
FAYETTE COUNTY PLANNING & ZONING DEPARTMENT

140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia 30214

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Pete Frisina, Director of Community Development 770-305-5160

Dennis Dutton, Zoning Administrator 770-305-5161

Robyn Wilson, Zoning Coordinator 770-305-5162

**APPLICATION TO
THE ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS MEMBERS*

Larry Blanks
Vic Bolton
Bill Beckwith
Brian Haren
Tom Mahon

COPIES OF ORDINANCES

Zoning Ordinance	\$5.00
Sign Ordinance	\$3.00
Development Regulations	\$3.00
Subdivision Regulations	\$3.00

*(ZBA Members reside in Fayette County and are appointed by the Board of Commissioners)

Application requests require a public hearing by the Zoning Board of Appeals (held on the 4th Monday of every month). Application forms must be submitted to the Zoning Administrator by noon on the deadline day. The application deadline is the third Friday of the month prior to the month of the public hearing. The Public hearing is held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of Hwy 54 and GA 85 in downtown Fayetteville) First Floor in the Public Meeting Room (near the fountain) and begins at 7:00 p.m.

Note: Applications must be filed by the subject property owners or by the authorized agent of the property owners.

APPLICATION FILING FEES

Application Filing Fee: **\$175.00** (plus \$25 for each additional variance requested)

Sign Deposit Fee: **\$20.00** per sign

A public hearing notification sign is required for each road frontage. The sign deposit of \$20.00 per sign shall be requisitioned for reimbursement to the applicant upon their returning the sign frame(s) to the Zoning Department within five (5) working days following the public hearing.

The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County. Application filing fees may be refunded **ONLY** when an application request is withdrawn by applicant **PRIOR TO** placement of legal advertisement for said public hearing request.)

HEARING SCHEDULE FOR 2011-2012 ZONING BOARD OF APPEALS APPLICATIONS

(*Dates are subject to change with notice. If a hearing falls on a holiday, a new hearing date will be announced.)

APPLICATION DEADLINE **HEARING DATE**
(3rd Friday by noon) (4th Monday)

No extension of deadline is permitted

submit by . . . November 18, 2011 to be heard by December 19, 2011

December 16	January 23, 2012
January 20, 2012	February 27
February 17	March 26
March 16	April 23
April 20	May 21*
May 18	June 25
June 15	July 23
July 20	August 27
August 17	September 24
September 21	October 22
October 19	November 26
November 16	December 17*
December 21	January 28, 2013

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- _____ A. Application form and all required attachments, completed, signed, and notarized (if applicable).
- _____ B. Copy of latest recorded Warranty Deed, including legal description of the boundaries of the subject property, including total acreage.
- _____ C. Fifteen (15) copies of the Plat of property, drawn to scale with accurate dimensions, with the following indicated:
 - _____ 1. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential, non-residential), floor area, building height, and accessory uses. Structures to be removed must be indicated and labeled as such unless demolition or removal will occur prior to applying for a building permit.
 - _____ 2. Minimum setbacks from all property lines of subject property required in the zoning district.
 - _____ 3. Location and dimensions of exits/entrances to the subject property.
 - _____ 4. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of right-of-way, type and width of existing and proposed easements and centerline of streets.
 - _____ 5. Location of well or water lines.
 - _____ 6. Existing septic tank and drainfield location, and replacement area.
 - _____ 7. Approximate location and elevation of the 100-year flood plain (if applicable).
 - _____ 8. On-site stormwater facilities to include detention or retention facilities.
 - _____ 9. Parking locations, approximate number of parking spaces, area for parking bay and aisle dimensions.

_____ 10. Landscaped areas and buffers or tree save areas, to include width, general extent and type of materials.

_____ D. Application filing fee.

APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **FAX:** _____

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **FAX:** _____

PROPERTY LOCATION: LAND LOT _____ **LAND DISTRICT** _____ **PARCEL** _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: _____

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: _____

PROPOSED USE OF SUBJECT PROPERTY: _____

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** _____

Application Insufficient due to lack of:

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from _____ a check in the amount of \$ _____

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

Date Paid: _____ 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 Warranty Deed for the subject property:

Please Print Names

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

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

(I (We)) hereby delegate authority to _____ to act as **(my) (our)** Agent in this 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

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

Per Article IX of the Fayette County Zoning Ordinance, the Zoning Board of Appeals may hear requests for any of the following. *Please check which application type you are requesting in the box below:*

- 1) *Appeals from Actions of the Zoning Administrator.* The Zoning Board of Appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.
1. *Who May Appeal.* Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, or board of Fayette County affected by any decision of the Zoning Administrator. Such appeals, specifying the grounds thereof shall be filed with the Planning and Zoning Department no later than 30 calendar days after the date of notification of the Zoning Administrator's decision. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- 2) *Request for a Variance.* The Zoning Board of Appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, a variance shall not be granted for a reduction in lot size, lot width, road frontage, or any requirements of a Conditional Use with the exception of a nonconforming Conditional Use (see Article VII.), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. A variance may be granted in an individual case upon a finding by the Zoning Board of Appeals that the following exists:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
 3. Such conditions are peculiar to the particular piece of property involved; and
 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; and
 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed; and
 6. Provided that the Zoning Board of Appeals may impose or require such additional restrictions, conditions, and standards, as may be necessary, to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general

neighborhoods; and provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the restrictions, conditions, and standards upon which such permit was granted are not being complied with, said Zoning Board of Appeals shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Zoning Board of Appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance.

- [] 3) *Request for Change of the Legal Nonconforming Use of a Structure.* The Zoning Board of Appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.

- [] 4) *Request for Extension or Enlargement of the Legal Nonconforming Use of a Structure.* The Zoning Board of Appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the Board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the Board that:
 - 1. The use is a legal nonconforming use as defined in these regulations;
 - 2. The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
 - 3. The extension of said legal nonconforming use will not further injure a permitted use on adjacent property in the same zoning district.

- [] 5) *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 (6) 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; and
 - 2. Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
 - 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.

- [] 6) *Nonconforming Structures.* Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or

extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a Request for a Variance (Article IX.) shall be considered.

- [] 7) *Restoration and Re-Use of Nonconforming Historic Structures.* Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:
1. The structure and previous use shall be identified in the Architectural Survey of Fayette County. The re-use of the historic structure will be subject to the regulations of the Nonconforming Use of a Structure (Article VII.)
 2. The structure itself shall be the subject of restoration. Any extension, enlargement, or alteration of the structure that does not comply with the minimum requirements of this ordinance is subject to approval of the Zoning Board of Appeals.
 3. Areas of consideration for approval of such a request include, but are not limited to:
 - a. Restriction of allowable uses;
 - b. Parking requirements; and
 - c. Buffer and landscaping requirements.

- [] 8) *Use of Historic Residential Structures and Agricultural Structures in Residential Subdivisions.* The preservation of historic residential structures listed in the Architectural Survey of Fayette County and agricultural structures are allowed in residential subdivisions to preserve the character of Fayette County as these structures can be used as residences, community facilities, or as ornamentation for the subdivision. Existing structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a Conditional Use under Developed Residential Recreational/Amenity Areas. The use of these structures will be subject to the approval of the Zoning Board of Appeals in terms of any nonconformance with the applicable zoning district.

*Where an application to the Board is initiated due to an **existing violation** of the Zoning Ordinance and said application is DENIED by the Zoning Board of Appeals, the violation shall be required to be **corrected within TEN (10) days** of such denial or as specified by the Board if a greater time period is necessary. The maximum extension of the time can not exceed 30 days.*

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 9-2.B. states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all six (6) 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.

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.

6. Provided that the Board may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Board shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for issuance of variance.

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
A-R Agricultural-Residential (Single-Family)	Front - 100' Arterial Front - 100' Collector Front - 75' Local Side - 50' Rear - 75'	5 Acres	1,200 square feet	250'	35 feet
C-S Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 20' Rear - 30'	1 Acre* 1.5 Acres**	2,100 square feet	150' Arterial 150' Collector 125' Minor	35 feet
EST Estate Residential District (Single-Family)	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2.5 Acres	2,500 square feet	160'	35 feet
R-85 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	3 Acres	3,000 square feet	125'	35 feet
R-80 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 30' Rear - 50'	3 Acres	2,500 square feet	175'	35 feet
R-78 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2 Acres	3,000 square feet	125'	35 feet
R-75 Single-Family Residential	Front- 100' Arterial Front- 75' Collector Front- 50' Local Side- 25' Rear- 50'	2 Acres	2,500 square feet	125'	35 feet
R-72 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2 Acres	2,100 square feet	175' Arterial 175' Collector 150' Minor	35 feet

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
R-70 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2 Acres	1,500 square feet	175' Arterial 175' Collector 150' Minor	35 feet
R-55 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	1 Acre* 1.5 Acres**	2,500 square feet	150'	35 feet
R-50 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 20' Rear - 30'	1 Acre* 1.5 Acres**	2,100 square feet	150' Arterial 150' Collector 125' Minor	35 feet
R-45 Single-Family Residential	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 20' Rear - 40'	1 Acre* 1.5 Acres**	1,800 square feet	125'	35 feet
R-40 Single-Family Residential	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30'	1 Acre* 1.5 Acres**	1,500 square feet	150' Arterial 150' Collector 125' Minor	35 feet
R-20 Single-Family Residential	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30'	1 Acre* 1.5 Acres**	1,200 square feet	150' Arterial 150' Collector 125' Minor	35 feet
DR-15 One and Two Family Residential	Front - 50' Arterial Front - 45' Collector Front - 40' Local Side - 10' Rear - 30'	1 Acre* 1.5 Acres**	1,200 square feet Single-Family 1,800 square feet Two-Family	125' Arterial 125' Collector 100' Minor	35 feet

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
R-M-F Multi-Family Residential	Peripheral Front -150' State-number route Front -100' Arterial Front - 80' Collector Front - 60' Local Side - 40' Rear - 40' Minimum 50' building separation	5 Acres Minimum Site Maximum Density 5 Dwelling Units/ Acre 160 Maximum Units	600 square feet One Bedroom 850 square feet Two Bedrooms 1,200 square feet Three Bedrooms	N/A But Minimum 50' Immediate Frontage On Arterial 40% Maximum Lot Coverage	35 feet
M-H-P Manufactured Home Park	Front - 15' Side - 4' Rear - 4'	10 Acres Total Site 6,000 square feet per lot		60' Per Lot	35 feet

FAYETTE COUNTY PLANNED UNIT DEVELOPMENT ZONING DISTRICTS

PUD-PRD Planned Unit Development – Planned Residential Development		100 Contiguous Acres			
PUD-PIP Planned Unit Development – Planned Industrial Park		10 Acres			
PUD-PRL Planned Unit Development – Planned Retreat or Lodge		50 Acres Maximum density 1 unit per 10 acres			

FAYETTE COUNTY PLANNED UNIT DEVELOPMENT ZONING DISTRICTS					
ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
PUD-PEF Planned Unit Development – Planned Entertainment Farming		100 Acres			
PUD-POR Planned Unit Development – Planned Outdoor Recreation		50 Acres			
PUD-PSBC Planned Unit Development – Planned Small Business Center		10 Acres			

* Where a central water distribution system and a private septic system are provided. (County water/septic)

** Where public water system is not available. (Well/septic)

*** Where a central sanitary sewage and central water distribution systems are provided. (County water/sewage system)

**** Subject to Development Plan

Minimum road frontage for residential zoned lots, including A-R: 100' (unless on a cul-de-sac: 50' per lot for a total of four (4) lots)

Arterial A street designated to carry traffic within and through the county. (Major thoroughfare)

Collector A street designated to collect traffic from local or other collector streets. (Major thoroughfare)

Local A street designated to carry primarily local or residential traffic. (Minor thoroughfare)

Updated 01/05/11

FAYETTE COUNTY NONRESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	LOT WIDTH AT BUILDING LINE	BUFFER	MAXIMUM HEIGHT
O-I Office- Institutional	F- 75' Arterial F- 70' Collector F- 55' Minor S- 15' R- 15'	1 Acre* 0.5 Acres***	125'	30' required adjacent to residential or A-R zoning districts	40 feet
C-C Community Commercial	F- 75' Arterial F- 70' Collector F- 65' Minor S- 15' R- 15'	1 Acre* 0.5 Acres***	125'	50' required adjacent to residential or A-R zoning districts	35 feet
C-H Highway Commercial	F- 75' Arterial F- 70' Collector F- 65' Minor S- 15' R- 15'	1 Acre* 0.5 Acres***	125'	50' required adjacent to residential or A-R zoning districts	35 feet
L-C Limited Commercial	F- 75' Arterial F- 60' Collector F- 55' Minor S- 15' R- 15'	1 Acre* 1.5 Acres**	125'	50' required adjacent to residential or A-R zoning districts	35 feet
M-1 Light Industrial	F-100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25'	1 Acre* 0.5 Acres***	125'	75' required adjacent to residential or A-R zoning districts	35 feet
M-2 Manufacturing and Heavy Industrial	F-100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25'	2 Acres	125'	75' required adjacent to residential or A-R zoning districts	35 feet

FAYETTE COUNTY NONRESIDENTIAL ZONING DISTRICTS					
ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	LOT WIDTH AT BUILDING LINE	BUFFER	MAXIMUM HEIGHT
BTP Business Technology Park	F- 100' Major Arterial F- 100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25'	2 Acres Minimum Site Area – 20 Acres	500'	75' required adjacent to residential or A-R zoning districts	40 feet

Buffer: When the rear or side yard abuts a residential or A-R zoning district, a buffer adjacent to the lot line shall be provided in addition to the required setback. The buffer is measured from the property line and the setback is measured from the buffer.

* Where a central water distribution system and a private septic system are provided. (County water/septic)

** Where public water system is not available. (Well/septic)

*** Where a central sanitary sewage and central water distribution systems are provided. (County water/sewage system)

Minimum road frontage for non-residential zoned lots: 125' (unless on a cul-de-sac: 50' per lot for a total of four (4) lots)

Arterial A street designated to carry traffic within and through the county. (Major thoroughfare)

Collector A street designated to collect traffic from local or other collector streets. (Major thoroughfare)

Local A street designated to carry primarily local or residential traffic. (Minor thoroughfare)

Updated 01/05/11