BOARD OF APPEALS
Bill Beckwith, Chairman
Brian Haren, Vice-Chairman
Anita Davis
Marsha Hopkins
John Tate

STAFF
Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Christina Barker, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
February 26, 2024
7:00 P.M.

***Please turn off or turn to mute all electronic devices during the Zoning Board of Appeals Meetings**

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1. Call to Order.

2. Pledge of Allegiance.

3. Approval of Agenda.

4. Consideration of the Minutes of the Meeting held on January 22, 2024.

PUBLIC HEARING

5. Consideration of Petition No. A-854-24 – Max Good and Jean Shepherd Good, Owners, request a variance to Sec. 110-67 (b) to reduce the 100' of road frontage to 20' and in accordance with Section 110-242 (h) the illegal lot be deemed a nonconforming lot by the Zoning Board of Appeals. The subject property is located in Land Lot 198 and 219 of the 5th District and fronts on Neely Road.

6. Consideration of Petition No. A-855-24 – Melanie N. Green, Owner, and Bill Hayfer, Agent, request a variance to Sec. 110-125(d)(4)a.2 to reduce the front yard setback from 100' to 52' to allow an existing block home to remain as a guest house. The subject property is located in Land Lot 62 of the 4th District and fronts on Price Rd.

7. Consideration of Petition No. A-856-24 – Melinda C. Owen, Owner, and Veda Ann Creighton, Agent, request a variance to Sec. 110-79(e)(1)(d) requiring the detached garage in the front yard to be attached to the primary structure by either an attached or detached breezeway, an attached raised deck, or an attached or detached pergola. The subject property is located in Land Lot 159 of the 4th District and fronts on Blanche Dr. and Rising Star Rd.

8. Consideration of Petition No. A-857-24 - Michael D. Robinson and Jennifer L. Robinson, Owners, and Eric Brooks, Agent, request a variance to Sec. 110-125(d)(6) reducing the side yard setback from 50’ to 35’ to allow for the construction of a pool. The subject property is located in Land Lot 62 of the 4th District and fronts on Price Rd.

Minutes 01/22/2024

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on January 22, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Chairman
Brian Haren, Vice-Chairman
Anita Davis
John Tate

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Christina Barker, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

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1. Call to Order.

2. Pledge of Allegiance.

3. Approval of Agenda.
Deborah Sims reported that Item #9, Petition No. A-852-23, on the agenda, had been withdrawn pursuant to the petitioner's request. Staff received an email withdrawing the petition on January 22, 2024. Bill Beckwith made a motion to approve the agenda. Brian Haren seconded it. The motion passed 4-0.

4. Consideration of the Minutes of the Meeting held on December 18, 2023.
Brian Haren made a motion to approve the Minutes of the Meeting on December 18, 2023. Bill Beckwith seconded the motion. The motion passed 4-0.

5. Election of the Chairman.
Brian Haren made the motion to elect Bill Beckwith as the Chairman of the Zoning Board of Appeals. John Tate seconded the motion. The motion passed 4-0.

6. Election of the Vice-Chairman.
Bill Beckwith made the motion to elect Brian Haren as the Vice-Chairman of the Zoning Board of Appeals. Anita Davis seconded the motion. The motion passed 4-0.

7. Election of the Secretary.
Bill Beckwith made the motion to elect Christina Barker as the Secretary of the Zoning Board of Appeals. Brian Haren seconded the motion. The motion passed 4-0.

PUBLIC HEARING

8. Consideration of Petition No. A-846-23 – Thomas Lee Adkins, II, Zinnia U. Zamora-Adkins, Owners, and Bob Barnard, Barnard & Associates Remodeling, Agent, request a variance to Sec. 110-125 (d)(6) to reduce the side yard setback

for building from 50' to 35' to allow a 26 x 50 garage to be built on the ~~south~~ east side of the property. The subject property is located in Land Lot 291 of the 4th District and fronts on Winn Way.

Deborah Bell presents the staff report for Petition A-846-23. Ms. Bell asks if the petitioner would like to proceed since we do not have a full board or if they would like to table until the next meeting. The petitioner elects to move forward with the appeal. The petitioners and agent request a variance to reduce the side yard setback from 50' to 35' to build an accessory building to allow a 26 x 50-foot garage to be built on the south side of the property. It is actually on the east side of the property. The subject property is located in land lot 291 of the 4th district and fronts on Winn Way. This petition was tabled from the November 27, 2023, ZBA meeting so the petitioner could reassess their application. They have presented a new site plan. Deborah Bell presents the aerials, maps, and a revised site plan amending their request. Their request is now a lessened encroachment of the side yard setback. The staff's opinion is that the property does present some unique characteristics. The location of the septic system is located off the end of the driveway and southward into the backyard. There follows a steep 6% downhill slope along the backyard. So, building in the proposed location requires the least clearing and grading. Ms. Bell shows the updated site plan showing that the petitioner is requesting to shift the garage a little closer to the house and remove part of the circular driveway loop there. So, it won't be as large as an encroachment.

Bob Barnard speaks on behalf of the petitioner. He states that the last time they requested 20 feet, they were asked to go back to revisit the site with the possibility of being inside the setback. Where it shows about 160 feet inside in the red circle, that area is about 7 1/2 feet below the front porch and there is also a water issue at that location, so we would have to add a foundation and build it up. The petitioner has the pictures showing the elevation. Also, access into the house would have to be through the front door of the house because the master bedroom takes up the whole right of the house. The other thing the owner did was he went to the neighbors on either side and got letters of approval for them to build with a 15' setback. We also have two other neighbors who have shown up tonight in support of our project and to speak in favor as well.

Philip Doolittle, of 155 Gladys Lane, the road adjacent to Winn Way. I have been in the neighborhood for 24 years. I am currently the longest-standing resident. We don't have an HOA, but we do nominate neighbors to take care of the interest of the properties and I have done that for 7 years. While I am here to speak on Thomas and Zamora's behalf tonight, I am also here to speak on behalf of the neighborhood. I have spoken to a lot of the neighbors and there are none of us that are opposed to this project. One thing you can't see from the drawing, but I am sure you can see from the pictures. This side of the drive is wooded, so to move the shed to the front of the house (from the street) it is not going to look as pretty as it does if put on the right-hand side in the area that is more heavily forested. As a neighbor, I would request that you put the shed where it is requested by the petitioner as that is the most aesthetically pleasing from our point of view. I drive by at least twice a day for 24 years and I see no reason to not approve this as drawn.

David of 140 Winn Way, next-door neighbor, is in full support of this as the best place to put the shed. You can't put it in the back because of the septic. I am on that side and I would not want to look out the front and through the woods to see that garage. It will be a lot better where they got it.
Bill Beckwith asked, do you live on the left side?
T states, "Yes, I am on lot 32 on the left side. Across the front of 32 and 33, it is all woods. My driveway and Tom's comes out all through woods on that side."
Beckwith says thank you and asks if anyone else would like to speak in favor of this project or in opposition. He asks if anyone has any questions for the petitioner or his agent.
Anita Davis asks the petitioner to refresh her memory if he currently has a garage at the home.
Thomas Adkins, Petitioner, states that he does have an attached two-car garage that is very small. He states that they had that side of the property surveyed and they are not going to touch any of the trees.
Davis asks if the structure they are building is strictly a garage.
Adkins says there will be unfinished space above it.
Brian Haren asks the homeowner to walk the board through where the septic drain field is. Is it where the 844-elevation marker is?
Adkins, "Right to the left of the 844. The septic tanks are up to the left and up to the right."
Brian Haren, "So, basically it is unbuildable."
Bill Beckwith asks for any additional questions.
John Tate asks about the original petition request.
Debbie Bell, "The original petition request was to reduce it to a 20-foot setback."
John Tate, "So, they are now asking for from 50' to 35'."
Bill Beckwith states, "I remember the last meeting we asked you why you could not move the structure. I think you gave us a good answer this time and did as much as you could. You made a good effort to put it in the only location that is accessible to the house as a garage should be. With that in mind, I would like to move that we approve this variance."
Bill Beckwith made a motion to approve Petition No. A-846-23. Anita Davis seconded the motion. The motion passed 4-0.

9. Consideration of Petition No. A-852-23 – Thomas L. Rogers, Virginia W., Rogers, Owners, and Nick McCullough, Agent, request a variance to Sec. 110-149(d)(6)(a) to reduce the side yard setback from 15' to 2' to allow a 30' X 41' (1,230 square foot) addition to the existing home. The subject property is located in Land Lot 157 of the 6th District and fronts on Monarch Dr. ***The petition was withdrawn from the agenda pursuant to the Petitioner's request, in an email dated January 22, 2024, from agent Nick McCullough.***

10. Consideration of Petition No. A-853-23 – William E. Jerome and Jennifer R. Jerome, Owners, request a variance to Sec. 110-125(d) (6) to reduce the side yard setback from 50' to 29'8" to allow existing pool equipment and a fire pit to remain. The subject property is located in Land Lot 93 of the 4th District and fronts on Grace Hope Dr.

Deborah Bell presents the staff report for the consideration of A-853-23 to reduce the side yard setback from 50' to 29'8" to allow the existing pool equipment and fire pit to remain. Bell states that staff review shows that the parcel does not have unique or limiting factors, however, the encroachment is not very large and is unlikely to have a negative impact on adjoining properties. Bell presents an aerial and discusses the property location in the County. She zooms in on the survey for the property which will show the key measurements and details that they are looking at. The owners had a pool installed and the pool pump equipment and the small outdoor seating area both encroaching in the setback. She shows some photographs of a seat wall and a fire pit and the pool pump equipment.
Bill Beckwith requests that the owner please come forward.
Jennifer and Bill Jerome, owners, come forward to speak with the board.
Jennifer Jerome explains that they hired a contractor to build a pool contractor to take care of all that was included in the build. She states that she contacted the Planning & Zoning department, knowing that they wanted to build a small seating area and fire pit. She called to find out if she needed a permit for the seating area and the fence. She was told no, but she did need to be in what she thought was 15 feet from the building line.
So, with respect to the fire pit, I am asking for grace because I thought I heard 15 feet and not 50 feet. Had I known 50' I would not have put the firepit there or we would not have installed it all. But we did install 13 Arbor Vitae trees that we have planted. There are some other shrubs that we planted there as well. We have included several pictures. We also have contacted the developer of the lot next to us which is a vacant lot, Brent Holdings, and we do have a legal statement from them stating that they are fine with the encroachment on the setback. I have provided that document to make it part of the record.
Bill Beckwith asks while we are looking at the statement provided, is there anyone who wishes to speak in favor or opposition of this petition? Do any of the board members have any questions?
Bill Beckwith asks about the item that most encroaches is the pool pump. Did the pool people just put it in there? How did that happen?
Jennifer says, "Yes. We were hoping the pool contractor would be here tonight, but he texted me and told me he had the flu. So, he could not be here. I am not entirely sure how that happened."
Bill Jerome states that there was a conversation with the pool contractor about where they would put the pool equipment. There was a conversation with the contractor about where they would put it by the back part of their house where they have a generator and other equipment. He felt like it was better to put it away from the house. So, the contractor suggested they just go back from the pool. We just assumed he would not put it not within the setback. We know we made a mistake and as homeowners, we should have known more, but we just assumed that the builder would put it in the correct spot.
Brian Haren has a question for staff, "When I was on the Planning Commission there was some discussion about making adjustments to the setbacks in A-R. Has there been any further movement on that?"

Debbie Bell stated that she was not aware of that discussion since she has been in the position, but if you would like we could certainly broach that with the Planning Commission. That discussion may have predated her.
Brian Haren, "Maybe that did pre-date you. But why is it 50 feet?"
Debbie Bell, "I can add a point of clarity. If you are looking at the agenda item if you decide to approve the 29 foot as the setback. You can do it with one motion. On the front page of the staff report, I broke it into two motions in case you wanted to split it up, but that is not necessary."
Brian Haren, "I think the discussion is that there are still some A-R lots that are below 5 acres and even though it is A-R they were getting really squeezed on buildable area. I was just asking to see if that had been addressed through Planning & Zoning."
Debbie Bell, "Those are just some of the legal non-conforming lots that are holdovers from much earlier days. That was a totally different zoning map. It has been there since the late 70's."
Bill Beckwith asked if there were any other questions. John Tate discussed the expense of moving this pool equipment, seating area, and fire pit and moved to approve the petition.
John Tate made a motion to approve Petition No. A-853-23. Brian Haren seconded the motion. The motion passed 4-0.

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John Tate made a motion to adjourn. Brian Haren seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:33 p.m.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

BILL BECKWITH, CHAIRMAN

CHRISTINA BARKER, ZBA SECRETARY

PETITION NO: A-854-24

Requested Action: To approve an illegal lot to be deemed a legal, nonconforming lot, per sec. 110-242(h); and requesting a variance to Sec. 110-67(b), to reduce the required road frontage from 100' to 20'.

Location: 177 Neely Road, Fayetteville, GA 30214

Parcel(s): 0544 089

District/Land Lot(s): 5th District, Land Lot(s) 198 and 219

Zoning: R-20, Single-Family Residential

Lot Size: 4.04 Acres

Owner(s): Max Good and Jean Shepherd Good

Agent: N/A

Zoning Board of Appeal Public Hearing: February 26, 2024

REQUEST

Applicant is requesting the following:

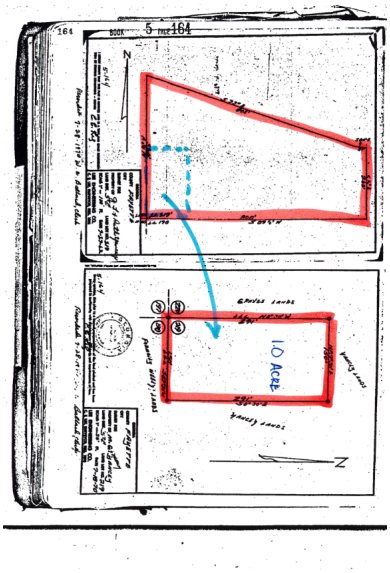
1. Per Sec. 110-242(h), requesting an illegal lot to be deemed a nonconforming lot.
2. Per Sec. 110-67(b), requesting that the required road frontage be reduced from 100' to 20'

STAFF ASSESSMENT

It is staff's opinion that the parcel does have unique or limiting factors. The formal reduction in frontage is unlikely to have a negative impact on the adjoining properties as the lot has been configured this way for many years. A recent re-subdivision of the parcel by a previous owner resulted in the loss of legal nonconforming status and this request is to restore that status for the new owners.

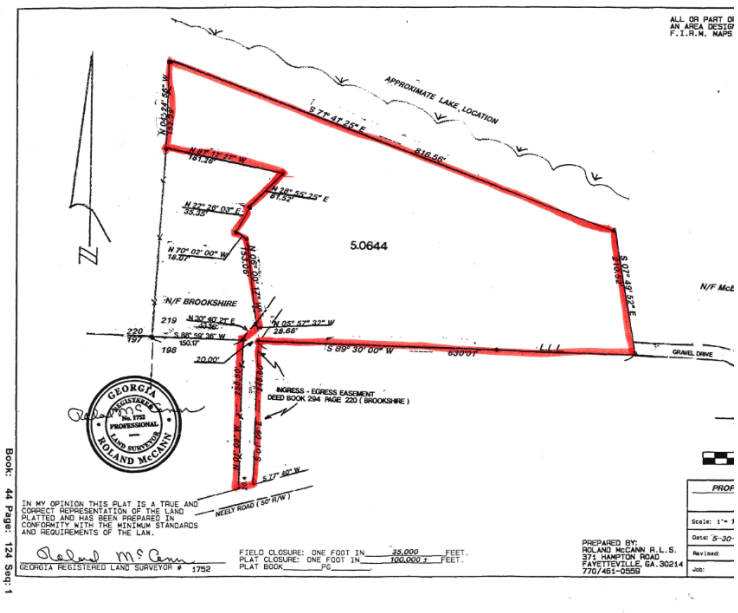
HISTORY

1970: This property was recorded as a legal, landlocked parcel. At that time, it was accessed by a 15' easement across land owned by Kozisek. A 1-acre parcel was created from the parent tract at the same time; it used the same access easement. Homes were built on both parcels.



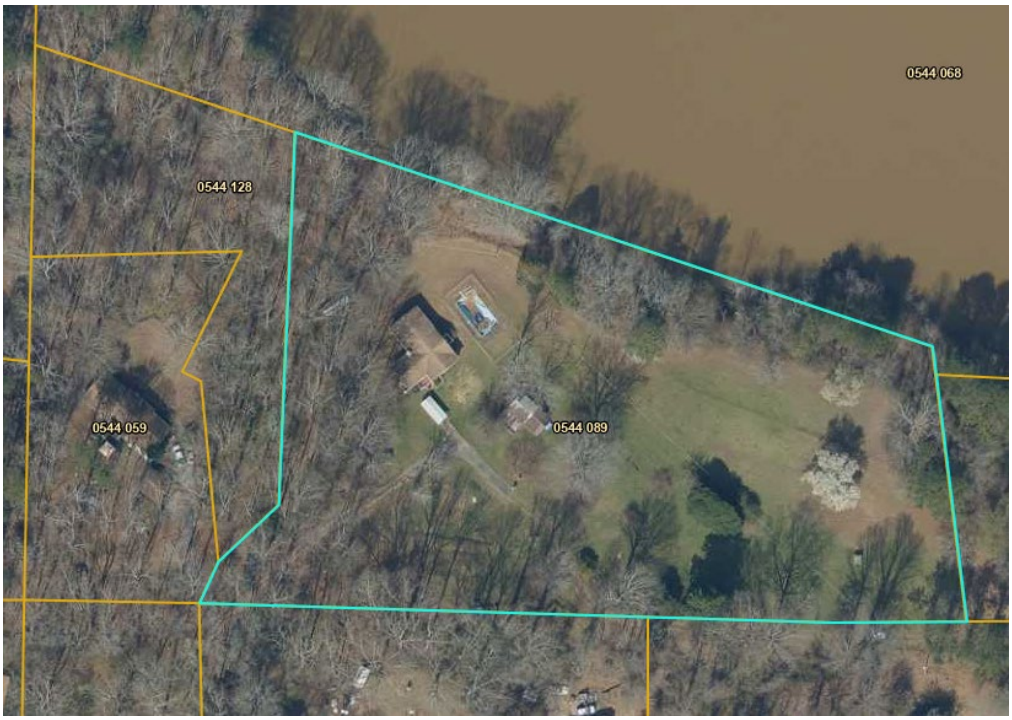
1980: Land was purchased from Kozisek for a 20' strip to create a flag lot instead of only having an access easement.

2007: The owner at the time was advised by Zoning staff that they could not create an additional parcel. They did reconfigure the lots to incorporate the 20' access strip and provided an easement for the smaller parcel, but it was still considered a legal, nonconforming lot.



2020: The previous owner sold a portion of the parent tract by deed. This created an illegal nonconforming parcel. As a result, the parent tract, Parcel 0544 089 lost its status as a legal, nonconforming lot (insufficient road frontage).

2023: The Goods purchased the 4-acre parcel but did not know that the previous owner's actions had created illegal, nonconforming parcels.



ZONING REQUIREMENTS

Article VII.-Zoning Board of Appeals

Sec. 110-242.-Powers and duties.

(h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district, or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

(1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;

(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of 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.

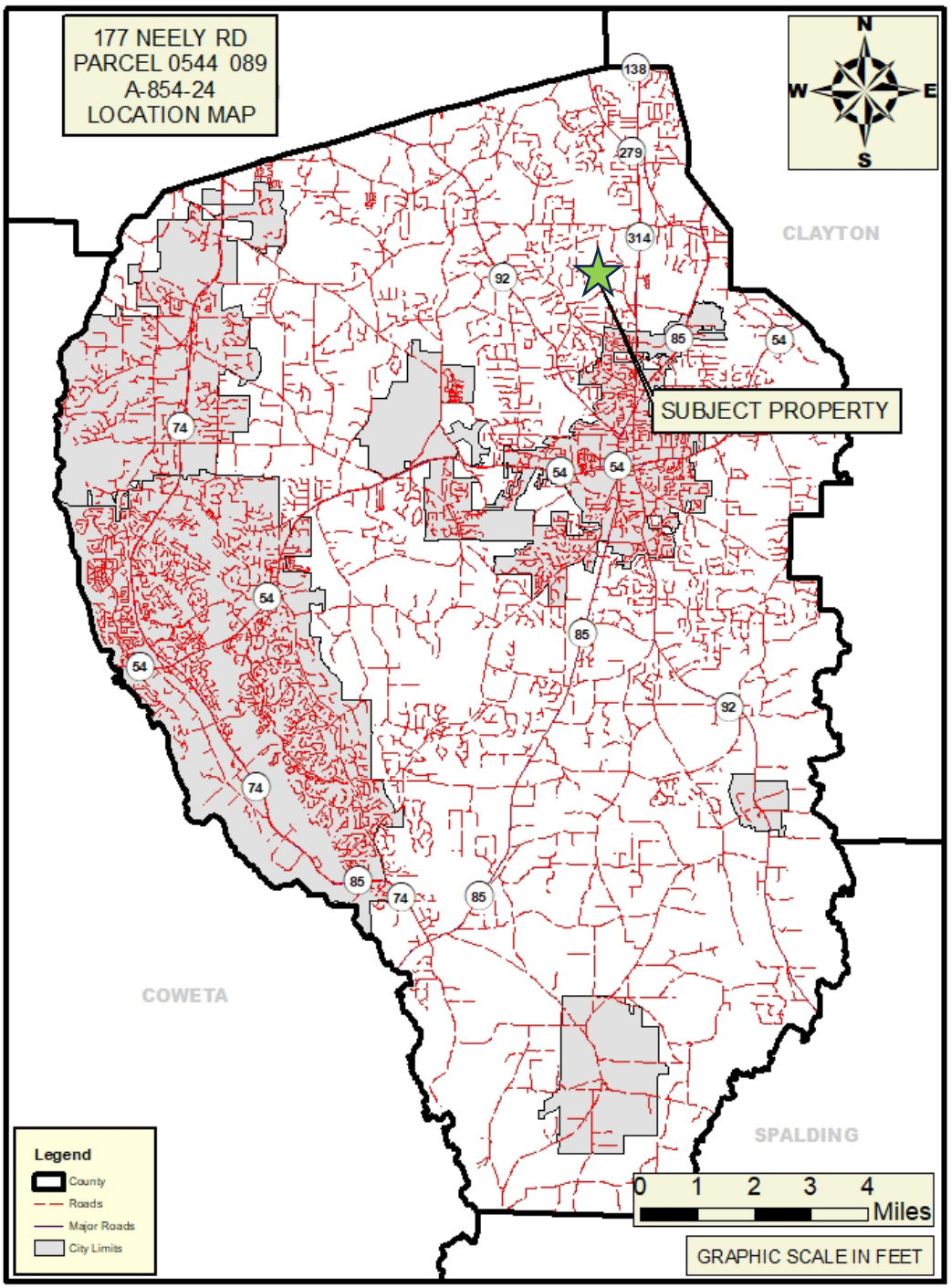
1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
   The parcel does have unusual configuration; please refer to the parcel history, above.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
   The parcel is subject to the same requirements as all other properties in the neighborhood.

3. **Such conditions are peculiar to the particular piece of property involved; and,**
   The conditions are specific to this 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**
   The restoration of legal, nonconforming status will not be detrimental to surrounding properties.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
   The applicant is unable to develop the property according to the regulations if the variance is not granted because it is not eligible for building permits.


177 NEELY RD
PARCEL 0544 089
A-854-24
LOCATION MAP
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SUBJECT PROPERTY
CLAYTON
COWETA
SPALDING
138
279
314
92
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74
Legend
County
Roads
Major Roads
City Limits
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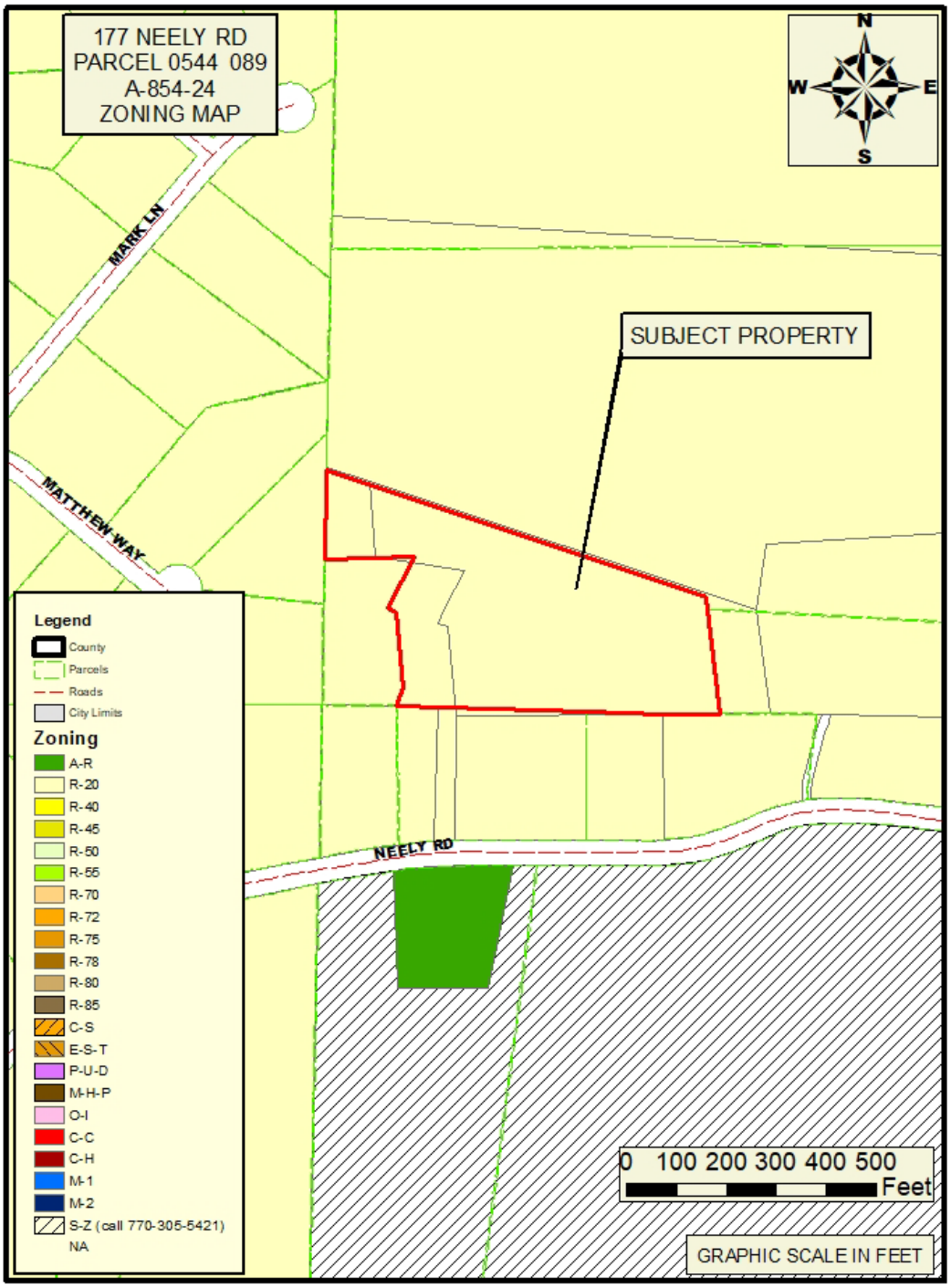
Miles
GRAPHIC SCALE IN FEET


177 NEELY RD
PARCEL 0544 089
A-854-24
ZONING MAP
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City Limits
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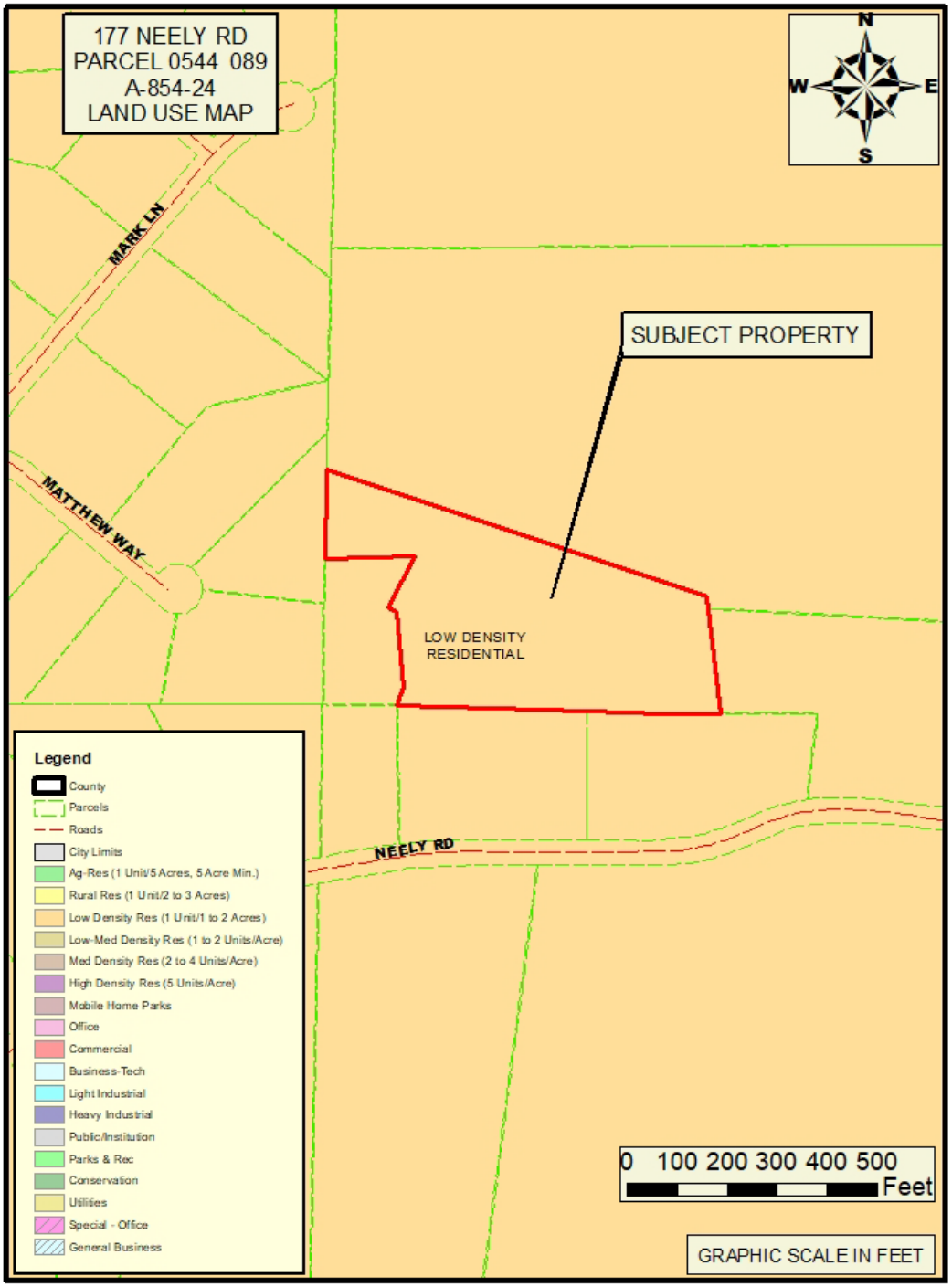
Feet
GRAPHIC SCALE IN FEET


177 NEELY RD
PARCEL 0544 089
A-854-24
LAND USE MAP
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SUBJECT PROPERTY
MATTHEW WAY
LOW DENSITY
RESIDENTIAL
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Parcels
Roads
City Limits
Ag-Res (1 Unit/5 Acres, 5 Acre Min.)
Rural Res (1 Unit/2 to 3 Acres)
Low Density Res (1 Unit/1 to 2 Acres)
Low-Med Density Res (1 to 2 Units/Acre)
Med Density Res (2 to 4 Units/Acre)
High Density Res (5 Units/Acre)
Mobile Home Parks
Office
Commercial
Business-Tech
Light Industrial
Heavy Industrial
Public/Institution
Parks & Rec
Conservation
Utilities
Special - Office
General Business
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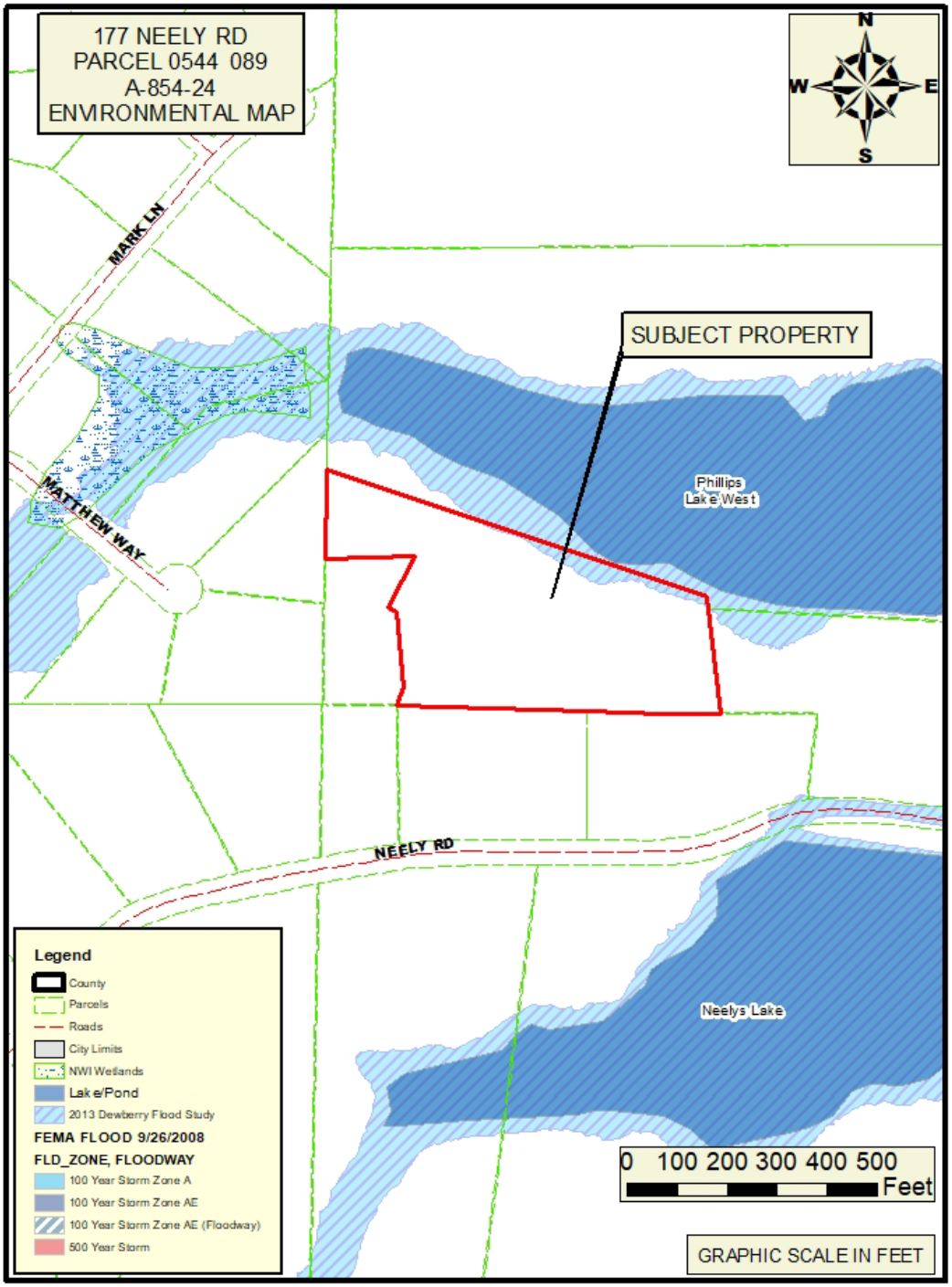
177 NEELY RD
PARCEL 0544 089
A-854-24
ENVIRONMENTAL MAP
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MATTHEW WAY
SUBJECT PROPERTY
Phillips Lake West
NEELY RD
Neelys Lake
Legend
County
Parcels
Roads
City Limits
NWI Wetlands
Lake/Pond
2013 Dewberry Flood Study
FEMA FLOOD 9/26/2008
FLD_ZONE, FLOODWAY
100 Year Storm Zone A
100 Year Storm Zone AE
100 Year Storm Zone AE (Floodway)
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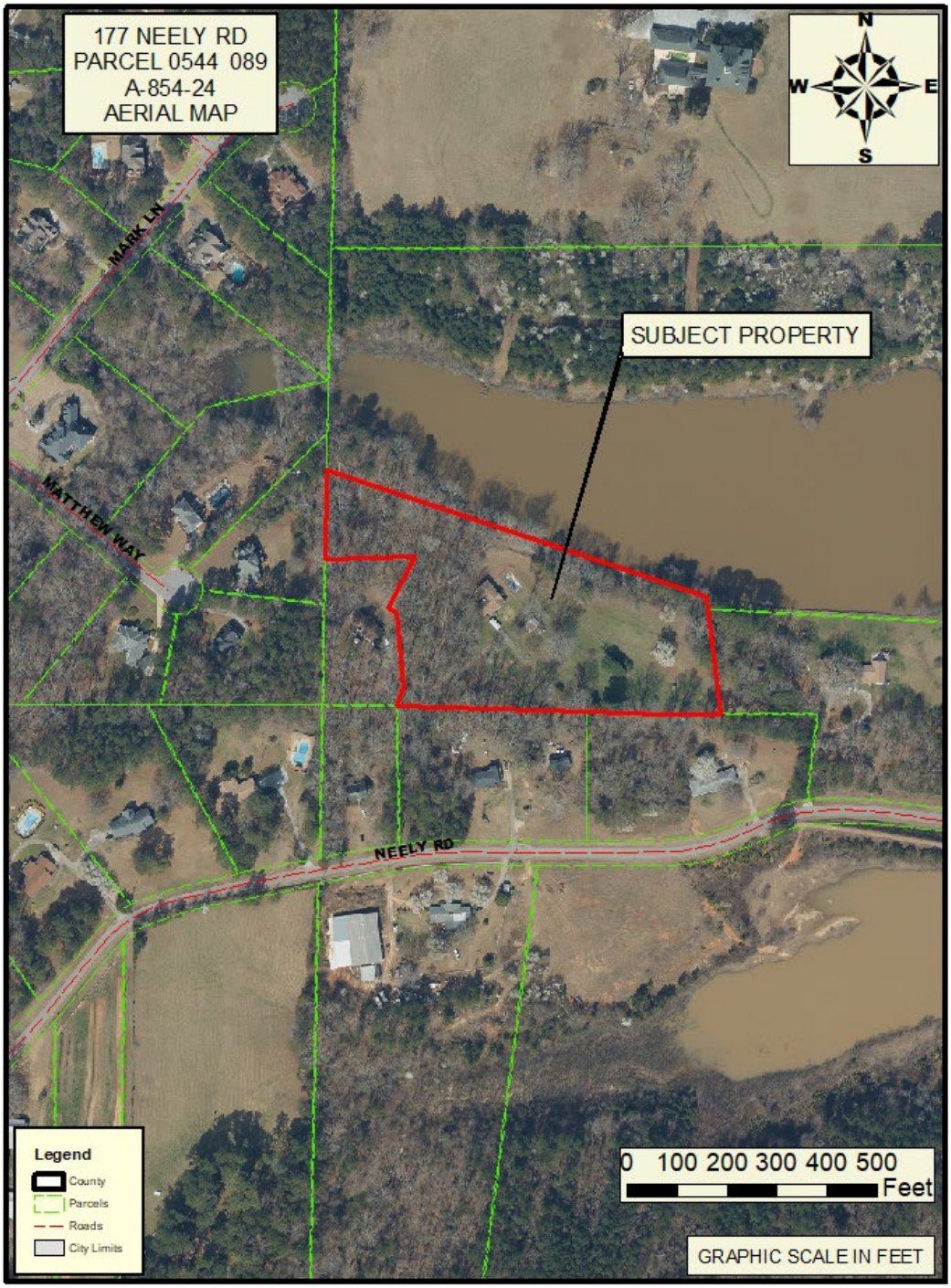
GRAPHIC SCALE IN FEET


177 NEELY RD
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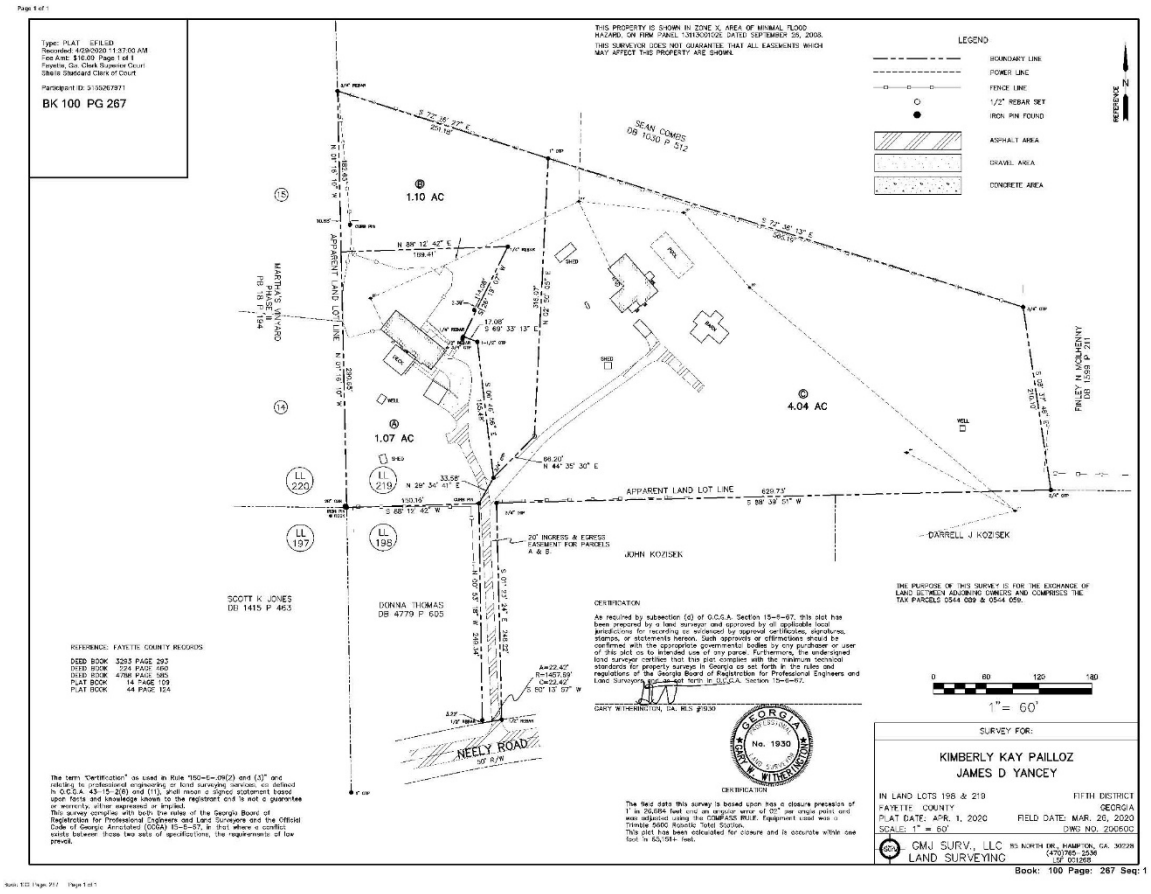
GRAPHIC SCALE IN FEET



FOUNDATION SURVEY

PETITION NUMBER: A 854-24

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 054A 089 Acreage: 4.04

Land Lot: 219 Land District: 5th

Address: 177 Neely Rd.

Existing Zoning: R-20 Requested Zoning: _____

Zoning of Surrounding Properties: R-20

Existing Use: _____ Proposed Use: _____

PROPERTY OWNER INFORMATION

Name Max and Jean Good

Email mg1227@msn.com

Address 177 Neely Road

City Fayetteville

State GA Zip 30214

Phone 757.630.9819

AGENT/DEVELOPER INFORMATION
(If not owner)

Name _____

Email _____

Address _____

City _____

State _____ Zip _____

Phone _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-854-24

[ ] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Debra M. Sims Date: 12/11/2023

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from Max Good credit card a ~~check~~ in the amount of $175.00

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

Date Paid: 12/11/2023 Receipt Number: 19781

85080

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:

Max and Jean Good

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0544 089

(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) 219 of the District, and said property consists of a total of 4.04 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Jean Good
Signature of Property Owner 1

177 Neely Road
Address

Max Good
Signature of Property Owner 2

177 Neely Road
Address

_____
Signature of Authorized Agent

_____
Address

Debora M. Sims
Signature of Notary Public

12/11/2023
Date

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

Debora M. Sims
Signature of Notary Public

12/11/2023
Date

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

_____
Signature of Notary Public

_____
Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-67(b)	100' Road Frontage	20' Road Frontage	80'

VARIANCE SUMMARY

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

Request for an illegal lot to be deemed a nonconforming lot per section 110-242(h)

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.

We learned that previous owner subdivided the property without a plat. This removed the legal non-conforming lot status.

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

The application of regulations would prevent us to obtain any building permits

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

Yes

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

This would not adversely affect public good.

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

We would not be able to get any building permits.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

☐ Application form and all required attachments, completed, signed, and notarized (if applicable).

☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.

☐ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:

____ a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.

____ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.

____ c. Location of exits/entrances to the subject property.

____ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.

____ e. Location of all utilities, including well or water lines.

____ f. Location of septic tank, drainfield, and drainfield replacement area.

____ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).

____ h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).

____ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).

____ j. Location of landscaped areas, buffers, or tree save areas (if applicable).

☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed by:	**Requirements**	**Proposed**
Name:	Lot Size:	
Lot#	Width:	
Zoning:	Front Setback:	
Flood: Yes/No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages:	House Size:	

Type: ESTD
Recorded: 4/24/2023 10:35:00 AM
Fee Amt: $365.00 Page 1 of 2
Transfer Tax: $340.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 9035938284,
7067927936

BK 5608 PG 202 - 203

After Recording Return To:
Edge & Kimbell Law, LLC
503 Commerce Drive
Peachtree City, GA 30269

Order No.: PTC-23-3188
Parcel ID: 0544-089

EXECUTOR'S DEED

STATE OF Georgia
County of **Fayette**

THIS INDENTURE, made the 21st day of April, 2023, between

Terri Lynn Kinney,

the duly constituted and appointed Executor of the Last Will and Testament of **James Danny Yancey a/k/a James D. Yancey**, deceased, hereinafter called Grantor,
and

Max Good and Jean Shepherd Good, as Joint Tenants with Right of Survivorship,

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 purchase price hereinafter set forth 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 198 & 219 of the 5th District, Fayette County, Georgia, being Tract C, containing 4.04 acres, as shown in plat of survey for Kimberly Kay Pailloz and James D. Yancey, as per plat recorded in Plat Book 100, Page 267, Fayette County, Georgia Records, which plat is incorporated herein by reference and made a part of this description. Said property being known as 177 Neely Road according to the present system of numbering property in Fayette County, Georgia.

Tax ID#: 0544-089

Subject to any Easements or Restrictions of Record

SUBJECT to restrictive covenants and general utility easements of record.

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

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

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public B. Blake Edge

B BLAKE EDGE NOTARY PUBLIC FAYETTE COUNTY, GA COMMISSION EXPIRES JANUARY 21, 2024

(SEAL)
Terri Lynn Kinney, as Executor of the Last Will and Testament of James Danny Yancey a/k/a James D. Yancey

Executor's Deed - PTC-23-3188

Book: 5608 Page: 202 Seq: 2

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, February 26, 2024, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-854-24
Owner(s)/Agent(s): Max & Jean Good
Property Address: 177 Neely Road
Parcel:0544089
Zoning District: R-20
Area of Property: 4.04 acres
Land Lot(s): 198 & 219
District: 5th
Road Frontage: Neely Road
Request: Variance to Sec. 110-67 (b) requesting to reduce the road frontage from 100' to 20'. Variance to Sec. 110-242 (h) requesting an illegal lot to be deemed a nonconforming lot.

Legal Description:
All that tract or parcel of land lying and being in Land Lot 198 & 219 of the 5th District, Fayette County, Georgia, being Tract C, containing 4.04 acres, as shown in plat of survey for Kimberly Kay Pailloz and James D. Yancey, as per plat recorded in Plat Book 100, Page 267, Fayette County, Georgia Records, which plat is incorporated herein by reference and made a part of this description. Said property being known as 177 Neely Road according to the present system of numbering property in Fayette County, Georgia.

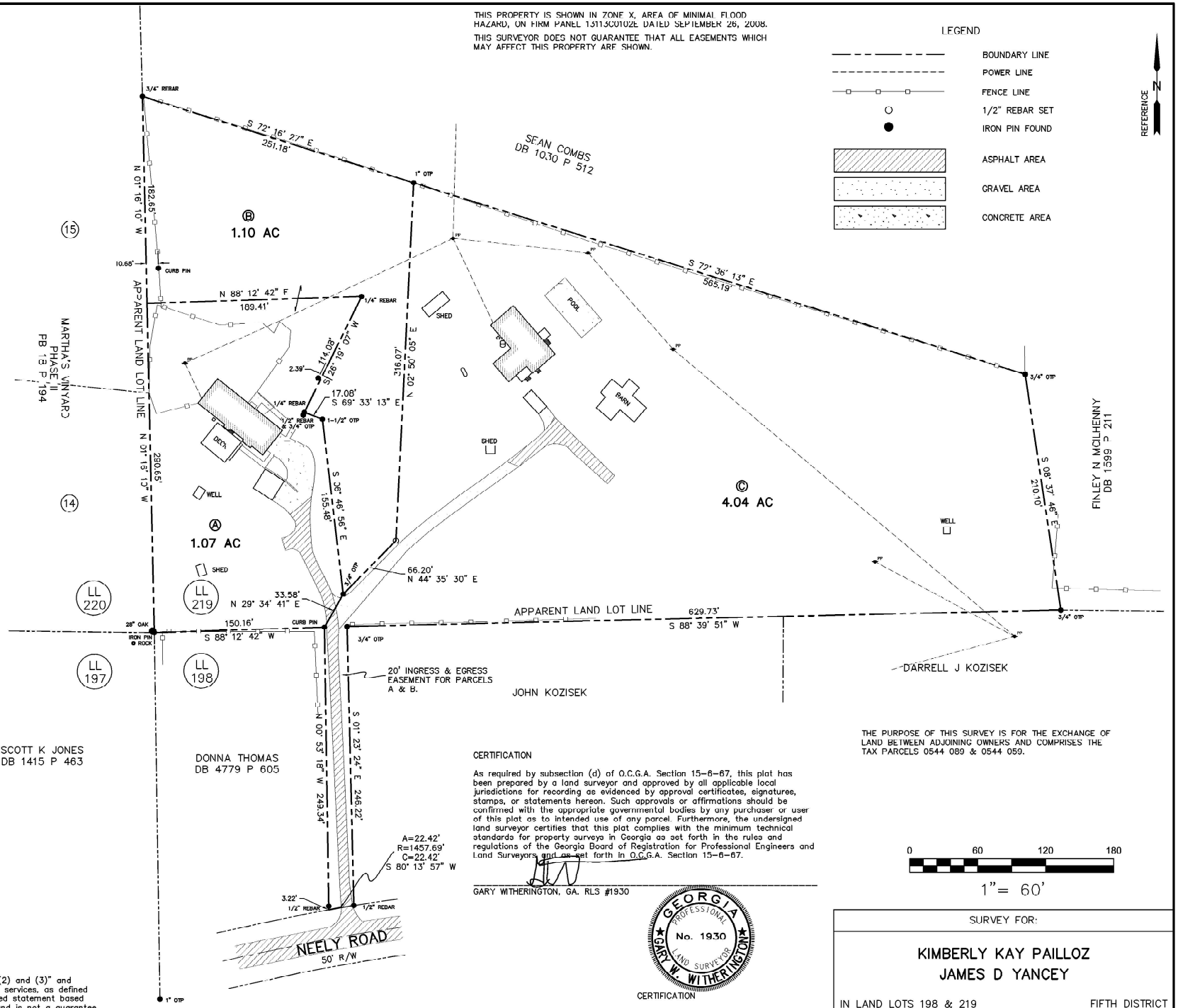
Tax ID#: 0544-089
01/24

A-854-24

Type: PLAT EFILED
Recorded: 4/29/2020 11:37:00 AM
Fee Amt: $10.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 5155267971

BK 100 PG 267



REFERENCE: FAYETTE COUNTY RECORDS

DEED BOOK	3293	PAGE 293
DEED BOOK	224	PAGE 460
DEED BOOK	4788	PAGE 585
PLAT BOOK	14	PAGE 109
PLAT BOOK	44	PAGE 124

THE PURPOSE OF THIS SURVEY IS FOR THE EXCHANGE OF LAND BETWEEN ADJOINING OWNERS AND COMPRISES THE TAX PARCELS 0544 089 & 0544 059.

CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local juriedictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GARY WITHERINGTON, GA. RLS #1930

GEORGIA PROFESSIONAL No. 1930 GARY W. WITHERINGTON LAND SURVEYOR

0 60 120 180

1"= 60'

SURVEY FOR:

KIMBERLY KAY PAILLOZ
JAMES D YANCEY

IN LAND LOTS 198 & 219 — FIFTH DISTRICT
FAYETTE COUNTY — GEORGIA
PLAT DATE: APR. 1, 2020 — FIELD DATE: MAR. 26, 2020
SCALE: 1" = 60' — DWG NO. 20060C

GMJ SURV., LLC LAND SURVEYING
85 NORTH DR., HAMPTON, GA. 30228
(470)765-2536
LSF 001268

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.
This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

CERTIFICATION

The field data this survey is based upon has a closure precesion of 1' in 26,684 feet and an angular error of 02" per angle point and was adjusted using the COMPASS RULE. Equipment used was a Trimble 5600 Robotic Total Station.
This plat has been calculated for closure and is accurate within one foot in 65,151+ feet.

PETITION NO: A-855-23

Requested Action: To reduce the required front setback from 100' to 52' to allow an existing small house to remain and be used as a guest house. The size of the house does meet the criteria for a guest house.

Location: 466 Price Road, Brooks, Georgia 30205

Parcel(s): 0409 032

District/Land Lot(s): 4th District, Land Lot(s) 62

Zoning: A-R, Agriculture-Residential

Lot Size: 14.558 Acres

Owner(s): Melanie N. Green

Agent: Bill Hayfer

Zoning Board of Appeal Public Hearing: February 26, 2024

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-125(d)(4)a.2, requesting to reduce the front yard setback in the A-R zoning district from 100' to 52' to allow a c. 1930s house to remain to be used as a guest house.

STAFF ASSESSMENT

It is staff's opinion that the situation is unique because of the age of the house. The applicant estimates that the house was built in the 1930s and staff has verified its presence at lease as far back as 1955. Historically, houses were usually very close to the road for a number of practical reasons. Also, no zoning code existed in the county at that time, so the location of the house was acceptable at the time of construction.

HISTORY

This property is located near Brooks and is zoned A-R and has historically supported agricultural and residential uses.

ZONING REQUIREMENTS

Sec. 110-125. – A-R, Agricultural-Residential District.

(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

(1) Lot area: 217,800 square feet (five acres).
(2) Lot width: 250 feet.
(3) Floor area: 1,200 square feet.
(4) Front yard setback:
a. Major thoroughfare:
1. Arterial: 100 feet.
2. Collector: 100 feet.
b. Minor thoroughfare: 75 feet.
(5) Rear yard setback: 75 feet.
(6) Side yard setback: 50 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. However, this approval does not constitute endorsement of the use of said building. There are not septic records for that building. Installation of a septic system or evaluation of the current system for that building should be done.
- ☐ **Department of Building Safety** – DBS has no issue with this request. A permit will be required for conversion to a guest house.
- ☐ **Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of 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.

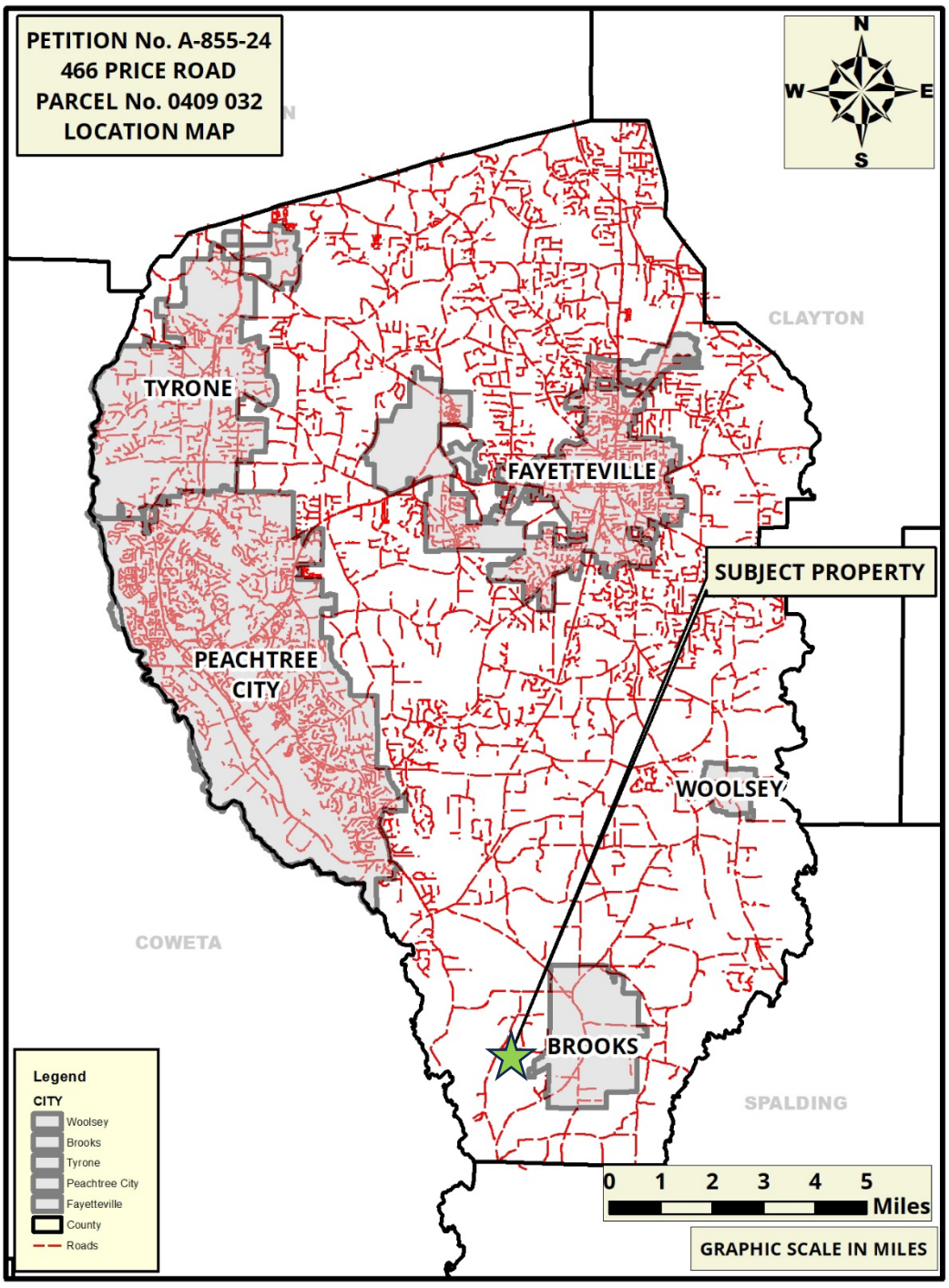
1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
   The parcel does not have unusual configuration or topographic conditions, but the house is unique because of its age.

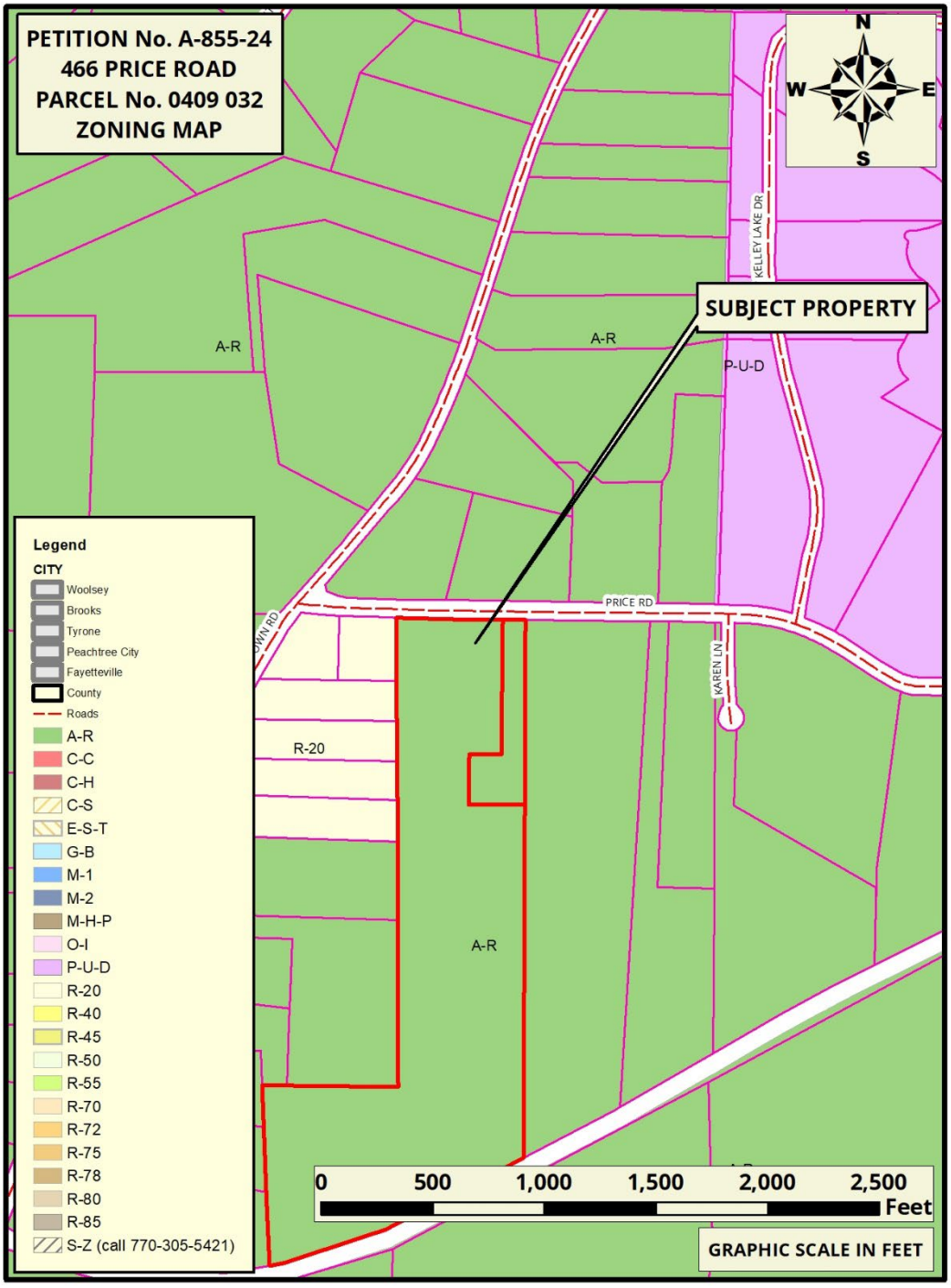
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
   The parcel is subject to the same requirements as all other properties in the neighborhood.

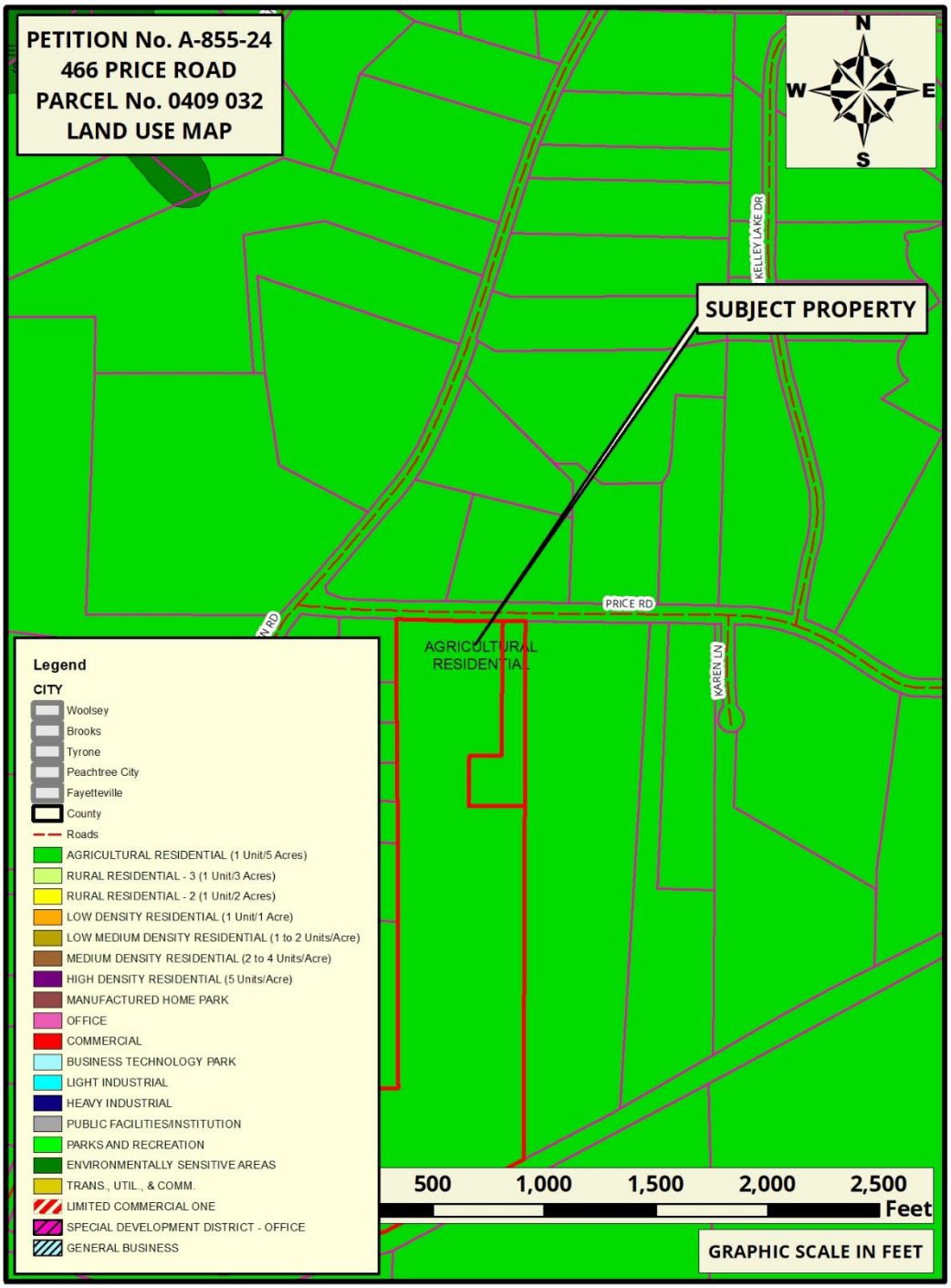
3. **Such conditions are peculiar to the particular piece of property involved; and,**
   The structure in question predates any forms of building and zoning codes in the county, so its location was acceptable when it was constructed.

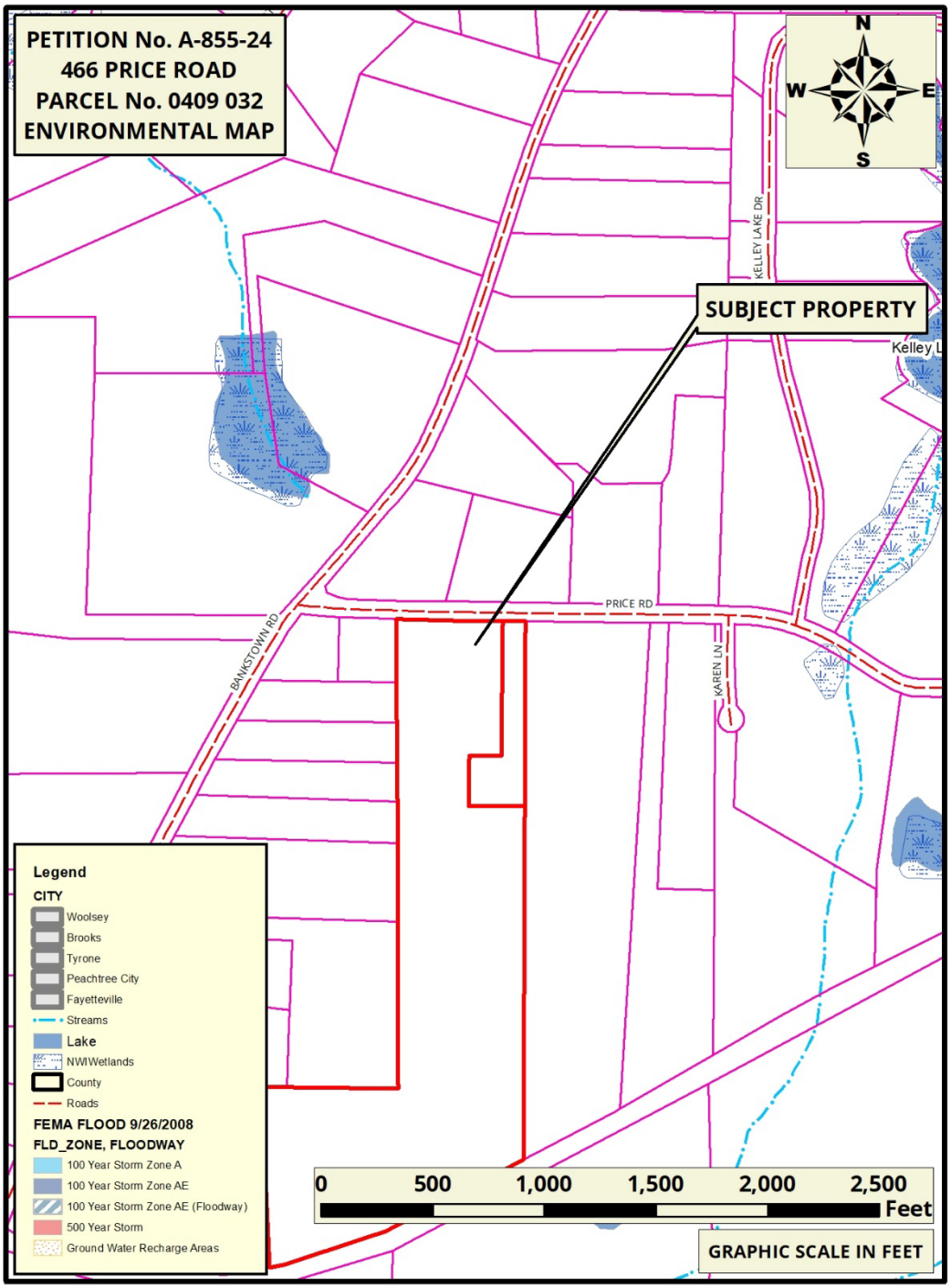
4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
   The encroachment is not likely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

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
   The applicant is still able to develop the property according to the regulations if the variance is not granted. However, they would have to demolish this structure.


PETITION No. A-855-24
466 PRICE ROAD
PARCEL No. 0409 032
LOCATION MAP
N
W
E
S
CLAYTON
TYRONE
FAYETTEVILLE
SUBJECT PROPERTY
PEACHTREE
CITY
WOOLSEY
COWETA
BROOKS
SPALDING
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
0 1 2 3 4 5
Miles
GRAPHIC SCALE IN MILES


PETITION No. A-855-24
466 PRICE ROAD
PARCEL No. 0409 032
ZONING MAP
N
W
E
S
SUBJECT PROPERTY
KELLEY LAKE DR
PRICE RD
KAREN LN
A-R
A-R
P-U-D
R-20
A-R
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
A-R
C-C
C-H
C-S
E-S-T
G-B
M-1
M-2
M-H-P
O-I
P-U-D
R-20
R-40
R-45
R-50
R-55
R-70
R-72
R-75
R-78
R-80
R-85
S-Z (call 770-305-5421)
0
500
1,000
1,500
2,000
2,500
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-855-24
466 PRICE ROAD
PARCEL No. 0409 032
LAND USE MAP
N
W
E
S
KELLEY LAKE DR
SUBJECT PROPERTY
PRICE RD
AGRICULTURAL
RESIDENTIAL
KAREN LN
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres)
RURAL RESIDENTIAL - 3 (1 Unit/3 Acres)
RURAL RESIDENTIAL - 2 (1 Unit/2 Acres)
LOW DENSITY RESIDENTIAL (1 Unit/1 Acre)
LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/Acre)
MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/Acre)
HIGH DENSITY RESIDENTIAL (5 Units/Acre)
MANUFACTURED HOME PARK
OFFICE
COMMERCIAL
BUSINESS TECHNOLOGY PARK
LIGHT INDUSTRIAL
HEAVY INDUSTRIAL
PUBLIC FACILITIES/INSTITUTION
PARKS AND RECREATION
ENVIRONMENTALLY SENSITIVE AREAS
TRANS., UTIL., & COMM.
LIMITED COMMERCIAL ONE
SPECIAL DEVELOPMENT DISTRICT - OFFICE
GENERAL BUSINESS
500
1,000
1,500
2,000
2,500
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-855-24
466 PRICE ROAD
PARCEL No. 0409 032
ENVIRONMENTAL MAP
N
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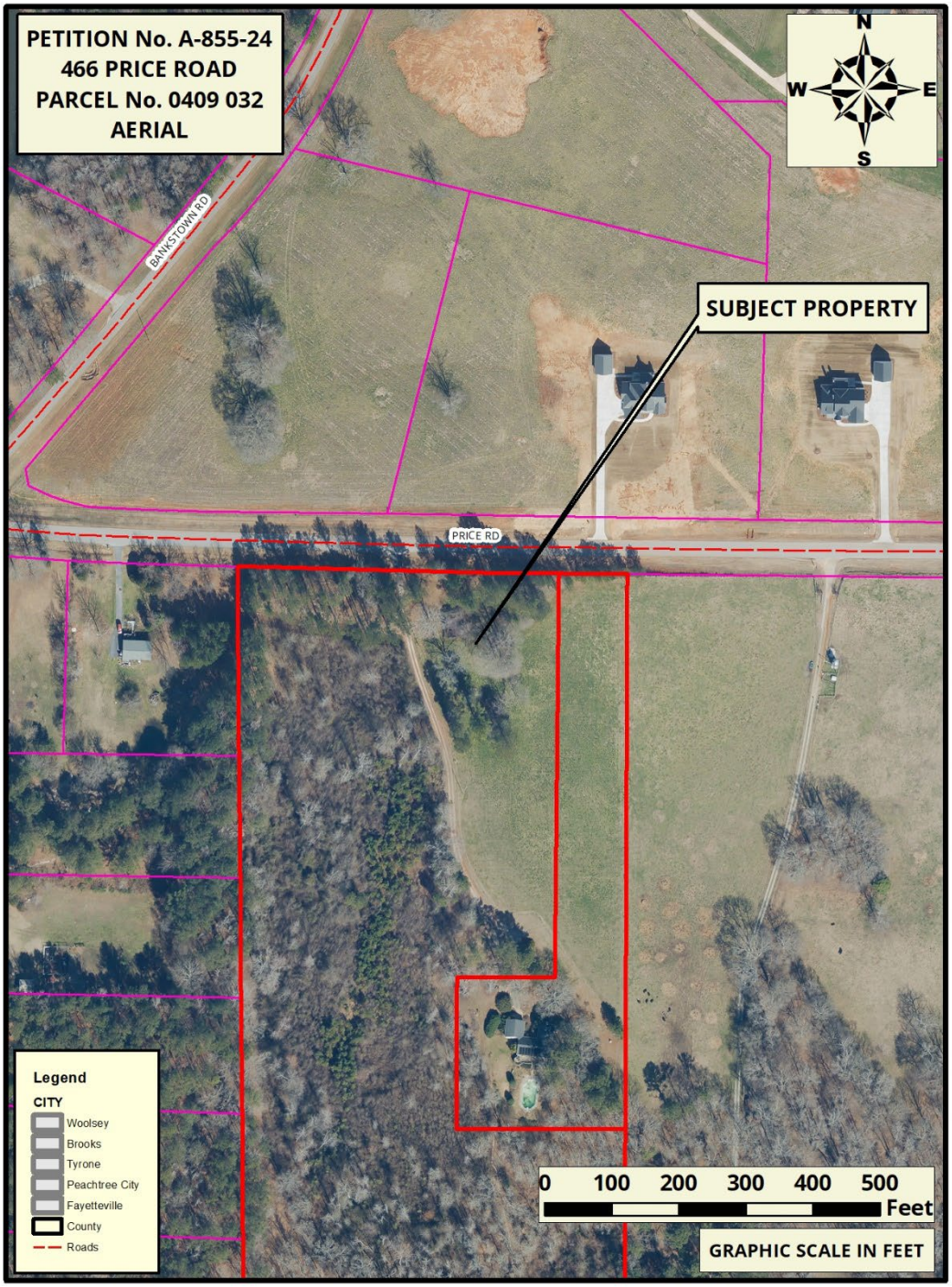
KELLEY LAKE DR
SUBJECT PROPERTY
Kelley L
PRICE RD
BANKSTOWN RD
KAREN LN
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
Streams
Lake
NWIWetlands
County
Roads
FEMA FLOOD 9/26/2008
FLD_ZONE, FLOODWAY
100 Year Storm Zone A
100 Year Storm Zone AE
100 Year Storm Zone AE (Floodway)
500 Year Storm
Ground Water Recharge Areas
0 500 1,000 1,500 2,000 2,500
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-855-24
466 PRICE ROAD
PARCEL No. 0409 032
AERIAL
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BANKSTOWN RD
SUBJECT PROPERTY
PRICE RD
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
0 100 200 300 400 500
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-855-24
466 PRICE ROAD
PARCEL No. 0409 032
AERIAL
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SUBJECT PROPERTY
PRICE RD
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
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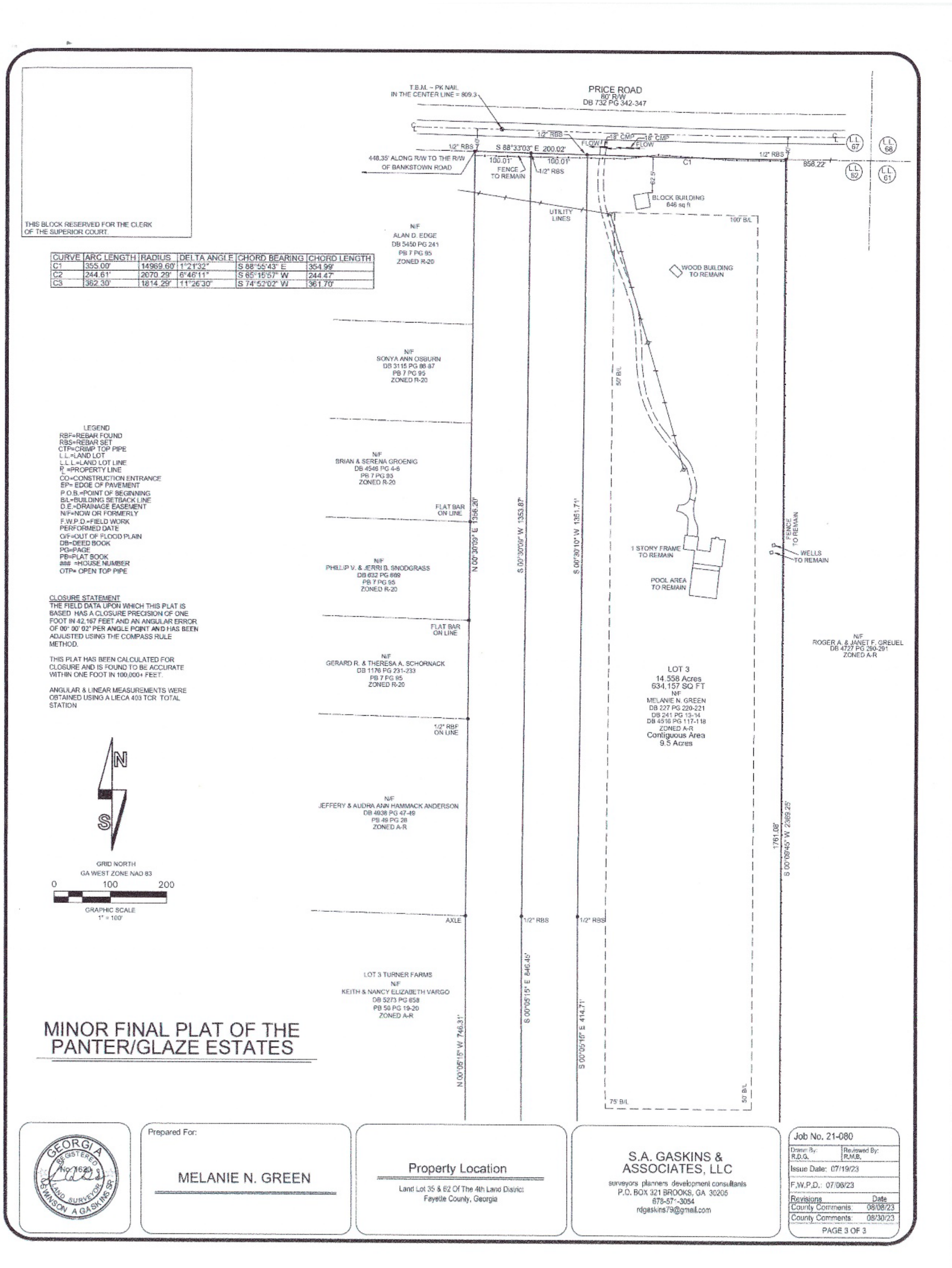
Feet
GRAPHIC SCALE IN FEET


PRICE ROAD
80' R/W
DB 732 PG 342-347
T.B.M. - PK NAIL IN THE CENTER LINE = 809.3
S 88°33'03" E 200.02'
100.01'
100.01'
858.22'
448.35' ALONG R/W TO THE R/W OF BANKSTOWN ROAD
FENCE TO REMAIN
BLOCK BUILDING 646 sq ft
UTILITY LINES
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT
CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH
C1 | 355.00' | 14969.60' | 1°21'32" | S 88°55'43" E | 354.99'
C2 | 244.61' | 2070.29' | 6°46'11" | S 65°15'57" W | 244.47'
C3 | 362.30' | 1814.29' | 11°26'30" | S 74°52'02" W | 361.70'
N/F ALAN D. EDGE DB 5450 PG 241 PB 7 PG 95 ZONED R-20
WOOD BUILDING TO REMAIN
N/F SONYA ANN OSBURN DB 3115 PG 86-87 PB 7 PG 95 ZONED R-20
LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
PL=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP= EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
=HOUSE NUMBER
OTP= OPEN TOP PIPE
N/F BRIAN & SERENA GROENIG DB 4546 PG 4-6 PB 7 PG 95 ZONED R-20
N/F PHILLIP V. & JERRI B. SNODGRASS DB 632 PG 669 PB 7 PG 95 ZONED R-20
1 STORY FRAME TO REMAIN
POOL AREA TO REMAIN
WELLS TO REMAIN
CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.
ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA 403 TCR TOTAL STATION
N/F GERARD R. & THERESA A. SCHORNACK DB 1176 PG 231-233 PB 7 PG 95 ZONED R-20
N/F ROGER A. & JANET F. GREUEL DB 4727 PG 290-291 ZONED A-R
LOT 3
14.558 Acres
634,157 SQ FT
N/F MELANIE N. GREEN DB 227 PG 220-221 DB 241 PG 13-14 DB 4516 PG 117-118 ZONED A-R
Contiguous Area 9.5 Acres
N/F JEFFERY & AUDRA ANN HAMMACK ANDERSON DB 4838 PG 47-49 PB 49 PG 28 ZONED A-R
GRID NORTH
GA WEST ZONE NAD 83
GRAPHIC SCALE 1" = 100'
LOT 3 TURNER FARMS
N/F KEITH & NANCY ELIZABETH VARGO DB 5273 PG 658 PB 50 PG 19-20 ZONED A-R
MINOR FINAL PLAT OF THE PANTER/GLAZE ESTATES
Prepared For:
MELANIE N. GREEN
Property Location
Land Lot 35 & 62 Of The 4th Land District Fayette County, Georgia
S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
rdgaskins79@gmail.com
Job No. 21-080
Issue Date: 07/19/23
F.W.P.D.: 07/08/23
County Comments: 08/08/23
County Comments: 08/30/23
PAGE 3 OF 3

SURVEY

PETITION NUMBER: A-855-24

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0409 032 Acreage: 14.558

Land Lot: 62 Land District: 4

Address: 466 Price Road, Brooks, GA 30205

Existing Zoning: A-R Requested Zoning: A-R

Zoning of Surrounding Properties: A-R

Existing Use: Proposed Use:

PROPERTY OWNER INFORMATION

Name Melanie N Green

Email szygrn@aol.com

Address 466 Price Road

City Brooks

State GA Zip 40205

Phone (404) 317-9538

AGENT/DEVELOPER INFORMATION
(If not owner)

Name BILL HAYFER

Email BILL@HAYFERGROUP.COM

Address 116 S HIGHWOOD PK

City PEACHTREE CITY

State GA Zip 30269

Phone 513 608 1710

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-855-24

[ ] Application Insufficient due to lack of:

by Staff: Date:

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

by Staff: Debbie Bell Date: 01/02/2024

DATE OF ZONING BOARD OF APPEALS HEARING: 02/26/2024

Received from William A. Hayfer. a check in the amount of $225-

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

Date Paid: 01/02/2024 Receipt Number:

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: 0409 032

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 04 District, and (if applicable to more than one land district) Land Lot(s) 62 of the District, and said property consists of a total of 14.558 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Melanie N. Shea	Denise Presley
Signature of Property Owner 1	Signature of Notary Public
Same	1-2-24
Address	Date
Signature of Property Owner 2	Signature of Notary Public
Address	Date
[signature]	Denise Presley
Signature of Authorized Agent	Signature of Notary Public
116 - Shinwood Pk	1-2-24
Address Peachtree City GA	Date

DENISE PRESLEY
MY COMMISSION EXPIRES
NOTARY PUBLIC
NOVEMBER 05, 2024
COWETA COUNTY, GEORGIA

DENISE PRESLEY
MY COMMISSION EXPIRES
NOTARY PUBLIC
NOVEMBER 05, 2024
COWETA COUNTY, GEORGIA

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-125.d.4.a.2	Front yard - 100 feet	52 feet	48 feet

VARIANCE SUMMARY

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

As part of the separation of this lot into 3, the county required that a block guest house be eliminated to satisfy the 100 foot setback which did not exist when the block guest house was built. The purpose of this variance request is to allow the guest house to remain in place and not be forced to have it removed.

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.

   This guest house existed prior to the creation of the ordinance and therefore should be allowed to remain for historical purposes.

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

   It is cost prohibitive to remove the guest house and eliminate all debris as required by the county.

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

   The block guest house has existed since 1930 and has never before come into question.

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.

Block guest house has existed since 1930 and poses no detriment to the public.

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

Ordinance has only been imposed as the result of the land being sub-divided. There has no enforcement of this ordinance since it was created and therefore existing structure should be grandfathered based on its existence prior to the ordinance being put in place.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

☑ Application form and all required attachments, completed, signed, and notarized (if applicable).

☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage. 10B

☑ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:

___ a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.

___ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.

___ c. Location of exits/entrances to the subject property.

___ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.

___ e. Location of all utilities, including well or water lines.

___ f. Location of septic tank, drainfield, and drainfield replacement area.

___ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).

___ h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).

___ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).

___ j. Location of landscaped areas, buffers, or tree save areas (if applicable).

☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed by:	Requirements	Proposed
Name: Debbie Bell	Lot Size:	
Lot# 3	Width:	
Zoning: AR	Front Setback:	
Flood: Yes/No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages:	House Size:	

466 Price Rd
Brooks GA
30205

Doc ID: 009994450002 Type: QCD
Recorded: 09/28/2016 at 01:15:00 PM
Fee Amt: $12.00 Page 1 of 2
Transfer Tax: $0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4516 PG 115-116

STATE OF GEORGIA
COUNTY OF FAYETTE

QUITCLAIM DEED

THIS INDENTURE, made this 2 day of August between Marty Green of the County of Fayette, State of Georgia, party of the first part hereinafter called "Grantor" and Melanie Green of the County of Fayette, State of Georgia, as party of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" are 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 one dollar ($1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said **Grantee,** Melanie Green, the following property to wit:

LEGAL DESCRIPTION OF SAID PROPERTY:

SEE ATTACHED "EXHIBIT 'A'"

TO HAVE AND TO HOLD the said described property to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or appurtenances, or any rights hereto.

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

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Subscribed and sworn to before me
this 2 day of August, 2016.

Notary Public

KIMBERLY A. BRADLEY NOTARY PUBLIC FAYETTE COUNTY, GA MY COMMISSION EXPIRES MARCH 3, 2019

GRANTOR:

(SEAL)
MARTY GREEN

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

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Subscribed and sworn to before me
this 2 day of August, 2016.

Notary Public

KIMBERLY A. BRADLEY NOTARY PUBLIC FAYETTE COUNTY, GA MY COMMISSION EXPIRES MARCH 3, 2019

GRANTEE:

Melanie Green (SEAL)
MELANIE GREEN

Book: 4516 Page: 115 Seq: 1

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 62 of the 4th District of Fayette County, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at an iron pin on the old southern right of way of Price Road, 858.22 feet in a westerly direction from the northeast corner of said Land Lot 62 as measured westerly along the old southern right of way of Price Road; proceed thence South 00 degrees 40 minutes East 25.0 feet to an iron and THE TRUE POINT OF BEGINNING; proceed thence South 00 degrees 40 minutes East 801.10 feet to an iron pin; proceed thence South 89 degrees 20 minutes West 226.10 feet to an iron pin; proceed thence North 00 degrees 40 minutes West 226.10 feet to an iron pin; proceed thence North 89 degrees 20 minutes East 166.10 feet to an iron pin ; proceed thence North 00 degrees 40 minutes West 576.37 feet to an iron pin; proceed thence North 89 degrees 21 minutes 23 seconds East 60.02 feet to an iron pin and THE TRUE POINT OF BEGINNING, as per survey being J.R. Wood Surveyors & Planners, Inc. dated 9/17/92 for Marty L. Green and Suzanne N. Green.

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, February 26, 2024, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-855-24
Owner(s)/Agent(s): Melanie Green/Bill Hayfer
Property Address: 466 Price Road, Brooks, GA 30205
Parcel:0409032
Zoning District: A-R
Area of Property: 14.558 acres
Land Lot(s): 62
District: 4th
Road Frontage: Price Road
Request: Variance to Sec. 110-125.d.4.a.2 requesting to reduce the road frontage from 100' to 52'. The purpose of this variance is to allow the guest house to remain in place.

Legal Description:
Exhibit A
LEGAL DESCRIPTION
(land more commonly referred as: 466 Price Road, Brooks, Georgia 30205)

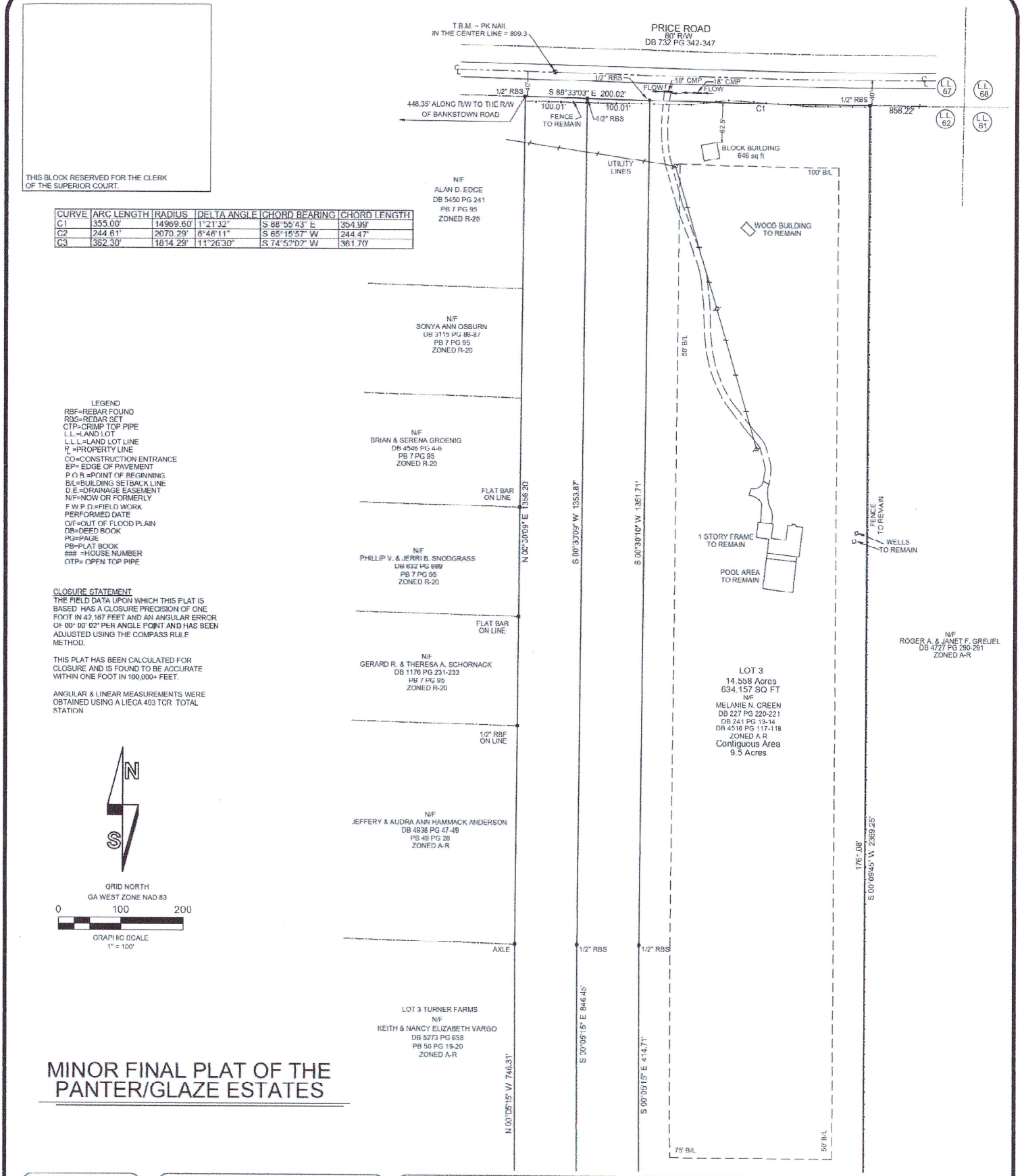
All that tract or parcel, of land lying and being in land lot 62 of the of the 4th land district of Fayette County, Georgia being lot 3 containing 14.458 acres+/-, as per plat thereof prepared for Melanie N. Green by Swinson A. Gaskins, GA RLS# 1620 of S.A. Gaskins & Associates LLC dated July 19, 2023 as recorded in Plat Book 101 Pages 513-515, Fayette County, Georgia records, which plat is hereby incorporated and made a part hereof by reference. Out of parent parcel 0409 005 and parcel 0409 032. Subject to any Easements or Restrictions of Record.

01/24

A-855-24

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	355.00'	14969.60'	1°21'32"	S 88°55'43" E	354.99'
C2	244.61'	2070.29'	6°46'11"	S 65°15'57" W	244.47'
C3	362.30'	1814.29'	11°26'30"	S 74°52'02" W	361.70'



LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P.L. =PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP= EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
=HOUSE NUMBER
OTP= OPEN TOP PIPE

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA 403 TCR TOTAL STATION

GRID NORTH
GA WEST ZONE NAD 83

0 100 200

GRAPHIC SCALE
1" = 100'

MINOR FINAL PLAT OF THE PANTER/GLAZE ESTATES

GEORGIA REGISTERED No. 1620 LAND SURVEYOR STANSON A GASKINS SR.

Prepared For:

MELANIE N. GREEN

Property Location

Land Lot 35 & 62 Of The 4th Land District
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Job No. 21-080

Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 07/19/23	
F.W.P.D.: 07/06/23	
Revisions	Date
County Comments:	08/08/23
County Comments:	08/30/23

PETITION NO: A-856-23

Requested Action: Variance to Sec. 110-79(e)(1)(d) to omit the required breezeway attachment for a new detached garage located in the front yard.

Location: 105 Blanche Drive, Brooks, GA 30205

Parcel(s): 0424 02001

District/Land Lot(s): 4th District, Land Lot(s) 199

Zoning: R-45

Lot Size: 3.000 acres

Owner(s): Melinda C. Owen

Agent: Ann Creighton

Zoning Board of Appeal Public Hearing: February 26, 2024

REQUEST

Applicant is requesting the following variance to construct a new detached garage:

1. Variance to Sec. 110-79(e)(1)(d).- To allow a detached garage in the front yard without an attached or detached breezeway, deck, or pergola.

STAFF COMMENTS

It is staff's opinion that the property presents a unique situation. The topography of the lot and location of existing house make it difficult to locate the garage in another area of the lot where a breezeway would be better suited. The owner has already made application to relocate part of the septic system to accommodate the garage. The garage is allowed in the front yard but a connecting structure (deck/breezeway/pergola) would be difficult to tie into the house in an architecturally or spatially appropriate manner.

The proposed location will not encroach on any building setbacks. If this is approved, there are no recommended conditions.

NOTES

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

Per Sec. 110-79 (e)(1)(b), the design of the detached garage shall match with the general residential architecture of the principal structure. Elevation drawings shall be submitted as part of the building permit process.

HISTORY

The subject property is a legal lot of record in the Swan Lake Landing S/D, with a plat recorded Sept. 22, 1989. It is a 3.000-acre lot and is a legal, conforming lot in the R-45 zoning district.

ZONING

Sec. 110-179.

(e) *Residential accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of residential accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of residential accessory structures. On a through lot, only the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of residential accessory structures.

No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); a residential accessory structure in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or a residential accessory structure on a lot in the A-R zoning district which consists of five or more acres.

(1) *Detached garage located in the front yard of a single frontage lot, a through lot, or a primary front yard on a corner lot.* Said detached garage shall meet the following requirements:

a. The detached garage shall not be located more than 35 feet from the principal structure.

b. The design of the detached garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited, to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.

c. The detached garage shall have at least one opening for vehicular access.

d. The detached garage shall be connected to the principal structure by at least one of the following, and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:

1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the detached garage;

2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the detached garage.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works**/**Environmental Management** – No objection to the variance request.
- ☐ **Environmental Health Department** – This office has no objection to the variance. However, this does not constitute endorsement of the garage. The owner of the property must submit application to this office for final approval for the location of the garage. Based on records, an application for a garage was applied for in October 2023 and a septic repair app in November 2023. These may be in relation to the garage in question for the variance. Please contact this office for further information if needed.
- ☐ **Fire** – No objections.
- ☐ **Building Safety** – No objections. A building permit is required for new garage.

CRITERIA FOR CONSIDERATION OF A VARIANCE

(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 location of existing house make it difficult to locate a garage on the north side of the lot. Adding a breezeway from the opposite corner of the house would be an awkward architectural feature and require steps from the front porch.

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

   Locating the garage on the north side of the lot would either require a setback variance or site the garage in front of the house, making access to the attached garage area difficult. Including a breezeway attachment here would also be difficult because it would need to span the existing driveway.

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

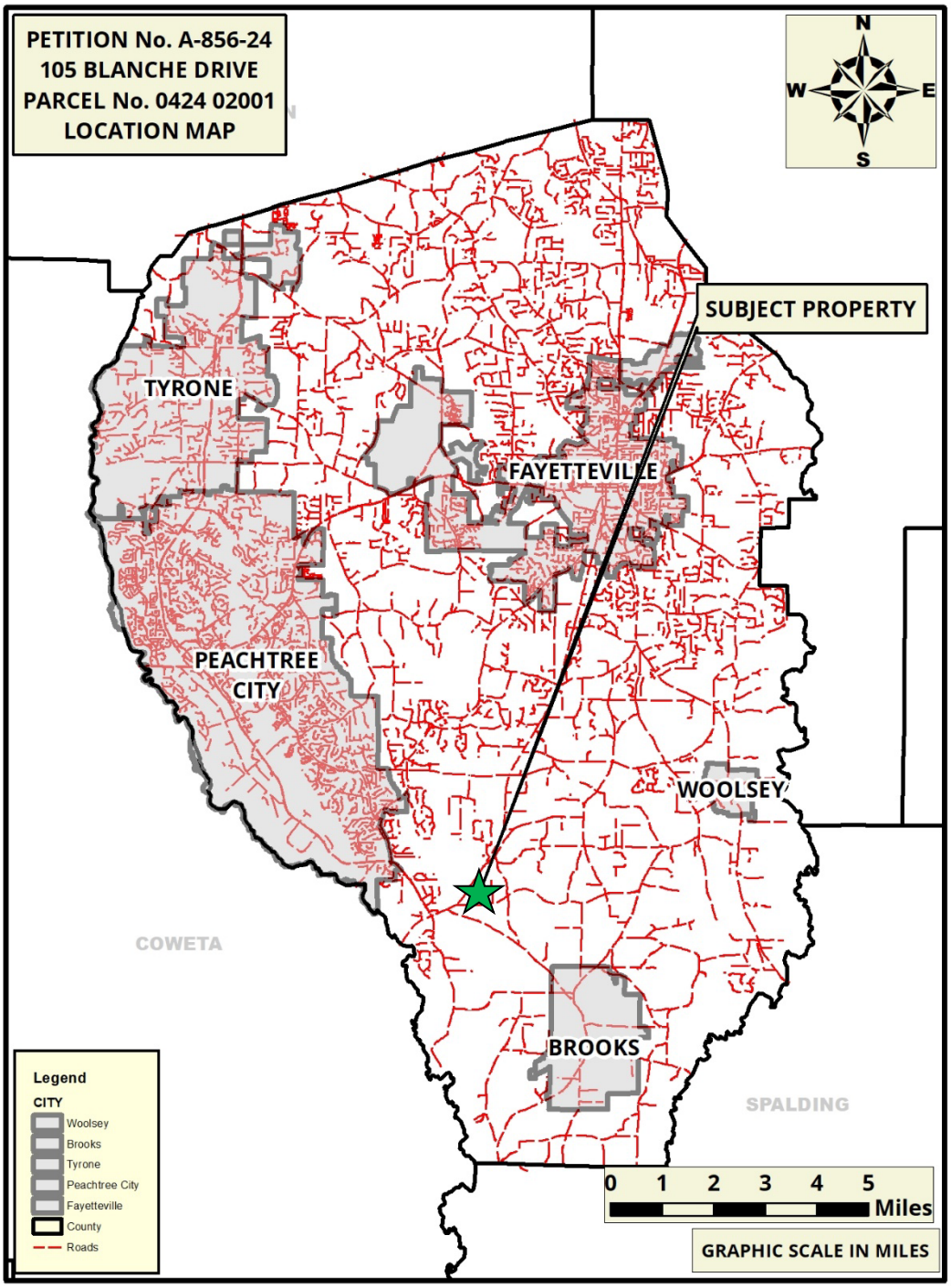
   Most lots do not have 2 road frontages. Also, adding a garage off the end of the driveway would require a large amount of fill/grading and a large reinforced retaining wall where the basketball court is currently located.

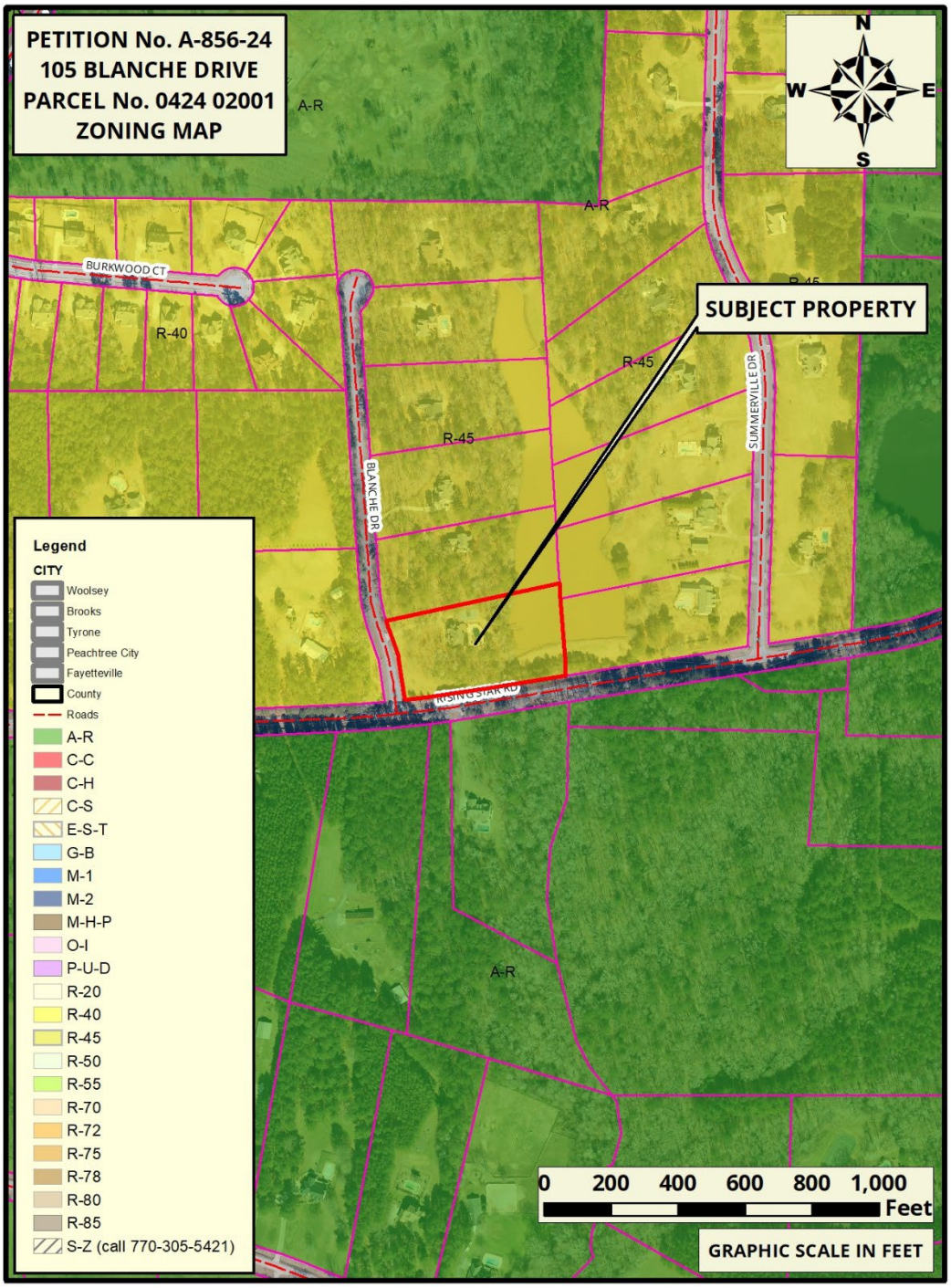
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,

   Staff does not think relief will be detrimental to the public.

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 would require the homeowner to create some difficult architectural transitions or remove the existing basketball court.


PETITION No. A-856-24
105 BLANCHE DRIVE
PARCEL No. 0424 02001
LOCATION MAP
N
W
E
S
SUBJECT PROPERTY
TYRONE
FAYETTEVILLE
PEACHTREE CITY
WOOLSEY
COWETA
BROOKS
SPALDING
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
0 1 2 3 4 5
Miles
GRAPHIC SCALE IN MILES


PETITION No. A-856-24
105 BLANCHE DRIVE
PARCEL No. 0424 02001
ZONING MAP
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SUBJECT PROPERTY
A-R
R-40
R-45
BURKWOOD CT
BLANCHE DR
SUMMERVILLE DR
RISING STAR RD
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
A-R
C-C
C-H
C-S
E-S-T
G-B
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M-2
M-H-P
O-I
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S-Z (call 770-305-5421)
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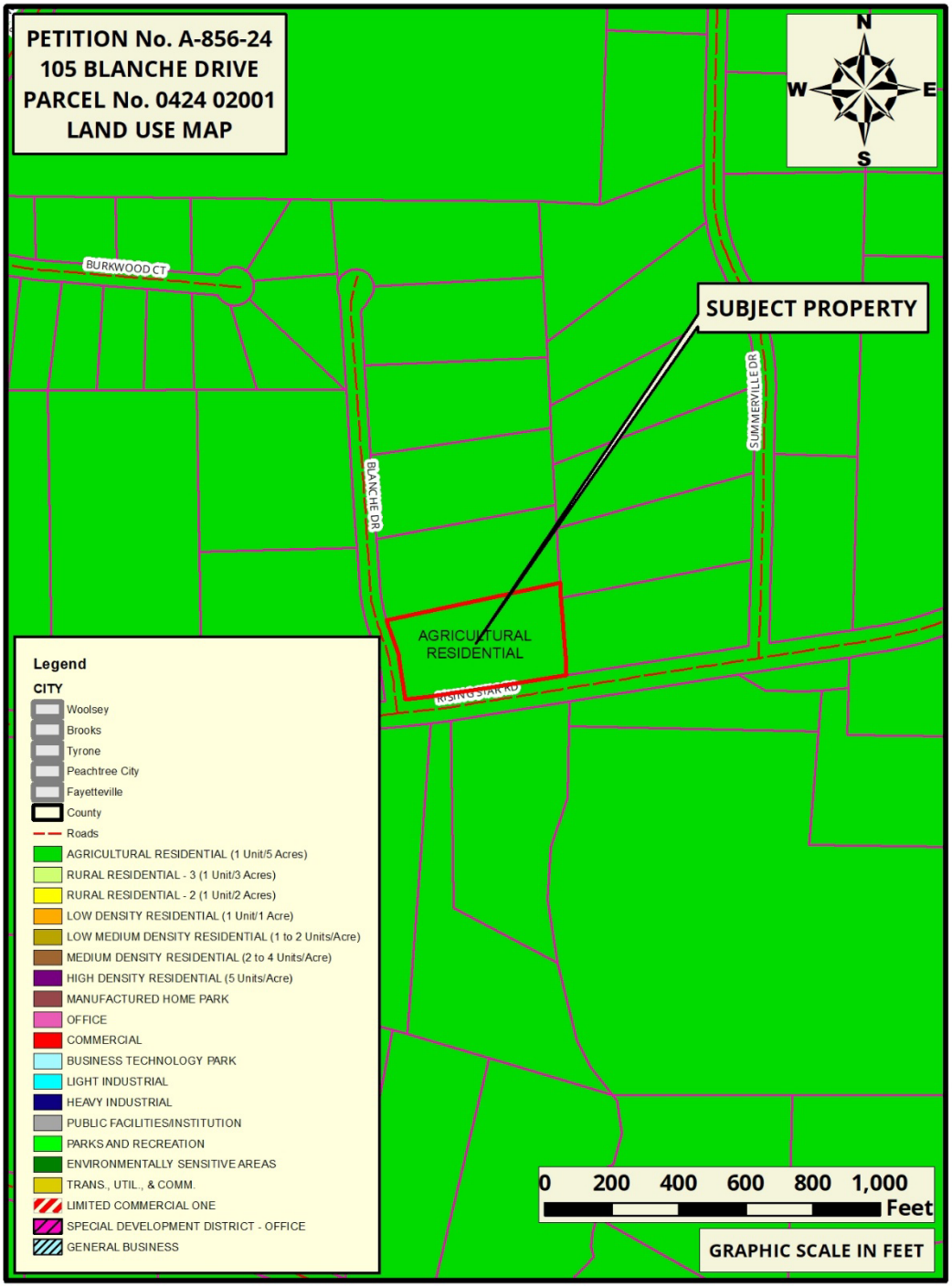
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-856-24
105 BLANCHE DRIVE
PARCEL No. 0424 02001
LAND USE MAP
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BURKWOOD CT
SUBJECT PROPERTY
SUMMERVILLE DR
BLANCHE DR
AGRICULTURAL
RESIDENTIAL
KISING STAR RD
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres)
RURAL RESIDENTIAL - 3 (1 Unit/3 Acres)
RURAL RESIDENTIAL - 2 (1 Unit/2 Acres)
LOW DENSITY RESIDENTIAL (1 Unit/1 Acre)
LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/Acre)
MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/Acre)
HIGH DENSITY RESIDENTIAL (5 Units/Acre)
MANUFACTURED HOME PARK
OFFICE
COMMERCIAL
BUSINESS TECHNOLOGY PARK
LIGHT INDUSTRIAL
HEAVY INDUSTRIAL
PUBLIC FACILITIES/INSTITUTION
PARKS AND RECREATION
ENVIRONMENTALLY SENSITIVE AREAS
TRANS., UTIL., & COMM.
LIMITED COMMERCIAL ONE
SPECIAL DEVELOPMENT DISTRICT - OFFICE
GENERAL BUSINESS
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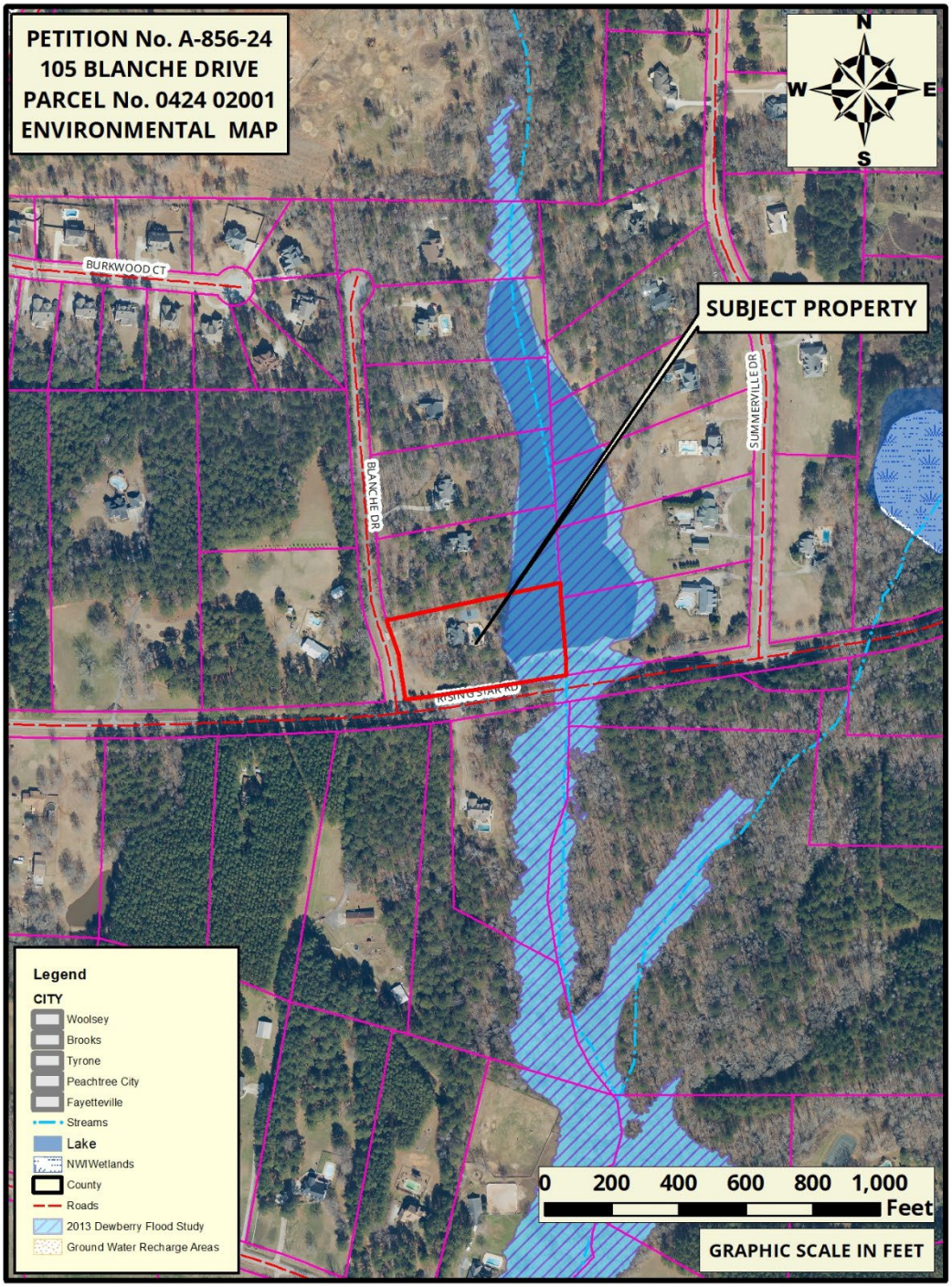
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-856-24
105 BLANCHE DRIVE
PARCEL No. 0424 02001
ENVIRONMENTAL MAP
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BLANCHE DR
SUMMERVILLE DR
KISING STAR RD
SUBJECT PROPERTY
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
Streams
Lake
NWIWetlands
County
Roads
2013 Dewberry Flood Study
Ground Water Recharge Areas
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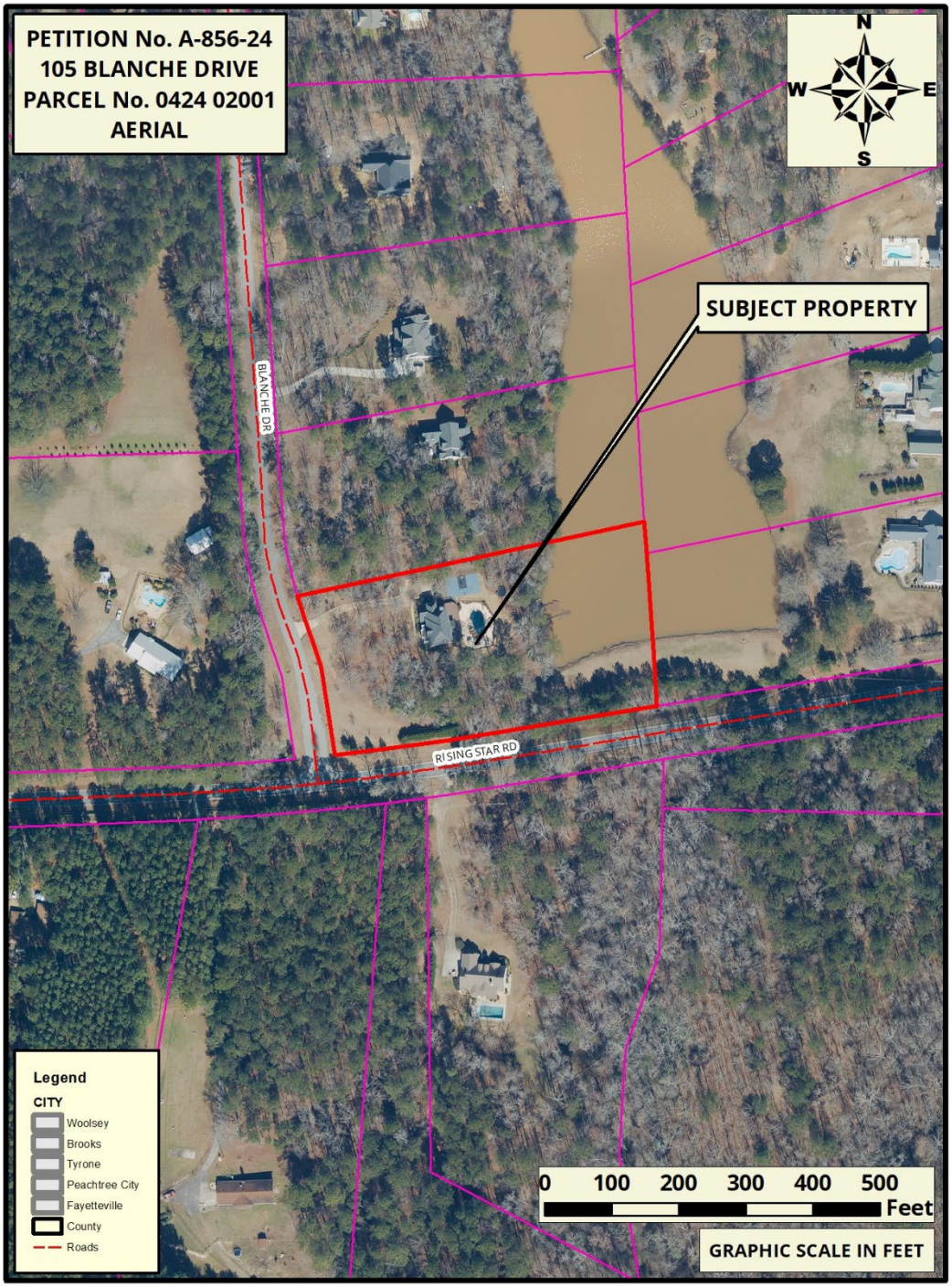
Feet
GRAPHIC SCALE IN FEET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PARCEL No. 0424 02001
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SUBJECT PROPERTY
BLANCHE DR
RISING STAR RD
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
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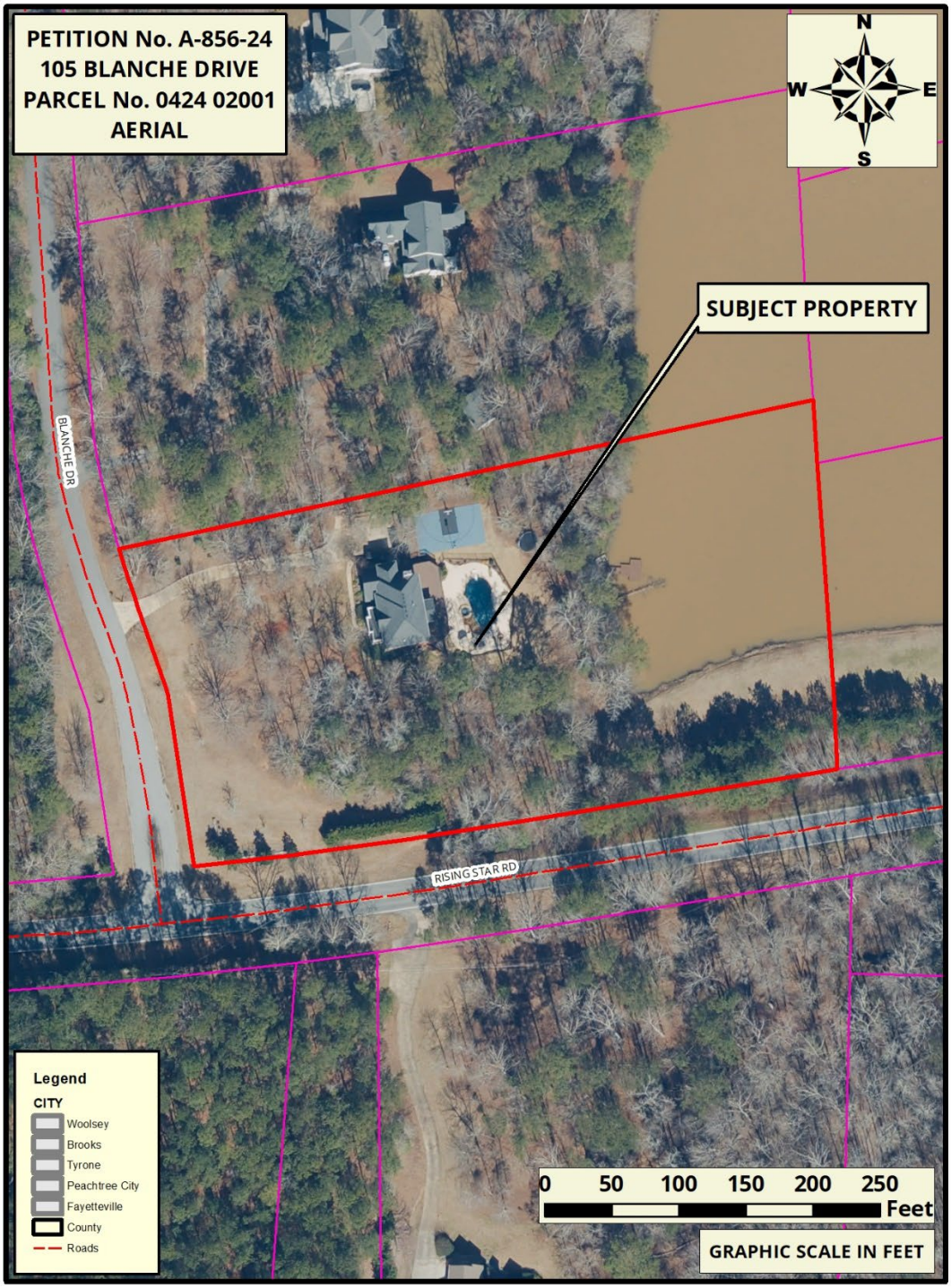
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-856-24
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PARCEL No. 0424 02001
AERIAL
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SUBJECT PROPERTY
BLANCHE DR
RISING STAR RD
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CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
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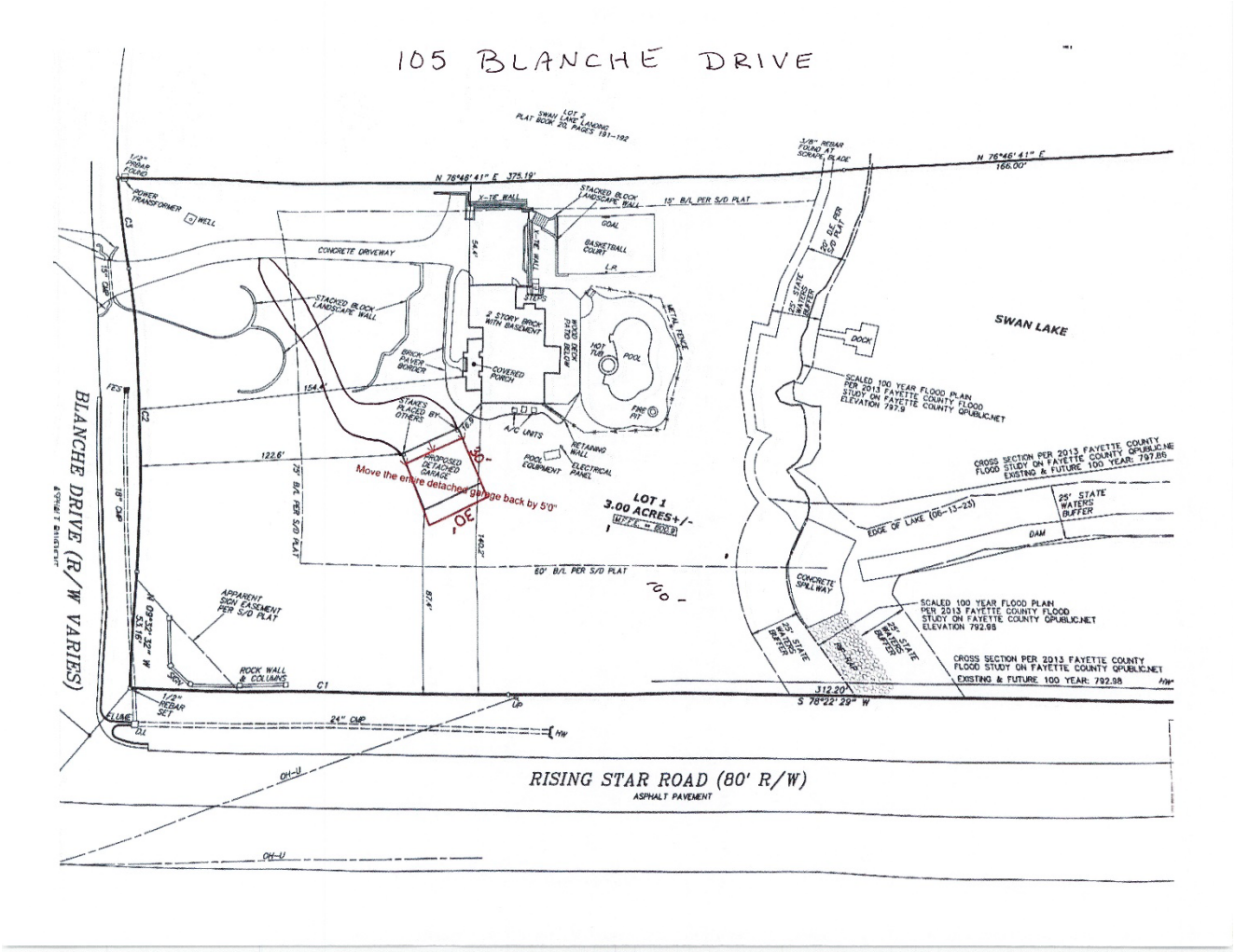
Feet
GRAPHIC SCALE IN FEET



SITE PLAN
PROPOSED GARAGE LOCATION

A- 856-24

Permit # RNEW-12-23-072076

FAYETTE COUNTY, GEORGIA

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 042402001 Acreage: 3 Land Lot: 199 Land District: 4th District

Address: 105 Blanche Drive

Existing Zoning: ~~R3~~ R45 Residential Requested Zoning: Residential - R-45

Zoning of Surrounding Properties: ~~R3~~ R-45

Existing Use: Residential

Proposed Use: Residential

PROPERTY OWNER INFORMATION

Name Melinda C. Owen

Email rod.owen@att.net

Address 105 Blanche Drive

City Brooks

State GA Zip 30205

Phone 770-596-3739

AGENT/DEVELOPER INFORMATION (If not owner)

Name Veda Ann Creighton

Email gregann creighton@gmail.com

Address 1064 Robinson Rd.

City Peachtree City

State GA Zip 30269

Phone 770-851-0529

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: 856.24

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from Ann Creighton cc a ~~check~~ in the amount of $ 175.00

for application filing fee, and $ 100.00 for deposit on frame for public hearing sign(s).

Date Paid 11/5/2024 Receipt Number: 19954

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:

Melinda C. Owen

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 042402001

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 199 of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 3.00 acres acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Veda Ann Creighton 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.

SIGNATURES

Owner/ Agent One:

Signature: Melinda C. Owen
Name: Melinda C. Owen
Address: 105 Blanche Drive
City/State/Zip: Brooks, GA 30205
Date: 1-4-2024

Notary: Nick Creighton (seal)
Commission Exp.: 6-27-26

Owner/ Agent Two:

Signature: Veda Ann Creighton
Name: Veda Ann Creighton
Address: 1064 Robinson Rd
City/State/Zip: Peachtree City, GA
Date: 1-4-2024

Notary: Nick Creighton (seal)
Commission Exp.: 6-27-26

Owner/ Agent Three:

Signature: Veda Ann Creighton
Name: Veda Ann Creighton
Address: 1064 Robinson Road
City/State/Zip: Peachtree City, GA
Date: 1-5-2024

Notary: Deborah M Sims (seal)
Commission Exp.:

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

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	Sec. 110-79(e)(1)(d)
Requirement	Detached garage in front yard must be attached to the primary structure by either an attached or detached breezeway, an attached raised deck, or an attached or detached pergola.
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

Applicant wishes to construct a detached garage in the front yard that is not attached to the house by a breezeway, raised deck, or pergola.

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 proposed garage site is the only suitable site. The property owner's home office is on the corner of the house closest to proposed garage. The homeowner is attempting to minimize foot traffic + unnecessary noise and disruptions.

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

   Attaching a breezeway would increase traffic in the immediate vacinity + cause unnecessary disruptions.

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

   There are no other suitable locations for garage given the reserving septic system + septic system location.

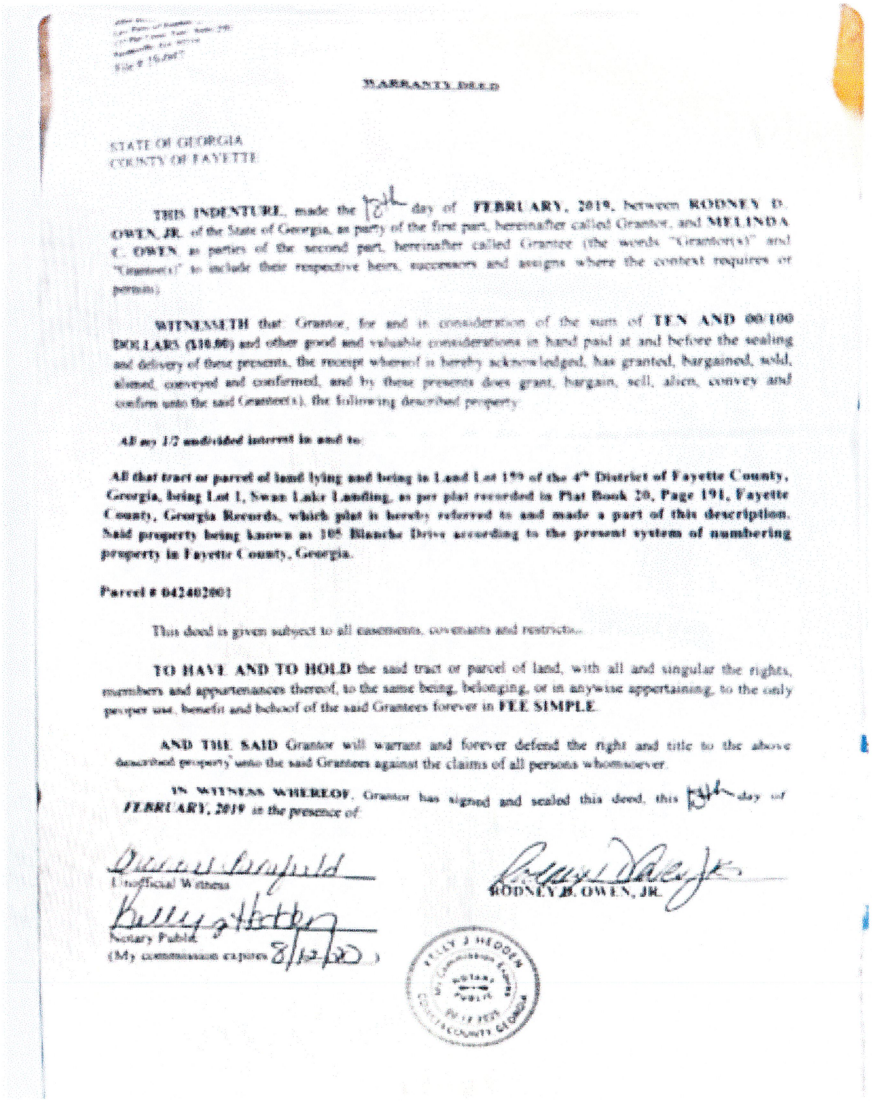
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

   Architectural Plans performed + given show garage will look similar to existing home.

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

From: **Ann Creighton** greganncreighton@gmail.com
Subject: CamScanner 12-18-2023 21.00
Date: December 18, 2023 at 9:08 PM
To: greganncreighton@gmail.com

https://cscan.co/3eZxd018sz2



WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 12th day of FEBRUARY, 2019, between RODNEY D. OWEN, JR. of the State of Georgia, as party of the first part, hereinafter called Grantor, and MELINDA C. OWEN as parties of the second part, hereinafter called Grantee (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee(s), the following described property:

All my 1/2 undivided interest in and to:

All that tract or parcel of land lying and being in Land Lot 159 of the 4th District of Fayette County, Georgia, being Lot 1, Swan Lake Landing, as per plat recorded in Plat Book 20, Page 191, Fayette County, Georgia Records, which plat is hereby referred to and made a part of this description. Said property being known as 105 Blanche Drive according to the present system of numbering property in Fayette County, Georgia.

Parcel # 042402001

This deed is given subject to all easements, covenants and restrictio...

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 Grantees 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 Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, this 12th day of *FEBRUARY, 2019 in the presence of:*

Unofficial Witness

RODNEY D. OWEN, JR.

Notary Public
(My commission expires 8/12/20)

KELLY J HEDDEN
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA

Sent from my iPhone

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

☑ Application form and all required attachments, completed, signed, and notarized (if applicable).

☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.

☐ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:

a. _____ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
b. _____ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
c. _____ Location of exits/entrances to the subject property.
d. _____ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
e. _____ Location of all utilities, including well or water lines.
f. _____ Location of septic tank, drainfield, and drainfield replacement area.
g. _____ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
h. _____ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
i. _____ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
j. _____ Location of landscaped areas, buffers, or tree save areas (if applicable).

☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name: Deb Sims	Lot Size: 3.00 per Ordinance 703-88	
Lot: Swan Lake Landing, Lot 1	Width:	
Zoning: R-45	Front Setback: 75'	
Flood: (Yes) No MFFE: 796	Side Setback: 15'	
Stream Buffers: 150' Buffer + Setback	Rear Setback: 150' - Watershed	
Number of Frontages 2	House Size:	

Doc ID: 010582650001 Type: WD
Recorded: 02/26/2019 at 10:00:00 AM
Fee Amt: $10.00 Page 1 of 1
Transfer Tax: $0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4842 PG 738

After recording return to:
Law Firm of Stephen D. Ott, P.C
125 Flat Creek Trail, Suite 250
Fayetteville, GA 30214
File # 19-047

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 18th day of **FEBRUARY, 2019,** between **RODNEY D. OWEN, JR.** of the State of Georgia, as party of the first part, hereinafter called Grantor, and **MELINDA C. OWEN**, as parties of the second part, hereinafter called Grantee (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS ($10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee(s), the following described property:

All my 1/2 undivided interest in and to:

All that tract or parcel of land lying and being in Land Lot 159 of the 4th District of Fayette County, Georgia, being Lot 1, Swan Lake Landing, as per plat recorded in Plat Book 20, Page 191, Fayette County, Georgia Records, which plat is hereby referred to and made a part of this description. Said property being known as 105 Blanche Drive according to the present system of numbering property in Fayette County, Georgia.

Parcel # 042402001

This deed is given subject to all easements, covenants and restrictions of record, if any.

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 Grantees 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 Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, this 18th day of **FEBRUARY, 2019** in the presence of:

Unofficial Witness

Notary Public
(My commission expires 8/12/20)

RODNEY D. OWEN, JR.

KELLY J HEDDEN
NOTARY PUBLIC
My Commission Expires
08-12-2020
COWETA COUNTY, GEORGIA

Fay

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, February 26, 2024, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-856-24

Owner(s)/Agent(s): Melinda C. Owen/Veda Creighton

Property Address: 105 Blanche Drive

Parcel: 042402001

Zoning District: R-45

Area of Property: 3 acres

Land Lot(s): 159

District: 4th

Road Frontage: Blanche

Request: Variance to Sec. 110-79 (e)(1)(d) requesting to construct a detached garage in the front yard that is not attached to the house by a breezeway, raised deck, or pergola.

Legal Description:

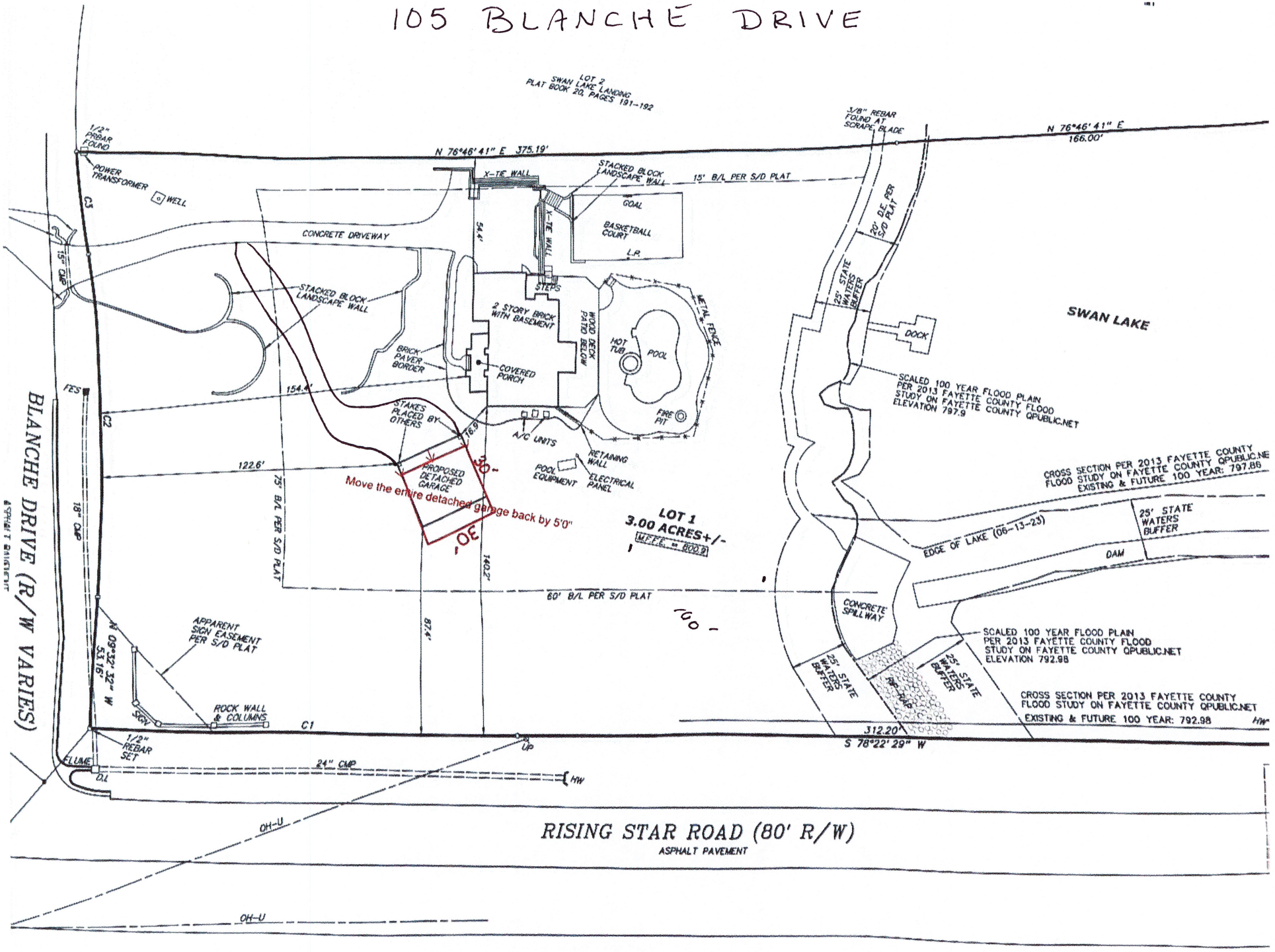
All that tract or parcel of land lying and being in Land Lot 159 of the 4th District of Fayette County, Georgia, being Lot 1, Swan Lake Landing, as per plat recorded in Plat Book 20, Page 191, Fayette County, Georgia Records, which plat is hereby referred to and made a part of this description. Said property being known as 105 Blanche Drive according to the present system of numbering property in Fayette County, Georgia.

Parcel# 042402001

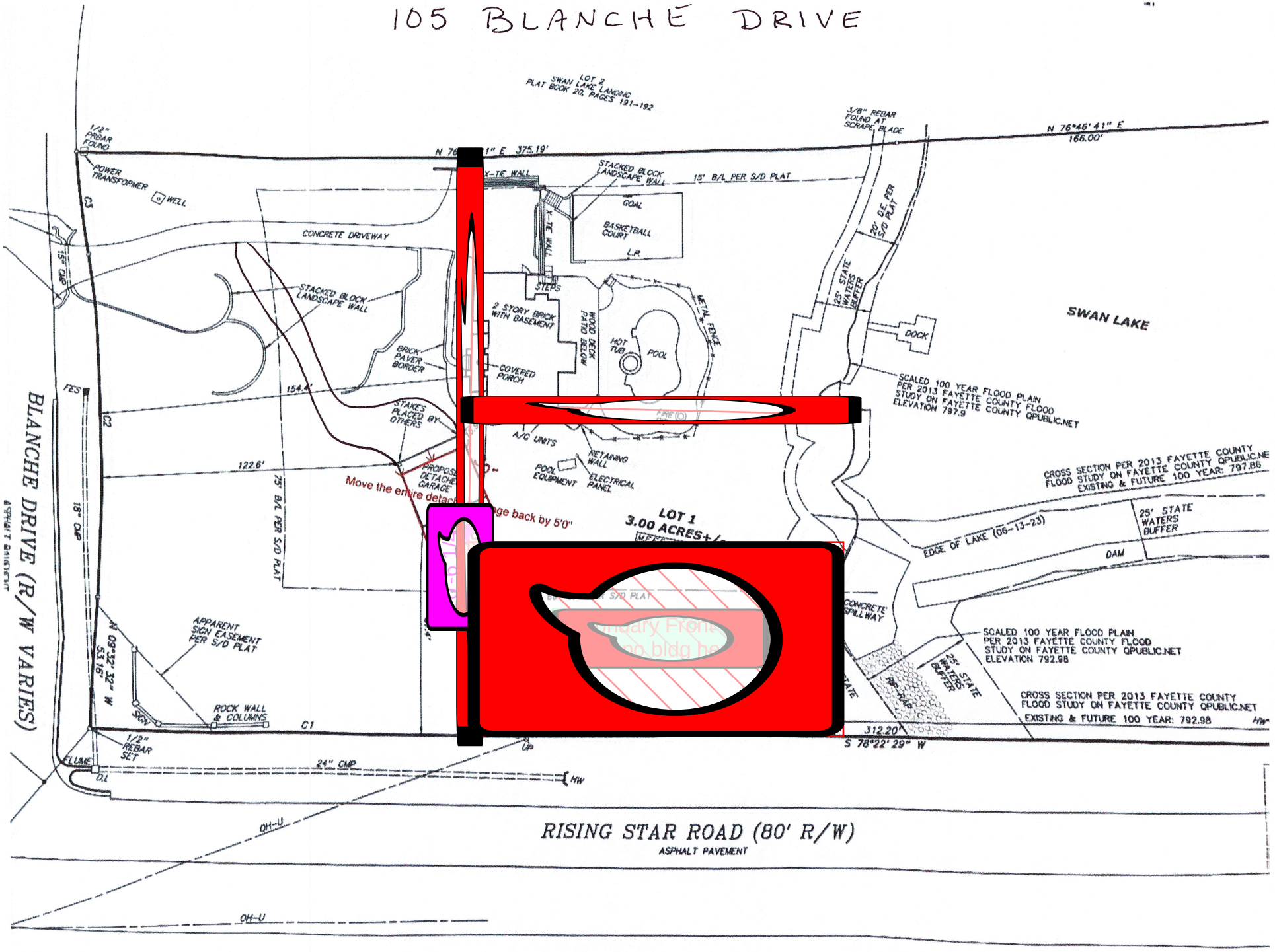
01/24

A-856-24

105 BLANCHE DRIVE



105 BLANCHE DRIVE



Georgia Department of Human Resources

ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

County Code (2-4)	Construction Permit (5-8)	Case Number (FHA, VA, etc.) (9-20)	Health Dist. (21-22)	Day (23-24)	Month (25-26)	Year (27-28)
			04	01	10	96

Property Location	Property Owner	County
LOT #1 SWAN LAKE S/D 105 BLANCHE	NAT ANGLIN Sewage Disposal Contractor: JACKIE COVEY	FAYETTE

ALL ITEMS: Blank = Not Applicable; 0 = Unknown — *ITEMS: 1 = Yes; 2 = No

SECTION A – GENERAL

1. Type Water Supply: (1) Public, (2) Community, (3) Indiv.	29	3
2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other	30	
3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year	31	1
4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys.	32	1
5. If Repair of Existing System – Years System Installed: (1) < 1 year, (2) 1 – 2, (3) 2 – 3, (4) 3 – 5, (5) 5 – 10, (6) >10	33	
6. Percolation Rate Min./In.:	34 35	47
7. *Is Property Part of a Subdivision:	36	1

SECTION B – FACILITY

1.**Type Facility: See Code Below	37 38	01
2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons	39	1
3. Number Bedrooms or Gallons:	40 41 42 43	0004

SECTION C – LOT SIZE

1. Lot Depth (Average):	
2. Lot Width (Average):	
3. Building Line (Feet):	

SECTION D – PRIMARY TREATMENT

1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Aerobic Unit, (5) Other	44	1
2. Septic Tank Capacity (gallons): 55	45 46 47 48	1500
3. Unit 1 Tank/Compartment Capacity:		1500
4. Septic Tank Inside Length (feet):	49 50 51 52	17 0
5. Septic Tank Inside Width (feet):		70
6. Septic Tank Liquid Depth (feet):		40
7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other		1
8. Dosing Tank Capacity (gallons):	53	
9. Grease Trap Capacity (gallons):	54 55 56	
10. Distance Septic Tank from Well:	57 58 59	150

SECTION E – SECONDARY TREATMENT

1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial, (4) Mound, (5) Other		3
2. Absorption Field:	60	
a. Total Square Feet	61 62 63 64	
b. Total Linear Feet		400
c. Length each Trench (feet)	65 66 67 68	
d. Width of Trenches (inches)		36
e. Number of Trenches	69 70	01
f. Distance between Trenches		
g. Average Trench Depth (inches)		55
h. * Aggregate Proper Size		1
i. * Aggregate Proper Depth		1
j. Distance from Building Foundation		16'
k. Nearest Property Line: (1) Front, (2) Rear, (3) Right Side, (4) L. Side		3
l. Distance Nearest Property Line		33
m. Distance Privy or Absorption Field from Well		150+

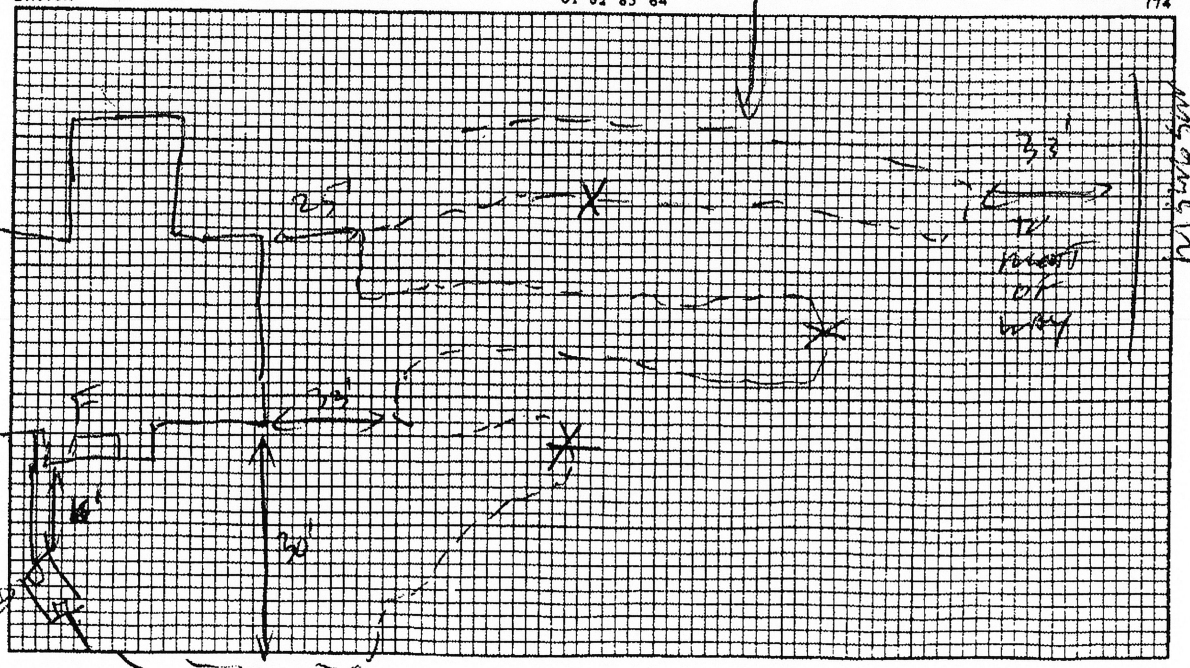
SECTION F – HEALTH AGENCY TIME

1. Total Inclusive Time (min.):	71 72 73	45

SECTION G – SYSTEM APPROVED

1. * Yes 2. No	74	1

Sketch



1.**Type Facility
(1) Residence
(2) Apartment
(3) Institution
(4) Service Station
(5) Restaurant
(6) Church
(7) Tourist Accommodation
(8) Laundrette
(9) Mobile Home Park
(10) Other
(Specify) _____

Remarks:

Inspected By: _____ Title: EHS Health Agency: Fayette

184 (Rev. 5-84)

PETITION NO: A-857-23

Requested Action: Variance to Sec. 110-125.(d)(6), to reduce the side yard setback from 50 feet to 35 feet to allow the construction of an inground swimming pool.

Location: 418 Price Road, Brooks, GA 30205

Parcel(s): 0409 047

District/Land Lot(s): 4th District, Land Lot(s) 62

Zoning: A-R

Lot Size: 6.23 acres

Owner(s): Jennifer L. Robinson and Michael D. Robinson

Agent: Eric Brooks

Zoning Board of Appeal Public Hearing: February 26, 2024

REQUEST

Applicant is requesting the following variance to construct a new detached garage:

1. Variance to Sec. 110-125.(d)(6), to reduce the side yard setback from 50 feet to 35 feet to allow the construction of an inground swimming pool.

STAFF COMMENTS

It is staff's opinion that the property does present a unique situation. Because of the shape of the lot, the only buildable area is near the back of the lot.

The proposed location is not likely to be detrimental to the neighbors. The current owner of the adjacent lot is the applicant's relative, and they have provided a written letter of support. Several other neighbors have also provided letters of support. If this is approved, there are no recommended conditions.

NOTES

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

HISTORY

The subject property is a legal lot of record, with a plat recorded December 30, 2003. It is a 6.23-acre lot and is a legal, conforming lot in the A-R zoning district.

ZONING

Sec. 110-125. – A-R, Agricultural-Residential District.

(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

(1) Lot area: 217,800 square feet (five acres).
(2) Lot width: 250 feet.
(3) Floor area: 1,200 square feet.
(4) Front yard setback:
a. Major thoroughfare:
1. Arterial: 100 feet.
2. Collector: 100 feet.
b. Minor thoroughfare: 75 feet.
(5) Rear yard setback: 75 feet.
(6) Side yard setback: 50 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works**/**Environmental Management** – No objection to the variance request.
- ☐ **Environmental Health Department** – This office has no objection to the variance. However, this does not constitute endorsement of the swimming pool. The owner of the property must submit application to this office for final approval for the location of the pool.
- ☐ **Fire** – No objections.
- ☐ **Building Safety** – No objections. A building permit is required for new pool.

CRITERIA FOR CONSIDERATION OF A VARIANCE

(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.

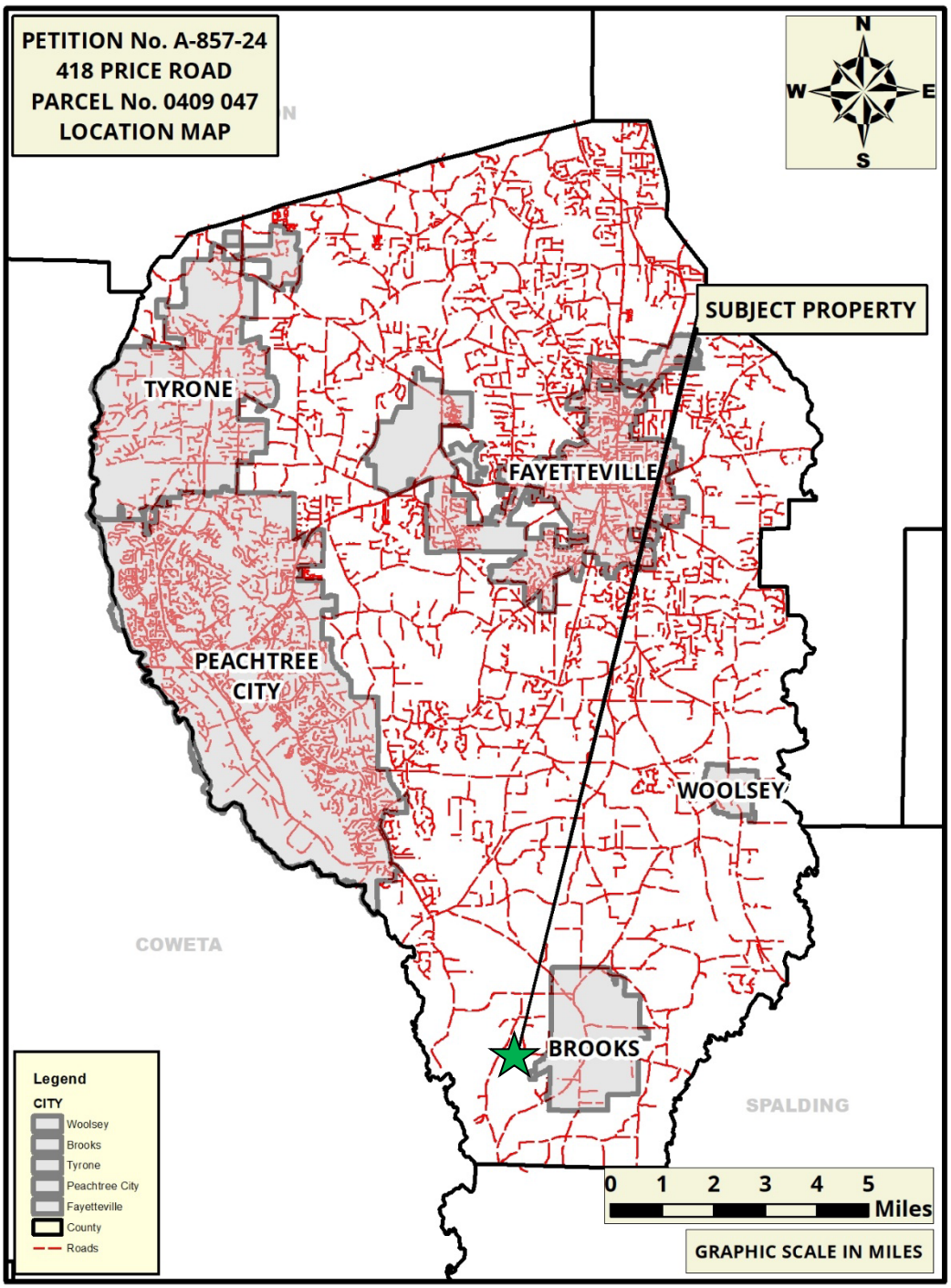
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
   The shape of the lot provides a very limited buildable area.

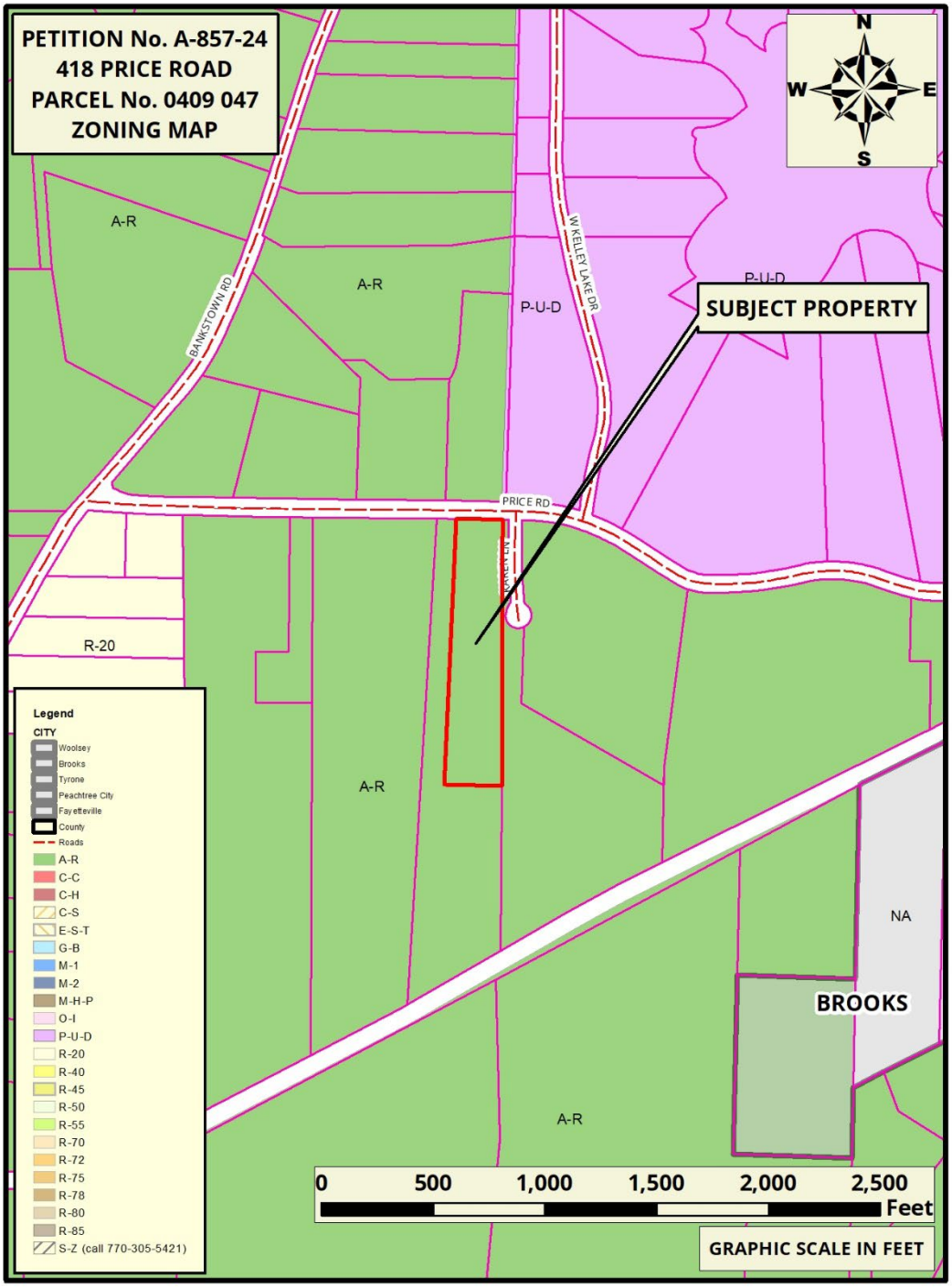
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,
   The applicant probably would not be able to build the accessory without some sort of variance to a building setback.

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

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

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 would probably prohibit the construction of the pool.


PETITION No. A-857-24
418 PRICE ROAD
PARCEL No. 0409 047
LOCATION MAP
N
W
E
S
SUBJECT PROPERTY
TYRONE
FAYETTEVILLE
PEACHTREE CITY
WOOLSEY
COWETA
BROOKS
SPALDING
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
0 1 2 3 4 5
Miles
GRAPHIC SCALE IN MILES


PETITION No. A-857-24
418 PRICE ROAD
PARCEL No. 0409 047
ZONING MAP
N
W
E
S
A-R
A-R
P-U-D
P-U-D
SUBJECT PROPERTY
BANKSTOWN RD
W KELLEY LAKE DR
PRICE RD
R-20
A-R
A-R
NA
BROOKS
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
A-R
C-C
C-H
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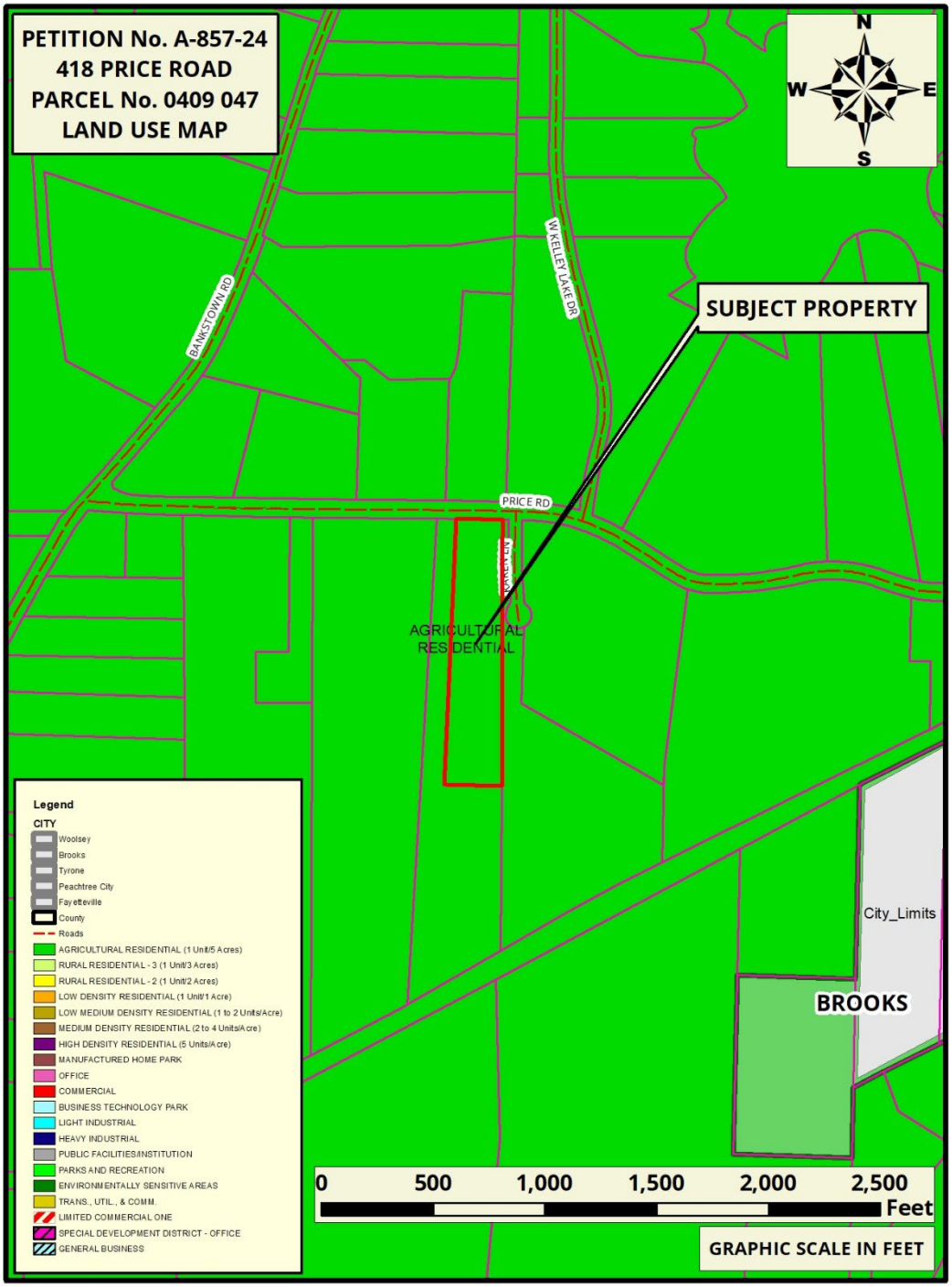
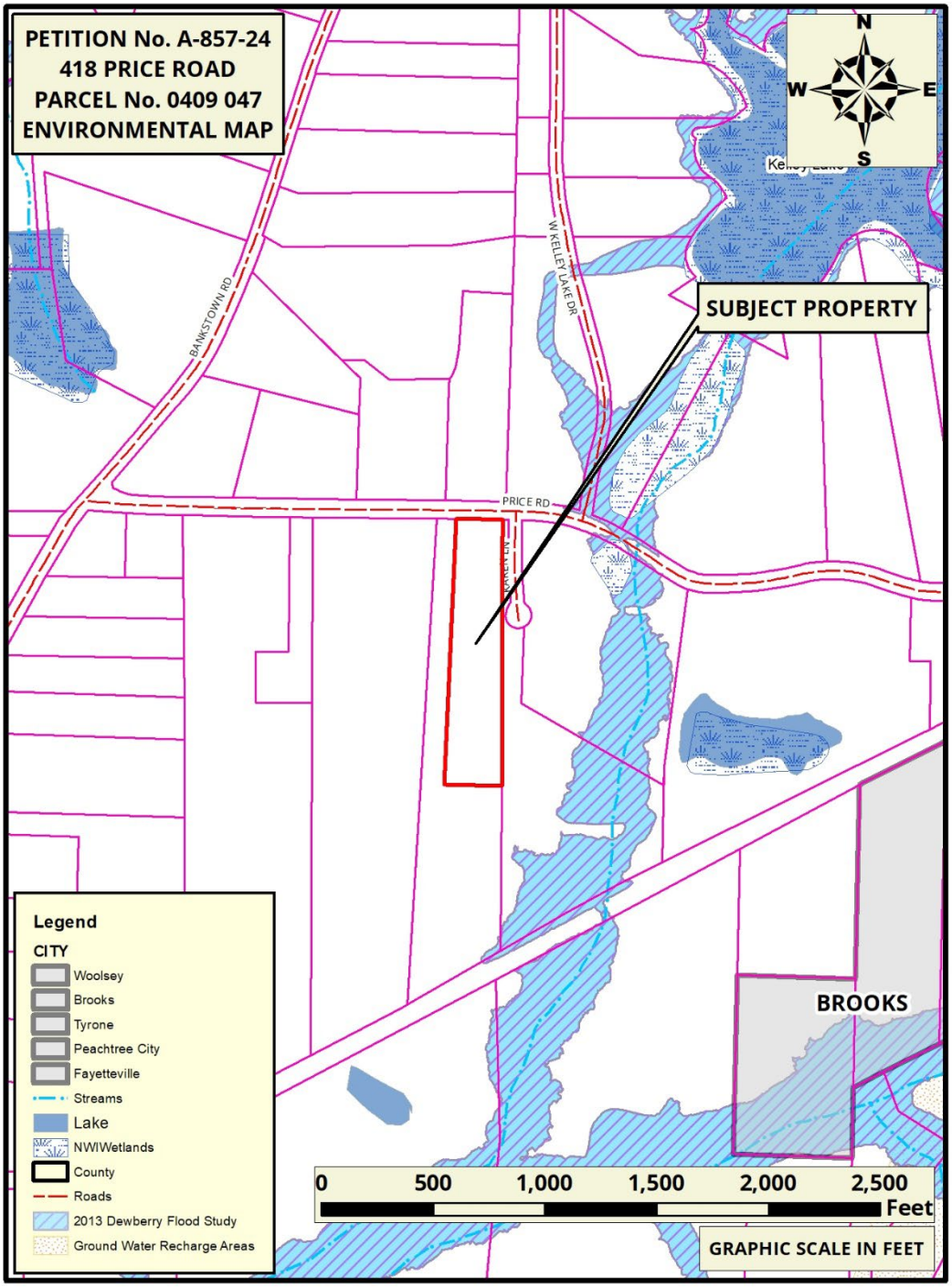
E-S-T
G-B
M-1
M-2
M-H-P
O-I
P-U-D
R-20
R-40
R-45
R-50
R-55
R-70
R-72
R-75
R-78
R-80
R-85
S-Z (call 770-305-5421)
0
500
1,000
1,500
2,000
2,500
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-857-24
418 PRICE ROAD
PARCEL No. 0409 047
LAND USE MAP
N
W
E
S
SUBJECT PROPERTY
BANKSTOWN RD
W KELLEY LAKE DR
PRICE RD
AGRICULTURAL RESIDENTIAL
City_Limits
BROOKS
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
County
Roads
AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres)
RURAL RESIDENTIAL - 3 (1 Unit/3 Acres)
RURAL RESIDENTIAL - 2 (1 Unit/2 Acres)
LOW DENSITY RESIDENTIAL (1 Unit/1 Acre)
LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/Acre)
MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/Acre)
HIGH DENSITY RESIDENTIAL (5 Units/Acre)
MANUFACTURED HOME PARK
OFFICE
COMMERCIAL
BUSINESS TECHNOLOGY PARK
LIGHT INDUSTRIAL
HEAVY INDUSTRIAL
PUBLIC FACILITIES/INSTITUTION
PARKS AND RECREATION
ENVIRONMENTALLY SENSITIVE AREAS
TRANS., UTIL., & COMM.
LIMITED COMMERCIAL ONE
SPECIAL DEVELOPMENT DISTRICT - OFFICE
GENERAL BUSINESS
0
500
1,000
1,500
2,000
2,500
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-857-24
418 PRICE ROAD
PARCEL No. 0409 047
ENVIRONMENTAL MAP
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SUBJECT PROPERTY
BANKSTOWN RD
W KELLEY LAKE DR
PRICE RD
BROOKS
Legend
CITY
Woolsey
Brooks
Tyrone
Peachtree City
Fayetteville
Streams
Lake
NWIWetlands
County
Roads
2013 Dewberry Flood Study
Ground Water Recharge Areas
0
500
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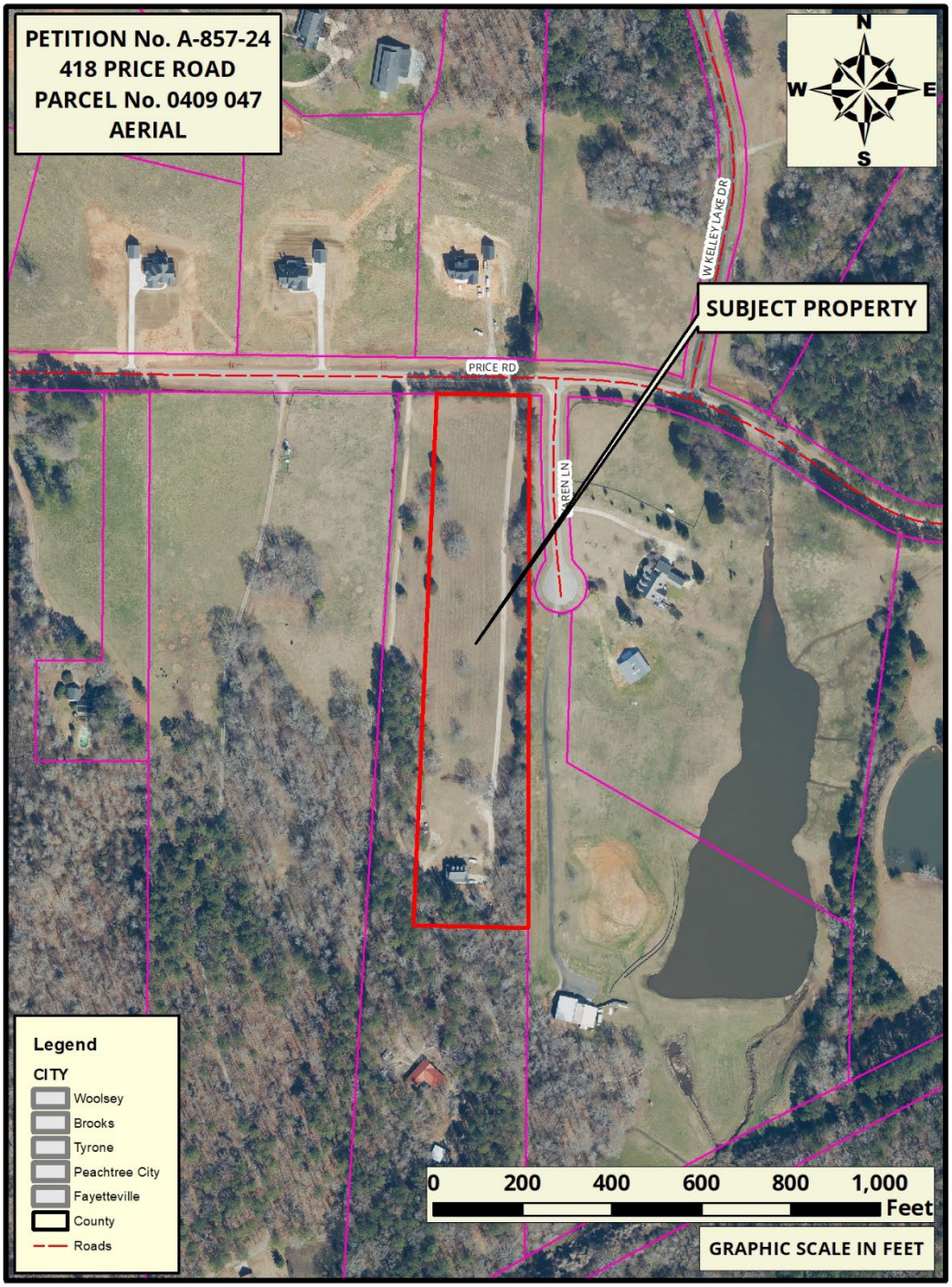
Feet
GRAPHIC SCALE IN FEET


PETITION No. A-857-24
418 PRICE ROAD
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County
Roads
0 200 400 600 800 1,000
Feet
GRAPHIC SCALE IN FEET

OPERTY: 6.235 ACRES (271594SF)

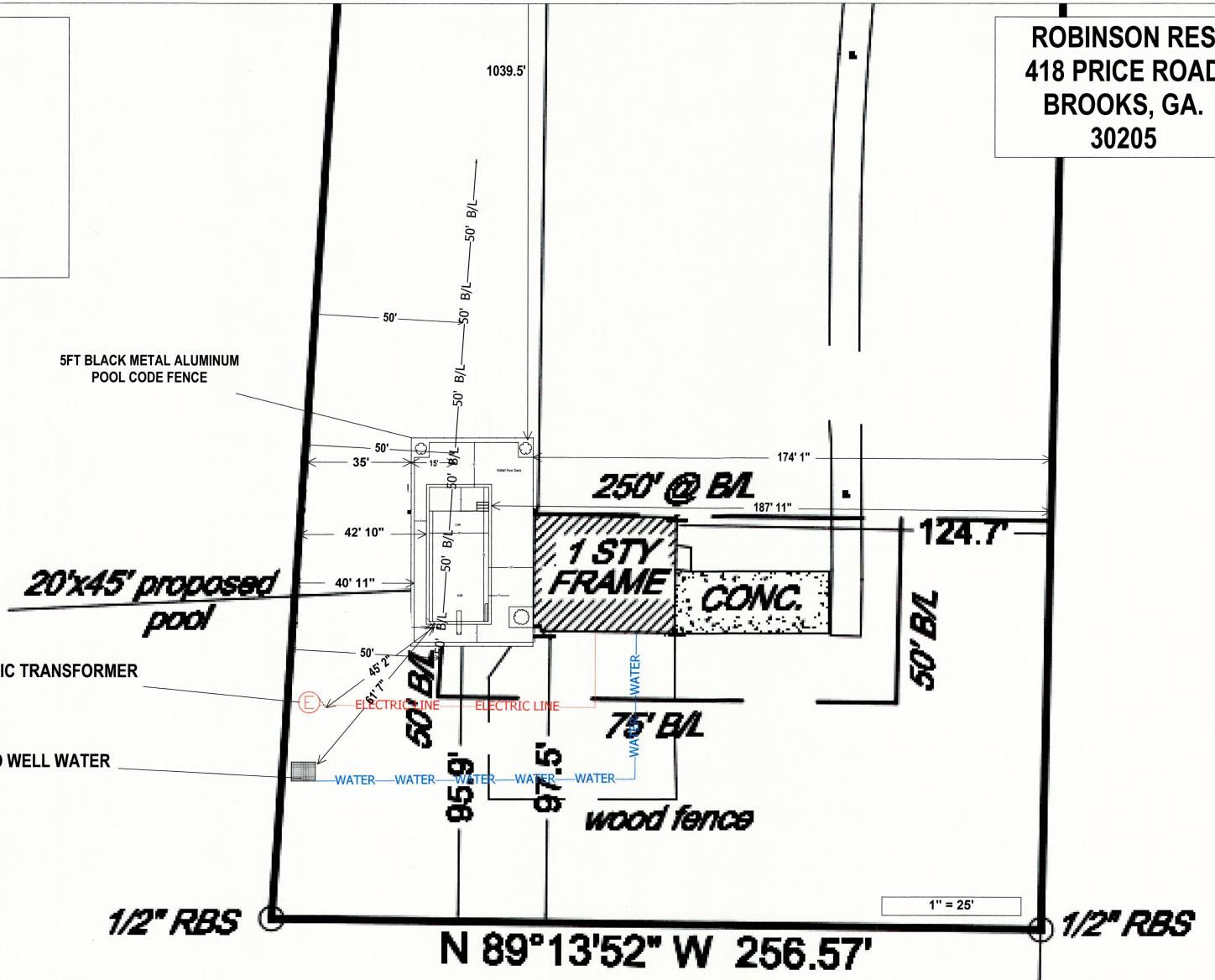
ISTING HOME SF FOOT PRINT: 1900SF IMPERVIOUS
ISTING CONCRETE DRIVEWAY: 1085SF IMPERVIOUS

OPOSED 20X45 GUNITE POOL: 900SF IMPERVIOUS
OPOSED CONCRETE POOL DECK: 1600SF IMPERVIOUS
TAL IMPERVIOUS AREA: 2500SF

QUESTED IMPERVIOUS SF OVER SETBACK LINE: 740SF

OPOSED 5FT POOL CODE FENCE: 200FT WITH (3) GATES PER CODE

ROBINSON RES
418 PRICE ROAD
BROOKS, GA.
30205



ED DATE

ES

repared For:
ENNIFER L. ROBINSON

N/F
DOUGLAS M. MAXWELL
& LAURA S. MAXWELL
D.B. 241 PG. 1

INNOVATIVE POOL & SPA

INNOVATIVE POOL
105 GUTHRIE WAY
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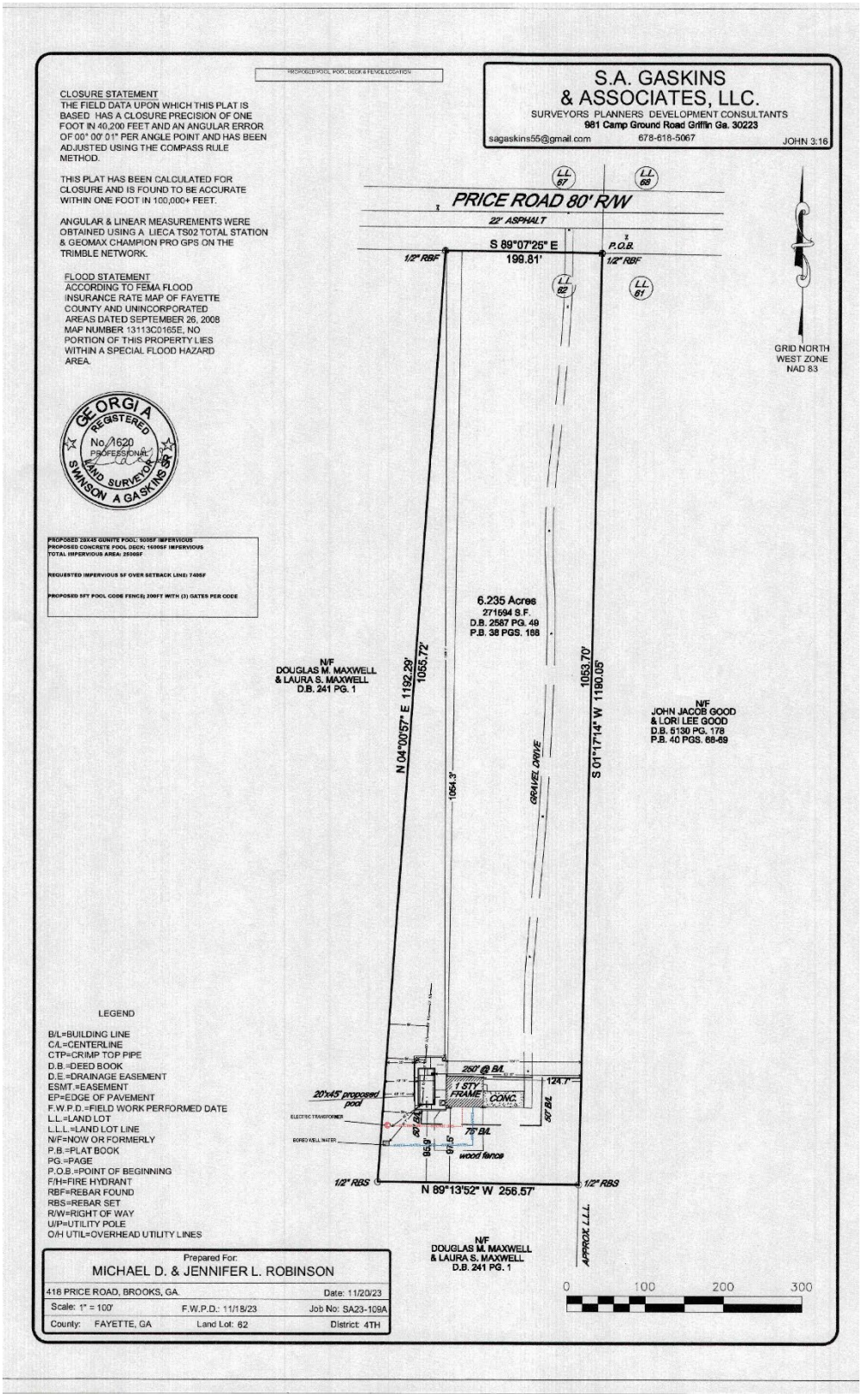
770-487-9618



SITE PLAN
PROPOSED POOL LOCATION

Permit # A-857-24

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0409 047 Acreage: 6.23 Land Lot: 62 Land District: 4th

Address: 418 Price Road Brooks, GA 30205

Existing Zoning: ~~Fayette~~ A-R Requested Zoning: ~~Fayette~~ A-R

Zoning of Surrounding Properties: A-R

Existing Use: Residential

Proposed Use: Residential

PROPERTY OWNER INFORMATION

Name Jennifer & Michael Robinson

Email blessedwith4miracles@gmail.com

Address 418 Price Road

City Brooks

State GA Zip 30205

Phone 678-362-4672

AGENT/DEVELOPER INFORMATION (If not owner)

Name Eric Brooks (Innovative Pool and Spa, LLC)

Email info@innovativepoolandspa.com

Address 105 Guthrie Way

City Peachtree City

State GA Zip 30205

Phone 770-487-9618

PETITION NUMBER: A-857-24 **(THIS AREA TO BE COMPLETED BY STAFF):**

☐ Application Insufficient due to lack of: need original signatures and notarization

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from Innovative Pool & Spa a check in the amount of $ 175.00

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

Date Paid 1/6/2024 Receipt Number: 19957

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	Sec. 110-125(d)(6)
Requirement	side yard setback: 50 feet
Proposed Change	side yard setback: 35 feet
Variance Amount	15'

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

Installation of 20x45 custom gunite swimming pool with concrete pool deck and fence per code.

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.

   Yes because of the size/shape of the property there is not alot of buildable space in the back of the property.

   We need to encroach over the set back line on the northside of proposed swimming pool 15 feet max.

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

   It does create practical difficulty due to the set back regulations given on the site plan. The current real estate allotment vs the home location does not allow the proposed swimming pool to be installed. Therefore the request for the variance to be granted to build the proposed swimming pool on the side of the existing home.

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

   The property had minimal buildable area therefore the house had to be built at its current location. With that, there is no other area to build the proposed swimming pool for this client except on the side of the house and cross over the set back lines

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.

   Placing the proposed swimming pool in this location does not impair the variance regulations. Therefore, if granted the variance, it will not be a prohibited structure for the property in question. It will not interfere with any surrounding properties if placed on this side of the existing 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 neigbors on this side of the property are the clients parents. They have given approval via letter stating there is no objection for placing the proposed swimming pool on the side of the property.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

☑ Application form and all required attachments, completed, signed, and notarized (if applicable).

☑ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.

☑ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:

a. ✓ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
b. ✓ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
c. ✓ Location of exits/entrances to the subject property.
d. ✓ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
e. ✓ Location of all utilities, including well or water lines.
f. ✓ Location of septic tank, drainfield, and drainfield replacement area.
g. ✓ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
h. ✓ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
i. ✓ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
j. ✓ Location of landscaped areas, buffers, or tree save areas (if applicable).

☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name: Deb Sims	Lot Size: 5 acres	
Lot:	Width: 250' at BL	
Zoning: A-R	Front Setback: 100'	
Flood: Yes/(No) MFFE:	Side Setback: 50'	35'
Stream Buffers: No	Rear Setback: 75'	
Number of Frontages 1	House Size: 1200 SF	

Doc ID: 006407000001 Type: GLR
Filed: 08/18/2004 at 11:40:11 AM
Fee Amt: $10.00 Page 1 of 1
Transfer Tax: $0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 2587 PG 49

AFTER RECORDING RETURN TO:
EDGE & KIMBELL, P.C.
160 BASTILLE WAY, SUITE B
FAYETTEVILLE, GA 30214
psj

File No. 04F0589

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

This Indenture made this 17th day of August, in the year 2004, between JENNIFER L. MAXWELL NKA JANNIFER L. ROBINSON and MICHAEL D. ROBINSON , of the County of , State of Georgia, as party or parties of the first part, hereinunder called Grantor, and MICHAEL D. ROBINSON and JENNIFER L. ROBINSON, 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).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of TEN AND 00/100'S ($10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has of these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, **AS JOINT TENANTS WITH SURVIVORSHIP, AND NOT AS TENANTS IN COMMON**, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 62 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING 6.23 ACRES AS PER PLAT BOOK 38, PAGE 168, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY THIS REFERENCE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION.

This Deed is given subject to all easements and restrictions of record, if any.

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, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

JENNIFER L. MAXWELL nka Jennifer L. Robinson (Seal)

MICHAEL D. ROBINSON (Seal)

(Seal)

(Seal)

Notary Public

Georgia Department of Human Resources
On-Site Sewage Management System Inspection Report

County	Construction Permit	Atu Type	Product Info	Health Dist	Date
Fayette	056-03-OSSM-019372			4	4/13/2004

Property Location
418 Price Rd
Price Rd
Brooks, GA 30205

Property Owner
Jennifer Maxwell

Sewage Disposal Contractor
Middle Georgia

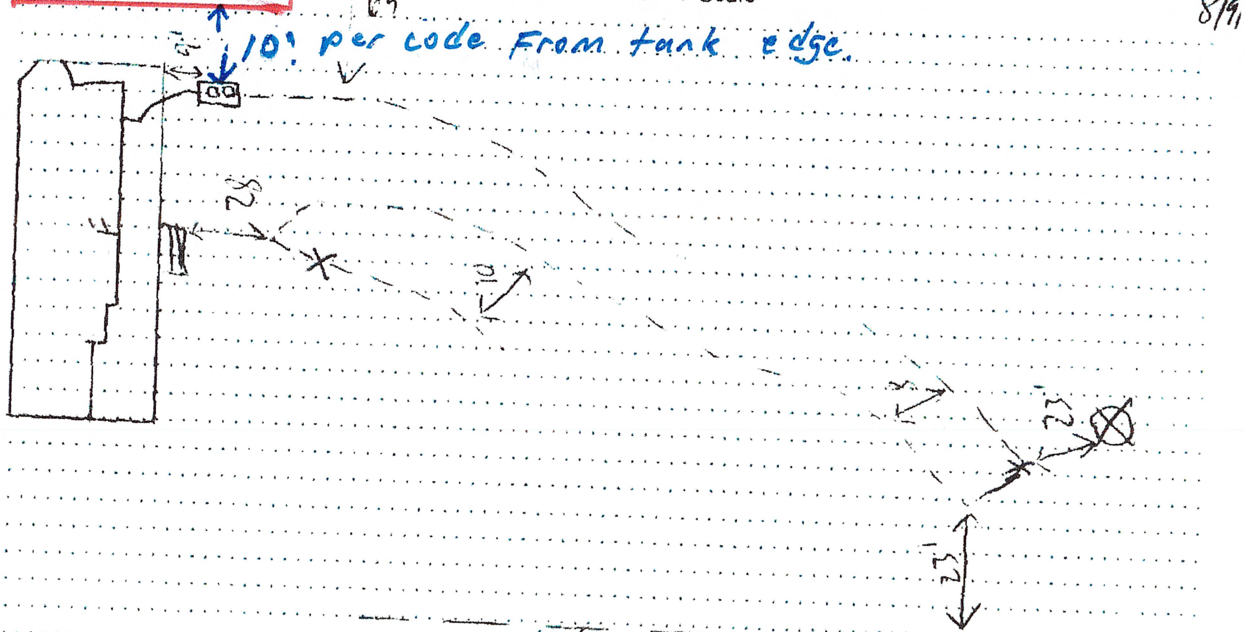
County
Fayette

All Items: Blank = not applicable; 0 = unknown

Section A – General 1. Type Water Supply: (1) Public (2) Community (3) Individual	3	3. Filter Type – Zabel A-1800		e. Number of trenches:	1
2. House Structure: (1) New (2) Existing < 1yr. (3) Existing > 1yr	1	4. Septic tank material: (1) Precast concrete (2) Poured in place (3) Other	1	f. Distance between trenches:	9
3. Sewage Disposal Installation: (1) New, (2) Repair to existing system	1	5. Dosing tank capacity in gallons:		g. Average trench depth:	25
4. If repair to existing system, Years existing system installed:		6. Dosing observed ?	No	h. Aggregate proper size:	Yes
5. Percolation Rate: Minutes/Inch:		7. Grease trap capacity in gallons:		i. Aggregate proper depth:	Yes
6. Is property part of a subdivision?	No	8. Distance between septic tank and well:	90'	j. Distance from building foundation:	9 to tank
Section B – Facility 1. Type Facility: see facility codes below	1	**Section D – Secondary treatment** 1. Field Layout Method: (1) Distribution box (2) Level field (3) Serial (4) Mound (5) Other	3	k. Nearest property line: (1) Front (2) Rear (3) Right side, (4) Left side	3
2. Water Usage determined by: (1) No. of bedrooms, (2) No. of gallons	1	2. Absorption Field: (a) Total square feet:	900	l. Distance to nearest property line:	65
3. Number of bedrooms or gallons:	3	b. Total linear feet:	300	m. Distance from privy or absorption field to well:	100'
Section C – Primary Treatment 1. Sewage Disp Method (1) Septic Tank (2) Construction privy (3) Pit privy (4) Aerobic unit (5) Other	1	c. Length of each trench in feet: Ric Flow	300	**Section E – Agency Time** 1. Total inclusive time in minutes:	80
2. Septic tank capacity in gallons: 65r	1000	d. Width of trenches in inches:	36	**Section F – System Approved:**	~~Pending~~ Yes 5/8/9
Tank #2 Capacity	0				

20X45 pool

Sketch *Not To Scale



Facility Type Codes:
(1) Residence
(2) Apartment
(3) Institution
(4) Service Station
(5) Restaurant
(6) Church
(7) Tourist Accomodation
(8) Launderette
(9) Mobile Home
Other (Specify)

Other:
4KY
92K
100 end
& multi trunk cut

Remarks: System checked with level, rod and probe. ~~Final approval pending confirmation that well is at least 100' from system.~~ OK 3/9/04

Driveway Flared

Inspected By	Title	Health Agency
Robert F Kurbes	EHS III	Fayette County Health Department

Form 3884 (Rev. 5-84)

ws 20010406

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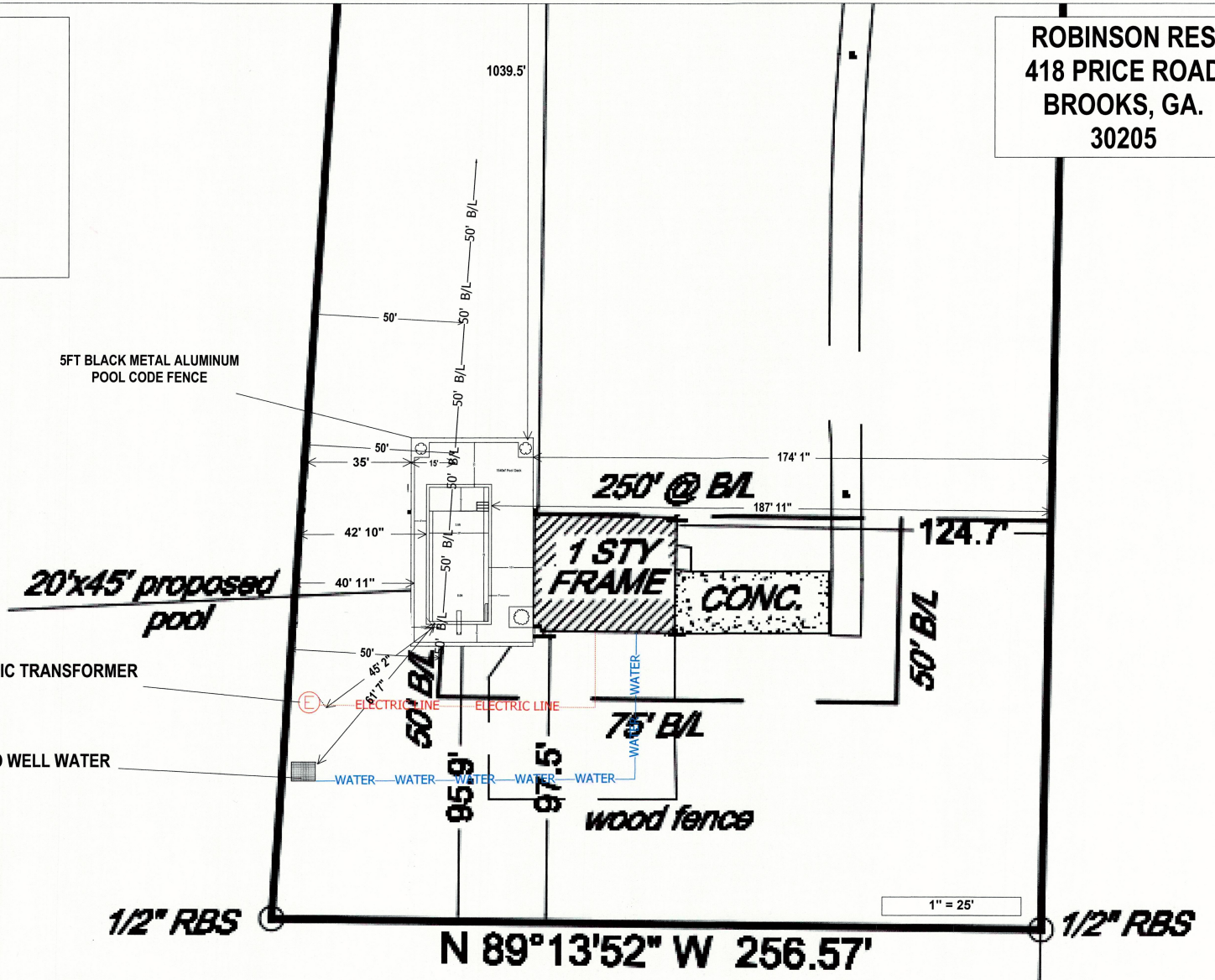


ED DATE

ES

repared For:
ENNIFER L. ROBINSON

N/F
DOUGLAS M. MAXWELL
& LAURA S. MAXWELL
D.B. 241 PG. 1

INNOVATIVE POOL & SPA

INNOVATIVE POOL
105 GUTHRIE WAY
PTC, GA. 30269
770-487-9618

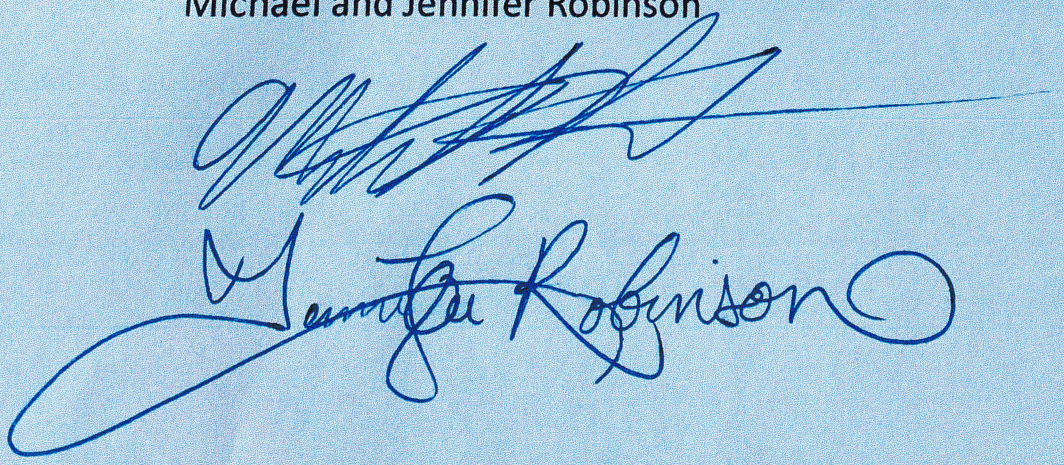
January 4th, 2024

To Whom It May Concern,

We are the property owners at 418 Price Rd., Brooks, GA 30205 and we are writing to request your permission to have a pool installed in the side yard of our property next to our home. Due to the location of our house on the property, the location of our electrical lines and all of our well and outdoor plumbing lines, and the lack of property behind our home, there really is no other feasible location for a swimming pool on our property. We would truly appreciate a variance allowing us to have this swimming pool put in on our land. We have four teenagers, my parents live next door to us, and my sister and her children are ten minutes away. This swimming pool would provide a fun environment for all of us to get together, visit, and stay connected. We have 6.23 acres and our house is located on the back of our property; this swimming pool would not be visible by any of our neighbors (whom have all given written consent for this pool). Additionally, my parents, who are the neighbors directly to our right (when facing our home) are the neighbors whose property would be closest to this swimming pool and they would love a pool to enjoy on our property. Please allow us the variances we will require in order to have this pool installed for our family. Thank you so much for considering this variance and for your time in reviewing this matter.

Sincerely,

Michael and Jennifer Robinson



December 28, 2023

To Who it May Concern,

As neighbors of the Robinsons, we do not have any problems or concerns with them having a pool installed on their property. We are completely fine with any variance that has to be granted by the county.

Thank you,

Douglas M. Maxwell

Laura S Maxwell

December 28, 2023

To Who it May Concern,

As neighbors of the Robinsons, we do not have any problems or concerns with them having a pool installed on their property. We are completely fine with any variance that has to be granted by the county.

Thank you,

Roger A. Gravel

Janet Gravel

December 28, 2023

To Who it May Concern,

As neighbors of the Robinsons, we do not have any problems or concerns with them having a pool installed on their property. We are completely fine with any variance that has to be granted by the county.

Thank you,

John Good

Lori Good