

## **BOARD OF APPEALS**

Bill Beckwith  
Therol Brown  
Marsha A. Hopkins  
John Tate  
Tom Waller

## **STAFF**

Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator

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### **AGENDA**

**Fayette County Zoning Board of Appeals**  
**Fayette County Administrative Complex**  
**Public Meeting Room**  
**March 27, 2017**  
**7:00 P.M.**

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1. Swearing in of John Tate and Therol Brown.
2. Election of the Chairman.
3. Election of the Vice-Chairman.
4. Election of the Secretary.
5. Consideration of the Minutes of the Meeting held on February 27, 2017.

## **PUBLIC HEARING**

6. Consideration of Petition No. A-646-17, Mary Frances Butler, Owner, and Jay McCoy, Agent, requests the following: Variance to Sec. 110-125 to reduce side yard setback from 50 feet to nine (9) feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 118 of the 4th District and fronts on Lowery Road.
7. Consideration of Petition No. A-647-17, Lance Schoon, Owner, requests the following: Variance to Sec. 110-125 to reduce side yard setback from 50 feet to 35 feet to allow the construction of an addition to an existing single family residence and Variance to Sec. 110-125 to reduce rear yard setback from 75 feet to 63 feet to allow the construction of an addition to an existing single family residence. The subject property is located in Land Lot 137 of the 4th District and fronts on Malone Road.
8. Consideration of Petition No. A-647-17, Morten Buch & Michael J. Taylor, Owners, requests the following: Variance to Sec. 110-137 to reduce side yard setback from 15 feet to five (5) feet to allow the construction of a detached accessory structure.

**PETITION NO. A-646-17**  
**Mary Frances Butler**  
**7531 Lake Andrea Circle**  
**Mt. Dora FL 32757**  
**Public Hearing Date March 27, 2017**

The subject property is located at 234 Lowery Road, Fayetteville, Georgia 30215 and is zoned Agricultural-Residential (A-R). The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-125.(d)(6) to reduce side yard setback from 50 to nine (9) feet to allow an existing accessory structure to remain

**History:** As a survey for the property was recorded on December 24, 1964, the subject property is a non-conforming lot of record, being approximately two (2) acres in size and A-R requires five (5) acres. Tax Assessor's records indicate that the house was built in 1960 making it non-conforming as well. All building permit records prior 1982 are no longer available as they were destroyed in the Courthouse fire.

A permit was issued for the accessory structure in 1983 (see attached). The plat contained in the building permit file indicates that the accessory structure was to be 60 feet from the side property line. A subsequent survey indicates that the accessory structure is approximately nine (9) feet from the side property line (see attached). The A-R zoning district requires a 50 foot setback from the side property line.

The applicant provides the following information:

**VARIANCE SUMMARY**

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

New as-built survey has been ordered.

**JUSTIFICATION OF REQUEST**

**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.**

It is a non-conforming property = an old property of 2 acres AR; not the 5 acres standard to the current AR zoning.

Property is not rectangular in shape, but pie or triangle shaped.

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

Both the size (2 acres) and shape (triangle) compress the setbacks that would normally fit within a 5 acre plot.

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

Both the size (2 acres) and shape (triangle).

- 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,**

Structures on this property have been in place for 10-30 years with no problems or issues arising.

Permits were obtained for all structures built.

- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

Permits were obtained for all structures built with no complaints or issues arising.

#### **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** No objections to variance.

**ENVIRONMENTAL MANAGEMENT:** EMD has not comments.

**FIRE MARSHAL:** The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

**PUBLIC WORKS/ENGINEERING:** There are no Engineering/Public Works issues pertinent to the variance requests for A-646-17, A-647-17, or A-648-17.

**WATER SYSTEM:** No conflict.

# APPLICATION FOR FAYETTE COUNTY BUILDING PERMIT

06402

PERMIT NUMBER \_\_\_\_\_ LANDLOT 118  
 PERMIT FEE \$ 89.55 DISTRICT 4th

Sir: I hereby make application for permit to and submit 1 set of construction plans and a landsite plot, drawn to scale as per the County regulations to:

ERECT  MAKE ADDITION TO  MOVE  REMODEL  OTHER \_\_\_\_\_  
 SINGLE FAMILY RES.  MULTI FAMILY RES.  COMMERCIAL BLDG.  ACCESSORY  OTHER & Utility Building

OWNER: James E. Butler, II BUILDER: Same

LOT NO. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOCATION 310 Lowery Road

SUBDIVISION: N/A

REMARKS: They are going to add a 33 x 27 carport & 30 x 30 Utility Building

LOT SIZE: 2 SIZE OF BUILDING: 30 x 30 HEATED SQUARE FEET: 90C  
33 x 27 891 = 1,791 s.f.

NO. OF UNITS 2 STORIES: 1 ROOMS: 1 - Utility Bldg BATHS: N/A FIRE PLACE: \_\_\_\_\_  
2 house

ZONING A-R SETBACKS: FRONT 75 SIDES 50 BACK 100

|  |   |  |  |
|--|---|--|--|
| <b>BASEMENT:</b><br>FULL <input type="checkbox"/><br>PART <input type="checkbox"/><br>NONE <input checked="" type="checkbox"/> | <b>ATTIC:</b><br>FINISHED <input type="checkbox"/><br>UNFINISHED <input type="checkbox"/> | <b>WASTE DISPOSAL:</b><br>SEPTIC TANK <input type="checkbox"/><br>SEWER <input type="checkbox"/> | <b>WATER SOURCE:</b><br>PUBLIC <input type="checkbox"/><br>WELL <input type="checkbox"/><br>PRIVATE <input type="checkbox"/> |
|--|---|--|--|

|  |   |  |  |
|--|---|--|--|
| <b>FOOTING:</b><br>PLAIN CONCRETE <input checked="" type="checkbox"/><br>MONOLITHIC POUR <input type="checkbox"/><br>OTHER _____ | <b>FOUNDATION WALLS</b><br>PLAIN CONC. <input checked="" type="checkbox"/><br>CONC. BLOCK <input type="checkbox"/><br>OTHER _____ | <b>FLOOR CONST.</b><br>WOOD JOIST <input type="checkbox"/><br>FLAT SLAB <input checked="" type="checkbox"/><br>OTHER _____ | <b>ROOF CONST.</b><br>WOOD RAFTERS <input checked="" type="checkbox"/><br>WOOD TRUSS <input type="checkbox"/><br>OTHER _____ |
|--|---|--|--|

|  |   |   |   |
|--|---|---|---|
| <b>PARTITIONS</b><br>WOOD <input type="checkbox"/><br>SHEET ROCK <input type="checkbox"/><br>OTHER _____ | <b>FINISHED FLOOR</b><br>CARPET <input type="checkbox"/><br>CEMENT <input checked="" type="checkbox"/><br>OTHER _____ | <b>WINDOW SASH</b><br>WOOD <input type="checkbox"/><br>METAL <input type="checkbox"/><br>INSULATED <input type="checkbox"/> | <b>CHIMNEY</b><br>BRICK <input type="checkbox"/><br>STONE <input type="checkbox"/><br>PRE-FAB <input type="checkbox"/><br>OTHER _____ |
|--|---|---|---|

|  |   |  |  |
|--|---|--|--|
| <b>EXTERIOR WALLS</b><br>BRICK <input type="checkbox"/><br>CONC. BLOCK <input type="checkbox"/><br>WOOD <input checked="" type="checkbox"/><br>OTHER _____ | <b>ROOFING</b><br>COMPOSITION <input checked="" type="checkbox"/><br>METAL <input type="checkbox"/><br>WOOD <input type="checkbox"/><br>OTHER _____ | <b>ELECTRICAL WORK</b><br>GA. POWER <input type="checkbox"/><br>COWETTA/FAYETTE <input type="checkbox"/><br><b>PLUMBING</b><br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | <b>HEATING</b><br>LP GAS <input type="checkbox"/><br>NAT. GAS <input type="checkbox"/><br>ELECTRIC <input type="checkbox"/><br>OTHER _____ |
|--|---|--|--|

6/20/83 Glenn A. Harkin  
 DATE Clerk-Fayette Building Department

NAME: James E. Butler II  
 ADDRESS: 310 Lowery Rd  
 CITY: Fayetteville PHONE: 228-3971

Any building permit shall become void if work involved has not begun within six (6) months after the date of issuance of the permit, or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work or development is commenced. To update such permit will be an additional fee of \$30.00.



A-646-17

Lowery Road

SUBJECT  
PROPERTY



# RETRACEMENT SURVEY

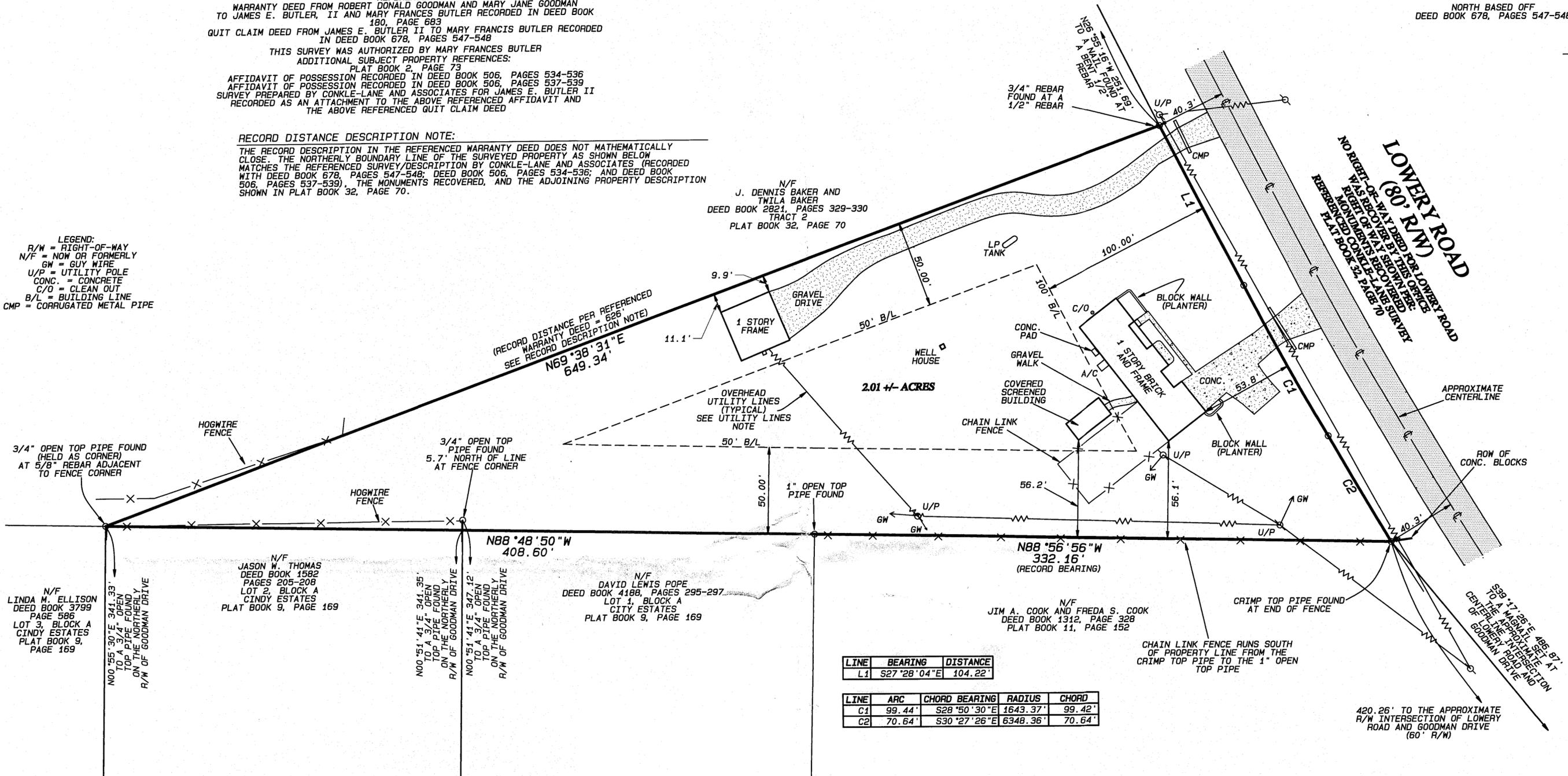
CURRENT OWNER:  
MARY FRANCES BUTLER  
REFERENCE:  
WARRANTY DEED FROM ROBERT DONALD GOODMAN AND MARY JANE GOODMAN TO JAMES E. BUTLER, II AND MARY FRANCES BUTLER RECORDED IN DEED BOOK 180, PAGE 683  
QUIT CLAIM DEED FROM JAMES E. BUTLER II TO MARY FRANCES BUTLER RECORDED IN DEED BOOK 678, PAGES 547-548  
THIS SURVEY WAS AUTHORIZED BY MARY FRANCES BUTLER  
ADDITIONAL SUBJECT PROPERTY REFERENCES:  
PLAT BOOK 2, PAGE 73  
AFFIDAVIT OF POSSESSION RECORDED IN DEED BOOK 506, PAGES 534-536  
AFFIDAVIT OF POSSESSION RECORDED IN DEED BOOK 506, PAGES 537-539  
SURVEY PREPARED BY CONKLE-LANE AND ASSOCIATES FOR JAMES E. BUTLER II RECORDED AS AN ATTACHMENT TO THE ABOVE REFERENCED AFFIDAVIT AND THE ABOVE REFERENCED QUIT CLAIM DEED

NORTH BASED OFF  
DEED BOOK 678, PAGES 547-548

## RECORD DISTANCE DESCRIPTION NOTE:

THE RECORD DESCRIPTION IN THE REFERENCED WARRANTY DEED DOES NOT MATHEMATICALLY CLOSE. THE NORTHERLY BOUNDARY LINE OF THE SURVEYED PROPERTY AS SHOWN BELOW MATCHES THE REFERENCED SURVEY DESCRIPTION BY CONKLE-LANE AND ASSOCIATES (RECORDED WITH DEED BOOK 678, PAGES 547-548; DEED BOOK 506, PAGES 534-536; AND DEED BOOK 506, PAGES 537-539), THE MONUMENTS RECOVERED, AND THE ADJOINING PROPERTY DESCRIPTION SHOWN IN PLAT BOOK 32, PAGE 70.

LEGEND:  
R/W = RIGHT-OF-WAY  
N/F = NOW OR FORMERLY  
GW = GUY WIRE  
U/P = UTILITY POLE  
CONC. = CONCRETE  
C/O = CLEAN OUT  
B/L = BUILDING LINE  
CMP = CORRUGATED METAL PIPE



| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | S27°28'04"E | 104.22'  |

| LINE | ARC    | CHORD BEARING | RADIUS   | CHORD  |
|------|--------|---------------|----------|--------|
| C1   | 99.44' | S28°50'30"E   | 1643.37' | 99.42' |
| C2   | 70.64' | S30°27'26"E   | 6348.36' | 70.64' |

### UTILITY LINES NOTE:

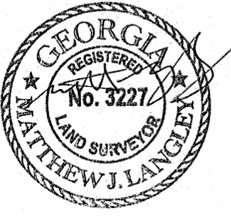
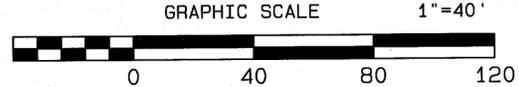
NO EASEMENT FOR THE UTILITY LINES SHOWN WAS RECOVERED BY OR PROVIDED TO THIS OFFICE DURING THE COURSE OF THIS SURVEY. THESE LINES ARE SUBJECT TO ANY CLAIM TO EASEMENT.

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

UNLESS OTHERWISE STATED, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF THE PREMISES ARE SHOWN. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED OR BY W.D. GRAY AND ASSOCIATES, INC. FOR LOSS OR DAMAGES RELATING TO THE EXISTENCE OF ANY EASEMENT NOT DISCOVERED FROM THE CASUAL ABOVE GROUND VIEW OF THE PREMISES.

ALL BUILDING RESTRICTIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACKS, WATERSHED BUFFERS, WATERSHED SETBACKS, UNDISTURBED BUFFERS, ETC. SHOULD BE INTERPRETED AND VERIFIED BY THE PROPER GOVERNING AUTHORITY BEFORE ANY LAND PLANNING AND/OR LAND DISTURBANCE ACTIVITY BEGINS.

NOTE:  
BUILDING LINES SHOWN ARE PER PHONE CONVERSATION WITH PETE FRISINA, FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT, ON FEBRUARY 16, 2017.



THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM CERTIFICATION RELATING TO 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 PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. SAID PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

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

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

CLOSURE DATA  
FIELD CLOSURE = 1' : 44,906  
ANGLE POINT ERROR = < 4"  
EQUIPMENT USED: GEOMAX ZOOM 90  
ADJUSTMENT METHOD: NONE  
PLAT CLOSURE = 1' : 423,546

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP, 13113C0160E DATED: SEPTEMBER 26, 2008

**W.D. Gray and Associates, Inc.**  
LSF000701

land surveyors - planners  
160 Greencastle Road Suite B  
Tyrone, GA 30290  
(770) 486-7552 Fax (770) 486-0496

Prepared For:  
**MARY FRANCES BUTLER**

|                    |                             |
|--------------------|-----------------------------|
| LAND LOT: 118      | DATE OF SURVEY: 02/16/2017  |
| DISTRICT: 4TH      | DATE OF DRAWING: 02/17/2017 |
| FAYETTE COUNTY, GA | REV.                        |
| SCALE: 1" = 40'    | JOB NO: 1702009             |

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Mary Frances Butler  
MAILING ADDRESS: 7531 Lake Andrea Circle, Mt Dora, FL 32757  
PHONE: 404-444-4565 E-MAIL: mfbutler99@yahoo.com  
AGENT FOR OWNERS: Jay McCoy  
MAILING ADDRESS: 2119 Grant Ave; McDonough, GA 30252  
PHONE: 770-310-4129 E-MAIL: jmcocoy@excel-build.com  
PROPERTY LOCATION: LAND LOT 118 LAND DISTRICT 4th PARCEL \_\_\_\_\_  
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.03  
ZONING DISTRICT: 4th AR  
ZONING OF SURROUNDING PROPERTIES: AR  
PRESENT USE OF SUBJECT PROPERTY: Residential  
PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-646-17

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

by Staff: C. Br Date: 2/17/2017

DATE OF ZONING BOARD OF APPEALS HEARING: March 27, 2017

Received from Mary Frances Butler a check in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 20<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: February 17, 2017 Receipt Number: 5667549 - sign  
5667512 - ZBA App.

**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 |
|--|-------------|----------|-----------------|
| 1. Variance to Sec. 110-125.(d)(6) to reduce side yard setback from 50 to nine (9) feet to allow an existing accessory structure to remain | 50 feet     | 9 feet   | 41 feet         |
|  |             |          |                 |
|  |             |          |                 |

**VARIANCE SUMMARY**

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

\_\_\_\_\_ See attached \_\_\_\_\_

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**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.

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See attached

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

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See attached

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

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See attached

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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.

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See attached

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

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See attached

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## VARIANCE SUMMARY

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

- New as-built survey has been ordered.

## JUSTIFICATION OF REQUEST

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
  - It is a non-conforming property = an old property of 2 acres AR; not the 5 acres standard to the current AR zoning.
  - Property is not rectangular in shape, but pie or triangle shaped.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
  - Both the size (2 acres) and shape (triangle) compress the setbacks that would normally fit within a 5 acre plot.
3. Such conditions are peculiar to the particular piece of property involved.
  - Both the size (2 acres) and shape (triangle).
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.
  - Structures on this property have been in place for 10-30 years with no problems or issues arising.
  - Permits were obtained for all structures built.
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.
  - Permits were obtained for all structures built with no complaints or issues arising.

**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:

Mary Frances Butler  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 04-18-003

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 18 of the District, and said property consists of a total of 2.03 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.

Mary Frances Butler  
Signature of Property Owner 1

7531 Lake Andrea Circle  
Address MT Dora, FL 32757

\_\_\_\_\_  
Signature of Property Owner 2

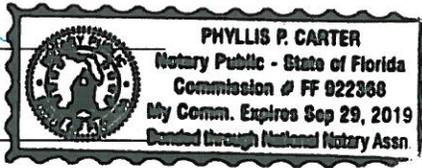
\_\_\_\_\_  
Address

[Signature]  
Signature of Authorized Agent

2619 Grant Ave ; McDonough, GA  
Address 30252

Phyllis P Carter  
Signature of Notary Public

2/10/17  
Date

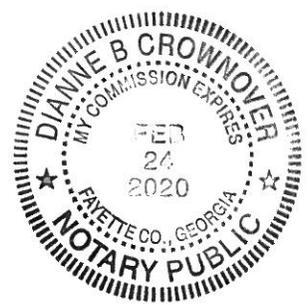


Diianne B. Crownover  
Signature of Notary Public

3-9-17  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date



**PETITION NO. A-647-17**  
**Lance Schoon**  
**242 Malone Road**  
**Fayetteville, GA 30215**  
**Public Hearing Date March 27, 2017**

The subject property is located at 242 Malone Road, Fayetteville, Georgia 30215 and is zoned Agricultural-Residential (A-R). The applicant is requesting two (2) Variances as follows:

1. Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 35 feet to allow the construction of an addition to an existing single family residence; and
2. Variance to Sec. 110-125. A-R, (d) (5) to reduce rear yard setback from 75 feet to 63 feet to allow the construction of an addition to an existing single family residence.

**History:** As a survey for the property was recorded on August 6, 1979, the subject property is a non-conforming lot of record, being approximately one (1) acre in size and A-R requires five (5) acres. Tax Assessor's records indicate that the house was built in 1979 making it non-conforming as well. All building permit records prior 1982 are no longer available as they were destroyed in the Courthouse fire.

The applicant provides the following information:

**VARIANCE SUMMARY**

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

To the Fayette County Zoning Board Members, I have lived at this address for almost five years and until recently had no earthly idea that my property was divided into two separate lots. The contractor found out recently that the property didn't fall in line with the counties rear and side setback regulations. Having a total of approximately acres around my home I found that idea to be crazy until learning that the property was divided into two lots, one consisting of about acre and the other approximately acres. Since finding this out, my family and I want to keep the lots separate instead of combining the two, even though it has created this issue with the zoning board. The way the present layout of the home is designed has created a crowded situation that we are hoping an addition would alleviate. Our hope is, the county would allow the variance on the rear and side of the home, so that construction of the addition can be completed and give us much needed space in our home.

## JUSTIFICATION OF REQUEST

**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.**

I didn't realize until going through the permitting process that my property wasn't one complete lot on my property, but are two different lots, that has created an issue for the contractor to permit the work we want done. The property at said address has a very peculiar shape and has created a problem with trying to procure a permit for adding a laundry/storage room on said property and I'm hoping the board will allow the variance for me and my family to gain some needed space.

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

The way the existing setback laws are in Fayette County won't allow me to build unless the variance is approved. This variance would allow much needed space for a laundry/storage room to my home. The existing laundry room is in a cramped bathroom at this time and is very difficult and crowded anytime laundry needs to be done. Being an older home, we have limited storage space and this added room will free up much needed space for my home.

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

Having the two separated lots and the angular shape of the lot I'm trying to build on is probably one in a million in our county, the way I purchased it. Instead of trying to make the two lots into one, I would prefer to keep it this way in the event one of my children in the future would like to build their own home close to mine. This would still be allowable under current Fayette County regulations. If I combined the two, I wouldn't be able to do this in the future for my children.

- 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,**

By allowing this variance for me and my family, I truly believe it wouldn't cause any detriment to my neighbors nor the Fayette County community.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

By not allowing the variance would continue to bring unwanted stress to our family because of overcrowding.

#### **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** Department has no objections to proposed variance to side yard setback. There are no departmental records (likely due to age of the structure) on existing septic system so specific location and size of system is unknown.

**ENVIRONMENTAL MANAGEMENT:** EMD has no comments.

**FIRE MARSHAL:** The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

**PUBLIC WORKS/ENGINEERING:** There are no Engineering/Public Works issues pertinent to the variance requests for A-646-17, A-647-17, or A-648-17.

**WATER SYSTEM:** No conflict.

**A-647-17**

**Malone Road**

**SUBJECT  
PROPERTY**



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: LANGE Schoon

MAILING ADDRESS: 242 Malone Rd Fayetteville, GA 30215

PHONE: 678-471-6888 E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: Stephan Bass

MAILING ADDRESS: 413 Norman Ct Hampton, GA 30228

PHONE: 404-906-1208 E-MAIL: bassstephen1@yahoo.com

PROPERTY LOCATION: LAND LOT 137 LAND DISTRICT 4<sup>th</sup> PARCEL 0428 019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.0

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-647-<sup>17</sup>

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

by Staff: C. Bass Date: 2/17/2017

DATE OF ZONING BOARD OF APPEALS HEARING: March 27, 2017

Received from Stephan Bass a check in the amount of \$ 175<sup>00</sup>+25<sup>00</sup>  
for application filing fee, and \$ 20<sup>00</sup> for deposit on frame for public hearing sign(s). (extra variance)

Date Paid: February 16, 2017 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: 0428 019

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 17th District, and (if applicable to more than one land district) Land Lot(s) 137 of the District, and said property consists of a total of 1.0 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Stephan Bass 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.

Lance Schoon  
Signature of Property Owner 1  
242 Malone Rd, Fayetteville, GA  
Address 30215

Shanon E Battle  
Signature of Notary Public  
1/31/17  
Date

\_\_\_\_\_  
Signature of Property Owner 2

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Address  
Steph Bass  
Signature of Authorized Agent

\_\_\_\_\_  
Date  
Shanon Battle  
Signature of Notary Public

413 Norman Ct, Hampton  
Address 30228

1/31/17  
Date

**VARIANCE INFORMATION**

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

| Ordinance/Section  | Requirement | Proposed | Variance Amount |
|--|-------------|----------|-----------------|
| Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 35 feet to allow the construction of an addition to an existing single family residence     | 50 feet     | 35 feet  | 15 feet         |
| 2. Variance to Sec. 110-125. A-R, (d) (5) to reduce rear yard setback from 75 feet to 63 feet to allow the construction of an addition to an existing single family residence. | 75 feet     | 63 feet  | 12 feet         |

**VARIANCE SUMMARY**

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

\_\_\_\_\_ See attached \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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.

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See attached

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

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See attached

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

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See attached

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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.

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See attached

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

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See attached

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## Variance Summary

To the Fayette County Zoning Board Members, I have lived at this address for almost five years and until recently had no earthly idea that my property was divided into two separate lots. The contractor found out recently that the property didn't fall in line with the counties rear and side setback regulations. Having a total of approximately acres around my home I found that idea to be crazy until learning that the property was divided into two lots, one consisting of about acre and the other approximately acres. Since finding this out, my family and I want to keep the lots separate instead of combining the two, even though it has created this issue with the zoning board. The way the present layout of the home is designed has created a crowded situation that we are hoping an addition would alleviate. Our hope is, the county would allow the variance on the rear and side of the home, so that construction of the addition can be completed and give us much needed space in our home.

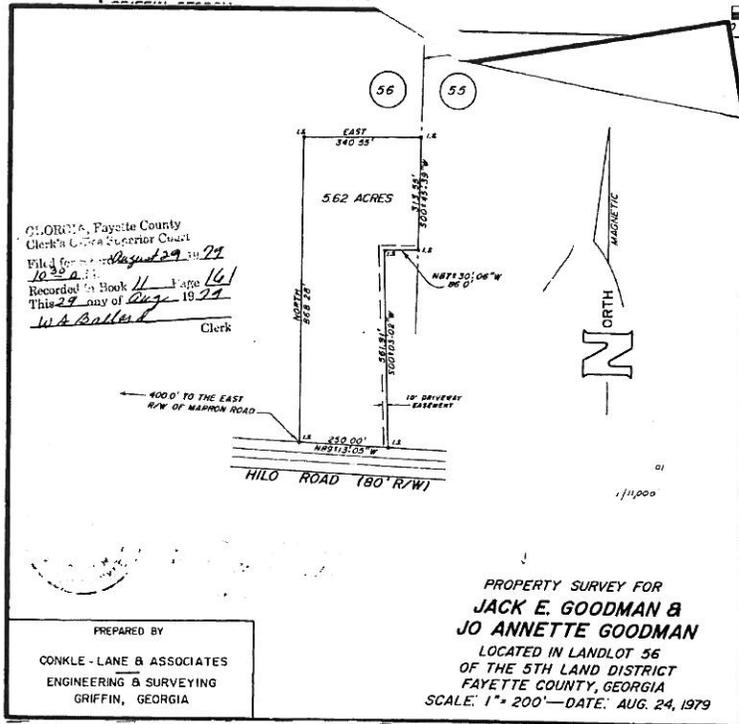
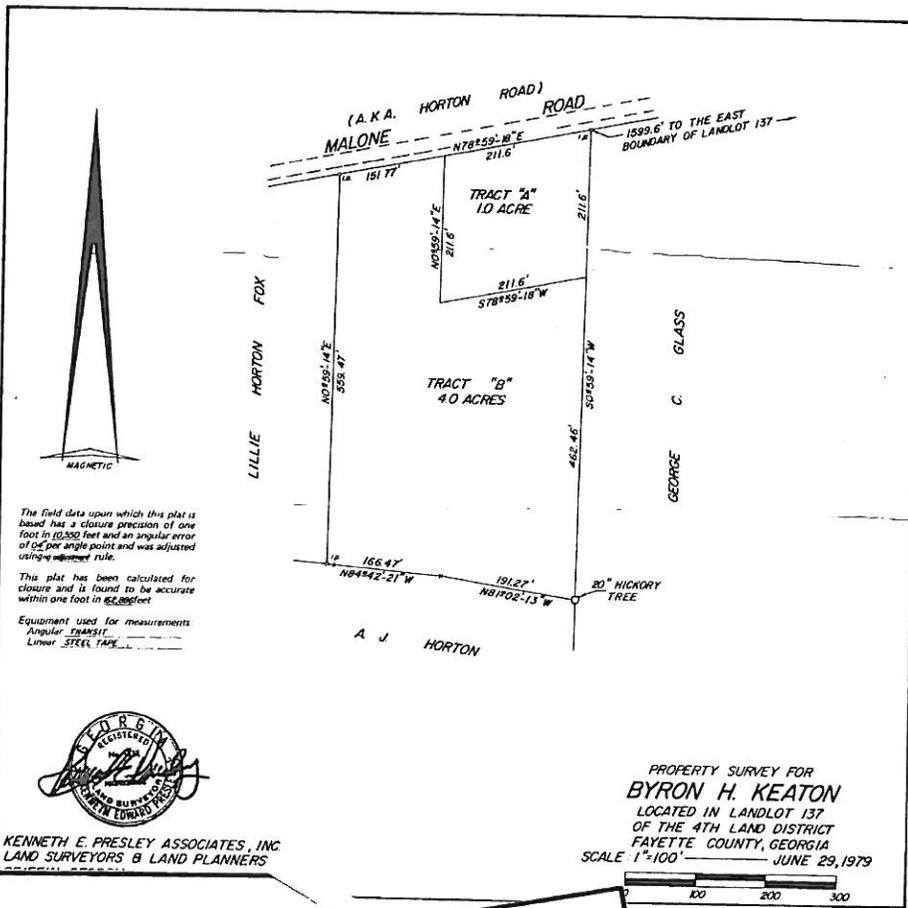
1. I didn't realize until going through the permitting process that my property wasn't one complete lot on my property, but are two different lots, that has created an issue for the contractor to permit the work we want done. The property at said address has a very peculiar shape and has created a problem with trying to procure a permit for adding a laundry/storage room on said property and I'm hoping the board will allow the variance for me and my family to gain some needed space.

2. The way the existing setback laws are in Fayette County won't allow me to build unless the variance is approved. This variance would allow much needed space for a laundry/storage room to my home. The existing laundry room is in a cramped bathroom at this time and is very difficult and crowded anytime laundry needs to be done. Being an older home, we have limited storage space and this added room will free up much needed space for my home.

3. Having the two separated lots and the angular shape of the lot I'm trying to build on is probably one in a million in our county, the way I purchased it. Instead of trying to make the two lots into one, I would prefer to keep it this way in the event one of my children in the future would like to build their own home close to mine. This would still be allowable under current Fayette County regulations. If I combined the two, I wouldn't be able to do this in the future for my children.

4. By allowing this variance for me and my family, I truly believe it wouldn't cause any detriment to my neighbors nor the Fayette County community.

5. By not allowing the variance would continue to bring unwanted stress to our family because of overcrowding.



Georgia Department of Human Resources  
INDIVIDUAL SEWAGE DISPOSAL SYSTEM INSPECTION REPORT

|             |                     |                                    |             |             |             |             |
|-------------|---------------------|------------------------------------|-------------|-------------|-------------|-------------|
| County Code | Construction Permit | Case Number (HHA, VA, etc.)        | Health Dist | Day         | Month       | Year        |
| 2 3 4       | 5 6 7 8             | 9 10 11 12 13 14 15 16 17 18 19 20 | 04<br>21 22 | 15<br>23 24 | 10<br>25 26 | 79<br>27 28 |

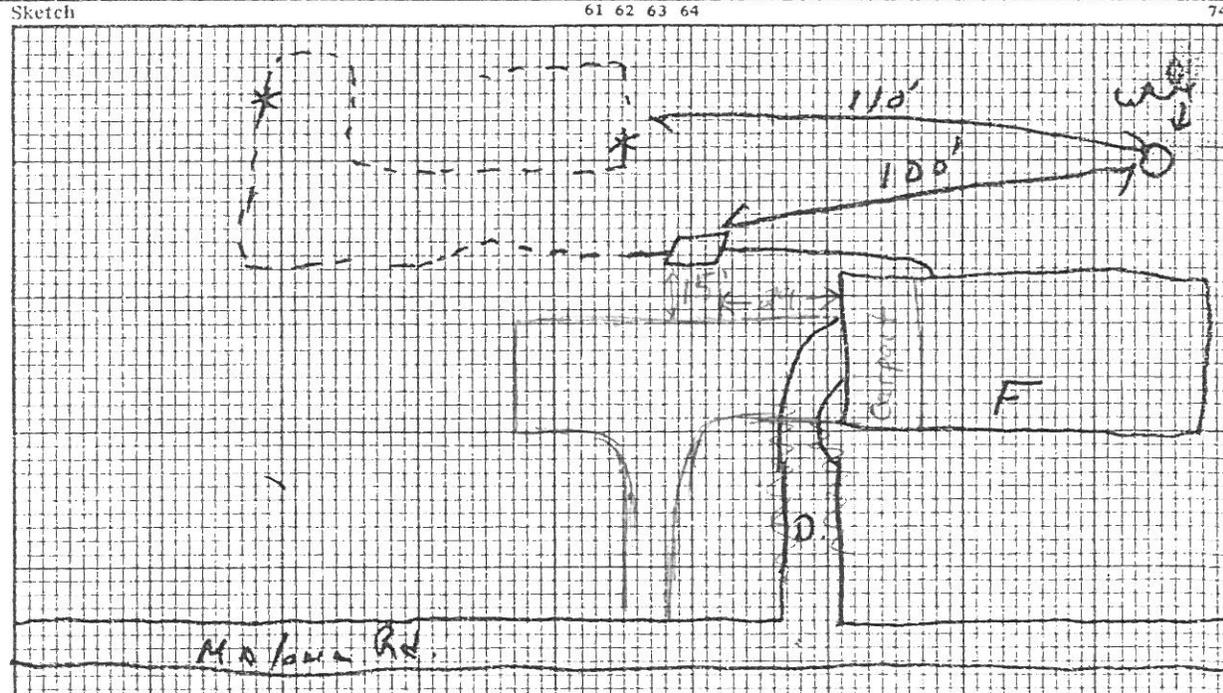
|   |                                       |                          |
|---|---------------------------------------|--------------------------|
| Property Location<br><b>Malone Rd. Charlie Kinney, A/E.</b> | Property Owner<br><b>Kenney Milam</b> | County<br><b>Fayette</b> |
| ON Right off Upper Louisa Rd.                               |                                       |                          |

ALL ITEMS: Blank Not Applicable, 0 Unknown \*ITEMS: 1 Yes, 2 No

| SECTION A - GENERAL   | SECTION D - PRIMARY TREATMENT  | SECTION F - HEALTH AGENCY TIME   |
|---|--|--|
| 1. Type Water Supply:<br>(1) Public, (2) Community, (3) Indiv. <input type="checkbox"/> 1   | 1. Sewage Disposal Method:<br>(1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Other <input type="checkbox"/> 1                           | b. Total Linear Feet <input type="checkbox"/> 0250   |
| 2. Financial Assistance:<br>(1) ITIA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other <input type="checkbox"/> 29   | 2. Septic Tank Capacity (gallons): <input type="checkbox"/> 1000   | c. Length each Trench (feet) <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 |
| 3. House Structure:<br>(1) New, (2) Existing < 1 year, (3) Existing > 1 year <input type="checkbox"/> 30  | 3. Unit 1 Tank/Compartment Capacity: <input type="checkbox"/> 1000   | d. Width of Trenches (inches) <input type="checkbox"/> 36  |
| 4. Sewage Disposal Installation:<br>(1) New, (2) Repair to existing sys. <input type="checkbox"/> 31  | 4. Septic Tank Inside Length (feet): <input type="checkbox"/> 085  | e. Number of Trenches <input type="checkbox"/> 03  |
| 5. If Repair of Existing System - Years System Installed:<br>(1) < 1 year, (2) 1 - 2, (3) 2 - 3, (4) 3 - 5, (5) 5 - 10, (6) > 10 <input type="checkbox"/> 32              | 5. Septic Tank Inside Width (feet): <input type="checkbox"/> 040   | f. Distance between Trenches <input type="checkbox"/> 15   |
| 6. Percolation Rate Min /In.: <input type="checkbox"/> 33   | 6. Septic Tank Liquid Depth (feet): <input type="checkbox"/> 400   | g. Average Trench Depth (inches) <input type="checkbox"/> 42   |
| 7. *Is Property Part of a Subdivision: <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 2   | 7. Septic Tank Material:<br>(1) Precast concrete, (2) Poured in place, (3) Other <input type="checkbox"/> 1  | h. * Aggregate Proper Size <input type="checkbox"/> 1  |
| <b>SECTION B - FACILITY</b>   | 8. Dosing Tank Capacity (gallons): <input type="checkbox"/> 53   | i. * Aggregate Proper Depth <input type="checkbox"/> 1   |
| 1. **Type Facility: *See Code Below <input type="checkbox"/> 01   | 9. Grease Trap Capacity (gallons): <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56                               | j. Distance from Building Foundation <input type="checkbox"/> 060  |
| 2. Water Usage Determined by:<br>(1) No. Bedrooms, (2) No. Gallons <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 1                     | 10. Distance Septic Tank from Well: <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 100 | k. Nearest Property Line:<br>(1) Front, (2) Rear, (3) R. Side, (4) L. Side <input type="checkbox"/> 4  |
| 3. Number Bedrooms or Gallons: <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 3 | <b>SECTION E - SECONDARY TREATMENT</b>   | l. Distance Nearest Property Line <input type="checkbox"/> 010   |
| <b>SECTION C - LOT SIZE</b>   | 1. Field Layout Method:<br>(1) Distribution Box, (2) Level Field, (3) Serial <input type="checkbox"/> 3  | m. Distance Privy or Nitrification Field from Well <input type="checkbox"/> 110  |
| 1. Lot Depth (Average): <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64                                   | 2. Nitrification Field: <input type="checkbox"/> 60  | <b>SECTION F - HEALTH AGENCY TIME</b>  |
| 2. Lot Width (Average): <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64                                   | a. Total Square Feet <input type="checkbox"/> 0750   | 1. Total Inclusive Time (min.): <input type="checkbox"/> 060   |
| 3. Building Line (Feet): <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73  |  | <b>SECTION G - SYSTEM APPROVED</b>   |
|   |  | 1. * Yes <input type="checkbox"/> 1  |
|   |  | 2. No <input type="checkbox"/> 1   |

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

Well - 30 yrs. old  
imp 5 yrs old  
75 ft. deep?



Remarks: Cover last 50' with paper.

|  |                                  |                                   |
|--|----------------------------------|-----------------------------------|
| Inspected By: <b>Donald C. Bristol</b> | Title: <b>Env. Specialist II</b> | Health Agency: <b>Fayette Co.</b> |
|--|----------------------------------|-----------------------------------|

# SCHOON'S RESIDENCE

242 MALONE ROAD  
FAYETTEVILLE COUNTY, GEORGIA

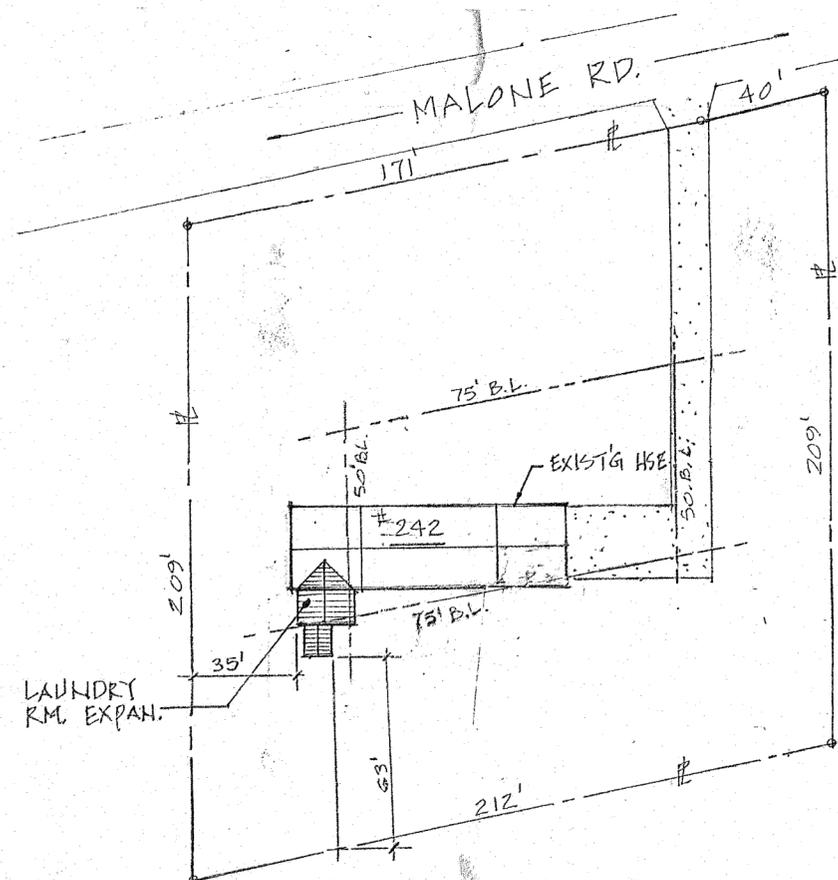
| DRAWING INDEX |                  |
|---------------|------------------|
| SHT. NO.      | DESCRIPTION      |
| A-1           | COVER SHEET      |
| A-2           | FLOOR PLANS      |
| A-3           | FOUNDATION PLANS |

**APPLICABLE CODES**  
STANDARD CONSTRUCTION CODES  
EFFECTIVE JANUARY 1, 2014

THE FOLLOWING WILL BE THE STATE OF GEORGIA'S MINIMUM STANDARD CONSTRUCTION CODES:

- INTERNATIONAL BUILDING CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS (2014)
- INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS (2014)
- INTERNATIONAL FIRE CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS (2014)
- INTERNATIONAL PLUMBING CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS (2014)
- INTERNATIONAL MECHANICAL CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS (2014)
- INTERNATIONAL FUEL GAS CODE, 2012 EDITION, WITH GEORGIA AMENDMENTS (2014)
- NATIONAL ELECTRICAL CODE, 2014 EDITION, WITH NO GEORGIA AMENDMENTS
- INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION, WITH GEORGIA WITH GEORGIA SUPPLEMENTS AND AMENDMENTS (2011) (2012)
- 2012 NFPA 101 - LIFE SAFETY CODE WITH STATE AMENDMENTS (2013)
- U.S. DEPARTMENT OF JUSTICE A.D.A. STANDARDS FOR ACCESSIBLE DESIGN (ADA) - 2010 EDITION
- CHAPTER 120-3-3 RULES AND REGULATIONS FOR THE STATE MINIMUM FIRE STANDARDS IN GEORGIA

| Parcel Information              |                                      |                                |                                     |
|---------------------------------|--------------------------------------|--------------------------------|-------------------------------------|
| Parcel Record<br>0428 019       | Land Lot<br>04 - 137                 | Tax District<br>1              | Zoning<br>A-R                       |
| Last Recordation Available      |                                      |                                |                                     |
| Sale Date<br>4/17/2012          | Sale Price<br>██████                 | Deed Book / Page<br>3882 / 444 | Plat Book / Page<br>1               |
| Assessed Values                 |                                      |                                |                                     |
| Total Land Value<br>Coming soon | Total Buildings Value<br>Coming soon | Market Value<br>Coming soon    | Total Assessed Value<br>Coming soon |
| Improvement Information         |                                      |                                |                                     |
| Item                            | Status                               | Total                          | Size                                |
| Fixtures                        |                                      | 5                              |                                     |
| Basement                        | N                                    |                                | 0                                   |
| Attic                           | N                                    |                                | 0                                   |
| Fireplaces                      |                                      | 1                              |                                     |
| Building Wall                   | B                                    |                                |                                     |
| Building Height                 |                                      |                                | 2.00                                |
| Sq Ft                           |                                      |                                | 2260                                |
| Year Built                      | 1979                                 |                                |                                     |
| Map                             |                                      |                                |                                     |



## PROPOSED SITE PLAN

SCALE: 1"=40'

(INFO. FOR PREPARATION OF SITE PLAN TAKEN FROM COUNTY TAX MAPS & FIELD OBSERVATION)

## INSULATION NOTES:

- PROVIDE R-19 BATT INSULATION IN 2X6 WALLS, R-13 IN 2X4 WALLS, MINIMUM R-38 INSULATION IN FLAT CEILINGS AND R-30 BLANKET INSULATION IN VAULTED CEILINGS. ALLOW 1/2" MINIMUM AIRSPACE BETWEEN SHEATHING AND INSULATION, FACE FOIL DOWN TO WARM SIDE.
- INSTALL SIDE WALL AND CEILING INSULATION IN CONTINUOUS BLANKETS WITHOUT HOLES FOR ELECTRICAL BOXES, LIGHT FIXTURES OR HEATING DUCTWORK. CAULK ALL OPENINGS IN EXTERIOR WALL CONSTRUCTION.

\* RELEASED FOR CONSTRUCTION

REVISIONS

Date 07/19/16

Scale AS NOTED

Drawn RE

Job

Sheet

A-1  
Of 3 Sheets

**PETITION NO. A-648-17**  
**Morten Buch & Michael J. Taylor**  
**1060 Oak Ridge Drive**  
**Fayetteville, GA 30214**  
**Public Hearing Date March 27, 2017**

The subject property is located at 1060 Oak Ridge Drive, Fayetteville, Georgia 30214 in the Fayette Village subdivision and is zoned R-40. The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-137 R-40,(d)(6) to reduce side yard setback from 15 feet to five (5) feet to allow the construction of a detached accessory structure.

**History:** The Final Plat for Fayette Village was recorded on April 10, 1973. Tax Assessor's records indicate that the house was built in 1975.

The applicant provides the following information:

**VARIANCE SUMMARY**

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

The home owners, living at 1060 Oak Ridge Dr, Fayetteville, Ga. 30214, wish to reduce the north side yard building line setback from 15'-0" (code) to 5'-0" (variance). The home owners presently own two cars and a truck. One car being an electric car. The home owners wish to purchase another electric car. The new two-car detached carport (20'-0"Wx29'-0"L) would be used for the two electric cars. The existing two-car garage would be used for the truck and the restored classic car, which is now stored off site. The detached two-car carport with storage addition shall be located at the end of the existing driveway and existing turn-about with a minimum distance of 10'-0" building separation from the main house. Special consideration for handicapped home owner.

One of the home owners is handicap. The existing garage side of the house is already set up for easy access into the existing principle structure. The reasons for the proposed new addition location continues as follows:

The carport addition must be placed to the side and rear of the existing principle structure. The existing septic tank and septic tank waste line field location at the south side and to the rear of the existing principle structure can not be relocated. (see diagram in variance package). The existing utilities-in location at the south side of the existing principle structure shall not be relocated. (existing utilities-in are at the right side of the existing house from the street view). Presently water

tends to pool with heavy rains at the rear of the principle structure between the patio/screened porch area and the rear yard planted area shaped like a half circle (see site plan).

The following codes shall be adhered to in building the two-car carport project. A maximum of two accessory structures with maximum total of 1,800 sq. ft combined are allowed for R-40 zoning for a single family dwelling homestead. The existing homestead has (1) accessory structure which is a detached movable storage building at (11'-0"X16'-0") in size being 176 sq. ft.. The proposed accessory structure of the detached two-car carport with storage will be (20'-0"Wx29'-0"L) in size being 580 sq. f.t.. The total combined accessory structures for this homestead would be 756 sq. ft. Also the maximum building height shall not exceed 35'-0". The maximum height of the proposed detached two-car carport is 14'-0"

The neighbor owning parcel #072001040, which is next to the job site, has provided written consent and approval of Mr. Taylor's and Mr. Buch's detached two-car carport addition to their land with the 5'-0" building line setback. The architect building design and requirements have been provided on 11X17 sheets along with the proposed Site plan and approved health department documentation for the septic tank field. The color scheme of the new addition shall match the color scheme of the existing principle structure. No trees shall be disturbed during the construction process.

### **JUSTIFICATION OF REQUEST**

**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.**

- Topography verses water run off issues at the rear of the existing principle structure
- Required 15'-0" side yard building line setback
- Carport must be placed to the side and rear the existing principle structure.

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

- Mr. Taylor is handicap. The existing garage side of the house is already set up for easy access into the existing principle structure.
- The existing septic tank and septic tank waste line field location at the south side and to the rear of the existing principle structure can not be relocated. (see diagram in variance package)

-The existing utilities-in location at the south side of the existing principle structure shall not be relocated. (existing utilities-in are at the right side of the existing house from the street view)

-Presently water tends to pool with heavy rains at the rear of the principle structure between the patio/screened porch area and the rear yard planted area shaped like a half circle (see site plan).

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

-The existing septic tank and septic tank waste line field location at the south side and to the rear of the existing principle structure can not be relocated. (see diagram in variance package)

-The existing utilities-in location at the south side of the existing principle structure shall not be relocated. (existing utilities-in are at the right side of the existing house from the street view)

-Presently water tends to pool with heavy rains at the rear of the principle structure between the patio/screened porch area and the rear yard planted area shaped like a half circle (see site plan).

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

-A maximum of two accessory structures with maximum total of 1,800 sq. ft combined are allowed for R-40 zoning for a single family dwelling homestead. The existing homestead has (1) accessory structure which is a detached movable storage building at (11'-0"X16'-0") in size being 176 sq. ft.. The proposed accessory structure of the detached two-car carport with storage will be (20'-0"Wx29'-0"L) in size being 580 sq. f.t.. The total combined accessory structures for this homestead would be 756 sq. ft. Also the maximum building height shall not exceed 35'-0". The maximum height of the proposed detached two-car carport is 14'-0"

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

The home owners presently own two cars and a truck. One car being an electric car. The home owners wish to purchase another electric car. The new two-car carport would be used for the two electric cars. The existing two-car garage would be used for the truck and the restored classic car, which is now stored off site.

## **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** No objections to variance.

**ENVIRONMENTAL MANAGEMENT:** EMD has no comments.

**FIRE MARSHAL:** The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

**PUBLIC WORKS/ENGINEERING:** There are no Engineering/Public Works issues pertinent to the variance requests for A-646-17, A-647-17, or A-648-17.

**WATER SYSTEM:** No conflict.

A-647-17

Malone Road

SUBJECT  
PROPERTY



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Morten Buch & Michael J Taylor

MAILING ADDRESS: 1060 Oak Ridge Dr, Fayetteville, Ga. 30214

PHONE: 770-486-5588 E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: Sherce Mann

MAILING ADDRESS: 2451 Cumberland Parkway, Suite 3140, Atlanta, Ga. 30339

PHONE: 404-358-6228 E-MAIL: sheree.mann@renovations.com

PROPERTY LOCATION: LAND LOT 71 LAND DISTRICT 7 PARCEL 072001039

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.03

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: R-40

PRESENT USE OF SUBJECT PROPERTY: HOMESTEAD

PROPOSED USE OF SUBJECT PROPERTY: HOMESTEAD

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-648-17

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

by Staff: C. Bi Date: 2/17/2017

DATE OF ZONING BOARD OF APPEALS HEARING: March 27, 2017

Received from Michael J Taylor & Morten Buch a check in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 30<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: February 16, 2017

Receipt Number: 5667544-sign  
5667535-2BA App.

**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:

Morten Buch Michael J Taylor  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 072001039

**(I am) (we are)** the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 01 District, and (if applicable to more than one land district) Land Lot(s) 3D 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 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.

Morten Buch  
Signature of Property Owner 1

1060 Oak Ridge Dr  
Address

Michael J Taylor  
Signature of Property Owner 2

1060 Oak Ridge Dr  
Address

Shawn Mann  
Signature of Authorized Agent

2451 Cumberland Parkway  
Address  
Suite 3140  
Atlanta, Ga. 30339

Rouselle Jones  
Signature of Notary Public

2-15-17  
Date

Rouselle Jones  
Signature of Notary Public

2-15-17  
Date

Rouselle Jones  
Signature of Notary Public

2-10-17  
Date

FAYETTE COUNTY  
ENVIRONMENTAL HEALTH

APPROVAL FOR CONSTRUCTION  
(ADDITIONS AND ACCESSORY STRUCTURES)

HAVE YOU CONSULTED WITH ZONING? YES  NO  (PLEASE CHECK WITH ZONING BEFORE COMPLETING THIS FORM.)

STRUCTURE TO BE BUILT (Check one)

Barn  Garage  Storage Building  Addition to existing home   
Other carport

OWNER

Name Print Michael J Taylor Sign Michael J Taylor  
Full Address 1160 Oak Ridge Dr Phone 770-486-5588  
City/State Fayetteville GA Zip Code 30214

APPLICANT/CONTACT

Name Print Same as Above Sign \_\_\_\_\_  
Phone \_\_\_\_\_ 2<sup>nd</sup> Phone \_\_\_\_\_

SITE INFORMATION

Include copy of plat showing all existing structures and proposed structures/addition locations.

Subdivision: Fayette Village Lot # 3D Lot Size: \_\_\_\_\_  
Bedrooms: 3 Garbage Disposal: Yes:  No:   
Water Supply: Well  Public  Community   
Do you have any dogs our personnel must be concerned about? Yes:  No:

BUILDING INFORMATION

Is there a security code or gate code our personnel need access to? Yes:  No:  Code: \_\_\_\_\_  
Length of Structure 29 Ft Width 20 Ft Stories 1

Rooms \_\_\_\_\_ Bedrooms \_\_\_\_\_ Baths \_\_\_\_\_  
The carport is approved as indicated on site plan. Carport appears to have no adverse affect on septic system. Approval performed in office. System designed to accommodate a 3 bedroom residence without disposal.

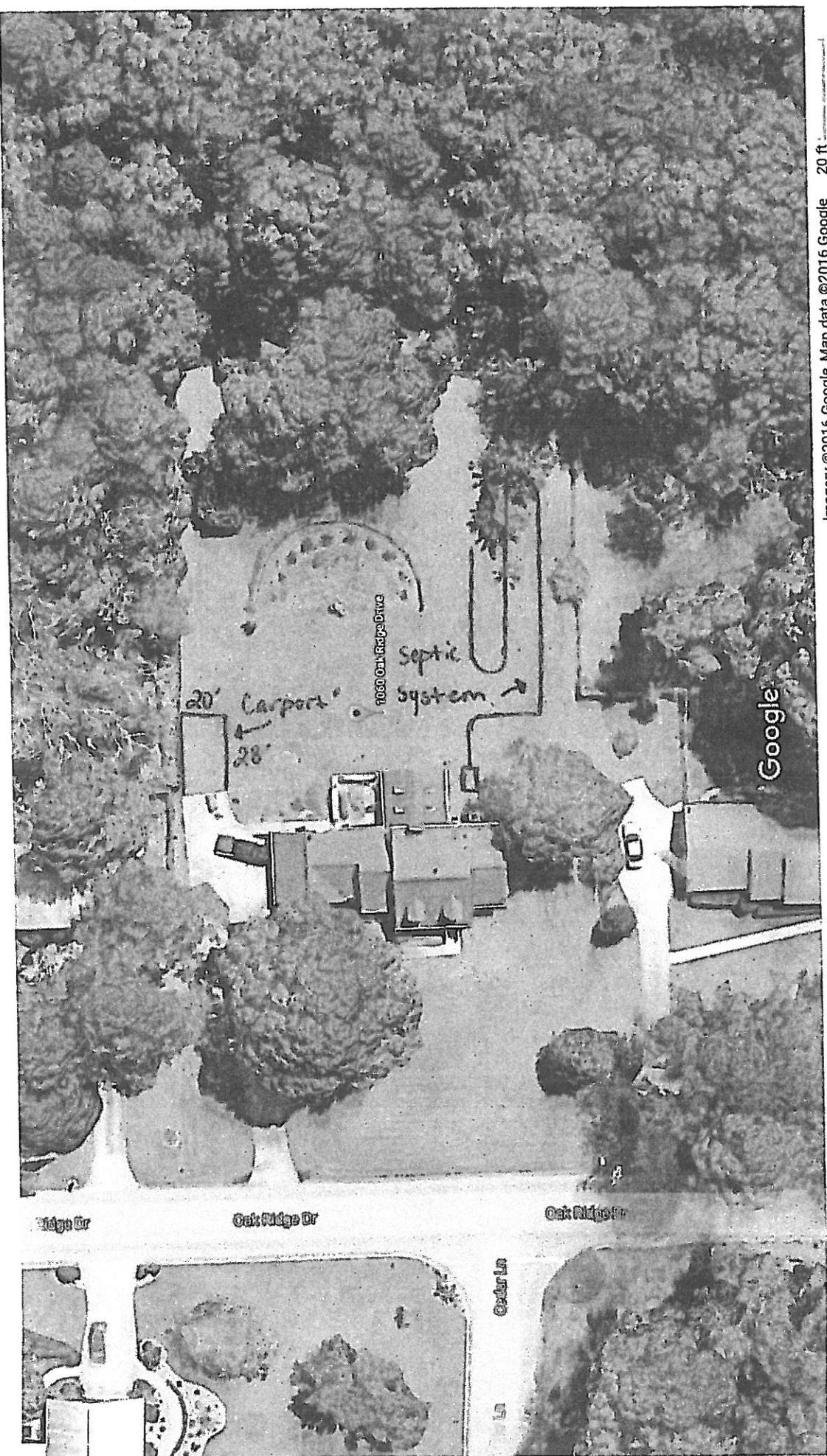
Environmental Health Approval

Date

Kaj Fulch

11-29-16

Go g le Maps 1060 Oak Ridge Dr



Imagery ©2016 Google, Map data ©2016 Google 20 ft

Fayette County Health Department

Signed: *[Signature]*  
 Kaylene Franklin 12-29-16  
 Environmental Health Specialist

February 15, 2017

From:

Renee Miller  
1062 Oak Ridge Drive  
Fayetteville  
Georgia 30214

To whom it may concern:

I own the property at 1062 Oak Ridge Drive, Fayetteville, Georgia 30214, Lot 4D - Fayette Village.

My neighbors, Michael J Taylor & Morten Buch at 1060 Oak Ridge Drive, Fayetteville, Georgia 30214, Lot 3D – Fayette Village, desire to build a detached two car carport at the end of their driveway, resulting in the carport being within five (5) feet of our shared property line.

Understanding that structures erected within five (5) feet of the shared property line, require special permissions/variance approval and acceptance by neighboring property owners, I hereby state that I have no objections to the proposed carport project.

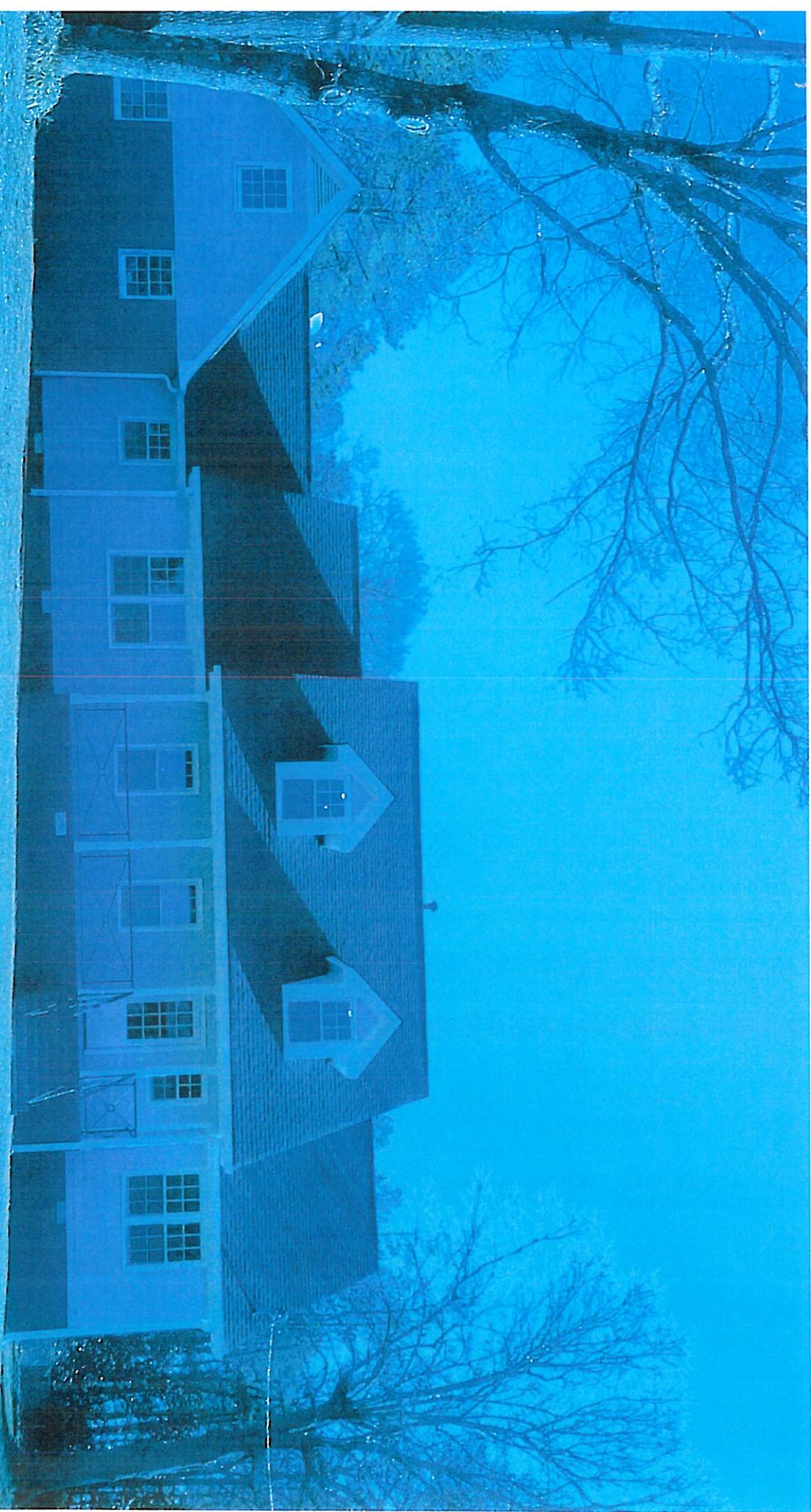
Regards,

A handwritten signature in cursive script that reads "Renee Miller".

Renee Miller

1060 OAK RIDGE DR.  
EXISTING HOUSE FRONT

2-16-17





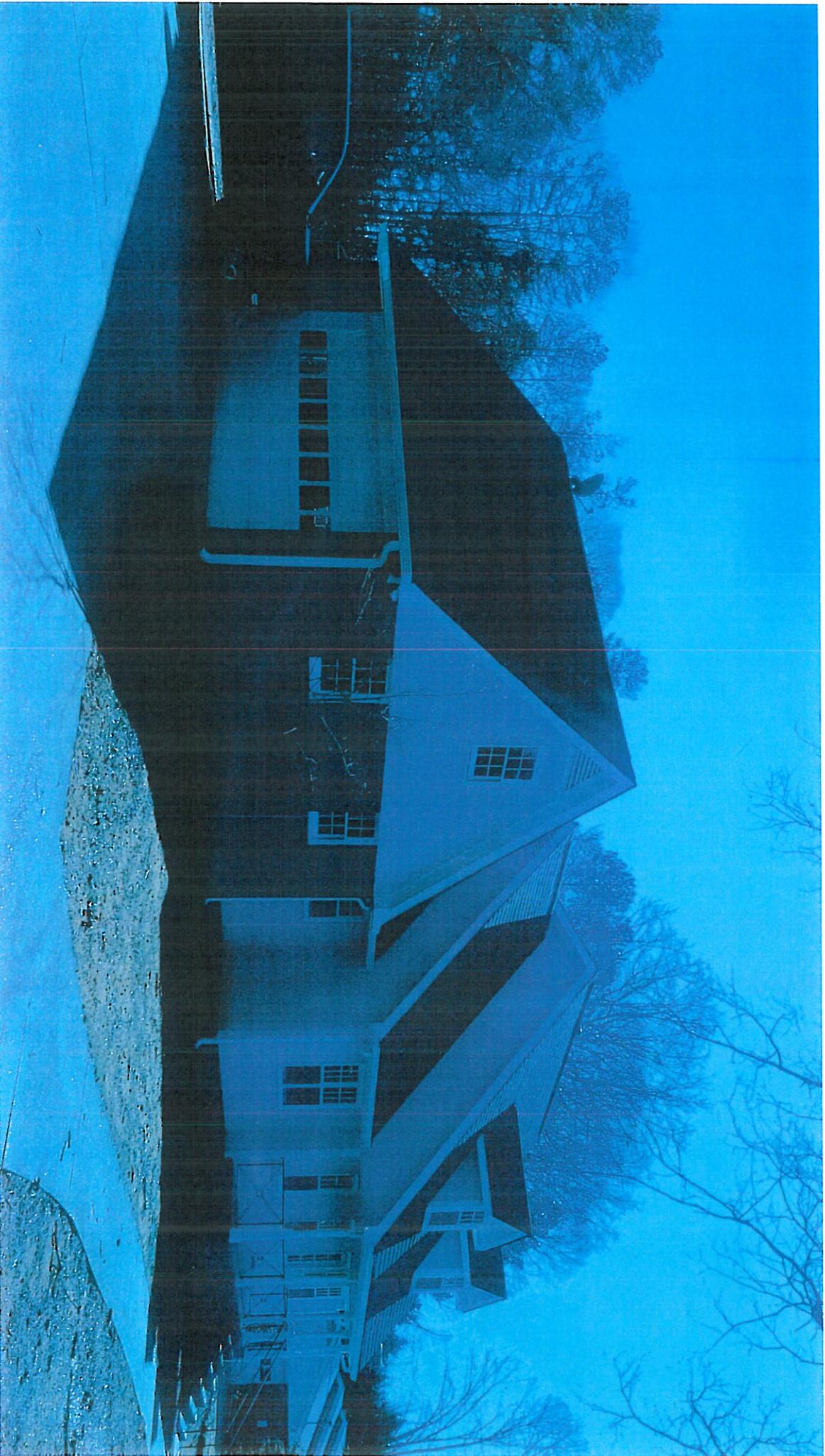
- 1060 OAK RIDGE DR.  
- EXISTING HOUSE RIGHT  
ELEVATION

2.16.17  
VANDERKAM



- 1060 OAK RIDGE DR  
- EXISTING HOUSE REAR ELEVATION

2.16.17  
VARRIANCE

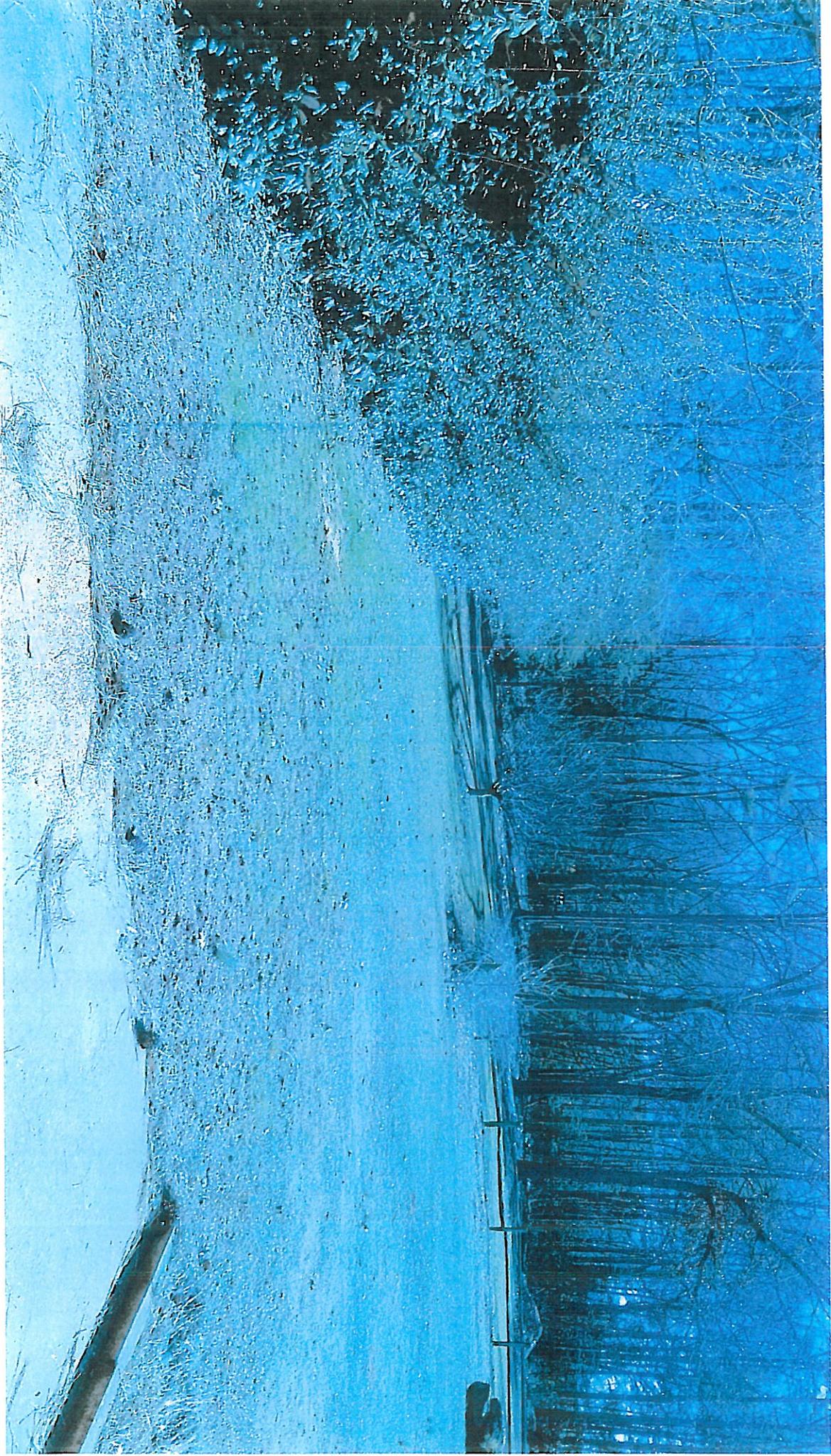


-1660 OAK RIDGE DR.  
-EXISTING HOUSE LEFT ELEVATION

2.16.17  
VANDIVER



- 1060 OAK RIDGE DR.  
- PROPOSED 2-CAR GARAGE  
LOCATION (1)



- 10600 OAK RIDGE DR.  
- PROPOSED 2-CAR GARPORT  
LOCATION (2)



MAX. TWO ACCESSORY STRUCTURES  
 W/MAX. TOTAL OF 1,800 SF COMBINED  
 EXISTING MOVABLE SHED @ 176 S.F.  
 2-CAR CARPORT ADDITION @ 580 S.F.  
 (DETACHED)  


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 TOTAL S.F. COMBINED = 756 S.F.

PARCEL #  
 072001040

PROPOSED 2-CAR  
 CARPORT w/STORAGE @ 580 S.F.  
 29'-0" W x 20'-0" L =

5'-0" BUILDING LINE SETBACK



SCOPE OF WORK

- VARIANCE SUBMITTED TO REDUCE THE NORTH PROPERTY LINE SETBACK FROM 15'-0" TO 5'-0" AT NEIGHBORING PARCEL # 072001040
- NO TREES SHALL BE DISTURBED
- ADD DETACHED TWO-CAR CARPORT ADDITION

EXISTING PRINCIPLE STRUCTURE  
 (NO CHANGE)

EXISTING 11'-0" x 16'-0"  
 MOVABLE SHED @ 176 S.F.  
 (NO CHANGE)

PROPOSED REVISED SITE PLAN  
 NOT TO SCALE LOT SIZE 45,000 S.F.

1060 OAK RIDGE DR.  
 FAYETTEVILLE, GA. 30214

TAYLOR & MORTON RESIDENCE  
 DATE: 2-16-2017

