

BOARD OF APPEALS

Marsha A. Hopkins, Chairwoman
Tom Waller, Vice-Chair
Therol Brown
John Tate
Bill Beckwith

STAFF

Pete Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning and Zoning Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
April 22, 2019
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on March 25, 2019.

PUBLIC HEARING

2. Petition No. A-696-19, Christine Standish, Vice President, Heritage Bank, Owner and Chris Singh, Agent, request the following: Sec. 110-170 (k) Continuance of a legal nonconforming use to reestablish a nonconforming child care center. The subject property is located in Land Lot 233 of the 5th District and fronts on Carnegie Place.
3. Petition No. A-697-19, Daisy Hill Farms, LLC / Jerry Peterson AIA, Owners, requests the following: Variances, as applicable, for all existing Daisy Hill Farms event facility, as property is converting through rezoning from A-R (Agricultural-Residential) to O-I (Office-Institutional) as follows: Sec. 110-94 – Buffer, Sec. 110-142 – O-I, Office-Institutional District, Sec. 110-173 – Transportation corridor overlay zone. The subject property is located in Land Lot 127 of the 5th District and fronts on Highway 54 W.

PETITION NO. A-696-19
School Realty Advisors, LLC (Chris Singh)
130 Carnegie Place
Fayetteville, GA 30214
Public Hearing Date April 22, 2019

The subject property is located at 130 Carnegie Place, Fayetteville, GA 30214 and is zoned C-H. The applicant is requesting a continuance of a legal nonconforming use as follows:

Section 110-170 Nonconformance. (k) Continuance of a legal nonconforming use. The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:

- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;
- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.

History: The property at 130 Carnegie Place contained a Nonconforming Child Care Facility. Records indicate the following variances:

1. (AV-018-88-administrative variance of 10 feet to reduce the front yard setback along Oak Hill Drive from a minimum of 55 feet to a minimum of 45 feet to construct a commercial building) was approved by the County Planner on 1/05/88.
2. (A-281-88 – variance for a reduction in the landscape buffer area along the northwest property line adjoining Lot 3 from the required minimum of 6-foot to a minimum of 2 feet; and the removal of the 10 foot perimeter landscape area provision of the Zoning Ordinance, Section 8-7., D.) was approved by the ZBA on 1/26/88.

The Staff Report states existing use of the subject property was a child care facility. A survey from 1987 found in the building permit file indicates a child care facility. A site plan was approved on 1/05/88 for a 6956 square foot structure consisting of a one story child care facility, a one story utility building (192 square feet), a pool, parking and landscaping.

In November of 2018, Mr. Singh inquired to the Planning and Zoning Department about the property. On December 3, 2018, the Planning and Zoning Department provided an email to Mr. Singh stating:

In response to your inquiry, per our records 130 Carnegie Place was approved for a day care facility in 1987. Day care facilities are now Conditional Uses regulated under Sec. 110-169. - Conditional use approval. **It does not appear that the current site meets these regulations making it a nonconforming use as a day care facility. County records indicate that the last annual Occupational Tax certificate was issued in 2012.** To reestablish a day care facility you would need to

submit an application to the Zoning Board of Appeals.

The applicant provides the following information:

SUMMARY

This letter is being submitted to reestablish continuing use for nonconformance of the property at the above address. In the following paragraphs, I intent to show how we meet the criteria to continue the subject's prior use.

The property at 130 Carnegie Place was approved for a day care facility in 1987. Day care facilities are now Conditional Uses regulated under Sec. 110-169. - Conditional use approval. Fayette County records show the does not appear that the current site meets these regulations making it a nonconforming use as a day care facility.

Section 9.5(E) of Zoning Ordinance of Fayette County authorized the Zoning Board of Appeals to allow reestablishment of nonconformance after six months where it is deemed by the Board that (criteria in bold and underline):

The Fayette County Zoning Ordinance, Sec. 110-242. (k) states the zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that:

- 1. The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated;**

Our building was built as a daycare facility; the other uses permitted in the subject zoning would entail reconfiguration of the existing building, parking lot, and swimming pool.

- 2. Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use;**

The ability to market and use the property would diminish if legal nonconforming use is not granted; this would diminish the property value of the owner's building and similar properties in Fayette County.

- 3. Adjacent property would not be unduly damaged by such continuance; and**

The business is located on a well-known street in Fayetteville with complementary uses. Across the street is a State of Georgia run Head Start program whose parents used this facility for before and after school care; their business is only open from 8:30 AM to 2:30 PM.

4. The use is to be identical to the prior legal nonconforming use.

The subject building was used as a daycare until November, 2018. It is the current owner's intention for the property to have an identical use.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and 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: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

Chris Singh
School Realty Advisors, LLC
152 Longview Rd,
Fayetteville, GA 30214
Ph: 321-217-9917
Email: orlandoalue@yahoo.com

Re: 130 Carnegie Place

December 20, 2018

To Whom It May Concern,

This letter is being submitted to reestablish continuing use for nonconformance of the property at the above address. In the following paragraphs, I intent to show how we meet the criteria to continue the subject's prior use.

The property at 130 Carnegie Place was approved for a day care facility in 1987. Day care facilities are now Conditional Uses regulated under Sec. 110-169. - Conditional use approval. Fayette County records show the does not appear that the current site meets these regulations making it a nonconforming use as a day care facility.

Section 9.5(E) of Zoning Ordinance of Fayette County authorized the Zoning Board of Appeals to allow reestablishment of nonconformance after six months where it is deemed by the Board that (criteria in bold and underlined):

The design, construction of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated: Our building was built as a daycare facility; the other uses permitted in the subject zoning would entail reconfiguration of the existing building, parking lot, and swimming pool.

Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use: The ability to market and use the property would diminish if legal nonconforming use is not granted; this would diminish the property value of the owner's building and similar properties in Fayette County.

Adjacent property would not be unduly damaged by such continuance: The business is located on a well known street in Fayetteville with complementary uses. Across the street is a State of Georgia run Head Start program whose parents used this facility for before and after school care; their business is only open from 8:30 AM to 2:30 PM

The use is to be identical to the prior legal nonconforming use: The subject building was used as a daycare until November, 2018. It is the current owner's intention for the property to have an identical use.

Thank you for your time in reviewing my application.



Chris Singh
Broker, School Realty Advisors, LLC

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Heritage Bank

MAILING ADDRESS: 830 Eagles Landing Parkway, Suite 200, Stockbridge, GA 30281

PHONE: (678) 284-3423 E-MAIL: christine.standish@heritagebank.com

AGENT FOR OWNERS: Chris Singh

MAILING ADDRESS: 2862 Summit Drive, Jonesboro, GA 30236

PHONE: 321-217-9917 E-MAIL: orlandovalve@yahoo.com

PROPERTY LOCATION: LAND LOT 4^{5th} LAND DISTRICT 01-233 PARCEL 055202004

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.11

ZONING DISTRICT: CCH

ZONING OF SURROUNDING PROPERTIES: CCH

PRESENT USE OF SUBJECT PROPERTY: Daycare

PROPOSED USE OF SUBJECT PROPERTY: Daycare

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-696-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: COB Date: 3/15/2019

DATE OF ZONING BOARD OF APPEALS HEARING: April 22, 2019

Received from Heritage Bank a check in the amount of \$ 215⁰⁰

for application filing fee, and \$ 175⁰⁰ for deposit on frame for public hearing sign(s). 40⁰⁰

Date Paid: 3/21/19 Receipt Number: 6704 833 - 175⁰⁰ App
6704 835 - 20⁰⁰ sign
6704 834 - 20⁰⁰ sign

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:

Heritage Bank

Please Print Names

Property Tax Identification Number(s) of Subject Property: 055202004

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 01 sth District, and (if applicable to more than one land district) Land Lot(s) 04 233 of the District, and said property consists of a total of 1.11 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Chris Singh 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.

Christina Gaudish, VP
Signature of Property Owner 1

830 Eagles Landing Pkwy, Ste Bridge Ct.
Address

Stacy N Rammons
Signature of Notary Public

1/18/19
Date



Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

2862 Summit Dr, Jonesboro, GA 30236
Address

1/15/2019
Date

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.

Please see attached.

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

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

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

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

Doc ID: 010551980004 Type: FCD
Recorded: 01/02/2019 at 10:00:00 AM
Fee Amt: \$18.00 Page 1 of 4
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4827 PG 188-191

Return after recording to:
Thomas E. Austin, Jr., Esq.
3475 Piedmont Road, N.E.
Suite 1100
Atlanta, Georgia 30305-6400

DEED UNDER POWER

STATE OF GEORGIA
FAYETTE COUNTY

THIS INDENTURE, made this 4th day of December, 2018, by A.P. Kent Enterprises, Inc. d/b/a Lafayette Kid's World, acting by and through its duly appointed agent and attorney-in-fact, Heritage Bank, as party of the first part (hereinafter referred to as "Grantor"), and Heritage Bank, as party of the second part;

WITNESSETH:

WHEREAS, Grantor executed and delivered to Heritage Bank a Deed to Secure Debt and Security Agreement dated June 28, 2006, filed for record in Deed Book 3065, Page 38, in the Office of the Clerk of the Superior Court of Fayette County, Georgia (the "Security Deed"), conveying the after-described property to secure the payment of a U.S. Small Business

Administration Note dated June 28, 2006 in the original principal amount of \$880,000.00 (hereinafter referred to as the "Note"), as more fully described therein; and

WHEREAS, default in the payment of the monthly installments under said Note occurred, and whereas by reason of said default, Heritage Bank elected, pursuant to the terms of said Security Deed and Note, to declare the entire principal and interest immediately due and payable; and

WHEREAS, said entire indebtedness still being in default, Heritage Bank on behalf of said GRANTOR, and according to the terms of said Security Deed, did advertise said property for sale for four (4) consecutive weeks in the legal newspaper of said county wherein the Sheriff carries advertisements, namely the *Fayette County News*, said dates of publication being November 7, 2018, November 14, 2018, November 21, 2018, and November 28, 2018; and

WHEREAS, pursuant to said advertisements, on the first Tuesday in December, 2018 (December 4, 2018), within the legal hours of sale at the usual place for conducting Sheriff's sales before the door of the Superior Court of Fayette County, Georgia, Heritage Bank made the highest and best bid and said land was therefore knocked off to Heritage Bank for a bid of Six Hundred Seventy-Two Thousand Two Hundred Fourteen and 66/100s Dollars (\$672,214.66);

NOW, THEREFORE, in consideration of the premises and said sum of money and by virtue of and in the exercise of the power of sale contained in the aforesaid Security Deed, the GRANTOR has bargained, sold, granted, and conveyed, and by these presents does hereby bargain, sell, grant, and convey to Heritage Bank, its successors, and assigns, the following:

All that tract or parcel of land lying and being in Land Lot 233, 5th District, Fayette County, Georgia records, and being more particularly described as follows:

BEGINNING at an iron pin set on the southerly right-of-way of Oak Hill Drive (a 30-foot right-of-way) 659.40 feet east of the intersection with the easterly right-of-way of Georgia Highway No. 85 and the TRUE POINT OF BEGINNING; thence proceeding easterly along said southerly right-of-way of Oak Hill Drive North 88 degrees 01 minutes 00 seconds East a distance of 156.90 feet to an iron pin found; thence leaving said southerly right-of-way of Oak Hill Drive and proceeding South 01 degrees 20 minutes 00 seconds East a distance 75.25 feet to an iron pin found; thence proceeding South 02 degrees 01 minute 00 seconds East a distance of 116.40 feet to an iron pin found; thence proceeding South 63 degrees 48 minutes 00 seconds West a distance of 261.70 feet to an iron pin found on the easterly right-of-way of Carnegie Place (a 50-foot right-of-way); thence proceeding along said easterly right-of-way of Carnegie Place along an arc of a curve to the left with a radius of 70.00 feet an arc distance of 120.00 feet, said arc being subtended by a chord bearing North 15 degrees 26 minutes 23 seconds West a chord distance of 105.85 feet to an iron pin set; thence leaving said easterly right-of-way of Carnegie Place and proceeding North 26 degrees 41 minutes 00 seconds East a distance of 223.44 feet to an iron pin set on the southerly right-of-way of Oak Hill Drive and the TRUE POINT OF BEGINNING, being improved

property and containing 1.20 acres, more or less, all as shown on that Survey for A.P. Kent Enterprises, Inc. d/b/a Lafayette Kid's World, Heritage Bank and Lawyers Title Insurance Corporation, dated June 15, 2006, by A.S. Giometti, G.R.L.S. No. 1125, of A.S. Giometti & Associates, Inc., together with all fixtures and personal property attached to and constituting a part of said property, and replacements and additions.

This property is sold subject to any right of the United States of America to redeem said property within one hundred twenty (120) days of the above-referenced foreclosure sale date to pay Federal Tax Lien(s). While no Federal Tax Liens were ascertained, the Internal Revenue Service was informed of the foreclosure sale as a precautionary measure through a Notice which was served via hand delivery on November 9, 2018.

Together with all and singular the rights, members and appurtenances thereto appertaining; also, all of the estate, right, title, interest, claim or demand of the said GRANTOR, its heirs, successors and assigns, legal, equitable, or otherwise whatsoever, in and to the same.

This property is conveyed subject to: (1) any outstanding ad valorem taxes, assessments, and any unpaid utility bills which may constitute a lien against the property; and (2) any security deeds, liens, and encumbrances existing when the above-described Security Deed was filed for record.

TO HAVE AND TO HOLD the said premises and every part thereof unto Heritage Bank, its successors and assigns, to its own proper use, benefit and behoof in FEE SIMPLE, in and full and ample a manner as the said GRANTOR, its heirs, successors, and assigns, did hold and enjoy the same.

The notice of foreclosure sale as required by Georgia law in the form of a copy of the Notice of Sale Under Power submitted to the legal newspaper was provided to the debtor by certified mail, return receipt requested, at least 30 days prior to the foreclosure sale date.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Heritage Bank, as Agent and Attorney in Fact for GRANTOR, has hereunto affixed its hand and seal, the day and year first above written.

A.P. KENT ENTERPRISES, INC. d/b/a LAFAYETTE KID'S WORLD, by and through its Agent and Attorney-in-Fact, HERITAGE BANK

By: Christine Standish
Name: Christine Standish
Title: Vice President, Special Assets Manager

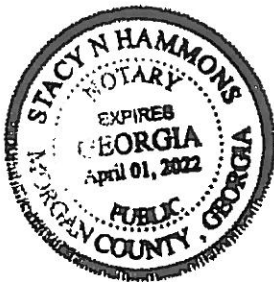
Attest: William C. Strom
Name: WILLIAM C. STROM
Title: VICE PRESIDENT

[BANK SEAL]

Signed, Sealed and Delivered
in the presence of:

Kenn Terrell
Unofficial Witness

Stacy N Hammons
Notary Public
My Commission Expires: 4/1/22
[Notary Seal]

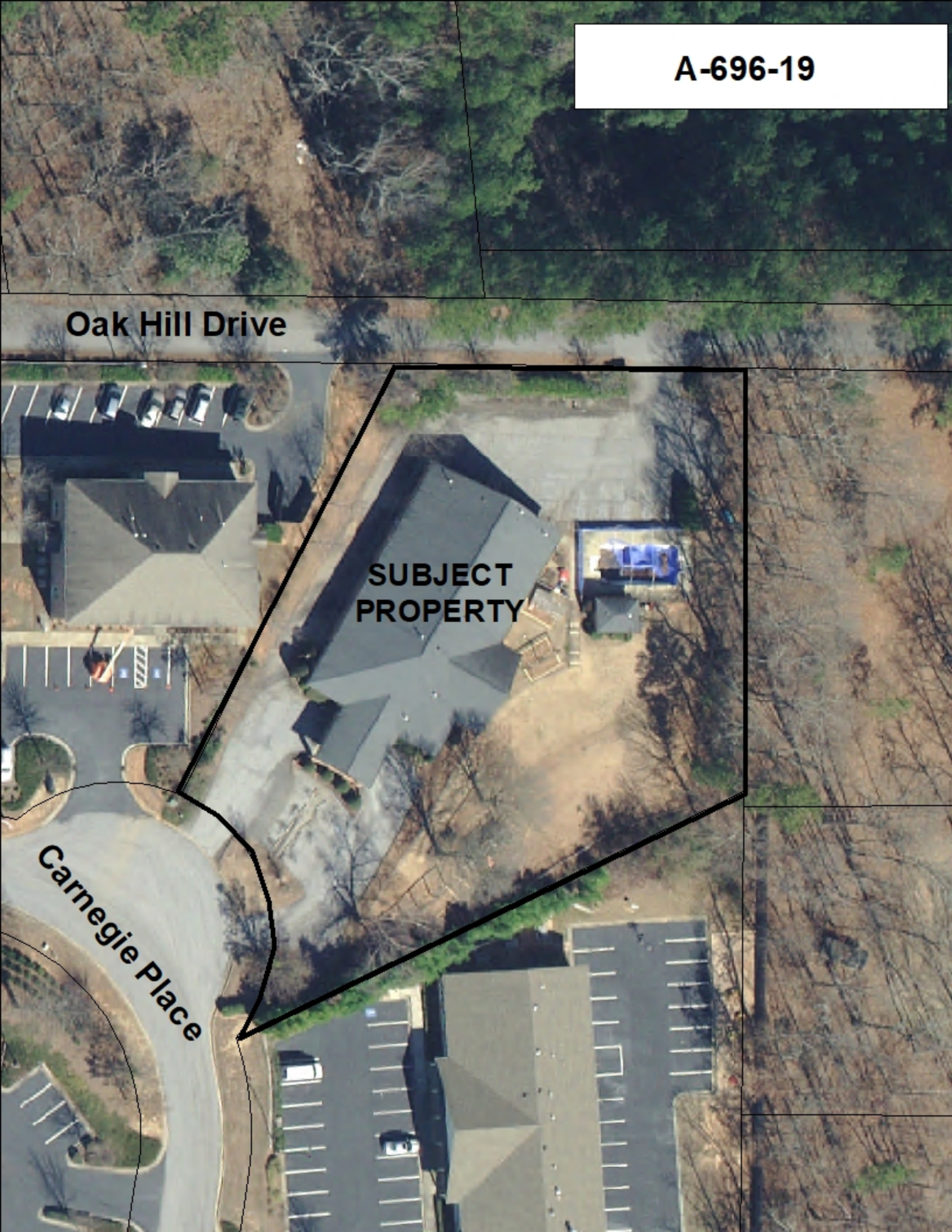


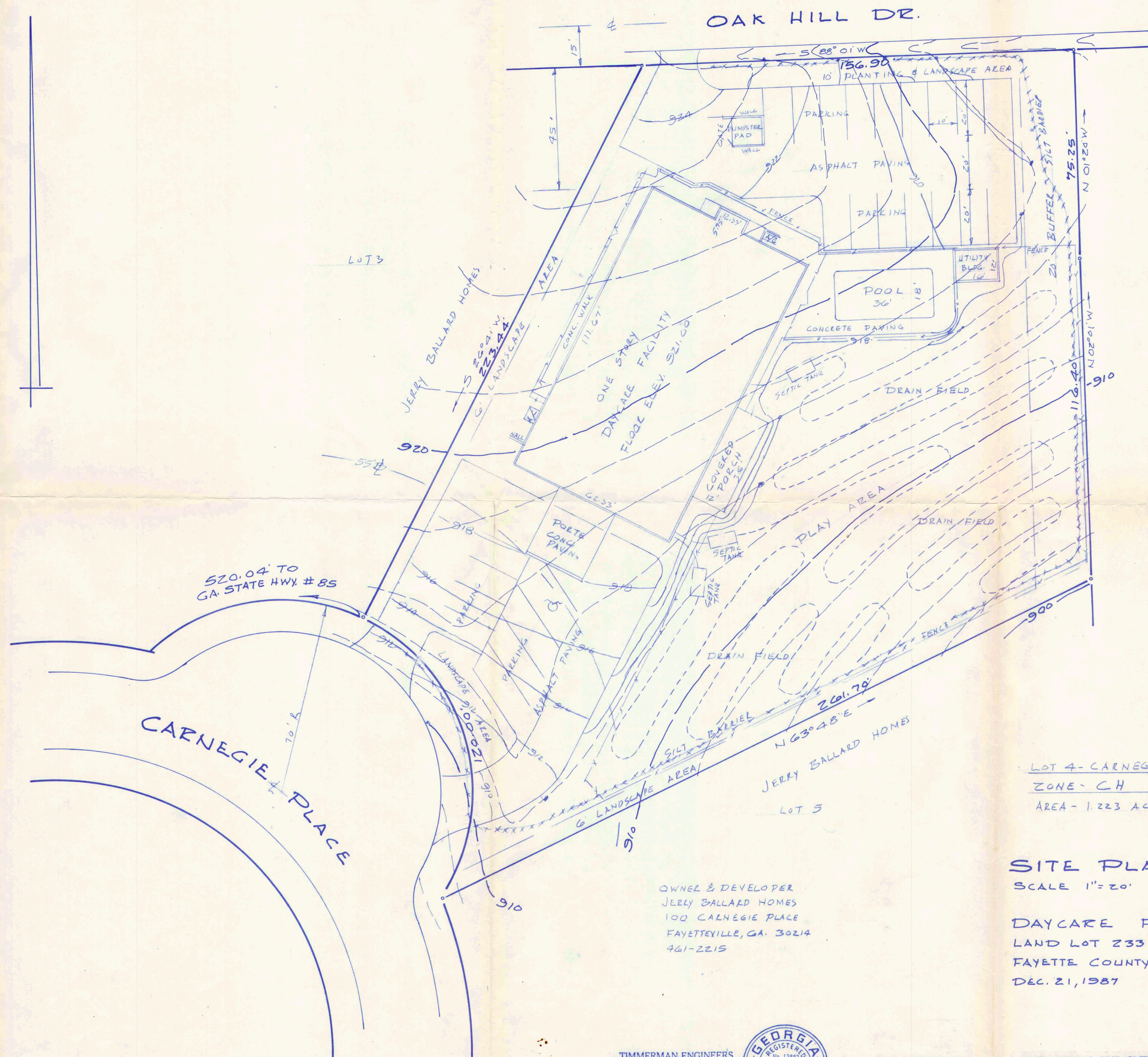
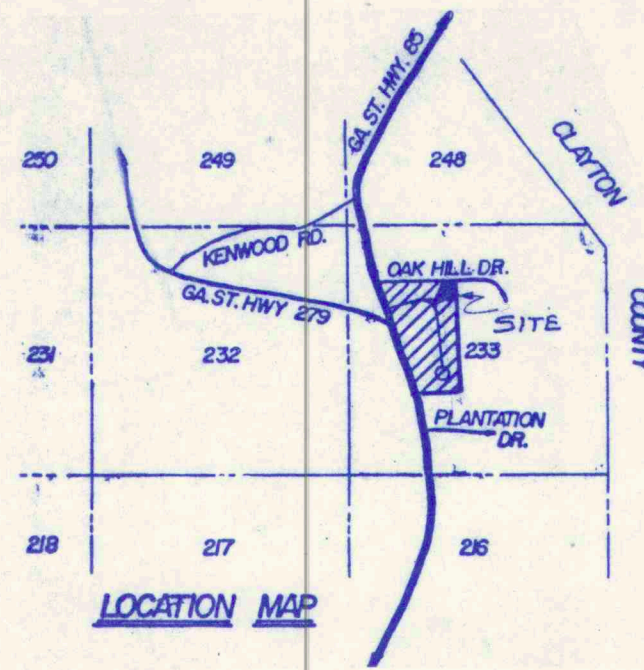
A-696-19

Oak Hill Drive

**SUBJECT
PROPERTY**

Carnegie Place





520.04 TO
GA. STATE HWY # 85

CARNEGIE PLACE

OAK HILL DR.

LOT 3

JERRY BALLARD HOMES
LANDSCAPE AREA
CONC. WALK 111.67'

OWNER & DEVELOPER
JERRY BALLARD HOMES
100 CARNEGIE PLACE
FAYETTEVILLE, GA. 30214
461-2215

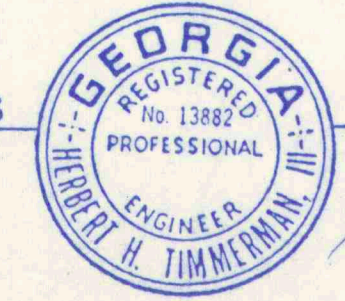
LOT 4 - CARNEGIE PLACE
ZONE - CH
AREA - 1.223 ACRES

SITE PLAN
SCALE 1" = 20'

DAYCARE FACILITY
LAND LOT 233 5TH DISTRICT
FAYETTE COUNTY, GA.
DEC. 21, 1987

DEC 23 1987

TIMMERMAN ENGINEERS
CIVIL - SANITARY - HYDROLOGIC



2430 HERODIAN WAY, SUITE 250
SMYRNA, GEORGIA 30080
(404) 556-8354
Herbert H. Timmerman, III

STEED LAND SURVEYORS
B & BOYD
5361 RIVERDALE ROAD
COLLEGE PARK, GA. 30349
(404) 997-5501



SHEET 1 OF 1

PETITION NO. A-697-19
Daisy Hill Farms LLC.
1048 Highway 54 West
Fayetteville, GA 30215
Public Hearing Date April 22, 2019

The subject property is located at 1045 SR 54 West, Fayetteville, GA 30215 and was zoned A-R at the time of this application but as of March 28, 2019 it is now zoned Office-Institutional (O-I). The applicant is requesting variances for all existing improvements to remain, as applicable, for the Daisy Hill Farms event facility, as property is converting through rezoning from A-R (Agricultural-Residential) to O-I (Office-Institutional) as follows:

Article III. - General Provisions, Sec. 110-94. - Buffer, Sec. 110-142 O-I, Office – Institutional District and Sec. 110-173. - Transportation corridor overlay zone.

History: The subject property’s survey was recorded on August 1, 2011. Site Plan (SP17-007) for the A-R Wedding and event facility was approved on October 5, 2017. The building permit for the event facility was issued on August 2, 2018. On March 15, 2019 the Certificate of Occupancy was issued.

On March 28, 2019, the Board of Commissioners approved rezoning 1280-19 with the following condition:

That all necessary variances be approved by the Zoning Board of Appeals prior to the approval of the revised site plan necessary for utilization of the existing residence in a nonresidential manner including instillation of proposed access drive and parking.

Staff discovered the encroachments while reviewing the concept plan and application. The concept plan submitted with the rezoning indicates that an access drive to the residence and parking is proposed. Improvement such as these and utilization of the residence in a nonresidential manner will require that a revised site plan be submitted per Section 8-26 of the Development Regulations demonstrating compliance with the O-I zoning district and all other applicable regulations pertinent to the change in zoning. In reference to the new zoning district, existing storm water facilities and parking encroach into required buffers and also a required landscape area. The encroachment of the required landscape area was not detected by Staff on the previous site plan for the A-R Wedding and event facility. These variances are required for the approval of a revised site plan.

DEPARTMENTAL COMMENTS

ENGINEERING: Public Works has no comments on the requested variances associated with the rezoning.

ENVIRONMENTAL HEALTH: No objections to proposed rezoning from A-R to O-I for use of existing house as event venue office and pre-event facility.

ENVIRONMENTAL MANAGEMENT: No comments.

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

WATER SYSTEM: No conflict.

VARIANCE SUMMARY

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

The applicant is requesting variances for all existing improvements to remain, as applicable, in association with the existing Daisy Hill Farms event facility, as the property is converting through rezoning from A-R (Agricultural- Residential) to O-I (Office – Institutional) as follows:
Sec. 110-94. Buffer.
Sec. 110-142. O-I, Office – Institutional District.
Sec. 110-173. Transportation corridor overlay zone.

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.**

The parking and storm water facilities are existing. Moving these facilities which were recently constructed based on an approved set of construction plans is not a feasible option.

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

The property is being rezoned to O-I from A-R which requires the need for buffers along the side and rear property lines and landscaping areas. The existing storm and parking facilities will encroach on these buffers and landscape areas. The variances are a condition of the rezoning.

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

The property is being rezoned to O-I from A-R which requires the need for buffers along the side and rear property lines and landscaping areas. The existing storm and parking facilities will encroach on these buffers and landscape areas. The variances are a condition of the rezoning.

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

Relief of these requirements would not cause any harm to the public good or impair the purposes and intent of the regulations since the intended use is in keeping with surrounding properties and is adequately buffered already from adjacent properties.

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

A literal interpretation of this ordinance would deprive the applicant of their rights to use the property for its intended use as the recently constructed storm and parking facilities were constructed based on permitted plans by Fayette County.

A-697-19

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Daisy Hill Farms, LLC

MAILING ADDRESS: 1048 Hwy. 54 W, Fayetteville, GA. 30215

PHONE: 770-856-8875 E-MAIL: felix.enriquez@icloud.com

AGENT FOR OWNERS: Jerry Peterson

MAILING ADDRESS: 616 Wingspread, Peachtree City, GA. 30269

PHONE: 770-487-9124 E-MAIL: jpeteronplan@aol.com

PROPERTY LOCATION: LAND LOT 127 LAND DISTRICT 5th PARCEL 0521 002

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 16.74

ZONING DISTRICT: Currently being rezoned from AR to O-I

ZONING OF SURROUNDING PROPERTIES: AR/ O-I

PRESENT USE OF SUBJECT PROPERTY: House with wedding venue under construction

PROPOSED USE OF SUBJECT PROPERTY: Event Venue

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-69719

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 3/15/19

DATE OF ZONING BOARD OF APPEALS HEARING: April 22, 2019

Received from Chadwick GA a check in the amount of \$ 245.⁰⁰

for application filing fee, and \$ 225.⁰⁰ for deposit on frame for public hearing sign(s). 20.⁰⁰

Date Paid: 3/25/19 Receipt Number: 6708839 - 225.⁰⁰ App
- 20.⁰⁰ Sign

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:

Daisy Hill Farms, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0521 002

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 127 of the District, and said property consists of a total of 16.74 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature of Property Owner 1]

125 ISLEWORTH WAY FA GA 30215

[Signature of Property Owner 2]

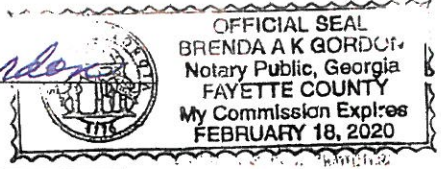
127 HIGHGREEN RIDGE PTC GA 30269

[Signature of Authorized Agent]

PO BOX 3590 PTC GA 30269

[Signature of Notary Public]

3/15/19



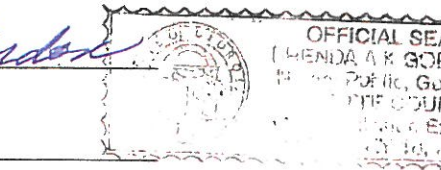
[Signature of Notary Public]

3/15/19



[Signature of Notary Public]

3/15/19



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-94 - Buffer			all existing improvements to remain
100-142 -O-I, Office-Institutional District			all existing improvements to remain
110-173 - Transportation Corridor Overlay Zone			all existing improvements to remain

VARIANCE SUMMARY

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

The applicant is requesting variances, as applicable, for in association with the existing Daisy Hill Farms event facility, as the property is converting through rezoning from A-R (Agricultural –Residential) to O-I (Office-Institutional) as follows:

- ~~Sec. 110-94. - Buffer.~~
- Sec. 110-142. - O-I, Office-Institutional District.
- ~~Sec. 110-173. - Transportation corridor overlay zone.~~

JUSTIFICATION OF REQUEST

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

The parking and storm water facilities are existing. Moving these facilities which were very recently constructed based on an approved set of construction plans is not a feasible option.

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

The property is being rezoned to O-I from A-R which requires the need for buffers along the side and rear property lines and landscaping areas. The existing storm and parking facilities will encroach on these buffers and landscape areas. The variances are a condition of the rezoning.

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

The property is being rezoned to O-I from A-R which requires the need for buffers along the side and rear property lines and landscaping areas. The existing storm and parking facilities will encroach on these buffers and landscape areas. The variances are a condition of the rezoning.

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.

Relief of these requirements would not cause any harm to the public good or impair the purposes and intent of the regulations since the intended use is in keeping with surrounding properties and is adequately buffered already from adjacent properties.

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

A literal interpretation of this ordinance would deprive the applicant of their rights to use the property for its intended use as the recently constructed storm and parking facilities were constructed based on permitted plans by Fayette County.



Doc ID: 010414180002 Type: OCD
 Recorded: 06/18/2018 at 09:55:00 AM
 Fee Amt: \$12.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BX 4755 PG 480-481

This document prepared by
 and upon recording return to
 Robert T. Morgan, Esq.
 Robert T. Morgan, P.C.
 750 Hammond Drive
 Building 12, Suite 100
 Atlanta, Georgia 30328
 File No. 8714-12-147

QUITCLAIM DEED

THIS INDENTURE is made this 11th day of June, 2018, between KEVIN M. McFARLAND, DEBORAH J. McFARLAND and FELIX ENRIQUEZ, Georgia residents (collectively, "Grantor") and DAISY HILL FARMS, LLC, a Georgia limited liability company ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH:

GRANTOR in consideration of the sum of One and No/100 Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, and forever quitclaim to Grantee all the right, title and interest, claim or demand which the Grantor has or may have had in and to all that tract (or parcel) of land lying and being in Land Lot 127 of the 5th District of Fayette County, Georgia (the "Property"), as more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein

TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining unto Grantee, so that neither Grantor, nor any other person or persons claiming under Grantor at any time claim or demand any right, title or interest to the Property or its appurtenances.

EXECUTED under seal as of the date above.

Signed, sealed and delivered
 in the presence of:

Unofficial Witness [Signature]
 Notary Public [Signature]

My Commission Expires 1 27 2020

GRANTOR:

[Signature] (SEAL)
 Kevin M. McFarland
[Signature] (SEAL)
 Deborah J. McFarland
[Signature] (SEAL)
 Felix Enriquez

[NOTARIAL SEAL]

**JENNIFER TREECE BROWN
 NOTARY PUBLIC**

6 MORGANSTABLET... HENRY COUNTY GEORGIA

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 127 of the 5th District, Fayette County, Georgia, containing more or less 16.74 acres, Survey prepared for The Estate of George Henry Huddleston, Jr., and as more as more completely shown at that recorded plat of survey, recorded at Plat Book 46, Page 173, Fayette County, Georgia Records.

All that tract or parcel of land lying and being in Land Lot 127 of the 5th District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a 1" open top pipe found at the Southeast corner of Land Lot 127; Thence along the southerly line of Land Lot 127 South 87 degrees 58 minutes 02 seconds West a distance of 976.99 feet to a 3/4" open top pipe found; Thence leaving said Land Lot Line North 18 degrees 23 minutes 35 seconds East a distance of 516.30 feet to a 3/4" open top pipe found; thence North 00 degrees 49 minutes 50 seconds West a distance of 606.85 feet to a concrete right-of-way monument found on the Southerly right-of-way of Georgia Highway No. 54 (right-of-way varies); Thence along said right of way following a curve to the right having a radius of 2799.79 feet, an arc length of 408.48 feet, a chord which bears North 81 degrees 57 minutes 02 seconds East, and a chord length of 408.12 feet to a 3/8" rebar found; Thence leaving said right-of-way South 11 degrees 16 minutes 48 seconds West a distance of 428.47 feet to a 2" iron rod found; Thence South 73 degrees 16 minutes 25 seconds East a distance of 112.82 feet to a 1/2" rebar found; Thence North 25 degrees 40 minutes 04 seconds East a distance of 32.70 feet to a 1/2" rebar found; Thence South 71 degrees 16 minutes 02 seconds East a distance of 255.18 feet to a 2" open top pipe found; Thence South 70 degrees 48 minutes 04 seconds East a distance of 128.79 feet to a 3/8" rebar found on the Easterly line of Land Lot 127; Thence along said land lot line South 01 degrees 39 minutes 01 seconds East a distance of 571.94 feet to a 1" open top pipe found at the Southeast corner of Land Lot 127 and the POINT OF BEGINNING; said tract containing 16.74 acres more or less as shown on a survey by W.D. Gray and Associates, Inc. for The Estate of George Henry Huddleston, Jr. dated 07/05/2011 and recorded in Plat Book 46, Page 173, Fayette County records.

A-697-19

SR 54

**SUBJECT
PROPERTY**

Fayetteville

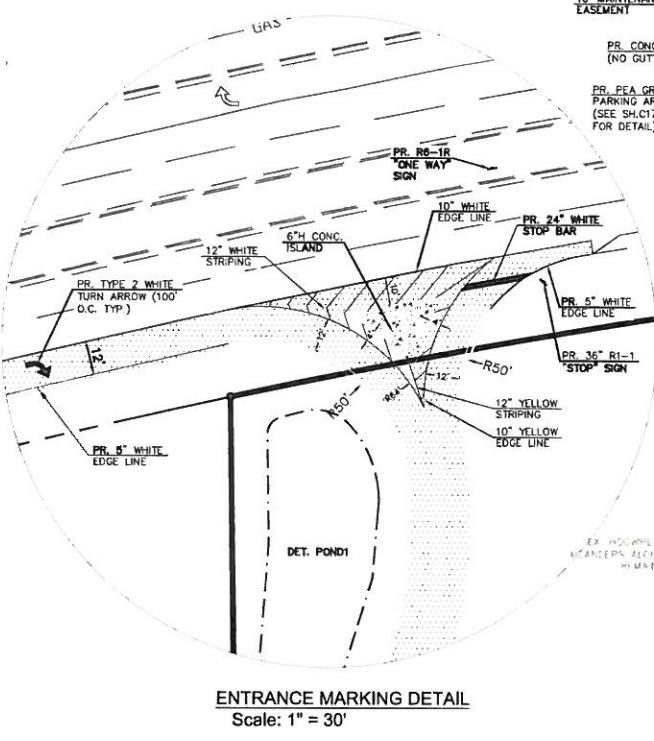
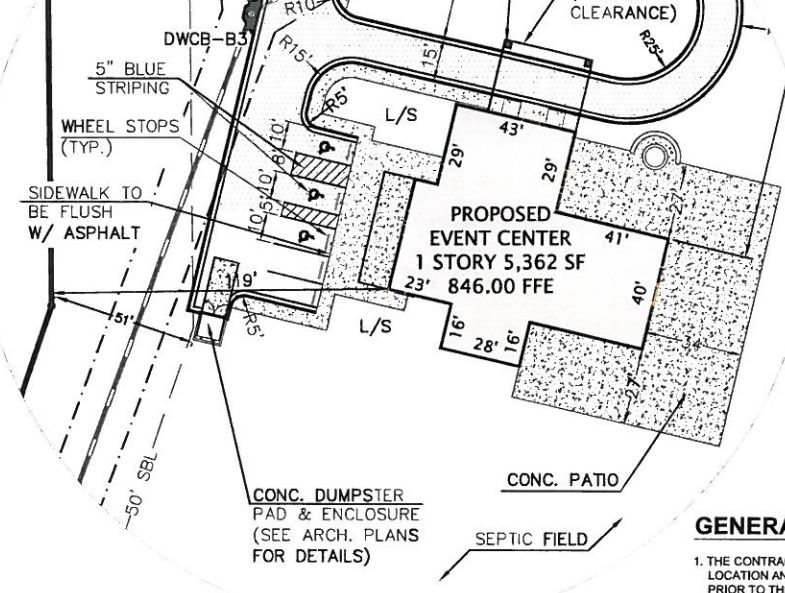
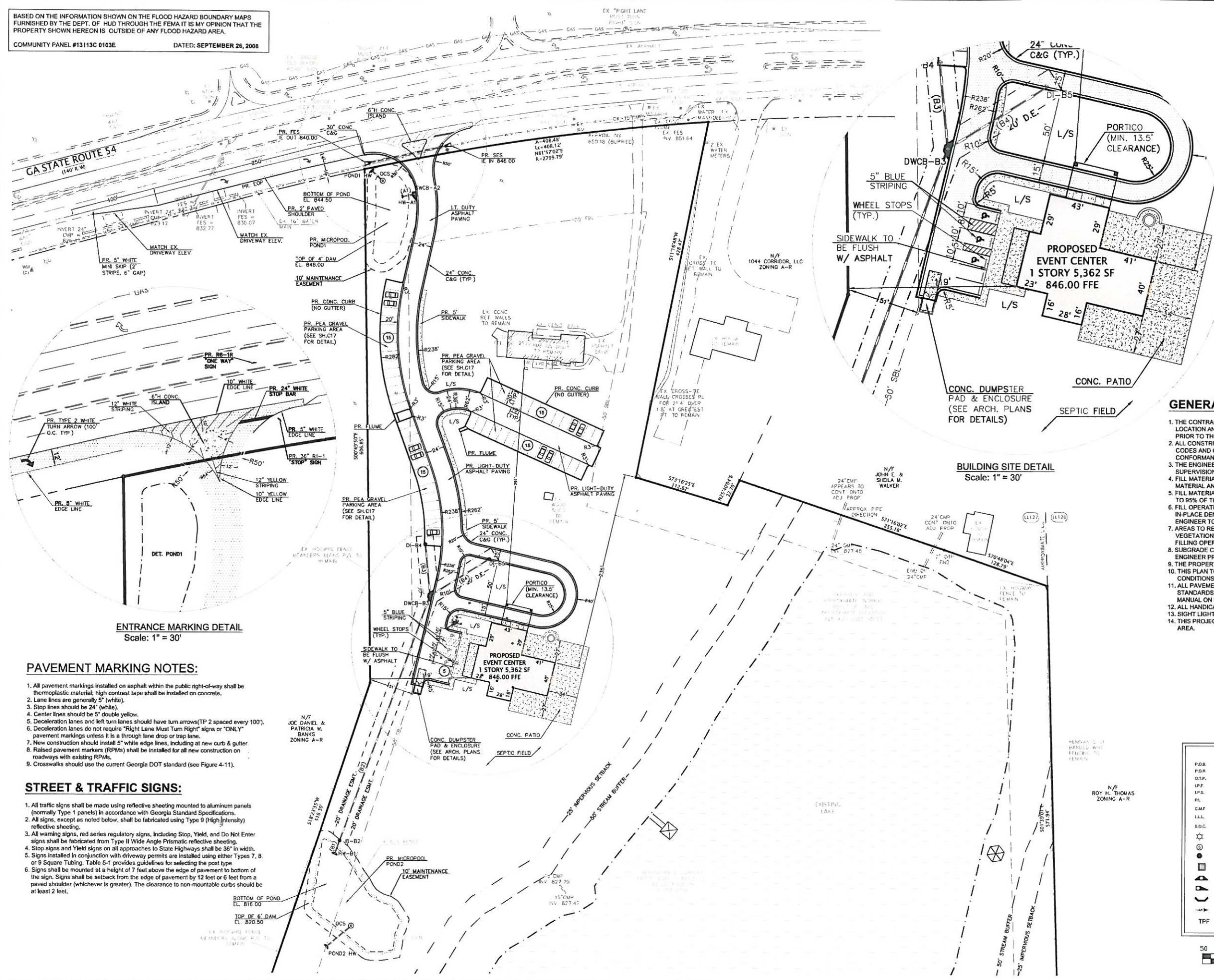
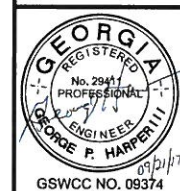


BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS OUTSIDE OF ANY FLOOD HAZARD AREA.
 COMMUNITY PANEL #13113C 0103E DATED: SEPTEMBER 26, 2008



CAUTION
 THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

Paramount
 ENGINEERING, LLC
 11 E. BROAD ST.
 NEWNAN, GA. 30263
 PH: (770)-473-8576
 george@paramountengineering.com



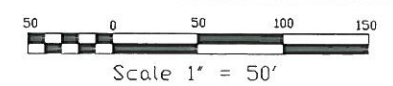
GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND EXISTENCE OF ALL UTILITIES SHOWN AND NOT SHOWN PRIOR TO THE START OF ANY WORK.
2. ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH APPLICABLE CODES AND ORDINANCES. CONTRACTOR SHALL VERIFY CONFORMANCE.
3. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION SUPERVISION OR INSPECTION OF THE PROPOSED IMPROVEMENTS.
4. FILL MATERIAL SHALL BE FREE OF ORGANIC OR OTHER DELETERIOUS MATERIAL AND HAVE A MINIMUM DENSITY OF 100 PCF.
5. FILL MATERIAL SHALL BE PLACED IN 6" LIFTS (LOOSE) AND COMPACTED TO 95% OF THE MAXIMUM STANDARD PROCTOR DENSITY.
6. FILL OPERATIONS SHOULD BE OBSERVED BY A SOILS ENGINEER AND IN-PLACE DENSITY TESTS SHOULD BE PERFORMED BY THE SOILS ENGINEER TO CHECK COMPACTION.
7. AREAS TO RECEIVE FILL SHALL BE CLEARED OF TOPSOIL, TREES, VEGETATION, AND ANY ORGANIC OR DELETERIOUS MATERIAL PRIOR TO FILLING OPERATIONS.
8. SUBGRADE CONDITIONS SHOULD BE INVESTIGATED BY A SOILS ENGINEER PRIOR TO CONSTRUCTION.
9. THE PROPERTY IS CURRENTLY GRASSED W/ AN EX. HOUSE AND LAKE.
10. THIS PLAN TO COMPLY WITH ALL ZONING, VARIANCE, & DRI CONDITIONS.
11. ALL PAVEMENT MARKINGS, STRIPING & SIGNAGE TO CONFORM TO THE STANDARDS AND SPECIFICATIONS OF FAYETTE COUNTY AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
12. ALL HANDICAP PARKING SPACES REQUIRE HANDICAP PARKING SIGNS.
13. SIGHT LIGHTING TO BE PREPARED BY OTHERS.
14. THIS PROJECT IS NOT LOCATED WITHIN A GROUNDWATER RECHARGE AREA.

OWNER/DEVELOPER:

24 HOUR CONTACT
 PRIMARY PERMITTEE
 CRAIG POWELL
 CHADWICK HOMES
 150 Greencastle Rd.
 Tyrone, GA. 30290
 PH: 404-597-5634

LEGEND		
P.O.B.	POINT OF BEGINNING	PROP. FIRE HYDRANT
P.O.R.	POINT OF REFERENCE	EXIST. FIRE HYDRANT
O.T.P.	OPEN TOP PIPE	EXIST. WATER VALVE
I.P.F.	IRON PIN FOUND	PROP. WATER VALVE
I.P.S.	IRON PIN SET	WATER METER
P.L.	PROPERTY LINE	ELECTRIC BOX
C.M.F.	CONCRETE MONUMENT FOUND	SANITARY SEWER MANHOLE - SA
L.L.L.	LAND LOT LINE	SANITARY SEWER LINE
B.O.C.	BACK OF CURB	WATER LINE
☉	LIGHT POLE (LP)	SIGN
⊙	SANITARY SEWER MANHOLE - SA	FENCE
⊙	JUNCTION BOX - JB	TOP OF WALL
⊙	DROP INLET - DI	BOTTOM OF WALL
⊙	DOUBLE-WING CATCHBASIN - DWCB	STORM DRAINAGE EASEMENT
⊙	SINGLE-WING CATCHBASIN - SWCB	
⊙	HEADWALL	
⊙	DRAINAGE FLOW	
⊙	TPF	TREE PROTECTION FENCING



PAVEMENT MARKING NOTES:

1. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; high contrast tape shall be installed on concrete.
2. Lane lines are generally 5" (white).
3. Stop lines should be 24" (white).
4. Center lines should be 5" double yellow.
5. Deceleration lanes and left turn lanes should have turn arrows (TP 2 spaced every 100').
6. Deceleration lanes do not require "Right Lane Must Turn Right" signs or "ONLY" pavement markings unless it is a through lane drop or trap lane.
7. New construction should install 5" white edge lines, including at new curb & gutter.
8. Raised pavement markers (RPMs) shall be installed for all new construction on roadways with existing RPMs.
9. Crosswalks should use the current Georgia DOT standard (see Figure 4-11).

STREET & TRAFFIC SIGNS:

1. All traffic signs shall be made using reflective sheeting mounted to aluminum panels (normally Type 1 panels) in accordance with Georgia Standard Specifications.
2. All signs, except as noted below, shall be fabricated using Type 9 (High Intensity) reflective sheeting.
3. All warning signs, red series regulatory signs, including Stop, Yield, and Do Not Enter signs shall be fabricated from Type II Wide Angle Prismatic reflective sheeting.
4. Stop signs and Yield signs on all approaches to State Highways shall be 36" in width.
5. Signs installed in conjunction with driveway permits are installed using either Types 7, 8, or 9 Square Tubing. Table 5-1 provides guidelines for selecting the post type.
6. Signs shall be mounted at a height of 7 feet above the edge of pavement to bottom of the sign. Signs shall be setback from the edge of pavement by 12 feet or 6 feet from a paved shoulder (whichever is greater). The clearance to non-mountable curbs should be at least 2 feet.

PROJECT: **DAISY HILL FARMS**
 SHEET: **SITE PLAN**
 DATE: 06/13/2017
 DRAWN BY: GPH
 5TH DISTRICT
 FAYETTE COUNTY
 SCALE: 1" = 50'
SHEET C3