Public Hearing #5

COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina or Dennis Dutton
Meeting Date:	Thursday, July 24, 2014	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1236-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to rezone 2.00 acres from A-R and R-70 to R-40, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail, with one condition.

Background/History/Details:

The Planning Commission recommended (4-1) rezoning the the subject property (Petition 1236-14) from A-R and R-70 to R-40 with one (1) recommended condition. The recommended condition is as follows:

That the owner/developer shall execute one (1) of the three (3) options below prior to the submittal of the revised Final Plat of Reid Estate:

a. Obtain a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement;
b. Remove the nonconforming single-family residence; or
c. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.

Staff recommendations approval of Petition 1236-14 with one (1) condition.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1236-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to rezone 2.00 acres from A-R and R-70 to R-40, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail, with one condition.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	Yes	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

This request is associated with Public Hearing #6- Petition No. RP-053-14.

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-40 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That the owner/developer shall execute one (1) of the three (3) options below prior to the submittal of the revised Final Plat of Reid Estate:

    a. Obtain a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement;
    b. Remove the nonconforming single-family residence; or
    c. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: July 10, 2014

Subject: Board of Commissioners Public Hearing, July 24, 2014

The attached report is submitted for you consideration and contains the Staff's Recommendation and the Planning Commission's Recommendation on the rezoning application scheduled for public hearing on July 24, 2014.

PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1236-14	**Dogwood Trail / A-R & R-70 to R-40**	**APPROVE R-40 WITH ONE (1) RECOMMENDED CONDITION**	**APPROVE R-40 ONE (1) RECOMMENDED CONDITION**

DSD

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. 1236-14

WHEREAS, Danny Ray Reid, Owner, and Brian McCreary, Agent, having come before the Fayette County Planning Commission on July 2, 2014, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 2.00 acres from A-R and R-70 to R-40, in the area of Dogwood Trail, Land Lot 72 & 89 of the 7th District, for the purpose of developing a Single-Family Residential; and

WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request;

BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be APPROVED

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

AL GILBERT
CHAIRMAN

PLANNING COMMISSION RECOMMENDATION

DATE: July 2, 2014

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1236-14, the application of Danny Ray Reid to rezone 2.00 acres from A-R and R-70 to R-40, be:

4-1

✓ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

~~TIM THOMS, CHAIRMAN~~
AL GILBERT, CHAIRMAN

~~AL GILBERT~~, VICE-CHAIRMAN
JIM GRAW

~~BILL BECKWITH~~
BOB SIMMONS

DOUG POWELL

~~JIM GRAW~~
BRIAN HAREN

Remarks:

Chairman Gilbert said we have a motion and second and is there any further discussion. Hearing none he called for the vote. The motion passed 4-1 with Doug Powell voting in opposition.

Pete Frisina said there is also Petition RP-052-14 to revise the Minor Subdivision Plat for Max Fuller to add six (6) lots to the subdivision in conjunction with this rezoning.

Chairman Gilbert asked if there is a motion. Chairman Gilbert said for discussion he will make a motion to approve Petition RP-052-14 to revise the plat.

Jim Graw seconded the motion.

Chairman Gilbert said if there is no discussion he would call the question. The motion passed 4-1 with Bob Simmons voting in opposition.

6. Consideration of Petition No. 1236-14 and Petition No. RP-053-14, Danny Ray Reid, Owner, and Brian McCreary, Agent, request to rezone 2.00 acres from A-R and R-70 to R-40 to add one (1) lot to the Final Plat of Reid Estate. This property is located in Land Lots 72 & 89 of the 7th District and fronts on Dogwood Trail.

Brian McCreary said he is speaking for Danny Ray and the D'Souza's bought two (2) acres some time back and now they want to by another lot so we have been working with the staff to get this request to the point that it may get rezoned and the D'Souza's can buy the lot.

Chairman Gilbert asked if there was anyone who wished to speak in favor of the petition. Seeing none he asked if there was anyone who wished to speak in opposition of the petition. Seeing none he said he would bring it back to the board.

Pete Frisina said the history of the property is there was a previous rezoning in 2000 from A-R to R-70 and a portion of that R-70 is contained within the subject property and in 2001 a Final Plat of Reid Estate Subdivision was approved and the subdivision consists of a 2.05 acre R-70 lot and a 31.35 acre A-R and R-70 lot. He added that the Final Plat was approved with two (2) homes on the large lot and what they are doing tonight will create a separate lot for one of the homes and the houses don't meet the minimum floor area for A-R or R-70.

Jim Graw so this is the correct the problem.

Pete Frisina said it obviously wasn't a problem back then because the Final Plat was signed off and approved by staff and that may have been the policy back then but this will get each of these houses on their own lot. He said what they are trying to do is create an additional for one of the houses and these lots are configured so these houses will meet the setbacks and that is why the

side line is running at an angle. He added as the house on the subject property doesn't meet the minimum floor area requirement there is a condition to apply for a variance, remove the house or add onto the housed prior to submitting the Final Plat.

Chairman Gilbert read the condition as follows:

> That the owner/developer shall execute one (1) of the three (3) options below prior to the submittal of the revised Final Plat of Reid Estate:
>
> a. Obtain a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement;
> b. Remove the nonconforming single-family residence; or
> c. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.

Jim Graw asked if the petition is aware to the condition.

Brain McCreary said yes.

Chairman Gilbert asked if the petitioner agrees to the condition.

Brain McCreary said yes.

Doug Powell asked what is the intent of the petitioner in terms of the new lot as you said you were going to purchase the lot.

Walter D'Souza said he plans to purchase the lot.

Doug Powell asked, what's your intent for the house?

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Walter D'Souza said at this time we do not plan to do anything with the house. He said at some point we will build a bigger house or add on to this one.

Doug Powell said at some point you will build two (2) houses on two (2) lots. He said his concern is we would be setting precedence for R-40 in this area as there is no R-40 in the area now, only A-R and R-70. Doug Powell said the property owner has cut off enough property to create a R-40 lot but he has not cut off enough property to have a R-70 lot which is in not

keeping with the land use plan and also keep in mind that we have a house that does not meet the requirements for A-R, R-70 or R-40 and once the precedence is set anyone out there would think they could go into one (1) acre zoning. He said he was hoping there would be a way to cut out more property, from the existing 31 acres, to create an R-70 lot because he is not in favor of an R-40 lot.

Walter D'Souza said they originally he wanted an R-70 lot but the surveyor couldn't make a lot that meets R-70.

Dennis Dutton said they couldn't meet the contiguous area because of problems with the lot width due to the location of the two (2) existing houses and since the area was land used for one acre lots on the land use plan, the only way make the lot meet was to go with an R-40 and the property owner is trying to maintain 300 of frontage on the large A-R lot so if need be it can be subdivided in the future.

Doug Powell said the adjacent A-R lot is 31 acres and the problem it is all situated behind the house to the west. He said he is all for R-70 and if there is some way to work it out with a variance from the ZBA to reduce the minimum floor area requirement and if you were getting more R-70 property to expand the existing R-70 lot I would be in favor of that.

Walter D'Souza said they want two (2) lots.

Jim Graw said he has similar concerns as Doug and the County created this problem many years ago.

Doug Powell said yes with the two (2) houses.

Jim Graw said the R-40 would go a long way to help solve the problem the County created and you are right this will be an R-40 sitting in the middle of A-R and R-70 and will it set precedence, will it could but on the other hand the answer to someone who tries to use it as a precedence it is a unique situation and it was used to solve a problem and it doesn't set any kind of precedence.

Doug Powell said all I have to do is look at a map and there it is, R-40.

Chairman Gilbert said is it better have R-40 that may not meet the land use plan or better to have an illegal lot and I would like to clean up the illegal situation.

Doug Powell said I think you are creating a bigger problem with R-40 in the area.

Pete Frisina said I don't think it is particularly illegal because apparently it was OK then, but based on how we approve plats now we wouldn't do it today. He added that it does create a problem to have two (2) houses on one (1) lot because we had to give these two (2) houses a special address with an A and a B for 911 purposes. He added that the area is land used for both one (1) and two (2) acre lots.

Chairman Gilberts asked if these two (2) houses fall under the regulation that if a storm came through and destroyed one of them it couldn't be rebuilt.

Pete Frisina said I really don't know because the County approved the plat with two (2) houses on one lot.

Doug Powel said we have the three (3) options under the condition and what's the time requirement on that and how long do we give them to achieve this.

Pete Frisina said the condition will need to be met prior to submitting the Final Plat.

Doug Powell said if you were to join the subject property to the existing two (2) acre lot and call it R-70, the existing house could be an accessory structure.

Pete Frisina said the existing house would not meet the 700 square foot limit for a guest home.

Doug Powell said it would be easier to decrease the heated space to meet 700 square feet.

Dennis Dutton said the existing 2.05 acre lot does not contain a house.

Chairman Gilbert asked on option c. why it requires the approval of a variance from the Planning Commission to issue a building permit.

Pete Frisina said this is similar to what we did for the lot on South Jeff Davis and Callaway Road.

Chairman Gilbert said that is his concern as to the two ways these are being handled.

Pete Frisina said they are similar situations but not exactly the same, this house may be nonconforming but not illegal as the situation on South Jeff Davis and Callaway Road.

Chairman Gilbert said but we are enforcing the same rules.

Pete Frisina said we have a nonconforming house and to approve a new lot we need to address the nonconforming house by getting a variance, removing the structure or adding to it before the Final Plat but to add to the house they need a variance from the Planning Commission so a

building permit can be issued prior to a Final Plat being approved and this regulation is under the Subdivision Regulations.

Jim Graw said I think we did this before on South Jeff Davis and Callaway Road.

Pete Frisina said the difference is the case on South Jeff Davis and Callaway Road was an illegal situation and this situation is not illegal because the County approved in that way.

Jim Graw said he was concerned with correcting a situation the County created and the easiest way to correct the situation is the R-40 and he understands Doug's concerns.

Al Gilbert made a motion to approve the Petition 1236-14 with one (1) recommended condition.

Jim Graw said the condition was read and the applicant agreed to the condition. Jim Graw seconded the motion.

Chairman Gilbert called the question and the motion passed 4-1. Doug Powell voted against the motion.

Chairman Gilbert said the next item is RP-053-14 for the revised final plat and he asked if there was anyone from the public that would like to comment on the petition. Seeing none he brought it back to the board.

Al Gilbert made a motion to approve Petition RP-053-14. Brian Haren seconded the motion. The motion passed 4-1. Doug Powell voted against the motion.

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Doug Powell made a motion to adjourn.

Chairman Gilbert said the meeting was adjourned at 9:00 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY

_____
AL GILBERT, CHAIRMAN

ATTEST:

_____

PETITION NO: 1236-14 & RP-053-14

REQUESTED ACTION: A-R and R-70 to R-40

PROPOSED USE: Single-Family Residential

EXISTING USE: Agriculture

LOCATION: Dogwood Trail

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 72 & 89

OWNER: Danny Ray Reid

APPLICANT: Brian McCreary

PLANNING COMMISSION PUBLIC HEARING: July 2, 2014

BOARD OF COMMISSIONERS PUBLIC HEARING: July 24, 2014

APPLICANT'S INTENT

Applicant proposes to rezone two (2) acres from A-R and R-70 to R-40 to add one (1) additional lot to the Final Plat of Reid Estate

STAFF RECOMMENDATION

APPROVAL WITH ONE (1) CONDITION

1. **1236-14**

INVESTIGATION

A. PROPERTY SITE

The subject property is a two (2) acre tract fronting on Dogwood Trail in Land Lot(s) 72 & 89 of the 7th District. Dogwood Trail is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and is currently zoned A-R and R-70.

History: Petition 1047-00 to rezone two acres from A-R to R-70 was approved by the Board of Commissioners on May 25, 2000. A portion of the subject property is contained within this rezoning.

The Final Plat of Reid Estate subdivision was approved on 8/6/2001 and recorded on 8/7/2001 in Book 35, page 2. This subdivision consists of a 2.05 acre R-70 lot and a 31.35 acre A-R lot.

B. SURROUNDING ZONING AND USES

The general situation is a 2.00 acre tract that is zoned A-R and R-70. In the vicinity of the subject property is land which is zoned R-70 & A-R. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North (across Dogwood Trail)	.50	A-R	Vacant	Low Density Residential (1 Unit/1 to 2 Acres)
	31.00	A-R	Single-Family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
West and South (Lot 1)	31.35	A-R	Single-Family Residence	Low Density Residential (1 Unit/1 to 2 Acres)
East (Lot 2)	2.05	R-70	Vacant	Low Density Residential (1 Unit/1 to 2 Acres)
South	2.00	R-70	Single-Family Residence	Low Density Residential (1 Unit/1 to 2 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the proposed density for this area as indicated in the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R and R-70 to R-40 for the purpose of adding one (1) additional lot to the Final Plat of Reid Estate

Revision to a Recorded Plat

Sec. 104-595. Approval of subdivisions. (2), k. of the Subdivision Regulations states:

> ....Proposed revisions to a recorded minor subdivision plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on lots will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public bearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice.

As stated above, the Final Plat of Reid Estate subdivision was approved on 8/6/2001 and recorded on 8/7/2001 in Book 35, page 2 and consists of two (2) lots. This is a request to add one (1) addition lot to the subdivision.

Nonconforming Single-Family Residence

Fayette County tax records indicate that the existing single-family residence is 840 square feet in size. The R-40 zoning district requires a floor area of 1,500 square feet. Floor Area is defined in the zoning ordinance as follows:

> *Floor Area, Principal Structure.* The area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Section 110-170 (q) (2) of the Zoning Ordinance states:

> A property that is improved with an existing residential structure, which would become nonconforming in terms of the minimum square footage requirements within the zoning district for which a rezoning is being sought, may be considered for rezoning. Any actions necessary to achieve compliance will be handled through conditions of rezoning approval.

As a condition of zoning, the owner/developer has three (3) options prior to the submittal of the revised Final Plat of Reid Estate:

1. Obtain a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement;
2. Remove the nonconforming single-family residence; or
3. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.

Platting

Should this request be approved, a Revised Final Plat of Reid Estate must be submitted, approved, and recorded prior to the sale of the lot and issuance of any building permits.

Access

The Concept Plan submitted indicates the proposed lot will access Dogwood Trail.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the revised Final Plat.

F. DEPARTMENTAL COMMENTS

Water System

1236-14, Water Available.

Environmental Management

Floodplain	The property **DOES NOT** contain floodplain.
Wetlands	The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
Watershed	There are **NO** State Waters on subject property. The Fayette County Watershed Protect regulations do not apply to the subject property.

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Groundwater The property **IS NOT** within the groundwater recharge area per the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Environmental Health Department

Our department has no objections to proposed rezoning.

Fire

Both rezoning plans are ok with the Fire Marshal Office.

Public Works/ Engineering

No Public Works comments on the Danny Reid, 212A Dogwood Trail rezoning.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-40 for the purpose of developing Single-Family Residential. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated as Low Density Residential (1 Unit/1 to 2 Acres). This request conforms to the Fayette County Comprehensive Plan.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

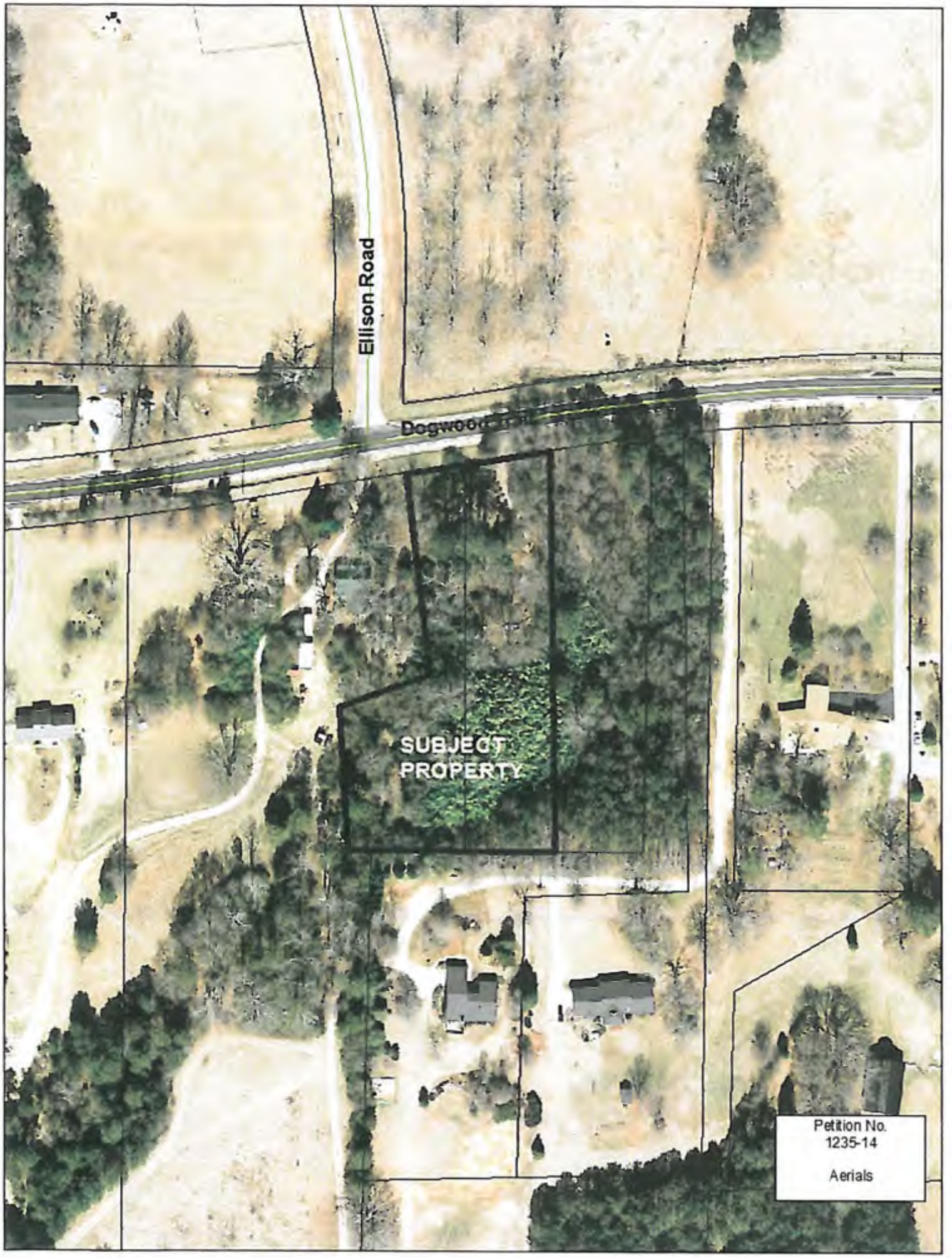
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH ONE (1) CONDITION.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-40 **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

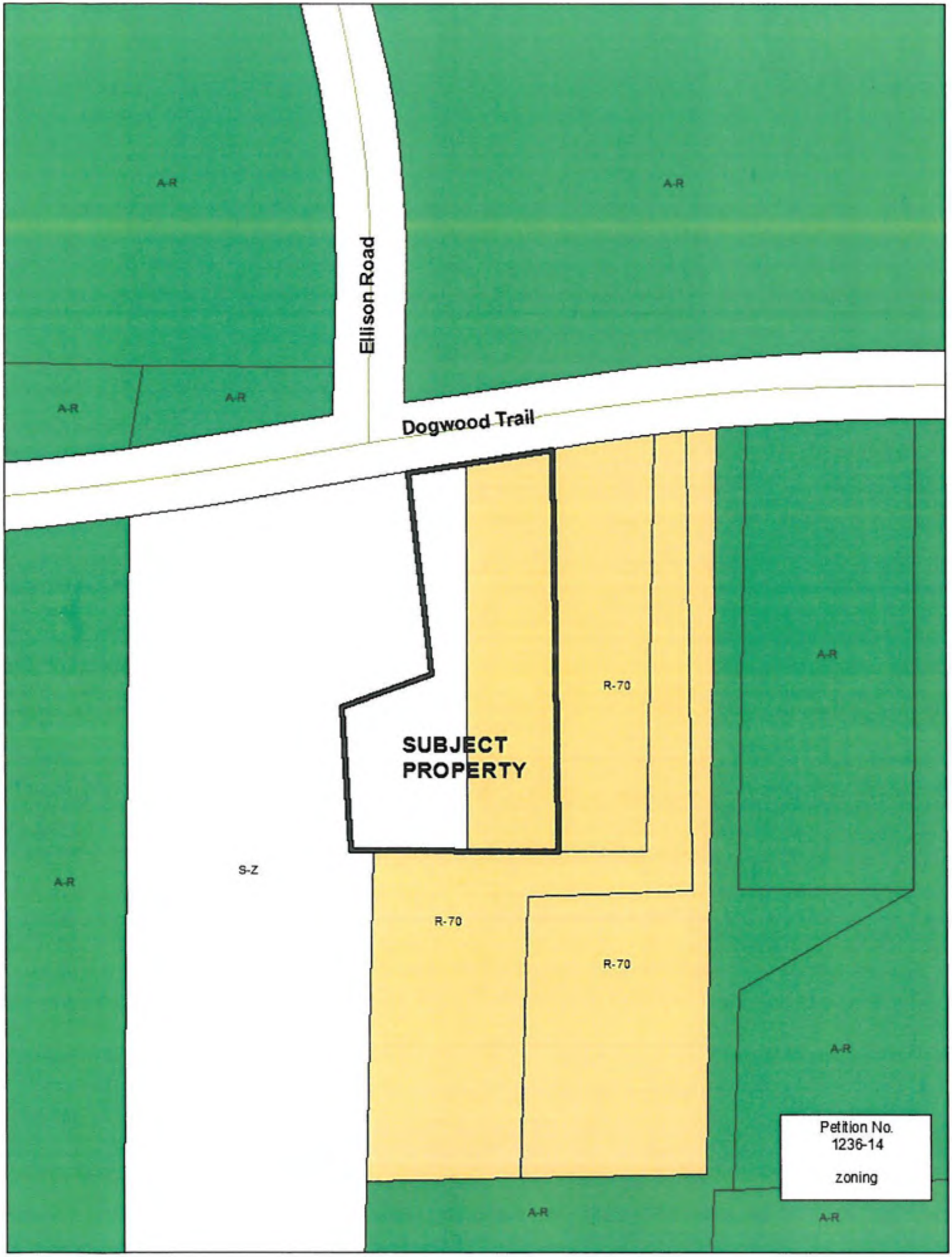
1. That the owner/developer shall execute one (1) of the three (3) options below prior to the submittal of the revised Final Plat of Reid Estate:

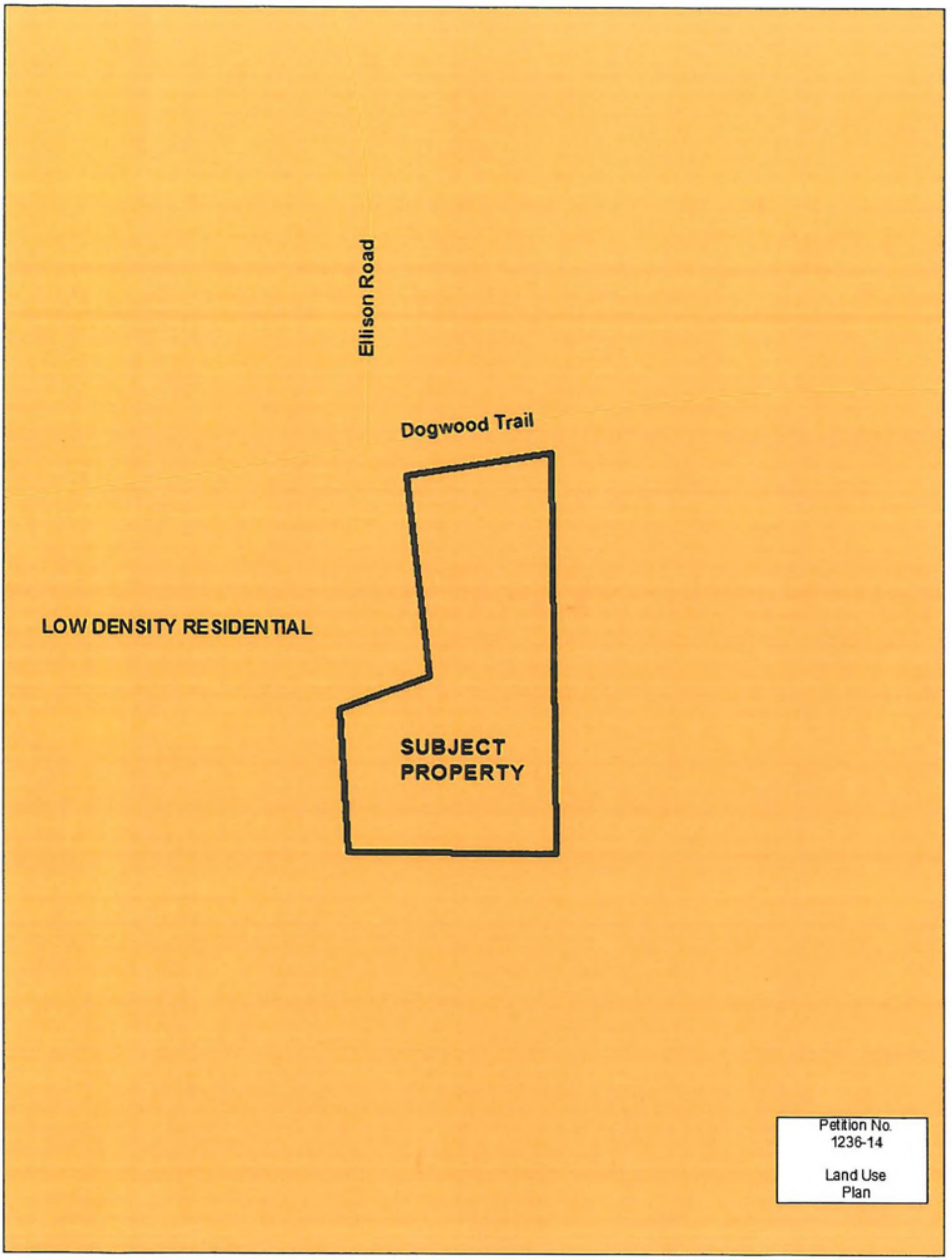
    a. Obtain a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement;
    b. Remove the nonconforming single-family residence; or
    c. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.



Petition No.
1235-14

Aerials


A-R
A-R
Ellison Road
A-R
A-R
Dogwood Trail
R-70
SUBJECT
PROPERTY
A-R
S-Z
A-R
R-70
R-70
A-R
A-R
A-R
Petition No.
1236-14
zoning



Petition No.
1236-14

Land Use
Plan

APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: DANNY RAY REID

MAILING ADDRESS: 212 A DOGWOOD TRAIL, TYRONE, GA 30290

PHONE: (770) 487-5856 FAX: N-A-

AGENT FOR OWNERS: BRIAN MC CREARY

MAILING ADDRESS: same

PHONE: (770) 487-5856 FAX: N-A-

E-MAIL: [redacted]

PROPERTY LOCATION: LAND LOT 72 LAND DISTRICT 7th PARCEL
LAND LOT 89 LAND DISTRICT 7th PARCEL

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 2.00

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-70, & A-R

PRESENT USE OF SUBJECT PROPERTY: A-R Agriculture-Residential

PROPOSED USE OF SUBJECT PROPERTY: R-40 Single Family Residential

LAND USE PLAN DESIGNATION:

NAME AND TYPE OF ACCESS ROAD: Dogwood Trail - (Collector)

LOCATION OF NEAREST WATER LINE: Dogwood Trail

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: ZA-1236-14

[ ] Application Insufficient due to lack of:

by Staff: Date:

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

by Staff: Date: 6/2/2014

DATE OF PLANNING COMMISSION HEARING: July 2nd, 2014

DATE OF COUNTY COMMISSIONERS HEARING: July 24, 2014

Received from Walter & Angela DeSouza a check in the amount of $ 250.00 (Appl.) 20.00 (sign) for application filing fee, and $ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: June 2, 2014 Receipt Number:

NAME: DANNY RAY REID PETITION NUMBER: ZA-1

ADDRESS: 212A DOGWOOD TRAIL, TYRONE, GA 30290

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

DANNY RAY REID affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) A-R Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of $_____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-40.

This property includes: (check one of the following)

| | See attached legal description on recorded deed for subject property or

| | Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 2nd day of July, 20 14 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 24th day of July, 20 14 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF June, 20 14.

Deborah M Sims

NOTARY PUBLIC

DEBORAH M SIMS
MY COMMISSION EXPIRES
NOTARY PUBLIC
JANUARY 6, 2016
COWETA COUNTY, GEORGIA

APPLICANT'S SIGNATURE

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:

DANNY RAY REID

Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 72 & 89 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 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 rezoning. As Agent, they have the authority to agree to any and all conditions of zoning 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.

Danny Ray Reid	Deborah M Sims
Signature of Property Owner 1	**Signature of Notary Public**
	6/2/14
Address	**Date**
Signature of Property Owner 2	**Signature of Notary Public**
Address	**Date**
Signature of Property Owner 3	**Signature of Notary Public**
Address	**Date**
Signature of Authorized Agent	**Signature of Notary Public**
Address	**Date**

DEBORAH M SIMS
NOTARY PUBLIC
COWETA COUNTY, GEORGIA

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, DANNY RAY REID, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along _____ as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

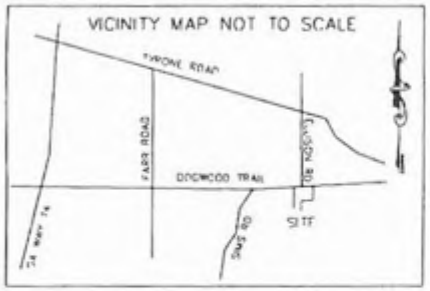
Sworn to and subscribed before me this 2nd day of June, 20 14.

Danny Ray Reid
SIGNATURE OF PROPERTY OWNER

_____
SIGNATURE OF PROPERTY OWNER

Deborah M Sims
NOTARY PUBLIC

DEBORAH M SIMS
MY COMMISSION EXPIRES
NOTARY PUBLIC
JANUARY 8, 2015
COWETA COUNTY, GEORGIA



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE THEREFORE, THE UNDERSIGNED AND McLAIN SURVEYING, INC MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES AGREEMENTS RESERVATIONS AND OTHER SIMILAR MATTERS

AS PER OFFICIAL F I R M MAP 13113C0083E, DATED 9/26/2008
THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED ON THE SURVEY AND/OR THE CERTIFICATION ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL

IN MY OPINION THIS IS A TRUE AND CORRECT REPRESENTATION OF THE PLATTED PROPERTY AND HAS BEEN PREPARED IN CONFORMITY WITH THE STANDARDS AND REQUIREMENTS OF LAW

RANDY MCLAIN
GEORGIA R L S #2703

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	56.75	2856.61	56.75	S77°32'20"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	24.95	N89°19'32"E

GEORGIA REGISTERED No. 2703 LAND SURVEYOR RANDY McLAIN

LEGEND
R/W --------RIGHT OF WAY
I.P.F. -----IRON PIN FOUND
I.P.P. -----IRON PIN PLACED
C.T. -------CRIMPED TOP PIPE
R.B. -------REINFORCING BAR
O.T. -------OPEN TOP PIPE
N/F --------NOW OR FORMERLY
B.L. -------BUILDING LINE

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 37,000 FEET AND AN ANGULAR ERROR OF 03" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE

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

TYPE OF EQUIPMENT USED TOPCON GTS 313

PREPARED BY
McLAIN SURVEYING, INC.
LAND SURVEYING LAND PLANNING ENGINEERING SERVICES
6 MADISON STREET NEWNAN, GEORGIA 30263
PHONE 770-251-8523 - FAX 770-254-8905 - EMAIL bmclain@gumail.org

SURVEY FOR

WALTER DSOUZA
MARIA ANGELA DSOUZA

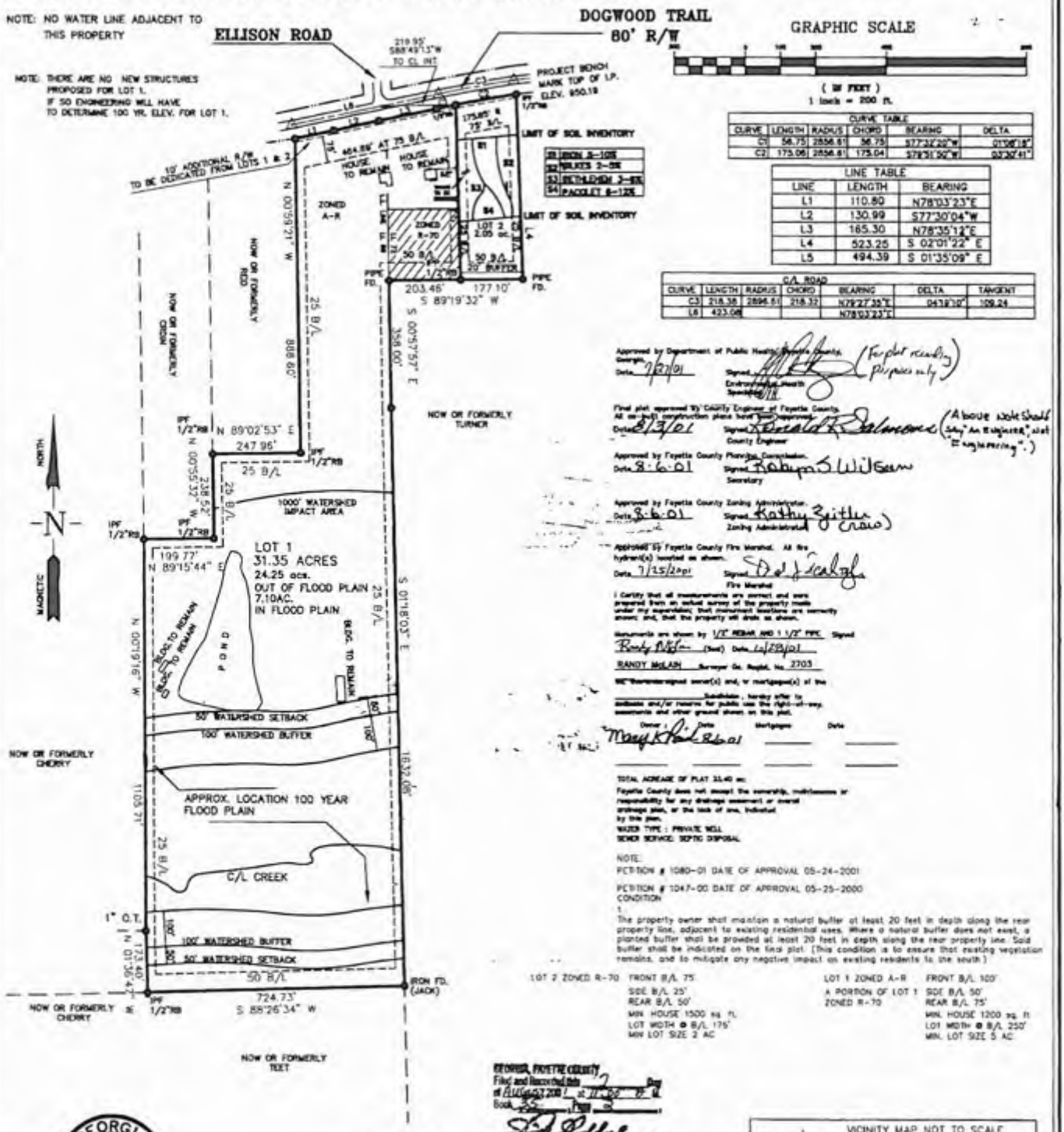
LOCATED IN
LAND LOTS 72 & 89 OF THE 7TH DISTRICT
FAYETTE COUNTY GEORGIA

SCALE: 1"=60' DATE: JUNE 2, 2014
PROJECT NAME: 14-094
JOB NUMBER: 14-094

AS PER OFFICIAL F.I.R.M. MAP 13113C0080 D DATED MARCH 18, 1996
A PORTION OF THIS PROPERTY IS LOCATED IN A DESIGNATED ZONE A FLOOD HAZARD AREA.

NOTE: NO WATER LINE ADJACENT TO THIS PROPERTY

NOTE: THERE ARE NO NEW STRUCTURES PROPOSED FOR LOT 1. IF SO ENGINEERING WILL HAVE TO DETERMINE 100 YR. ELEV. FOR LOT 1.



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	56.75	2856.61	56.75	S77°32'20"W	01°08'18"
C2	175.06	2856.61	175.04	S78°51'50"W	03°30'41"

LINE TABLE		
LINE	LENGTH	BEARING
L1	110.80	N78°03'23"E
L2	130.99	S77°30'04"W
L3	165.30	N78°35'12"E
L4	523.25	S 02°01'22" E
L5	494.39	S 01°35'09" E

C/L ROAD						
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	TANGENT
C3	218.38	2896.61	218.32	N79°27'35"E	04°18'10"	109.24
L6	423.06			N78°03'23"E		

Approved by Department of Public Health, Fayette County, Georgia.
Date 7/27/01 Signed [illegible] Environmental Health Specialist (For plat recording purposes only)

Final plat approved by County Engineer of Fayette County. All on-site construction plans have been approved.
Date 8/3/01 Signed Gerald R. Solomons County Engineer (Above note should say "An Engineer" not "Engineering".)

Approved by Fayette County Planning Commission.
Date 8-6-01 Signed Robyn S. Wilson Secretary

Approved by Fayette County Zoning Administrator.
Date 8-6-01 Signed Kathy Zeitler (Crow) Zoning Administrator

Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown.
Date 7/25/2001 Signed [illegible] Fire Marshal

I Certify that all monuments are correct and were prepared from an actual survey of the property made under my supervision; that monument locations are correctly shown; and, that the property will drain as shown.

Monuments are shown by 1/2" REBAR AND 1 1/2" PIPE. Signed Randy McLain (Seal) Date 6/28/01
RANDY McLAIN Surveyor Ga. Regist. No. 2753

WE, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate and/or reserve for public use the right-of-way, easements and other ground shown on this plat.

Owner	Date	Mortgagee	Date
Mary K. Reid	8-6-01		

TOTAL ACREAGE OF PLAT 33.40 ac.

Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plan.

WATER TYPE : PRIVATE WELL
SEWER SERVICE: SEPTIC DISPOSAL

NOTE:
PETITION # 1080-01 DATE OF APPROVAL 05-24-2001
PETITION # 1047-00 DATE OF APPROVAL 05-25-2000
CONDITION
1.
The property owner shall maintain a natural buffer at least 20 feet in depth along the rear property line, adjacent to existing residential uses. Where a natural buffer does not exist, a planted buffer shall be provided at least 20 feet in depth along the rear property line. Said buffer shall be indicated on the final plat. (This condition is to ensure that existing vegetation remains, and to mitigate any negative impact on existing residents to the south.)

LOT 2 ZONED R-70 FRONT B/L 75'
SIDE B/L 25'
REAR B/L 50'
MIN. HOUSE 1500 sq. ft.
LOT WIDTH @ B/L 175'
MIN LOT SIZE 2 AC

LOT 1 ZONED A-R FRONT B/L 100'
A PORTION OF LOT 1 ZONED R-70 SIDE B/L 50'
REAR B/L 75'
MIN. HOUSE 1200 sq. ft.
LOT WIDTH @ B/L 250'
MIN. LOT SIZE 5 AC

GEORGIA, FAYETTE COUNTY
Filed and Recorded this 7 Day of August 2001 at 11:00 AM
Book _____ Page _____
Clerk

GEORGIA REGISTERED No. 2753 LAND SURVEYOR RANDY McLAIN

FINAL PLAT OF

REID ESTATE

LOCATED IN LAND LOTS 72 & 89 OF THE 7TH DISTRICT

FAYETTE COUNTY GEORGIA

SCALE: 1"= 200' DATE: FEBRUARY 26, 2001

REFERENCE: DEED AND PAGE

JOB # 00-291A

PREPARED BY

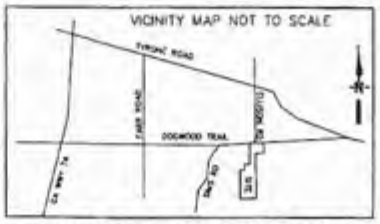
McLAIN SURVEYING, INC.

LAND SURVEYING LAND PLANNING ENGINEERING SERVICES

2352 WELCOME ROAD HOWARD, GEORGIA 30263 PH. (770) 253-8814

LEGEND
R/W ---------RIGHT OF WAY
I.P.F. -----IRON PIN FOUND
I.P.P. -----IRON PIN PLACED
C.T. --------CRIMPED TOP PIPE
R.B. --------REINFORCING BAR
O.T. --------OPEN TOP PIPE
N/F ---------NOW OR FORMERLY
R.I. ---------IRON PIPE FOUND

VICINITY MAP NOT TO SCALE



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,000+ FEET AND AN ANGULAR ERROR OF 5" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 150,000+ FEET.

TYPE OF EQUIPMENT USED: TOPCON GTS313

June 27, 2014

Pete Frisina
Fayette County Community Services/Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214

Dear Pete,

We are requesting modification to the Final Plat of Reid Estates subdivision to allow the existing subdivision of two and to add one lot, which will consist of three residential lots along Dogwood Trail (see Concept Plan attached as Exhibit "A"). This property is zoned A-R and is requesting to rezone to R-40 Single Family Residential.

The Final Plat of Reid Estates consisting of two lots was recorded on August 7, 2001.

The proposed lot will be directly on Dogwood Trail. (see attached Exhibit "B"). We have granted all right-of-way so that the revised plat will not require additional property for right-of-way.

Thank you for your assistance.

Sincerely,

Danny Ray Reid

Danny Ray Reid

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. RP-053-14

WHEREAS, Danny Ray Reid, Owner, and Brian McCreary, Agent, having come before the Fayette County Planning Commission on July 2, 2014 requesting a revision to a recorded plat per Section 104-595, (2),K. of the Fayette County Subdivision Regulations; and

WHEREAS, said request being as follows: Request approval to revise the Final Subdivision Plat for Reid Estates Subdivision to add one lot.

WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request;

BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

Compatible with the surrounding area.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

AL GILBERT
CHAIRMAN

PLANNING COMMISSION RECOMMENDATION

DATE: RP-053-14

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. RP-053-14 to revise the Final Subdivision Plat for Reid Estates Subdivision to add one lot be:

✓ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action.

AL GILBERT, CHAIRMAN

JIM GRAW, VICE-CHAIRMAN

BRIAN HAREN

DOUGLAS POWELL

BOB SIMMONS

Remarks:

_____

_____

_____