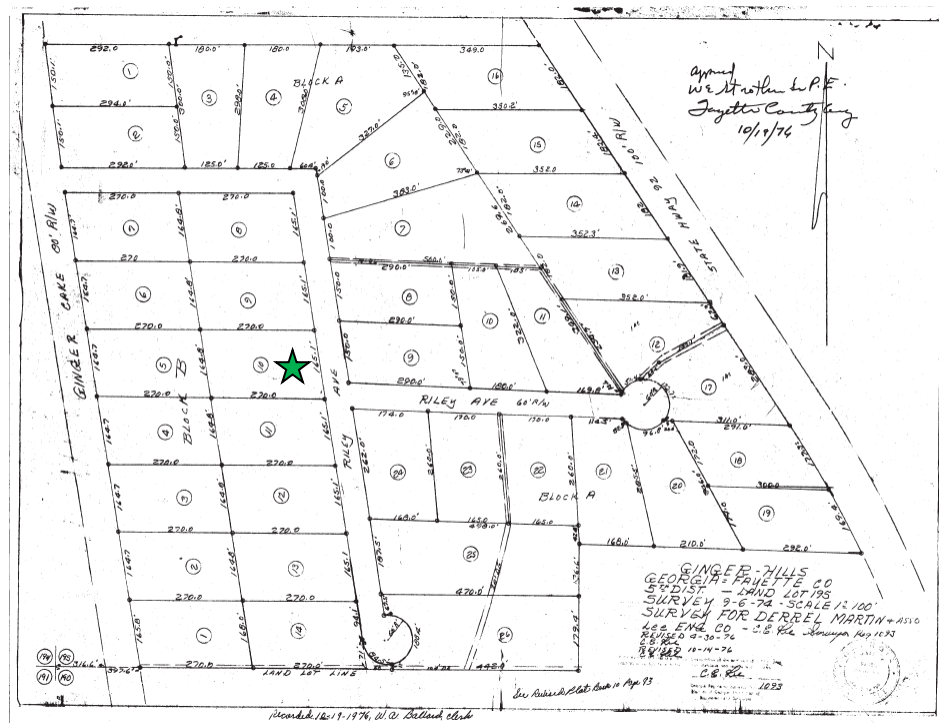
It is staff's opinion that the property presents a unique situation. The owner would like to preserve the mature trees on the site; building on the south side of the lot requires the least amount of clearing and grading. Additionally, the septic system is located on the north side of the lot.

NOTE: Per Sec. 102-286(9), a survey of the lot and foundation shall be required as part of the construction and inspection process.

1. Staff recommends **APPROVAL** of the request to reduce the side yard setback from 15 feet to 10 feet.

HISTORY

The subject property is a legal lot of record in the Ginger Hills S/D, with a plat recorded August 17, 1976. It is a 1.0-acre lot and is a legal, conforming lot in the R-40 zoning district.



DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance. Water is available via a 6-inch main.
- Public Works/Environmental Management** – No objection to the variance request.
- Environmental Health Department** – This office has no objection to the proposed variance. However, prior to construction of any accessory structure, an application must be submitted to this office for approval of an addition to the property.
- Fire** – No objections.
- Building Safety** – No objections.

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.

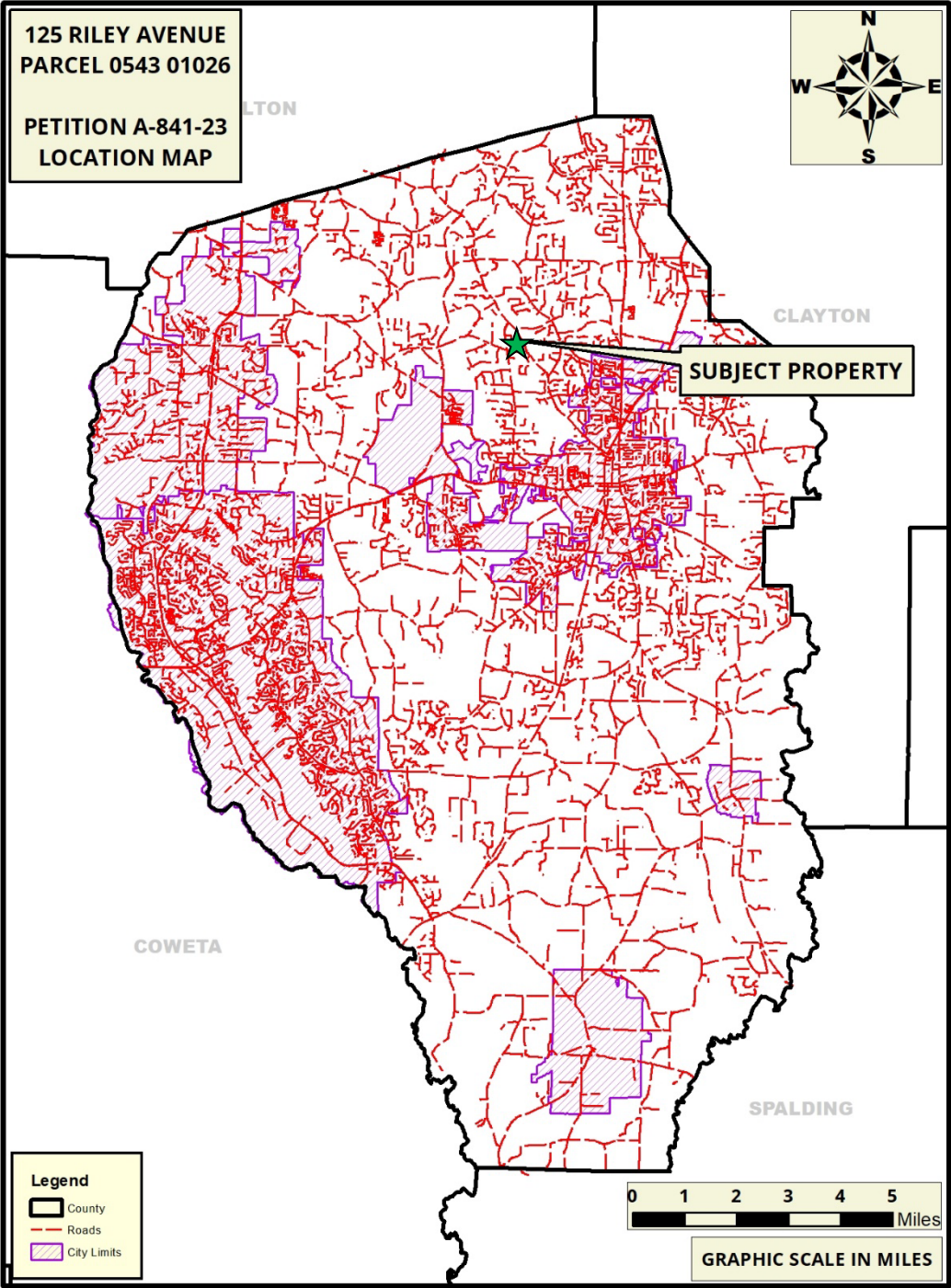
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The size and topography do present some unique conditions.*
 - *The septic system is located on the north side of the yard.*
 - *The lot slopes uphill on the west side.*
 - *The owner would like to utilize the existing driveway, avoid extra grading, and retain mature trees.*

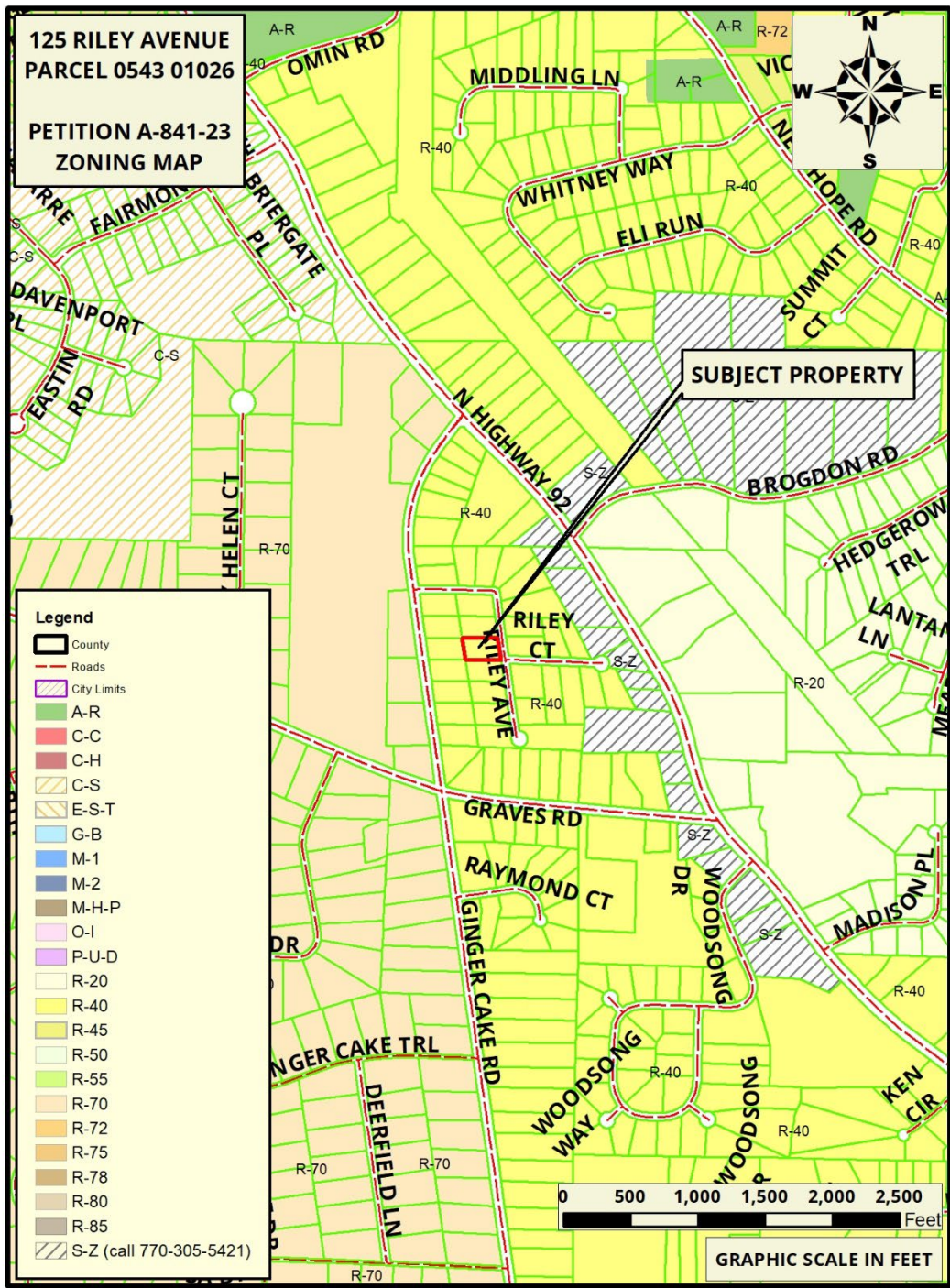
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *It would require additional grading to shift the structure location farther west, resulting in loss of trees.*

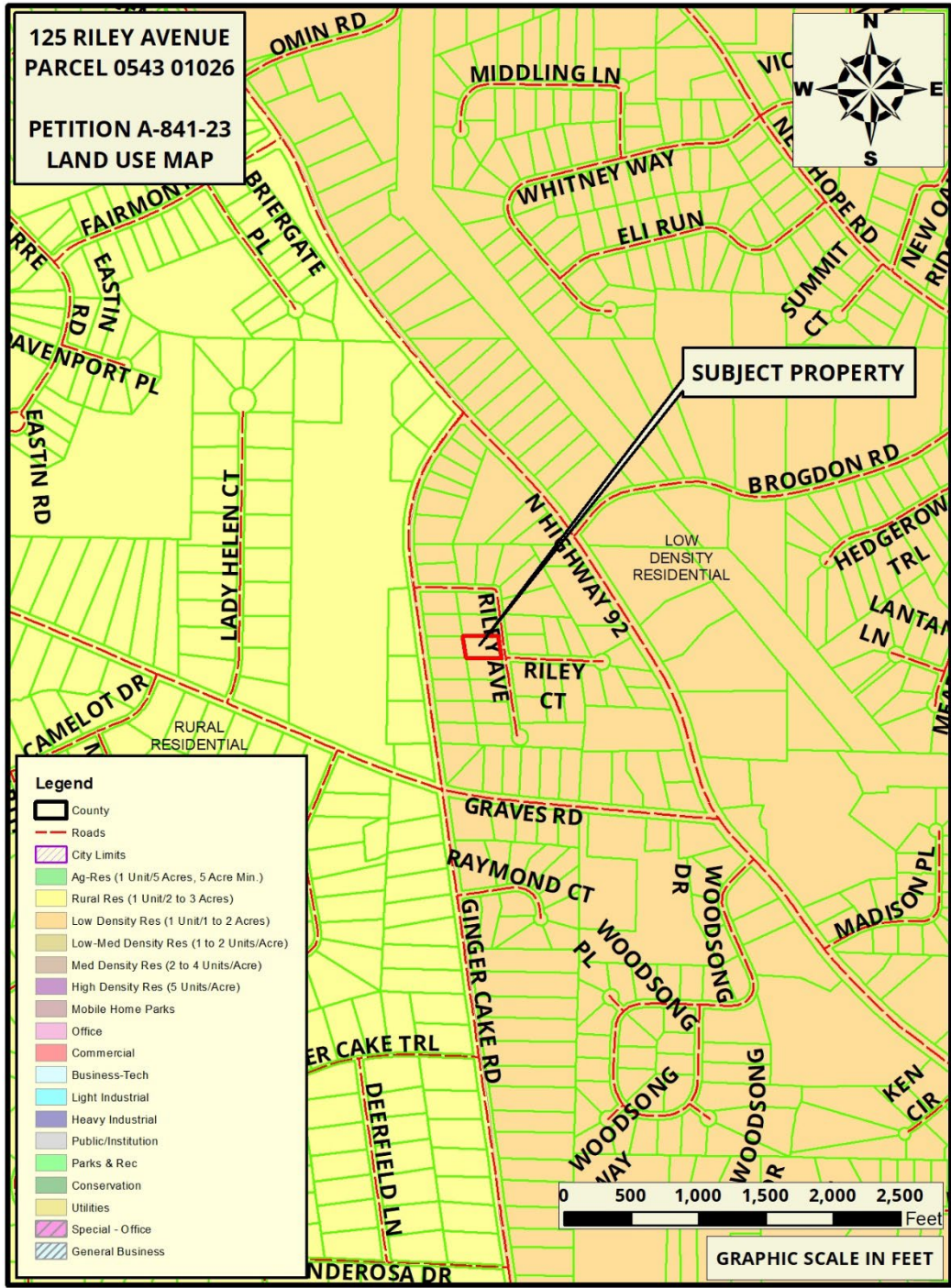
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There conditions on this parcel that limit use and development are specific to the parcel.*

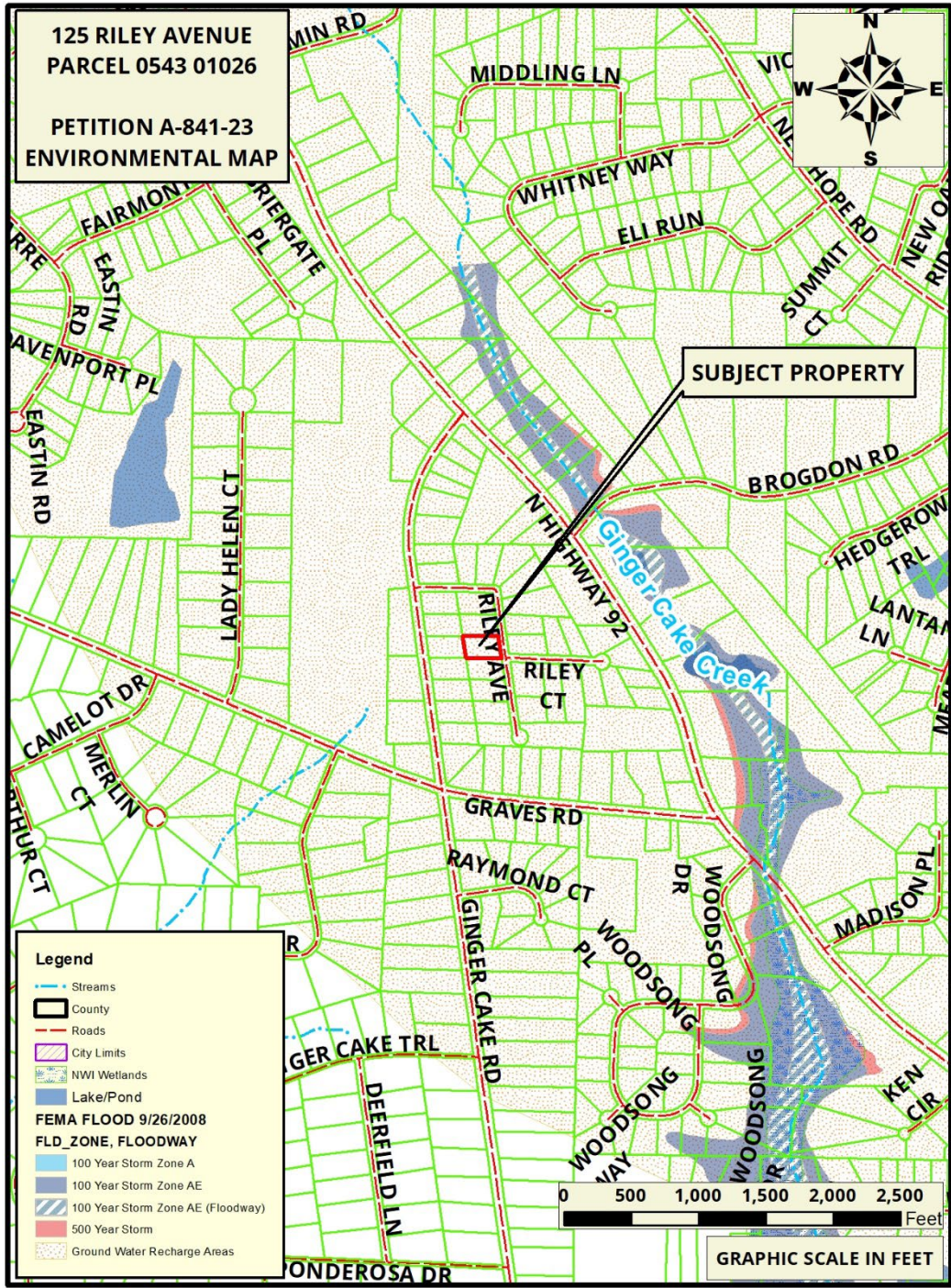
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *Relief, if granted, is not likely to be a detriment to the adjacent property. The property is well-landscaped, which provides an effective visual screen.*

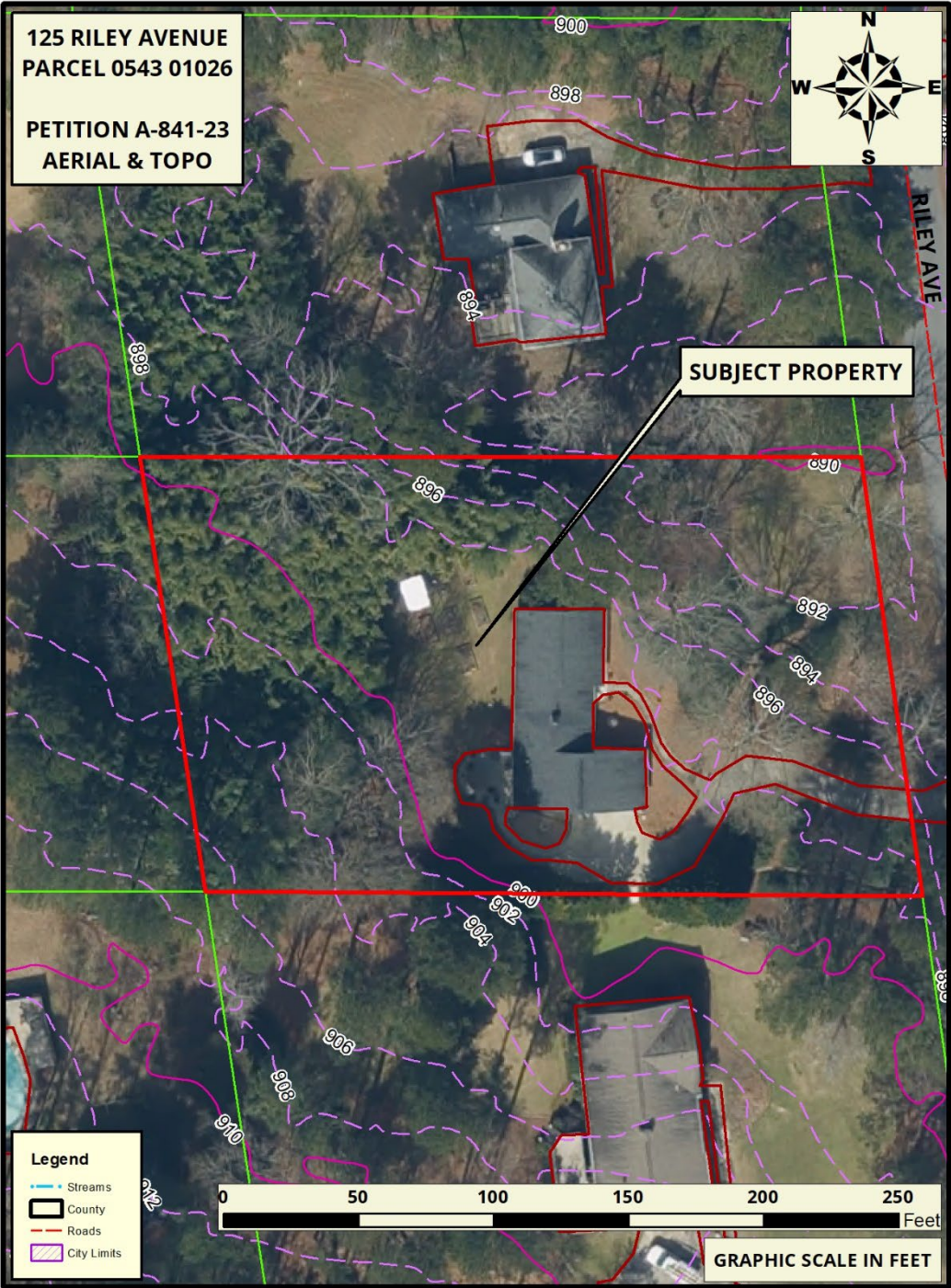
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would deprive the applicant of the ability to construct a garage on this parcel.*











**LOT 10
BLOCK "B"
GINGER HILLS**
PLAT BOOK 10, PAGE 93

LEGEND

B/L = BUILDING LINE
C/M = CORRUGATED METAL PIPE
D.E. = DRAINAGE EASEMENT
G.W. = GUY WIRE
H/W = HEADWALL
C/W = OVERHEAD UTILITIES
O.T.P. = OPEN TOP PIPE
C.P. = CONCRETE PPK
R/W = RIGHT-OF-WAY
L.P. = UTILITY POLE
W.M. = WATER METER

NOTES

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 771, PAGE 148 AND PLAT BOOK 10, PAGE 93, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER: NORMAN M. ADAMS AND PAMELA L. ADAMS PER DEED BOOK 221, PAGE 148, FAYETTE COUNTY, GEORGIA RECORDS AS OF 03-14-1981.
3. THIS SURVEY WAS AUTHORIZED BY BOB BARNARD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. NORTH BASED ON MAGNETIC COMPASS READINGS.
6. BUILDING LINES PER COUNTY ZONING MAP (R-4S).

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS REG. 1584-33 THE TERM CERTIFICATION AS USED IN BOARD RULE 160-1-2 (G) AND (I) RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

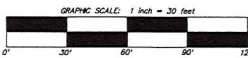
THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, EJECTORS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES, BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS. UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

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

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 recording information on the documents, deeds, notes, or other instruments which created the parcel or parcels are hereby deemed conclusive of this plat. DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY 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 15-6-57.

PRELIMINARY FOR REVIEW
Larry C. Shinnick, G.S. PLS No. 2343 Date



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PERSONS OR ENTITY NAMED HEREIN. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON PERSONS OR ENTITY WITHOUT A RESPECIFICATION BY THE SURVEYOR NAMING SAID PERSON PERSONS OR ENTITY.



The field data upon which this survey is based has been computed for closure by latitudes and departures. This has a closure precision of one foot in 250,000 ft., and an angular error of one second per angle point, and is UNADJUSTED. A TRIGONOMETER was used to obtain linear and angular measurements.

It is my professional opinion, that this plat is true and correct representation of the land plotted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 250,000 feet.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Map Number: 131503010C. Dated: SEPTEMBER 26, 2008

PRELIMINARY FOR REVIEW

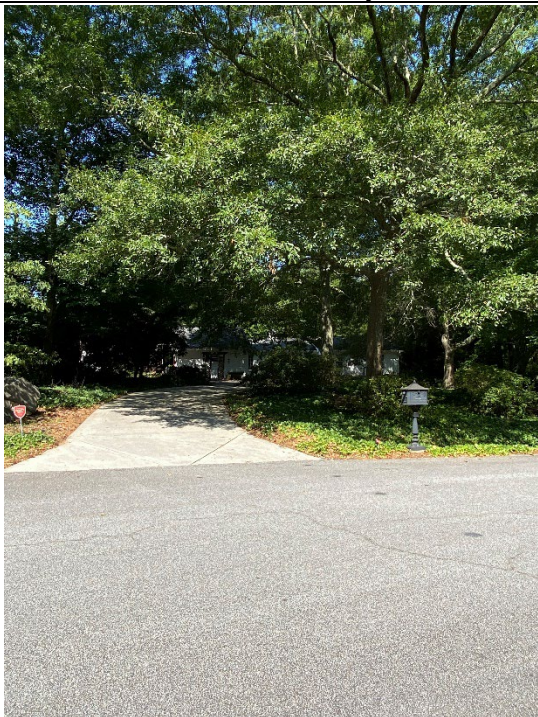
W.D. Gray and Associates, Inc.
LSF000701
land surveyors - planners
160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

**BARNARD & ASSOCIATES
REMODELING**

LAND LOT: 195	DATE OF SURVEY: 05-23-23
5th DISTRICT	DATE OF DRAWING: 05-24-23
FAYETTE COUNTY, GA.	REVISED:
SCALE: 1" = 30'	JOB NO. 2305017



A-841-23 – 125 Riley Ave



A-841-23 – 125 Riley Ave



A-841-23 – 125 Riley Ave



A-841-23 – 125 Riley Ave

PETITION NUMBER: A-841-23

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 054301026 Acreage: 1

Land Lot: 195 Land District: 5th

Address: 125 Riley Avenue, Fayetteville, GA 30214

Existing Zoning: ~~R-3 Residential Lot~~ R-40 Requested Zoning: N/A

Zoning of Surrounding Properties: Same

Existing Use: Residential Home Proposed Use: Same

PROPERTY OWNER INFORMATION

Name ADAMS NORMER M
ADAMS PAMELA L

Email pamelabadgerowadams@gmail.com

Address 125 Riley Avenue

City Fayetteville

State GA Zip 30214

Phone 678-522-2271

AGENT/DEVELOPER INFORMATION

(If not owner)

Name Barnard & Associates Remodeling, Inc

Email bob@remodelingdreams.com

Address PO Box 398

City Brooks

State GA Zip 30205

Phone 770-527-7835

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-841-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Deborah Y Bell Date: 06/29/2023

DATE OF ZONING BOARD OF APPEALS HEARING: Aug. 28, 2023

Received from Barnard & Assoc. 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: 06/29/2023 Receipt Number: 018463

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Please Print Names

Property Tax Identification Number(s) of Subject Property: 054301026

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 195 of the District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

Bob Barnard

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

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

[Signature]
Signature of Property Owner 1

125 Riley Avenue, Fayetteville, GA 30214
Address

[Signature]
Signature of Property Owner 2

125 Riley Avenue, Fayetteville, GA 30214
Address

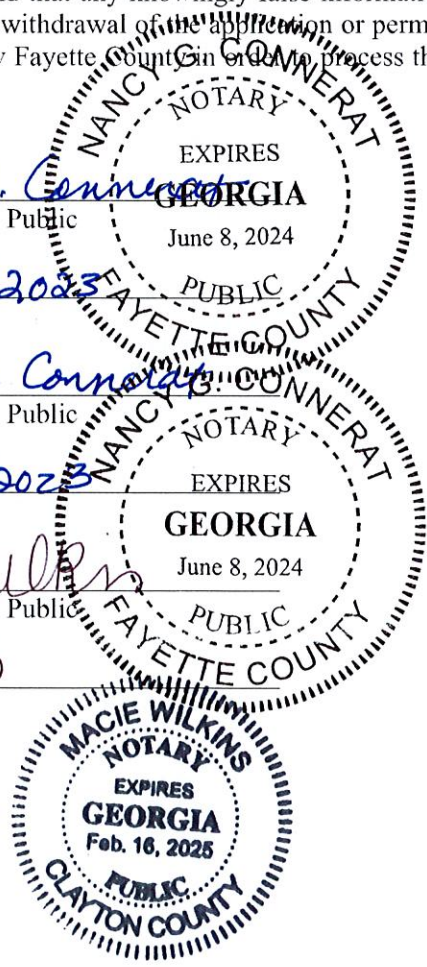
Delmar Barnard
Signature of Authorized Agent

PO Box 398, Brooks, GA 30205
Address

Nancy G. Connerat
Signature of Notary Public
06/27/2023
Date

Nancy G. Connerat
Signature of Notary Public
06/27/2023
Date

Macie Wilkins
Signature of Notary Public
6/29/23
Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Variance To Sec. 110-137, R-40 (d)(1)	side property building line 15'	would request 10' side property building line for a detached garage	5' variance

VARIANCE SUMMARY

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

The owners would like to construct a detached garage to place their camper in. There is a hill in the back yard that would be very costly to remove and build a retaining wall to construct the garage. We need to move the garage forward, this places it next to the house. If we maintain the 15' building line, there is no room to walk between the house and garage to access the back yard. If we may encroach on the side building line to 10', this gives us 6' ± to have access to the rear yard without having to walk around the garage.

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 lot has a hill the rises towards the back of the property, starting about 15' behind the home
The hill is about 7-8' tall within 6' of where it starts to slope up.

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

The cost to remove the dirt, reshape the back yard, destruction of driveway due to heavy
equipment makes the project cost prohibitive to place behind the home. When we
move the garage forward, stay at the 15' building set back, the garage is about 6"-1'
from the home. Impossible to install siding, paint, and maintain. I also makes it
difficult to access the backyard without going around the building.

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

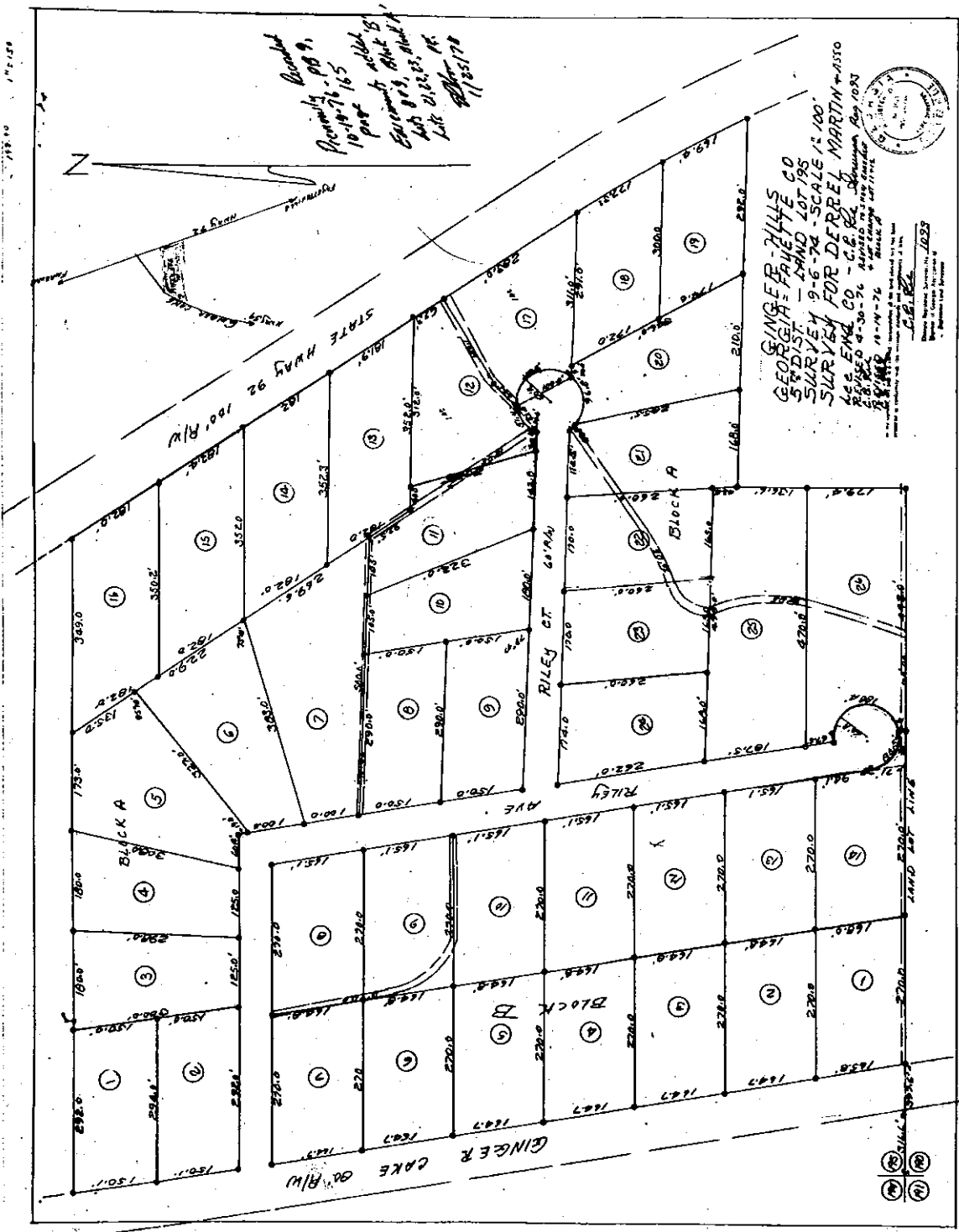
The is naturally there. Topography has not changed since the home was built in early 80's.
There are large trees growing on the hill.

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.

This variance would not cause any problems for neighbors or the public. The garage will be cladded on the exterior to match the existing home, with a garage door to match the current one on the home.

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

The variance will be to side yard of the property that is shielded by large, hedge type trees So the neighbor next door would never see a change in their current view. There are other situations in the county where side line encroachments have been allowed.



Record: 1-26-1978 at Athens, Ga.

**LOT 10
BLOCK "B"
GINGER HILLS**
PLAT BOOK 10, PAGE 93

- LEGEND**
- B/L = BUILDING LINE
 - CMP = CORRUGATED METAL PIPE
 - CLW = CONCRETE LEASEMENT
 - GW = GUY WIRE
 - HW = HEADWALL
 - OT-U = OVERHEAD UTILITIES
 - RCP = REINFORCED CONCRETE PIPE
 - R/W = RIGHT-OF-WAY
 - UT = UTILITY
 - WM = WATER METER

- NOTES**
- THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 273, PAGE 148, AND PLAT BOOK 10, PAGE 93, FAYETTE COUNTY, GEORGIA RECORDS.
 - CURRENT OWNER: NORMAN M. ADAMS AND PAMELA L. ADAMS PER DEED BOOK 273, PAGE 148, FAYETTE COUNTY, GEORGIA RECORDS AS OF 03-14-1981.
 - THIS SURVEY WAS AUTHORIZED BY BOB BARNARD.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 - NORTH BASED ON MAGNETIC COMPASS READING.
 - BUILDING LINES PER COUNTY ZONING MAP (R-40).

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-4-109 THE TERM CERTIFICATION AS USED IN BOARD RULE 180-4-109 MEANS THAT THE SURVEYOR HAS CONDUCTED A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

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

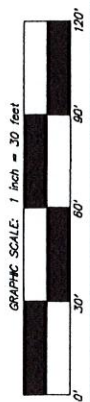
W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND OWNERS OR ANY OTHER PERSONS UNDERTAKE ANY CONSTRUCTION OR OTHER ACTS LOCATED WITHIN OR ADJACENT TO THE SURVEYED PROPERTY, THEY SHOULD BE IDENTIFIED AND LOCATED BY GRAY AND ASSOCIATES, INC. OR ANOTHER QUALIFIED PROFESSIONAL ENGINEER AND/OR SURVEYOR. THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, WARRANTIES, OR COVENANTS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS, OTHER CONDITIONS OR DOCUMENTS MAY BE APPLICABLE TO THIS SURVEY. NO LIABILITY IS ASSUMED FOR LOSS RESULTING TO WHATEVER MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

This plat is a retracement of an existing parcel or parcels of land and does not substitute or create a new parcel or make any change in the boundaries of the land. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels created herein RECORDED IN THIS PLAT DOES NOT IMPLY APPROVAL OF ANY REQUIREMENTS, OR SUITABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property retracement surveys 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 15-4-65.

PRELIMINARY FOR REVIEW

Larry C. Shimshak, Ge. P.L.S. No. 2343 _____ Date _____



W.D. Gray and Associates, Inc.
LSF000701

land surveyors - planners
160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSONS OR ENTITIES BY THE SURVEYOR MAKING SAID PERSON, PERSONS OR ENTITY.

PRELIMINARY FOR REVIEW

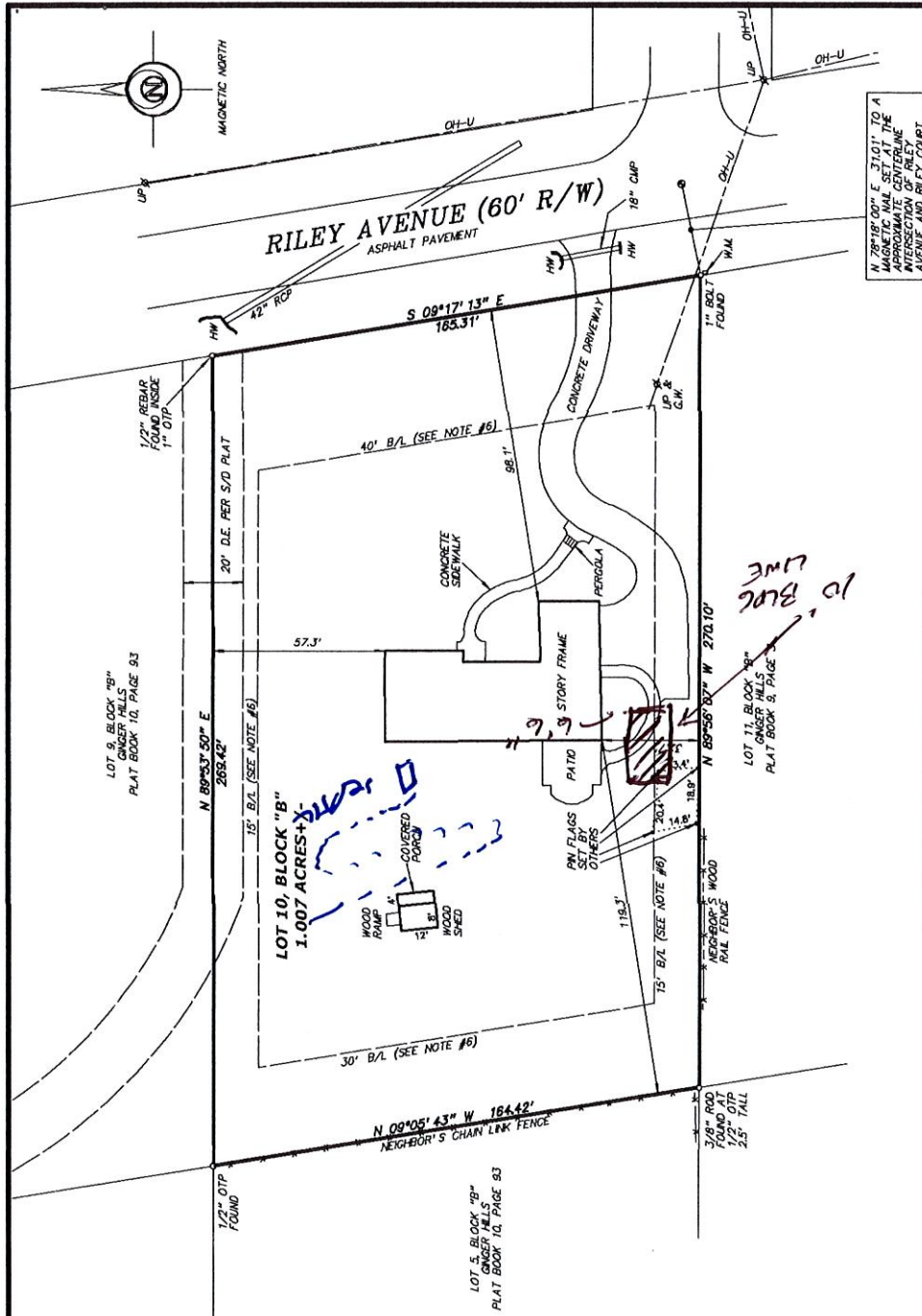
The field data upon which this survey is based has been computed for closure by latitudes and departures has a closure precision of one part in 100,000. The angular measurements were computed for closure and has been found to be accurate within one foot in 100,000 feet.

It is my professional opinion, that this plat is a correct representation of the land and that the same complies with the standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 100,000 feet.

PREPARED FOR:

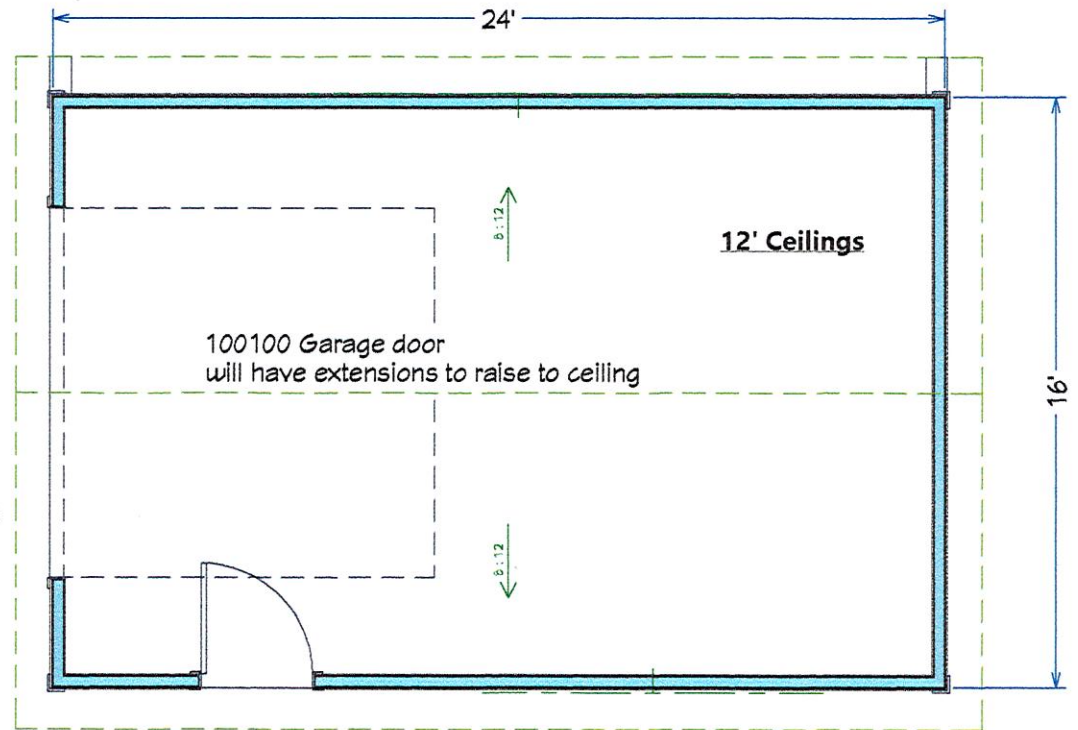
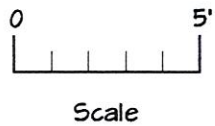
**BARNARD & ASSOCIATES
REMODELING**

LAND LOT: 195	DATE OF SURVEY: 05-23-23
5th DISTRICT	DATE OF DRAWING: 05-24-23
FAYETTE COUNTY, GA.	REVISED:
SCALE: 1" = 30'	JOB NO. 2305017



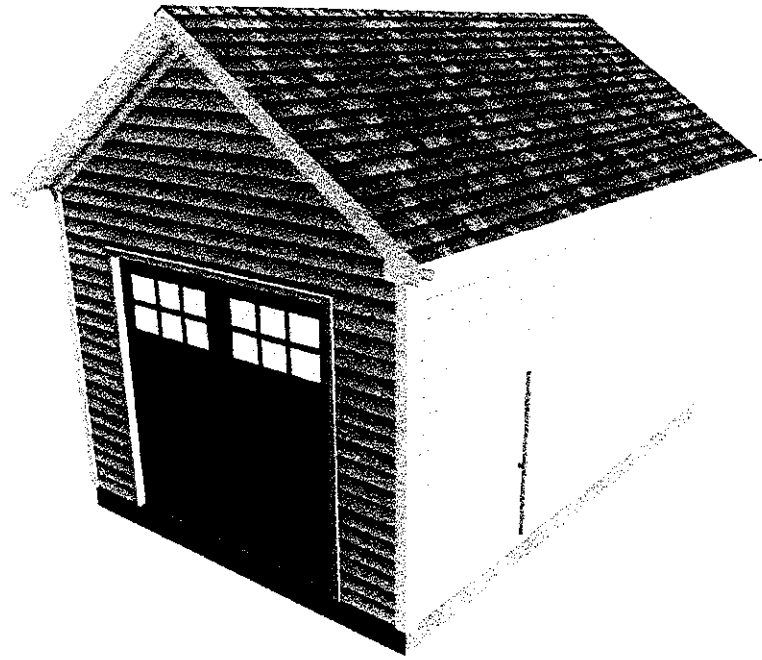
Owner:
Normer and Pamela Adams
125 Riley Ave
Fayetteville, GA 30214

Contractor:
Barnard & Associates Remodeling, Inc
PO Box 398
Brooks, GA 30205



Notes:

1. Exterior of Garage will match the garage end of existing home
2. All shingles, siding, windows, shutters, garage door will match color and style
3. 12' Ceilings on interior
4. Truss roof
5. Will trench to home to get power.
6. Landscaping by others
7. Will connect existing driveway to new garage



WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 30th day of October, in the year one thousand nine hundred eighty-one, between

TWENTIETH CENTURY HOMES, INC.

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

NORMER M. ADAMS

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

WITNESSETH that: Grantor, for and in consideration of the sum of

Other valuable consideration and Ten-----(\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 195 of the 5th Land District of Fayette County, Georgia, and being Lot 10 of Block "B", Ginger Hills Subdivision, as per plat dated 9-6-74, revised 4-30-76, 10-14-76 and 1-25-78 prepared by Lee Engineering Company, recorded in Plat Book 10, page 93, Fayette County Records to which plat reference is made for a complete description of said lots.

57.00 12-18-81

FILED 12-18-1981
REC. 12-18-81
11:00 AM

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

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

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

Signed, sealed and delivered in presence of: TWENTIETH CENTURY HOMES, INC.
[Signature] BY: *[Signature]* (Seal)

Notary Public, Georgia, State at Large
My Commission Expires Feb. 20, 1983

BOOK 249 PAGE 659 (Seal)