

## **BOARD OF APPEALS**

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

## **STAFF**

Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Chakevia Jones, Planning and Zoning Coordinator

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## **AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
June 25, 2017  
7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on May 22, 2017.

## **PUBLIC HEARING**

2. Petition No. A-652-17, Carlino Construction, Owner, requests the following: Variance to Sec. 110-125. A-R, (d) (6) to reduce east side yard setback from 50 feet to 41 feet and west side yard setback from 50 feet to 39 feet to allow the construction of a single family residence. The subject property is located in Land Lot 223 of the 4th District and fronts on Bernhard Road.
3. Petition No. A-653-17, Casey & Christina Allen, Owners, requests the following: Variance to Sec. 110-125. A-R, (d) (4) (b) to reduce front yard setback from 75 feet to 62 feet to allow the construction of a detached garage. Variance to Sec. 110-125. A-R, (d) (5) to reduce rear yard setback from 75 feet to 55 feet to allow the construction of a detached garage. Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 31 feet to allow the construction of a detached garage. Variance to Sec. 110-79. - Accessory structures and uses. (d) Location on lot to allow the construction of a detached garage in the front yard. The subject property is located in Land Lot 190 of the 4th District and fronts on Old Highway 85.
4. Petition No. A-654-17, Michael & Angela Healy, Owners, requests the following: Variance to Sec. 110-125. A-R, (d) (4) a. to reduce the front yard setback from 100 feet to 21 feet to maintain and rebuild an existing barn. The subject property is located in Land Lot 148 of the 7th District and fronts on Trickum Creek Road and Fayetteville-Palmetto Road.
5. Petition No. A-655-17, Wendell & Karen Ramsey, Owners, requests the following: Variance to Section 110-125. A-R (d) (5) to reduce rear yard setback from 75 feet to 47 feet to allow the construction of a pergola. Variance to Section 110-125. (d) (5) to reduce rear yard setback from 75 feet to 43 feet to allow the construction of a bath house. Variance to Section 110-125. (d) (5) to reduce rear yard setback from 75 feet to 55 feet for an existing pool. The subject property is located in Land Lot 27 of the 4th District and fronts on Mask Road.

6. Petition No. A-656-17, Merrill S. Johnson, Owner, requests the following: Variance to Sec. 110-133. R-70, (d) (6) to reduce side yard setback from 25 feet to 23 feet to allow an existing residence to remain in its current location. The subject property is located in Land Lot 85 of the 7th District and fronts on Flowers Lane.
7. Petition No. A-657-17, John TerBeek, Owner, requests the following: Variance to Sec. 110-79. Accessory structures and uses.(c) (1) (b) to increase floor area from 1,800 square feet to 3,200 square feet for an existing garage. The subject property is located in Land Lot 52 of the 7th District and fronts on Lees Mill Road and Lake Road.
8. Petition No. A-658-17, Gin-Jer Investments, LLC, Owner, and Chris & Marlene Welch, Agents, requests the following: Appeal from the actions of the Zoning Administrator regarding the denial of an internet broker of personal modes of transportation such as golf carts, personal water craft, atv's and vehicles to operate in the Office-Institutional Zoning District. The subject property is located in Land Lot 70 of the 7th District and fronts on SR 54 West.
9. Petition No. A-659-17, Richard E. Carne, Owner, requests the following: Variance to Sec. 110-79. Accessory structures and uses. (c) (1) (c) to allow the construction of a 3,600 square foot detached garage on a lot with less than two (2) acres of contiguous area. The subject property is located in Land Lot 167 of the 4th District and fronts on Stable Creek Road.

**PETITION NO. A-652-17**  
**Carlino Construction**  
**290 Industrial Way, Suite C**  
**Fayetteville, GA 30215**  
**Public Hearing Date May 22, 2017**

The subject property is located on Bernhard Road, Fayetteville, GA 30215 and is zoned Agricultural-Residential (A-R) which requires a five (5) acre minimum. The applicant is requesting two (2) Variances as follows:

Variance to Sec. 110-125. A-R, (d) (6) to reduce east side yard setback from 50 feet to 41 feet and west side yard setback from 50 feet to 39 feet to allow the construction of a single family residence.

**History:** The subject property is a non-conforming lot of record. A survey of the subject property was recorded on November 7, 1972. The subject property is 1.03 acres in size and is undeveloped.

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 requirements for side setbacks will not work under A-R zoning for this 1 acre lot. I have attached a proposal plan showing the house and current setback limits.

**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.**

The side setbacks of 50” on each side of this 1 acre lot only leaves me 25’ building area. The two lots to the west of this property have the same width and have homes on them.\

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

Setbacks need to be adjusted on the sides for a house to fit

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

The setbacks are too large on the sides for any structure to fit.

- 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,**

No there would not be very detrimental to the public good.

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

Yes there are two homes next door with the same condition. Setbacks for a 1 acre lot should not be the same as a 5 acre lot even when zoned A-R.

#### **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.

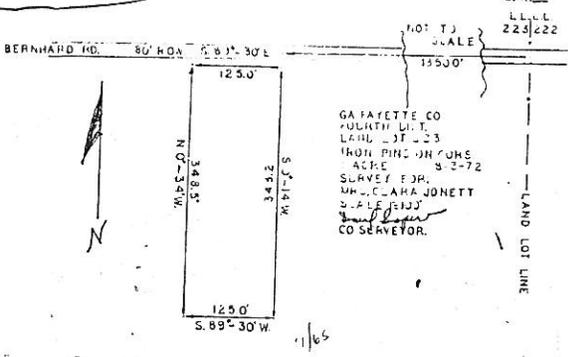
**WATER SYSTEM:** No public water access to this parcel

**A-652-17  
Aerials**

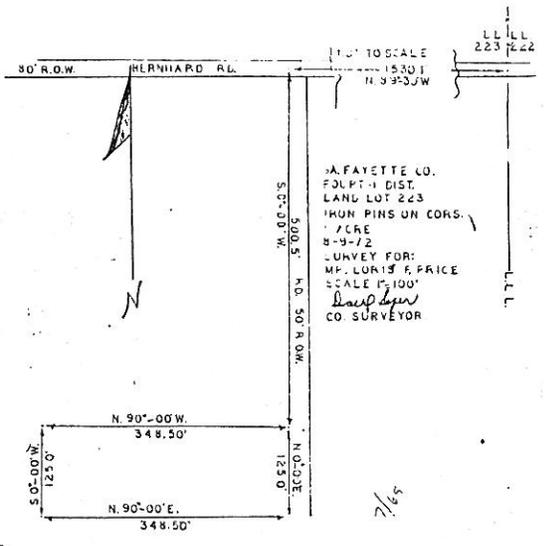
**Bernhard Road**

**SUBJECT  
PROPERTY**

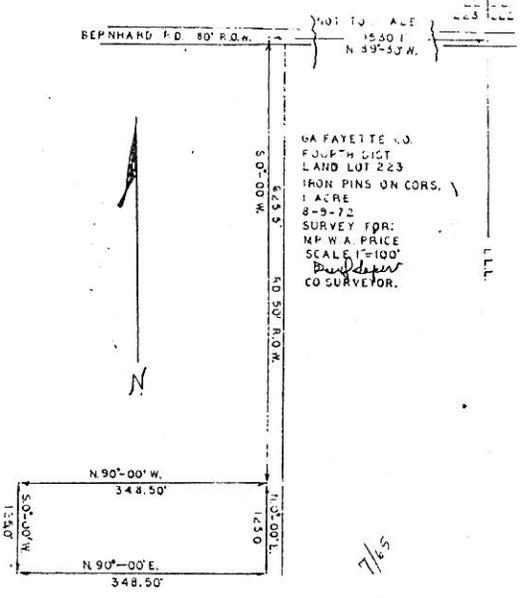




Recorded 11-7-1977. W. A. Ballard, Clerk



Recorded 11-7-1977. W. A. Ballard, Clerk



Recorded 11-7-1977. W. A. Ballard, Clerk

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Carlino Construction

MAILING ADDRESS: 290 Industrial Way Suite C Fayetteville, GA 30215

PHONE: 404-402-3874 E-MAIL: john@carlinoconstruction.com

AGENT FOR OWNERS: John Carlino

MAILING ADDRESS: same as above

PHONE: " E-MAIL: "

PROPERTY LOCATION: LAND LOT 223 LAND DISTRICT 4th PARCEL 0438 043

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: Raw land

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residence

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-652-17

Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: Cobi Date: 4/19/2017

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 deed for the subject property:

Carlino Construction

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 1 District, and (if applicable to more than one land district) Land Lot(s) 04-223 of the District, and said property consists of a total of 1.00 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to John Carlino 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]  
Signature of Property Owner 1

290 Industrial Way Ste C  
Address Fayetteville, GA 30215

[Signature]  
Signature of Notary Public

4-18-17  
Date



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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Date

### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-125 (d)(4)	Side yard s/b 50'	left s/b - 42' right s/b - 40'	8ft 10ft

### VARIANCE SUMMARY

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

The requirements for side setbacks will not work under AR zoning for this 1 acre lot. I have attached a proposed plan showing the house and current setback limits.

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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.

No there would not be any detriment to the public good.

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

Yes there are two homes next door with the same condition. set backs for a 1 acre lot should not be the same as a 5 acre lot even when zoned AR.

## 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 side set backs of 50' on each side of this 1 acre lot only leaves me 25' building area. The two lots to the west of this property have the same width and have homes on them.

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

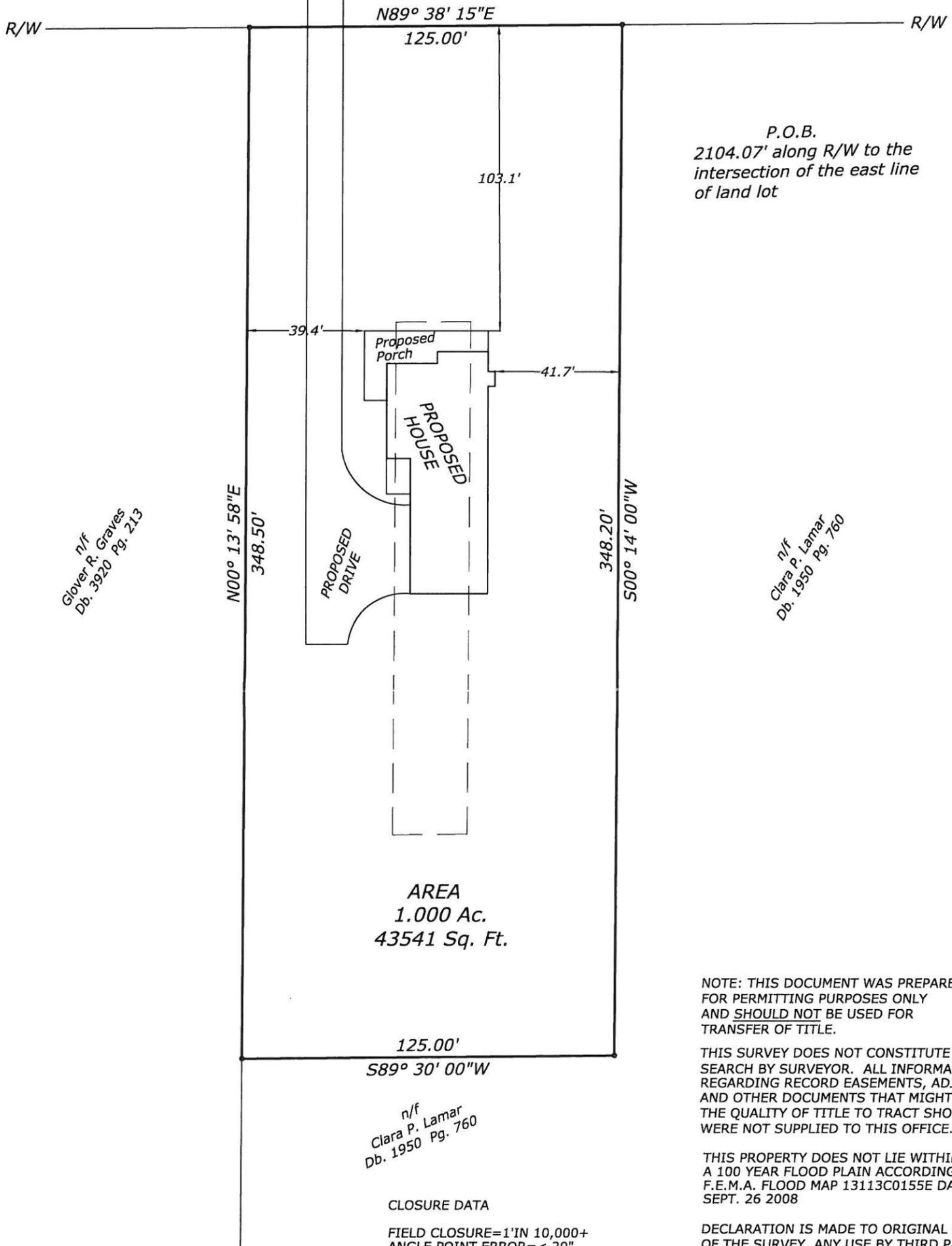
set backs need to be adjusted on the sides for a house to fit.

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

The setbacks are too large on the sides for any structure to fit

# VARIANCE PLAT

**BERNHARD ROAD 80' R/W**



P.O.B.  
2104.07' along R/W to the  
intersection of the east line  
of land lot

n/f  
Glover R. Graves  
Db. 3920 Pg. 213

n/f  
Clara P. Lamar  
Db. 1950 Pg. 760

AREA  
1.000 Ac.  
43541 Sq. Ft.

NOTE: THIS DOCUMENT WAS PREPARED  
FOR PERMITTING PURPOSES ONLY  
AND SHOULD NOT BE USED FOR  
TRANSFER OF TITLE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE  
SEARCH BY SURVEYOR. ALL INFORMATION  
REGARDING RECORD EASEMENTS, ADJOINERS  
AND OTHER DOCUMENTS THAT MIGHT AFFECT  
THE QUALITY OF TITLE TO TRACT SHOWN  
WERE NOT SUPPLIED TO THIS OFFICE.

THIS PROPERTY DOES NOT LIE WITHIN  
A 100 YEAR FLOOD PLAIN ACCORDING  
F.E.M.A. FLOOD MAP 13113C0155E DATED  
SEPT. 26 2008

DECLARATION IS MADE TO ORIGINAL PURCHASER  
OF THE SURVEY. ANY USE BY THIRD PARTIES IS  
AT THEIR OWN RISK.  
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL  
SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

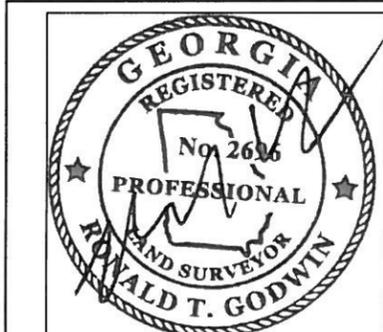
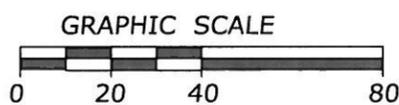
n/f  
Clara P. Lamar  
Db. 1950 Pg. 760

**CLOSURE DATA**

FIELD CLOSURE=1" IN 10,000+  
ANGLE POINT ERROR=< 20"  
EQUIPMENT USED=E.D.M. & THEODOLITE  
ADJUSTMENT METHOD=COMPASS RULE  
PLAT CLOSURE=1" IN 100,000+

NOTE:  
NO IMPROVEMENTS ON SITE  
NO BOUNDARY WORK PERFORMED  
BY THIS OFFICE. THE PURPOSE OF  
THIS DRAWING IS FOR A VARIANCE  
REQUEST.

ZONED: AR  
BUILDING LINES  
FRONT - 100'  
SIDE - 50'  
REAR - 75'



Prepared For:

**CARLINO CONSTRUCTION**

Location: BERNHARD ROAD

Lot: 00

P.B. 7 ~ PG. 65

Land Lot: 223

District: 4th

County: FAYETTE, GA

F.W.P.D. n/a

Scale: 1" = 40'

Date: 03/30/17

Job No: 17-064



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Tyrone, GA 30290

770-560-3910  
770-560-6930

FOUR\_CORNERS@BELLSOUTH.NET



**LEGEND**

IPF=IRON PIN FOUND  
IPS=IRON PIN SET  
R/W=RIGHT OF WAY  
MAG= MAGNETIC  
P.O.B.=POINT OF BEGINNING  
B/L=BUILDING LINE  
D.E.=DRAINAGE EASEMENT  
N/F=NOW OR FORMERLY  
F.W.P.D.=FIELD WORK  
PERFORMED DATE

**PETITION NO. A-653-17**  
**Casey & Christina Allen**  
**161 Old Highway 85**  
**Fayetteville, GA 30215**  
**Public Hearing Date June 26, 2017**

The subject property is located at 161 Old Highway 85. The applicant is requesting four (4) Variances as follows:

1. Variance to Sec. 110-125. A-R, (d) (4) (b) to reduce front yard setback from 75 feet to 62 feet to allow the construction of a detached garage.
2. Variance to Sec. 110-125. A-R, (d) (5) to reduce rear yard setback from 75 feet to 55 feet to allow the construction of a detached garage.
3. Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 31 feet to allow the construction of a detached garage.
4. Variance to Sec. 110-79. - Accessory structures and uses. (d) Location on lot to allow the construction of a detached garage in the front yard.

**History:** The subject property is a nonconforming lot recorded on October 6, 1978 in Book 189 Page 99. Tax Assessor's records indicate that the single-family residence was built in 1978.

**VARIANCE SUMMARY**

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

We are planning to build a storage building that is 24 x 40 in size. This building will be less than the county's size allowance due to the fact that our property is zoned A-Rand we have less than 5 acres. We are considered "legal none conforming" and still have to follow the county regulations for AR zoning. We are asking for the following three variances to be granted to us:

**Variance Amount #1:** We are required to have a front zoning setback of 75' Local. Due to the size and shape of our land lot we only have 62.7' front zoning setback and are asking for a variance of 12.3' on the front zoning setback.

**Variance Amount #2:** We are required to have a side zoning setback of 50'. Due to the only feasible location to build the storage building so that it does not encroach to the front of the existing home on the property we will only have a side zoning setback of 31. 9' and are asking for a variance of 18.1 ' on the (right) side zoning setback.

**Variance Amount #3:** We are required to have a rear zoning setback of 75'. Due to the only feasible location to build the storage building so that it does not encroach any further than the front of the existing home on the property we will only have a rear zoning setback of 58.8' and are asking for a variance of 16.2' on the rear zoning setback.

**Variance #4:** We were informed that we needed to ask that an additional variance be granted to us due to Section 110-79: Allow for the construction of detached garage in front yard.

### 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. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.**

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

Yes, we have extraordinary and exceptional conditions due to the fact that our land lot is only 0.960 acres and we are zoned A-R, the county zoning requires that we conform to the A-R zoning district requirements.

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

Without the approval of our requested variance amount, we will not be able to have the adequate space that we need for storage for our family of seven. Our house does not have any available attic space for storage, nor is there any outdoor storage building to store our lawn equipment, outdoor supplies, kids bikes, sport items, etc. We would have to incur the extra cost of renting a storage building to store these such items in.

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

Due to the fact that our property is zoned Ail and we have less than 5 acres, we are considered "legal none conforming" and still have to follow the county regulations for A-R zoning. That is hard to do when you do not have 5 acres, but instead only have 0.960 acres. As shown on our land survey, one of our neighbors is zoned A-R while the other neighbor is zoned an R-45.

- 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,**

There would no substantial detriment to the public good or impair the purposes and the intent of the said regulations. We have spoken to and attached signed letters from our surrounding neighbors stating that they understand what are proposed plans for our building and that we are requested three variances from the Fayette County Planning and Zoning Department and they have no issues with it. Our storage building will look pleasing to the eye and will match the color of our home and bring value to the home that would better the future sale of homes in our area.

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

Yes it would because due the fact that our property is zoned A-R and we have only 0.960 acres. We would never be able use our land for anything other than have our current home on it. The surrounding neighbors that are zoned A-R all have some sort of building or storage shed that is either right on or less than 20' off of our property line.

**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:** No Public Works/Engineering issues.

**WATER SYSTEM:** No water available. No Conflict.

A-653-17

SR 85

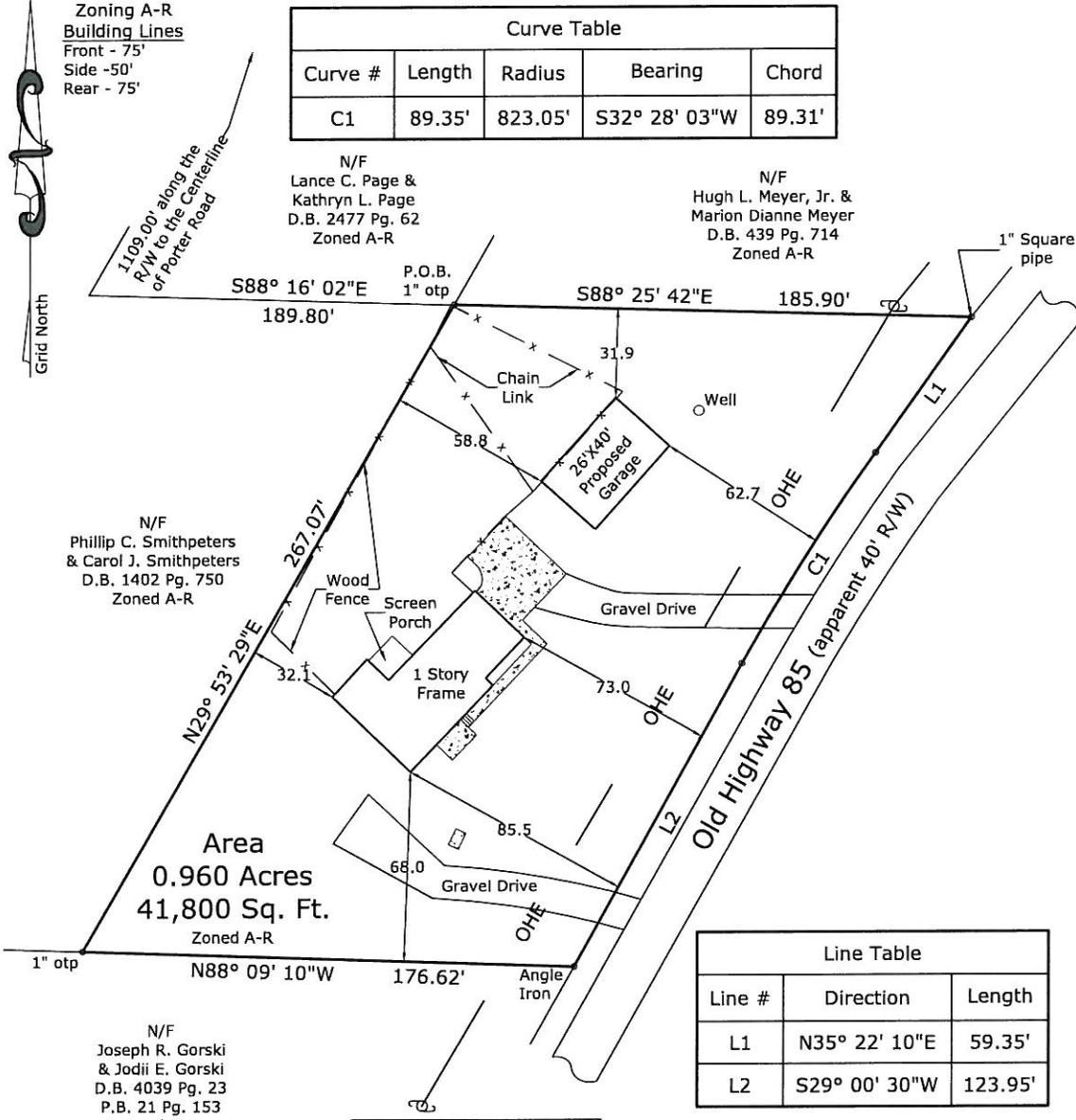
Old Highway 85

SUBJECT  
PROPERTY

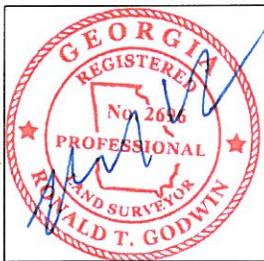


Zoning A-R  
 Building Lines  
 Front - 75'  
 Side - 50'  
 Rear - 75'

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	89.35'	823.05'	S32° 28' 03"W	89.31'



Line Table		
Line #	Direction	Length
L1	N35° 22' 10"E	59.35'
L2	S29° 00' 30"W	123.95'



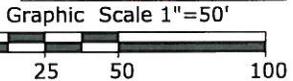
In my opinion this property does not appear to lie within a 100 year flood plain according to F.I.R.M. #13113C0155E Dated 09/26/2008.

This survey does not constitute a title search by surveyor. All information regarding record easements, adjoiners and other documents that might affect the quality of title to tract shown were not supplied to this office.

Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.

**Closure Data**

Field closure=1"IN 10,000+  
 Angle point error=< 20"  
 Equipment used=Topcon 3005W, Sokkia SX,  
 & Topcon hyper GA GPS System  
 adjustment method=Compass rule  
 Plat closure=1"IN 100,000+



**Legend**

- OTP=Open Top Pipe
- RBF=Rebar Found
- RBS=Rebar Set
- R/W=Right of Way
- MAG= Magnetic
- P.O.B.=Point of Beginning
- B/L=Building Line
- D.E.=Drainage Easement
- N/F=Now or Formerly
- F.W.P.D.=Field Work Performed Date
- ⊗=Gas Valve
- ⊕=Water Meter
- ⊙=Utility Pole
- ⊖=Drop Inlet
- ⊗=Fire Hydrant
- ⊙=Light Pole
- X—=Fence
- ⊙=Drainage Manhole
- OHE—=Over Head Electric Line

Prepared For:  
**Christina Allen & Casey Dean Allen**

Address: 161 Old Highway 85

Lot: n/a D.B. 4576 ~ PG. 451

Land Lot: 190 District: 4th

County: Fayette, GA F.W.P.D. 05/15/17

Scale: 1" = 50' Date: 05/16/17 Job No: 17-102

## FOUR CORNERS SURVEYING™

P.O. BOX 15  
Tyrone, GA 30290  
770-560-3910  
& 770-823-9377  
FOUR\_CORNERS@BELLSOUTH.NET

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Casey and Christina Allen

MAILING ADDRESS: 161 Old Hwy 85 Fayetteville GA 30215

PHONE: 678-794-4715 E-MAIL: cam3600@aol.com

AGENT FOR OWNERS: n/a

MAILING ADDRESS: n/a

PHONE: n/a E-MAIL: n/a

PROPERTY LOCATION: LAND LOT 190 LAND DISTRICT 4th PARCEL 0436-058

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.960 acres

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: R-4.5 and A-R

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential



(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: ~~A-653-17~~ A-653-17

[ ] Application Insufficient due to lack of:

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

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

by Staff: C. Allen Date: 5/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: June 26, 2017

Received from Casey + Christina Allen a check in the amount of \$ 225<sup>00</sup>

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

Date Paid: ~~May~~ May 19, 2017 Receipt Number: 5784782 (Sign)  
5784780 (Application)

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:

Christina Allen and Casey Dean Allen
/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 4th District, and (if applicable to more than one land district) Land Lot(s) 190 of the District, and said property consists of a total of 0.960 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to n/a 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
161 Old Hwy 85, Fayetteville, GA
Address

Signature of Property Owner 2
161 Old Hwy 85, Fayetteville, GA
Address

Signature of Authorized Agent
Address

Signature of Notary Public
5/18/17
Date

Signature of Notary Public
5/18/17
Date

Signature of Notary Public
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.

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

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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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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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## VARIANCE SUMMARY

We are planning to build a storage building that is 24 x 40 in size. This building will be less than the county's size allowance due to the fact that our property is zoned A-R and we have less than 5 acres. We are considered "legal none conforming" and still have to follow the county regulations for AR zoning. We are asking for the following three variances to be granted to us:

**Variance Amount #1:** We are required to have a front zoning setback of 75' Local. Due to the size and shape of our land lot we only have 62.7' front zoning setback and are asking for a variance of 12.3' on the front zoning setback.

**Variance Amount #2:** We are required to have a side zoning setback of 50'. Due to the only feasible location to build the storage building so that it does not encroach to the front of the existing home on the property we will only have a side zoning setback of 31.9' and are asking for a variance of 18.1' on the (right) side zoning setback.

**Variance Amount #3:** We are required to have a rear zoning setback of 75'. Due to the only feasible location to build the storage building so that it does not encroach any further than the front of the existing home on the property we will only have a rear zoning setback of 58.8' and are asking for a variance of 16.2' on the rear zoning setback.

**Variance #4:** We were informed that we needed to ask that an additional variance be granted to us due to Section 110-79: Allow for the construction of detached garage in front yard.

## 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.**

Yes, we have extraordinary and exceptional conditions due to the fact that our land lot is only 0.960 acres and we are zoned A-R, the county zoning requires that we conform to the A-R zoning district requirements.

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

Without the approval of our requested variance amount, we will not be able to have the adequate space that we need for storage for our family of seven. Our house does not have any available attic space for storage, nor is there any outdoor storage building to store our lawn equipment, outdoor supplies, kids bikes, sport items, etc. We would have to incur the extra cost of renting a storage building to store these such items in.

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

Due to the fact that our property is zoned AR and we have less than 5 acres, we are considered “legal none conforming” and still have to follow the county regulations for A-R zoning. That is hard to do when you do not have 5 acres, but instead only have 0.960 acres. As shown on our land survey, one of our neighbors is zoned A-R while the other neighbor is zoned an R-45.

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.**

There would no substantial detriment to the public good or impair the purposes and the intent of the said regulations. We have spoken to and attached signed letters from our surrounding neighbors stating that they understand what are proposed plans for our building and that we are requested three variances from the Fayette County Planning and Zoning Department and they have no issues with it. Our storage building will look pleasing to the eye and will match the color of our home and bring value to the home that would better the future sale of homes in our area.

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

Yes it would because due the fact that our property is zoned A-R and we have only 0.960 acres. We would never be able use our land for anything other than have our current home on it. The surrounding neighbors that are zoned A-R all have some sort of building or storage shed that is either right on or less than 20' off of our property line.

**PETITION NO. A-654 -17  
Michael & Angela Healy  
104 Trickum Creek Rd  
Tyrone, GA 30269**

**Public Hearing Date June 26, 2017**

The subject property is located at 104 Trickum Creek Rd. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (4) a. to reduce the front yard setback from 100 feet to 21 feet to maintain and rebuild an existing barn.

**History:** The subject property was subdivided by a survey for Tyrone, LLC and recorded on May 4, 2004 in Book 39, Page 95. At that time, County regulations did not require staff approval to subdivide properties where the resulting lots were five acres or greater in size.

**VARIANCE SUMMARY**

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

We have an existing barn on our property that was built in 1939. I purchased the property in 2004. There was a house, but that was removed. The barn is such an old building that I would like to preserve it and keep it in its original location. The barn is still solid and in great shape and I would love to keep it to add to the farm like look I want for my property.

The ordinance about basically state I shall be allowed to maintain and rebuild the current structure in the same location since it was there before 24 Jan 2008. I do require a variance though since the structure now falls within the new easement.

**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. 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.**

I built a new log cabin and barn on the property so relocating the old barn is impractical since it would be hard to move it now that I have a driveway and septic lines taking up the space it could be moved to.

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

I have a house and a barn within the legal limits. Moving the barn would cause a hardship because it would be too costly to move and the structure could be damaged since it is over 70 years old. I would not be able to redo the stone foundation it is on currently.

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

The barn was built legally and met easement regulations at the time it was built.

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

The barn would not cause detriment to the public good or impair these regulations. It is set far enough back from the road that if the road was expanded, the 100ft concrete power poles would have to be moved before the barn would.

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

My neighbor Jeff Simpson received a variance to keep the house and renovate it on his property. I am using the old barn for storing wood and my flatbed trailer. Keeping the barn will allow me to keep the wood and the trailer from being exposed to the weather and help me keep my property from having unsightly stuff in view.

#### **DEPARTMENTAL COMMENTS**

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

**ENVIRONMENTAL MANAGEMENT:** EMD has not comments on variance request.

**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.

A-654-17

**SUBJECT  
PROPERTY**

Trickum Creek Road

Palmetto Road



MAGNETIC  
N

N/F  
ELOY CHAVEZ  
DB 2625 PG 651

(2)

N/F  
ROONEY DENHAM  
NANCY DENHAM  
DB 3245 PG 348

N00°00'07"W  
40.93'

1/2" REBAR FOUND

N79°09'04"W 295.42'

N/F  
JONG-IN KIM  
DD 1464 PG 303

N89°46'14"E 774.11'

OUR WIRE FENCE ALONG R

**IMPERVIOUS CALCULATIONS**

HOUSE	1,756± SQUARE FEET
BARN	1,744± SQUARE FEET
BARN	1,203± SQUARE FEET
PROPOSED CONCRETE DRIVE	4,335± SQUARE FEET
WALLS:	18± SQUARE FEET
<b>TOTAL</b>	<b>9,072± SQUARE FEET OR 41%</b>

**ZONING INFORMATION**

FAYETTE COUNTY - A-R  
AGRICULTURAL-RESIDENTIAL DISTRICT  
MINIMUM LOT AREA: 217,800 SQUARE FEET OR 5 ACRES  
MINIMUM LOT WIDTH: 250 FEET  
MAXIMUM FLOOR AREA: 1,200 SQUARE FEET  
MAXIMUM LOT COVERAGE: 25 PERCENT  
MINIMUM FRONT SETBACK: 100 FEET  
MINIMUM SIDE SETBACK: 50 FEET  
MINIMUM REAR SETBACK: 75 FEET  
MAXIMUM BUILDING HEIGHT: 35 FEET  
MUST BE VERIFIED BY FAYETTE COUNTY PRIOR TO CONSTRUCTION.

**SURVEY NOTES**

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, PLEASE CALL ALL LOCAL UTILITY PROVIDERS.



Know what's below.  
Call before you dig.

- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RESERVATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 550,630 FEET A GCOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA. GPS EQUIPMENT: GEODETIC GNSS RECEIVER MODEL: X900-OPUS
- BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
- THIS PLAT IS NOT INTENDED FOR RECORDING.
- ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
- THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.
- PARCEL ID # 073926001, BUILDING PERMIT # 8959

**LEGEND**

B	DENOTES BUILDING LINE
E	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
C	DENOTES CENTERLINE
G	DENOTES BACK OF CURB
EP	DENOTES GUTTER
TW	DENOTES EDGE OF PAVING
BW	DENOTES TOP OF WALL
X	DENOTES BOTTOM OF WALL
X-X	DENOTES FENCE
RCP	DENOTES REINFORCED CONCRETE PIPE
CMP	DENOTES CORRUGATED METAL PIPE
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
OW	DENOTES GUY WIRE
P	DENOTES POWER LINE
PM	DENOTES POWER METER
PB	DENOTES POWER BOX
FO	DENOTES FIBER OPTIC
A/C	DENOTES AIR CONDITION
TD	DENOTES TELEPHONE BOX
GM	DENOTES GAS METER
GV	DENOTES GAS VALVE
GLM	DENOTES GAS LINE MARKER
WM	DENOTES WATER METER
WV	DENOTES WATER VALVE
PH	DENOTES FIRE HYDRANT
MW	DENOTES MONITORING WELL
HJ	DENOTES HEADWALL
JB	DENOTES JUNCTION BOX
DI	DENOTES DROP INLET
S	DENOTES SANITARY SEWER LINE
SSMH	DENOTES SANITARY SEWER MANHOLE
CO	DENOTES CLEAN OUT
P.O.B	DENOTES POINT OF BEGINNING
P.O.C	DENOTES POINT OF COMMENCEMENT

**REFERENCE MATERIAL**

- WARRANTY DEED IN FAVOR OF MICHAEL S. HEALY DEED BOOK 2709 PAGE 35 FAYETTE COUNTY, GEORGIA RECORDS

**FLOOD NOTE**

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIRM OFFICIAL FLOOD HAZARD MAPS. COMMUNITY PANEL No. 131130076E EFFECTIVE DATE: SEPTEMBER 26, 2008 FAYETTE COUNTY, GEORGIA



No.	Revision	Date
3		
2		

FAYETTEVILLE-PALMETTO ROAD (80' R/W)  
(80' R/W AS PER FAYETTE COUNTY ROAD DEPARTMENT)

**McLUNG**  
SURVEYING SERVICES, INC.

4833 South Cobb Drive Suite 200  
Smyrna, Georgia 30080 (770) 434-3383  
Certificate of Authorization #LSF000752

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, 43-15-4, 43-15-6, 43-15-19, 43-15-22

Michael R. Noles  
Georgia PLS #2646  
Member - SALS/CS  
JCB#244539



TOTAL AREA= 5.067± ACRES  
OR 220,722± SQ.FT.

104 TRICKUM CREEK ROAD  
TYRONE, GEORGIA

SURVEY FOR  
MICHAEL HEALY  
SELENA HEALY

LOT 1  
TYRONE, LLC

LAND LOT 148  
DISTRICT 774  
FAYETTE COUNTY  
GEORGIA

PLAT PREPARED 3-30-17  
FIELD 3-22-17 SCALE 1"=50'

CS 39  
PS 39

S00°13'46"E 88.46'

S02°19'04"E 201.81'

A=162.61' R=872.81'  
C=503'01"10"W 162.37'

TRICKUM CREEK ROAD  
27.1 GRAVEL PAVED/PAVEMENT EASTMENT  
AS PER FAYETTE COUNTY ROAD DEPARTMENT

1/2" REBAR FOUND

1/2" REBAR FOUND

N00°08'44"W 271.30'

1/2" REBAR FOUND

FENCE 14.3' OVER R

OUR WIRE FENCE OVER R

N80°26'55"W 490.03'

E DITCH

(SEE NOTE #9)

FENCE 16.0' OVER R

OUR WIRE FENCE OVER R

108.5'

108.5'

108.5'

108.5'

108.5'

108.5'

108.5'

108.5'

108.5'

108.5'

108.5'

OUR WIRE FENCE ALONG R







VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Michael + Angela Healy

MAILING ADDRESS: 104 Trichum Creek Rd Tyrone, GA 30290

PHONE: (678) 416-1754 E-MAIL: mikehealy1922@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 148 LAND DISTRICT 7th PARCEL 073926001

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.067

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Primary residence

PROPOSED USE OF SUBJECT PROPERTY: Primary residence

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-654-17

[ ] Application Insufficient due to lack of:

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

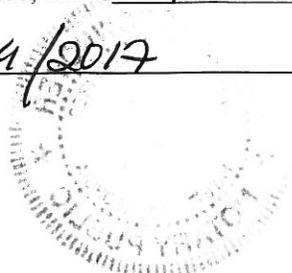
[] Application and all required supporting documentation is Sufficient and Complete

by Staff: C. Bi Date: 5/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: June 26, 2017

Received from Michael Healy a check in the amount of \$ 175<sup>00</sup>  
for application filing fee, and \$ 40<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: 5/14/2017 Receipt Number: 5784824 (Application)  
5784825 (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:

Michael Healy                      Angela Healy  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 073926001

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 1 of the District, and said property consists of a total of 5.067 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A 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.

Michael Healy  
Signature of Property Owner 1

104 Trichum Creech Rd  
Address Tyone, GA 30290

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Dianne B. Crownover  
Signature of Notary Public

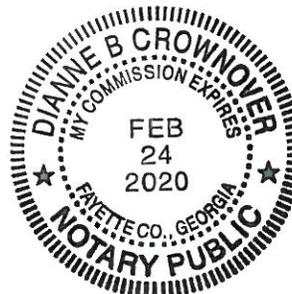
5-19-17  
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
<del>110-79(m)</del> 110-125 A-R(D)(1) (4)	<del>50'</del> 100'	21	79' <del>80'</del>

### VARIANCE SUMMARY

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

We have an existing barn on our property that was built in 1939. I purchased the property in 2004. There was a house but that was removed. The barn is such an old building that I would like to preserve it and keep it in its original location. The barn is still solid and in great shape and I would love to keep it to add to the farmlike look I want for my property.

The ordinance about basically states I shall be allowed to maintain and rebuild the current structure in the same location since it was there before 24 Jan 2008. I do require a variance though since the structure now falls within the new easement.

## 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.

I built a new log cabin and barn on the property so relocating the old barn is impractical since it would be hard to move it now that I have a driveway and septic lines taking up the space it could be moved to.

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

I have a horse and barn within the legal limits. Moving the barn would cause a hardship because it would be too costly to move and the structure could be damaged since it is over 70 years old. I would not be able to redo the stone foundation it is on.

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

The barn was built legally and met easement regulations at the time it was built.

currently.

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.

The barn would not cause detriment to the public good or impair these regulations. It is set far enough back from the road that if the road was expanded, the 100 ft concrete power poles would have to be moved before the barn would.

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

My neighbor Jeff Simpson received a variance to keep the house and renovate it on his property. I am using the old barn for storing wood and my flat bed trailer. Keeping the barn will allow me to keep wood and the trailer from being exposed to the weather and help me keep my property from having unsightly stuff in view.

**PETITION NO. A-655-17  
Wendell & Karen Ramsey  
249 Mask Road  
Brooks, GA 30205**

**Public Hearing Date June 26, 2017**

The subject property is located at 249 Mask Road. The applicant is requesting three (3) Variances as follows:

1. Variance to Section 110-125. A-R (d) (5) to reduce rear yard setback from 75 feet to 47 feet to allow the construction of a pergola.
2. Variance to Section 110-125. (d) (5) to reduce rear yard setback from 75 feet to 43 feet to allow the construction of a bath house.
3. Variance to Section 110-125. (d) (5) to reduce rear yard setback from 75 feet to 55 feet for an existing pool.

**History:** The subject property was subdivided by the Subdivision Plat for W.R. Ramsey approved by the County in 1988 and recorded on July 11, 1988 in Book 18 Page 88.

**VARIANCE SUMMARY**

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

My in-laws purchased the property at 251 Mask Road in 1969 or 1970. They built their home on the front portion of this 25 acre tract in 1972. In 1988, my in-laws deeded over 5 acres to my husband and me. The back four acres of the property was for building our house and 1 acre was for the driveway leading to the home site. In 1992, we built our home. The site has three tiers. The bottom tier has a lake, the middle tier is the home site and the upper tier has always remained an unfinished area of mostly rock and dirt that we used for extra parking. The home site was surrounded by wetlands to one side, a lake to the front, woods to the back and the other side. We decided to place the house on the site so that it overlooked the lake. Over the years, we have had ideas as to what we would like to do to improve our home and the surrounding area, but with growing children, we never seemed to have the time or funds to carry them out. Since our children have grown and moved away, we had to make the decision as to if we would downsize and move or finally make the improvements we had desired over the years and remain in the home. We decided to stay and make the improvements. Our first step was to put a pool on the upper tier.

We had a pool project designed by Selective Designs in Peachtree City, GA. The plan was made up from requests that we had given to the designer. We wanted it to include a pump house (to store the filter/pumps for the pool, pool equipment, chemicals, floats, lounge chairs, etc). We also requested a bath house. People would have to walk around the pool, down to the driveway, across the driveway, up the walkway, through the breezeway, into the entry hall, across the kitchen and through the greatroom to get to the nearest restroom. I especially did not want people to do this while wet

because we had just put in new hardwood floors. We also requested to have a covered pergola/arbor or cabana between the two buildings so that people could get out of the sun if desired. (See attached plan). We did not want the buildings to be heated or air conditioned; however, we did want them finished out with sheet rock, flooring, paint and electricity. We desired to have a toilet and sink in the bath house. The buildings were to be no more than glorified sheds.

When the pool design was completed, we were notified that the design was a "conceptual" drawing and that the pool company, Georgia Pools, did not put in accessory structures. We could hire our own sub to build the structures or have the pool company hire them; however, if they hired them, we would have to pay the fee charged by the sub plus pay Georgia Pools an additional 30% of the fee. We decided to hire our own sub.

I called several building contractors for bids and decided to go with a family friend, Jay Knight. One of the contractors advised me that even if I did not hire him, I should be sure that I have no concrete decking poured around the pool until the footings for the columns on the pergola were inspected and approved; otherwise, the county inspectors would require that the concrete be torn up. The concrete would then have to be patched and that would not be attractive. I told the pool builder to do as much of the pool as he could without pouring the decking. I would then have the structures built and after they were completed, the pool could be finished.

In December 2016, the pool site was cleared for the pool, as well as for the structures. The pool was put in and concreted before Christmas. We were advised that it would take 30 days to cure. In March 2017, the pool was completed to the point of pouring the decking and it was time to start the accessory structures.

I asked the pool builder if the plumbing for the bath house would be done with the other plumbing for the pool and he said that he could do that and he could run a pipe to the septic tank. He notified me that they "might have to tear up the driveway to run the pipe to the septic tank". I told Jay, the building contractor, this and he said, "Ok, so he must have the permit." I said that I did not know about that so Jay called the pool builder and found that the pool builder did not have a permit. This concerned the contractor because he said that there was no guarantee that FCEH would even approve to have a bathroom built. He said that we would need to have to apply for a Septic Connection Permit. He then notified me that he would not have time to do this because he was going to have to have a retinal procedure as well as shoulder surgery. I was concerned that the recovery time would take so long that we might not be able to get the pool in before summer was over.

To help him out, I applied for the Septic Tank Connection Permit and it was approved. Next, I applied for the Building Permits. We had a surveyor come out and take measurements. He determined that portions of both buildings and a portion of the pergola were slightly encroaching on the back setback (up to 7 feet); however, Jay said that the county may or may not have a problem with that and wait until we were advised if it was acceptable or not.

I was notified by Fayette County Building Permit Department, that the setbacks were not drawn correctly. Upon checking with the surveyor, he told me that he does surveys for different counties

and that some counties will allow you to turn the setback drawings whichever way give the best possible way for the project to fit just as long as one side is 100 feet, two sides are 50 feet and one side is 75 feet. Fayette County notified me that this was not acceptable practice for this county and that the setbacks had to be redrawn to reflect the front (Mask Road) setback at 100 feet, the back at 75 feet and both sides at 50 feet. With the new drawings, the pump house no longer encroached; however, the bath house did by 31 feet and about 3/4 of the pergola encroached 27 feet. This was a problem because the pool was already in and could not be moved.

I talked with Chuck (in charge of Permits for Georgia Pools). He said that they had the pool permitted and that they were 78 feet from the setback. This upset me because if they had cleared the site for the pool, as well as accessory structures, and yet they knew the pool was only 3 feet from encroaching on the setback, That would mean they knew we would have an encroachment problem and did not say anything about it. This is just one of many issues we have experienced with this company.

Since finding out that the pool house and about 3/4 of the pergola are encroaching on the back setback, I had the option of not completing the pool project as planned or applying for a variance hearing.

I spoke with Rose Turner, owner of the property behind us. She and her husband have owned the property since before we moved here in 1992. She said that she has no plans for selling the property and does not mind if the structures are closer than 75 feet to the property line. Since our property does not back up to a neighborhood, only woods and pasture land that has been there since 1988, and there is no plan for the property to be sold, I am seeking approval of a variance so that we can complete the pool project as planned.

Thank you so much for your time and consideration.  
Karen Ramsey

### **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. 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.**

As mentioned in the Variance Summary, the pool project site is the top tier of our property. The property is surrounded by woods to the back and right side, our driveway and home to the front, our well house and a fenced dog pen to the left side. With the pool and spa already being in the ground with the concrete cured, there is no way to move the pool or decrease its size or shape. To move the accessory structures to the left side of the pool site is problematic. The land was cleared

for the pool and structures, starting at the right side of the site (the most flat land) moving toward the left side. Clearing this way created a 4-5 foot sheer embankment on the left hand side of the site. To move the structures to the left side of the site, we would have to clear even further into the embankment. This could compromise our well and plumbing, which sits atop the embankment. (See JOA ATTACHMENT #1 Page 1 ).

The property in front of the pool does not provide enough room to build the accessory structures. As planned, there are to be steps that go up from the driveway to the pool tier of the property. From there, the decking would only be about 6-7 feet from the top of the steps to the front of the pool, definitely not enough room for the 12' x 12' buildings. (See JOA ATTACHMENT #1 Pages 2 and 3).

The land to the right of the pool is mostly encroaching on the setback, so building on the right side of the pool will require a Variance Hearing (See Survey #2). The only part of the land that seems to not be encroaching is between the driveway and a pile of gravel and is not large enough to build the accessory structures. (See JOR ATTACHMENT #1 Pages 3,4 and 5).

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

Besides the problems listed in Question #1, especially regarding the possible compromise of our well house and plumbing if we try to move the structures to the left side of the pool site, the loss of a bathroom facility near the pool presents a problem. The pool area is not close to the house, so persons using the pool will have to walk quite a distance to use the nearest restroom.

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

As mentioned in the Variance Summary, the pool project is the top tier of our property. The property is surrounded by woods to the back and right side, our driveway and home to the front, our well house and a fenced dog pen to the left side. With the pool and spa already being in the ground with the concrete cured, there is not way to move the pool, decrease the size or change the shape. To move the accessory structures to the left side of the pool site is problematic. The land was cleared for the pool (and structures) by Georgia Pools, starting at the right side of the site (the most flat land) moving toward the left side. Clearing this way created a 4-5 foot sheer embankment on the left side of the site. To move the structures to the left side of the site, we would have to clear even further into the embankment. This could compromise our well and plumbing, which sits atop the embankment. (See JOA ATTACHMENT #1 Page 1 ).

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seems to not be encroaching is between the driveway and the pile of gravel seen in JOA ATTACHMENT #1 Pages 3, 4 and 5).

Besides the problems listed in Question #1, especially regarding the possible compromise of our well house and plumbing, the loss of a bathroom facility near the pool presents a problem. The pool is not close to the house, so persons using the pool will have to walk quite a distance to use the nearest restroom.

- 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,**

I spoke with Rose Turner, who owns the property that surrounds our plat. She and her husband have owned the property since before we moved here in 1992. They used the property for cattle. Mr. Turner discontinued raising cattle years ago; however, continued to cut the pastures for hay that he would sell. The Turner property beyond the property line on which our structures encroach, is mainly woods with some pasture land. (See JOR #4 Attachments 1 and 2). Mrs. Turner states that she has no plans to sell the property and has no problem with us building closer than the 75 feet to the property line. (See JOR #4 Attachment 3).

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

When the pool design was finished, the conceptual plan showed a pump house, pergola and bath house. We knew Georgia Pools would not build the structures but they would clear for them to be built. We had originally wanted the pool and pump houses to be around 1 O' x 12'. After the pool was put in, it was determined that a 1 O' x 12' building was not going to be wide enough to house Georgia Pool's pool filter/pump/plumbing pipes. They needed the back wall of the building to be 12 feet across. I decided that I preferred a square building versus a rectangle building, so it was decided to make the buildings 12' x 12'.

Georgia Pools cleared the land for the pool, as well as for the structures. expected them, as pool building experts, to be honest and professional and felt that they knew where to clear the land. When it was determined that the accessory structures encroached on the back setback, I contacted Chuck at Georgia Pools regarding the permit for the pool and to ask if the pool encroached on the setback as shown in the survey. (See JOR ATTACHMENT #5 Page 1 ). He said that they had a permit and were 78 feet from the back setback. The drawing used to obtain the pool permit shows 80 feet from the back setback. (See JOR ATTACHMENT #5 Page 2). I'm not sure which measurement is correct; but either way, Georgia Pools knew that the setback had to be at least 75 feet. If they were 78 feet, or even 80 feet, that made the pool only 3 to 5 feet from encroaching. They knew we planned to put accessory structures behind the pool (including, at the time of clearing, two 1 O' x 12' buildings), which I feel, means they were aware we were going to have encroachment problems and did not notify us. They were only concerned about getting their pool in. We were not given the option of

**A-655-17**

**SUBJECT  
PROPERTY**

**Mask Road**



**LEGEND**

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- IP'S IRON PIN SET, 1/2" RE-BAR & CAP
- IP-F IRON PIN FOUND
- R/W RIGHT-OF-WAY
- C/L CENTERLINE
- P/L PROPERTY LINE
- N/F NOW OR FORMERLY
- CMF CONCRETE MONUMENT FOUND
- PP POWER POLE
- LLI LAND LOT LINE
- E.P. EDGE OF PAVEMENT
- B.C. BACK OF CURB
- B.L. BUILDING LINE
- F.H. FIRE HYDRANT
- M.H. MAN HOLE
- C.B. CATCH BASIN
- D.I. DROP INLET
- J.B. JUNCTION BOX
- C.I. CURB INLET

ZONED: AR

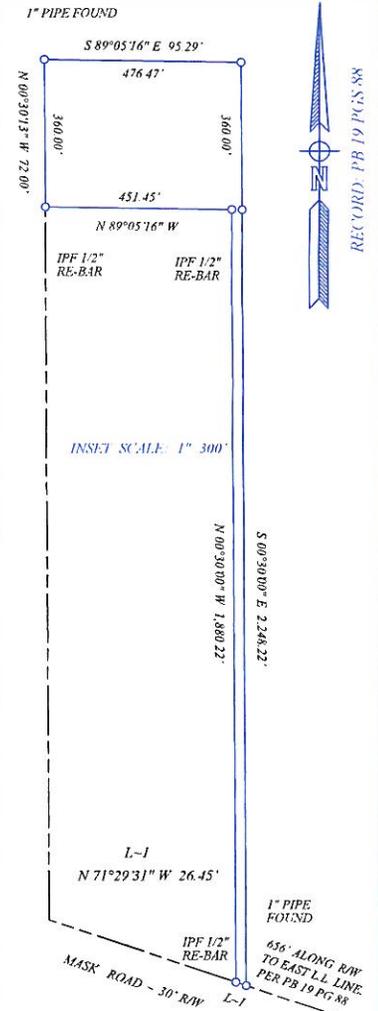
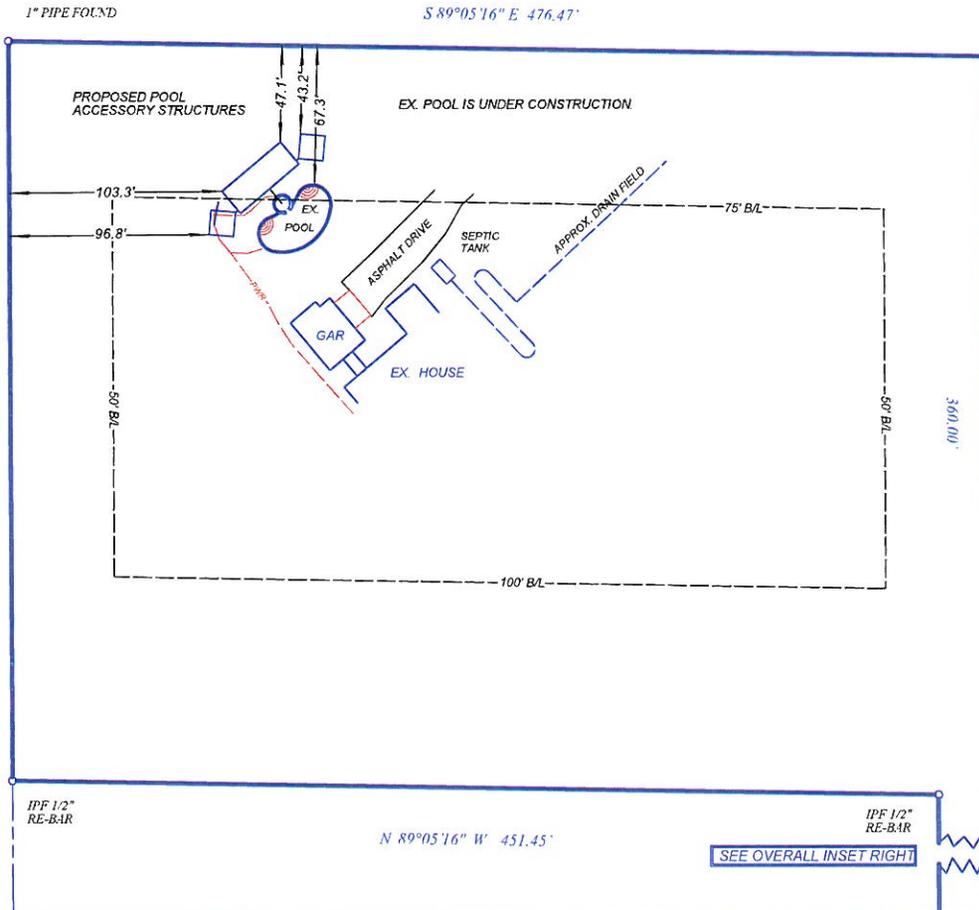
SETBACKS:  
FRONT 75'  
SIDE 50'  
REAR 100'

**LOT 1 AREA:**

**5.014 ACRES**  
(218,446 SQ. FT.)

PARCEL ID: 0403 036

249 MASK ROAD



SUBDIVISION:		P.B. 19 PG. 88		PREPARED FOR:	
LOT: 1	LAND LOT: 27	DISTRICT: 4TH		KAREN & BOBBY RAMSEY (HOUSE LOCATION PLAN)	
CITY:	COUNTY: FAYETTE	STATE: GEORGIA			
SCALE: 1" = 60'	DATE: 03 29 17	JOB NO: WLS-17-0359			

CLOSURE DATA: DATE: 03/29/17  
 FIELD CLOSURE: 1" IN 15,000'  
 ANGLE POINT ERROR: 05"  
 EQUIPMENT USED: CARLSON CR-5  
 ADJUSTMENT METHOD: NO ADJUSTMENT  
 PLAT CLOSURE: 1" IN 100,000'



**WELBORN LAND SURVEYING, INC.**  
 65 PEGASUS TRACE  
 NEWNAN, GEORGIA 30263  
 PHONE: 770-254-1383  
 FAX: 770-254-1383

ACCORDING TO THE LATEST FAYETTE COUNTY F.I.R.M. COMMUNITY PANEL NO. 13113 C 0165 E DATED SEPTEMBER 26, 2008 THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE.

RECORD PB 19 PGS 88











WELL HOUSE →



POOL SITE AREA



FRONT

JOR #4 ATTACHMENT 1

HOME + POOL SITE



FRONT

JOB #4 ATTACHMENT 2

To Whom It May Concern:

I have been notified of the Ramsey Pool Project and the encroachment problem on the back property line which divides the Ramsey's property from my property. I have no plans to sell the property in the foreseeable future and have no objection to the Ramseys building the accessory structures of their pool project closer than 75 feet to the property line.

Rose Turner  
Rose Turner

May 18, 2017  
Date

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Wendell R. Ramsey II & Karen L. Ramsey

MAILING ADDRESS: 249 Mask Rd, Brooks, GA 30205

PHONE: Wendell 770-845-1172  
Karen 770-845-4915

E-MAIL: wendell.ramsey@att.net  
kramz56@gmail.com

AGENT FOR OWNERS: NA

MAILING ADDRESS: NA

PHONE: NA

E-MAIL: NA

PROPERTY LOCATION: LAND LOT 27 LAND DISTRICT 4 PARCEL 0403036

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.014

ZONING DISTRICT: 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-655-12

[ ] Application Insufficient due to lack of:

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

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

by Staff:  Date: 5/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: June 26, 2017

Received from Wendell & Karen Ramsey CASH  
a check in the amount of \$ 200<sup>00</sup>

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

Date Paid: 5/19/2017 Receipt Number: 5784829 (sign)  
5784828 (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
AR 110-125(d)(5) (Pergola)	75 ft	4 ft	27 ft
110-125(d)(5) (Bath House)	75 ft	4 ft	31 ft
110-125(d) 5 (Existing Pool)	75 ft	67 ft	8 ft

### VARIANCE SUMMARY

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

SEE ATTACHMENT (VARIANCE SUMMARY)

## 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 ATTACHMENT (JOR # 1)

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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 ATTACHMENT (JOR # 2)

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

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SEE ATTACHMENT (JOR # 3)

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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 ATTACHMENT (JOR #4)

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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 ATTACHMENT (JOR #5)

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# VARIANCE SUMMARY

To Fayette County Planning and Zoning Department:

My in-laws purchased the property at 251 Mask Road in 1969 or 1970. They built their home on the front portion of this 25 acre tract in 1972. In 1988, my in-laws deeded over 5 acres to my husband and me. The back four acres of the property was for building our house and 1 acre was for the driveway leading to the home site. In 1992, we built our home. The site has three tiers. The bottom tier has a lake, the middle tier is the home site and the upper tier has always remained an unfinished area of mostly rock and dirt that we used for extra parking. The home site was surrounded by wetlands to one side, a lake to the front, woods to the back and the other side. We decided to place the house on the site so that it overlooked the lake. Over the years, we have had ideas as to what we would like to do to improve our home and the surrounding area, but with growing children, we never seemed to have the time or funds to carry them out. Since our children have grown and moved away, we had to make the decision as to if we would downsize and move or finally make the improvements we had desired over the years and remain in the home. We decided to stay and make the improvements. Our first step was to put a pool on the upper tier.

We had a pool project designed by Selective Designs in Peachtree City, GA. The plan was made up from requests that we had given to the designer. We wanted it to include a pump house (to store the filter/ pumps for the pool, pool equipment, chemicals, floats, lounge chairs, etc). We also requested a bath house. People would have to walk around the pool, down to the driveway, across the driveway, up the walkway , through the breezeway, into the entry hall, across the kitchen and through the greatroom to get to the nearest restroom. I especially did not want people to do this while wet because we had just put in new hardwood floors. We also requested to have a covered pergola/arbor or cabana between the two buildings so that people could get out of the sun if desired. (See attached plan). We did not want the buildings to be heated or air conditioned; however, we did want them finished out with sheet rock, flooring, paint and electricity. We desired to have a toilet and sink in the bath house. The buildings were to be no more than glorified sheds.

When the pool design was completed, we were notified that the design was a "conceptual" drawing and that the pool company, Georgia Pools, did not put in accessory structures. We could hire our own sub to build the structures or have the pool company hire them; however, if they hired them, we would have to pay the fee charged by the sub plus pay Georgia Pools an additional 30% of the fee. We decided to hire our own sub.

I called several building contractors for bids and decided to go with a family friend, Jay Knight. One of the contractors advised me that even if I did not hire him, I should be sure that I have no concrete decking poured around the pool until the footings for the columns on the pergola were inspected and approved; otherwise, the county inspectors would require that the concrete be torn up. The concrete would then have to be patched and that

would not be attractive. I told the pool builder to do as much of the pool as he could without pouring the decking. I would then have the structures built and after they were completed, the pool could be finished.

In December 2016, the pool site was cleared for the pool, as well as for the structures. The pool was put in and concreted before Christmas. We were advised that it would take 30 days to cure. In March 2017, the pool was completed to the point of pouring the decking and it was time to start the accessory structures.

I asked the pool builder if the plumbing for the bath house would be done with the other plumbing for the pool and he said that he could do that and he could run a pipe to the septic tank. He notified me that they "might have to tear up the driveway to run the pipe to the septic tank". I told Jay, the building contractor, this and he said, "Ok, so he must have the permit." I said that I did not know about that so Jay called the pool builder and found that the pool builder did not have a permit. This concerned the contractor because he said that there was no guarantee that FCEH would even approve to have a bathroom built. He said that we would need to have to apply for a Septic Connection Permit. He then notified me that he would not have time to do this because he was going to have to have a retinal procedure as well as shoulder surgery. I was concerned that the recovery time would take so long that we might not be able to get the pool in before summer was over.

To help him out, I applied for the Septic Tank Connection Permit and it was approved. Next, I applied for the Building Permits. We had a surveyor come out and take measurements. He determined that portions of both buildings and a portion of the pergola were slightly encroaching on the back setback (up to 7 feet); however, Jay said that the county may or may not have a problem with that and wait until we were advised if it was acceptable or not.

I was notified by Fayette County Building Permit Department, that the setbacks were not drawn correctly. Upon checking with the surveyor, he told me that he does surveys for different counties and that some counties will allow you to turn the setback drawings whichever way give the best possible way for the project to fit just as long as one side is 100 feet, two sides are 50 feet and one side is 75 feet. Fayette County notified me that this was not acceptable practice for this county and that the setbacks had to be redrawn to reflect the front (Mask Road) setback at 100 feet, the back at 75 feet and both sides at 50 feet. With the new drawings, the pump house not longer encroached; however, the bath house did by 31 feet and about 3/4 of the pergola encroached 27 feet. Fayette County Zoning Department notified me that the new survey also showed that portions of the spa, pool and decking on the right hand side of the pool were also encroaching on the back setback by 55 feet. This was a problem because the pool was already in and could not be moved.

## VARIANCE SUMMARY PAGE 3

I talked with Chuck (in charge of Permits for Georgia Pools). He said that they had the pool permitted and that they were 78 feet from the setback. This upsets me because if they cleared the site for the pool, as well as accessory structures, and yet they knew the pool was only 3 feet from encroaching on the setback, that would mean they knew we would have an encroachment problem and did not say anything about it. This is just one of many issues we have experienced with this company.

I did not know exactly how much decking was going to encroach, so I had Georgia Pools come out to the site and measure. They measured the proposed decking on that side and states it will be 13 feet from the center pool edge on the right side. Since finding out that the pool house and about 3/4 of the pergola, part of the spa, pool and concrete decking are encroaching on the back setback, I had the option of not completing the pool project as planned or applying for a variance hearing.

I spoke with Rose Turner, owner of the property behind us. She and her husband have owned the property since before we moved here in 1992. She said that she has no plans for selling the property and does not mind if the structures are closer than 75 feet to the property line. Since our property does not back up to a neighborhood, only woods and pasture land that has been there since 1988, and there is no plan for the property to be sold, I am seeking approval of a variance so that we can complete the pool project as planned.

Thank you so much for your time and consideration.

Karen Ramsey

## JOR QUESTION 1

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

As mentioned in the Variance Summary, the pool project site is the top tier of our property. The property is surrounded by woods to the back and right side, our driveway and home to the front, our well house and a fenced dog pen to the left side. With the pool and spa already being in the ground with the concrete cured, there is no way to move the pool or decrease its size or shape. To move the accessory structures to the left side of the pool site is problematic. The land was cleared for the pool and structures, starting at the right side of the site (the most flat land) moving toward the left side. Clearing this way created a 4-5 foot sheer embankment on the left hand side of the site. To move the structures to the left side of the site, we would have to clear even further into the embankment. This could compromise our well and plumbing, which sits atop the embankment. (See JOR ATTACHMENT #1 Page 1).

The property in front of the pool does not provide enough room to build the accessory structures. As planned, there are to be steps that go up from the driveway to the pool tier of the property. From there, the decking would only be about 6-7 feet from the top of the steps to the front of the pool, definitely not enough room for the 12' x 12' buildings. (See JOR ATTACHMENT #1 Pages 2 and 3).

The land to the right of the pool is mostly encroaching on the setback, so building on the right side of the pool, including putting the decking around that side of the pool, will require a Variance Hearing (See Survey #2). The only part of the land that seems to not be encroaching is between the driveway and a pile of gravel and is not large enough to build the accessory structures. (See JOR ATTACHMENT #1 Pages 3,4 and 5).

## JOR QUESTION #2

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

Besides the problems listed in Question #1, especially regarding the possible compromise of our well house and plumbing, if we try to move the structures to the left side of the pool site, the loss of a bathroom facility near the pool presents a problem. The pool area is not close to the house, so persons using the pool will have to walk quite a distance to use the nearest restroom. Not having decking on the right side of the pool will require persons getting out of the pool on that side to walk around the pool in rocky soil which can lead to dirt, grass and rocks getting into the pool upon re-entry. This can clog pool filters and lead to unnecessary filtration problems.

## JOR QUESTION #3

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

As mentioned in the Variance Summary, the pool project is the top tier of our property. The property is surrounded by woods to the back and right side, our driveway and home to the front, our well house and a fenced dog pen to the left side. With the pool and spa already being in the ground with the concrete cured, there is not way to move the pool, decrease the size or change the shape. To move the accessory structures to the left side of the pool site is problematic. The land was cleared for the pool (and structures) by Georgia Pools, starting at the right side of the site (the most flat land) moving toward the left side. Clearing this way created a 4-5 foot sheer embankment on the left side of the site. To move the structures to the left side of the site, we would have to clear even further into the embankment. This could compromise our well and plumbing, which sits atop the embankment. (See JOR ATTACHMENT #1 Page 1).

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The land to the right of the pool is mostly encroaching on the setback, so building on the right side of the site (including decking) will require a Variance Hearing. (See Surveys #2). The only part of the land that seems to not be encroaching is between the driveway and the pile of gravel seen in JOR ATTACHMENT #1 Pages 3, 4 and 5).

Besides the problems listed in Question #1, especially regarding the possible compromise of our well house and plumbing, the loss of a bathroom facility near the pool presents a problem. The pool is not close to the house, so persons using the pool will have to walk quite a distance to use the nearest restroom.

## JOR QUESTION #4

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

I spoke with Rose Turner, who owns the property that surrounds our plat. She and her husband have owned the property since before we moved here in 1992. They used the property for cattle. Mr. Turner discontinued raising cattle years ago; however, continued to cut the pastures for hay that he would sell. The Turner property beyond the property line on which our structures encroach, is mainly woods with some pasture land. (See JOR #4 Attachments 1 and 2). Mrs. Turner states that she has no plans to sell the property and has no problem with us building closer than the 75 feet to the property line. (See JOR #4 Attachment 3).

## JOR QUESTION #5

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

When the pool design was finished, the conceptual plan showed a pump house, pergola and bath house. We knew Georgia Pools would not build the structures but they would clear for them to be built. We had originally wanted the pool and pump houses to be around 10' x 12'. After the pool was put in, it was determined that a 10' x 12' building was not going to be wide enough to house Georgia Pool's pool filter/pump/plumbing pipes. They needed the back wall of the building to be 12 feet across. I decided that I preferred a square building versus a rectangle building, so it was decided to make the buildings 12' x 12'.

Georgia Pools cleared the land for the pool, as well as for the structures. I expected them, as pool building experts, to be honest and professional and felt that they knew where to clear the land. When it was determined that the accessory structures, partial spa, pool and decking encroached on the back setback, I contacted Chuck at Georgia Pools regarding the permit for the pool and to ask if they were aware that part of the spa/pool/decking encroached on the setback per the survey. (See JOR ATTACHMENT #5 Page 1). He said that they had a permit and were 78 feet from the back setback. The drawing used to obtain the pool permit shows 80 feet from the back setback. (See JOR ATTACHMENT #5 Page 2). I'm not sure which measurement is correct; but either way, Georgia Pools knew that the setback had to be at least 75 feet. If they were 78 feet, or even 80 feet, that made the pool only 3 to 5 feet from encroaching. They knew we planned to put accessory structures behind the pool (including, at the time of clearing, two 10' x 12' buildings), which I feel, means they were aware we were going to have encroachment problems and did not notify us. They were only concerned about getting their pool in. We were not given the option of changing the shape, size or location of the pool before it was put in and the encroachment problem came to light.

**PETITION NO. A-656 -17**  
**Merrill S. Johnson**  
**101 Flowers Lane**  
**Tyrone, GA 30290**

**Public Hearing Date June 26, 2017**

The subject property is located at 101 Flowers Lane. The applicant is requesting a Variance as follows:

Variance to Sec. 110-133. R-70, (d) (6) to reduce side yard setback from 25 feet to 23 feet to allow an existing residence to remain in its current location.

**History:** The Final Plat for #101 Flowers Lane for the Scarbrough Group, LLC. was approved by the County in 2014 and recorded on July 17, 2014 in Book 47 Page 166. The Final Plat indicates that the residence met the 25 foot setback.

**VARIANCE SUMMARY**

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

I am requesting a side yard setback variance for the Eastern side of the subject property. The Current Recorded Plat for the subject property depicts the existing residence as in compliance with the Fayette County required setback of 25'. However, a recent County Required foundation survey shows the Eastern side of the residence, in fact, encroaching into the setback by 1' -9". This property was purchased with the goal of restoring the existing +/- 100-year-old Flowers Residence. It was the intent of the project to maintain this structure's character, charm, texture and location. During the Permitting of the proposed remodel, it was determined that the existing stone foundation would be required to be replaced with a permanent concrete foundation. Following the submittal of plans and the subsequent receipt of the Building Permit, the existing structure was placed on a Concrete Slab-on-Grade in its current location and the second floor addition, windows, doors and electrical were all added. In order to obtain inspections, a Foundation Survey was required. During the survey process, it was determined that the Existing Residence had been improperly located on the Recorded Plat. At this point, considerable planning, expense, time and energy have been placed into the structure and a requirement to shift the entire structure over 1'-9" would create an undue hardship and, as such, I am respectfully requesting a minor variance to this county ordinance.

## 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. 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 current Residence has been in its existing location for nearly 100 years and should be allowed to remain in its current location. The Residence was Plated and Accepted by Fayette County during the recent subdivision of the Flowers Field development. All Plans and Permitting for this structure's renovation have been completed utilizing the referenced Plat with the understanding that it was in full compliance with all County Ordinances. The subject property is 2 1/2 Acres and the adjacent residential property, Land Lot 76 exceeds 4 Acres. The size of both lots makes the encroachment unnoticeable and places no negative bearing on either property's visibility, accessibility, utilization, value or future configuration. Further, the likelihood of the reduced set-back obstructing any future placement of utilities or similar service is highly unlikely.

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

Complete Demolition and subsequent Relocation of this structure to simply allow an additional 1'-9" of set-back would, in fact, create a practical difficulty and unnecessary hardship. The current design and construction cost, as well as the vast amount of invested personal time cannot be recovered. This project has been financed and I, in no way, can afford to lose the current invested amount or obtain additional financing to relocate the residence. Additionally, the size of the current property and surrounding parcels is in no way negatively affected by this variance. Further consideration should be given to the fact that the residence is bordered to the South by the current Septic Tank, drain field and old growth Oak trees and to the north by existing old growth Oak trees.

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

This particular piece of property, and Fayette County, should be preserved and maintained as it has been for the last century. The existing property and residence were purchased because of its age, history and charm and are specific to this location and Recorded Plat. The encroachment could not have been known prior to the third-party survey. Additionally, Flowers Lane is a very short gravel road off-shoot of Ellison Road and only serves three (3) residences. One of these residences will, more than likely, utilize the Flowers Field Road to access its property. The inherent limited use of this road supports the notion that use of this reduced setback area is highly improbable. A minor variance would resolve the conflict and allow the completion of this renovation.

- 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,**

As stated above, Relief would in no way cause detriment to the public good or impair the purposes and intent of the regulations. The 1'-9" setback variance will in no way obstruct any current or any future access. Access to the areas is easily obtained from Flowers Lane to the South or Swanson Road to the North. Additionally, the current owners of the adjacent Lot #11, of the Flowers Field Development, are in support of this variance and have provided a letter to that affect and it is attached for reference. Moreover, the rear setback of Flowers Field Lot #11 is 50'. Lot #11 immediately abuts the side setback of the subject property. When combined, the 50' setback of Lot #11 and the amended 23' setback of the subject property, create a 73' setback versus a 75' setback, equaling only a 2.5% reduction.

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

The literal interpretation of this Ordinance would deprive the applicant of rights enjoyed by others in the County. Renovations to existing residences are granted and permitted each and every day by Fayette County. It just so happens that this property was plated incorrectly and is now impeding the right to perform the proposed work and creating an undue hardship. A granted variance would be the practical solution to this hardship.

#### **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:** No Public Works/Engineering issues.

**WATER SYSTEM:** No conflict.

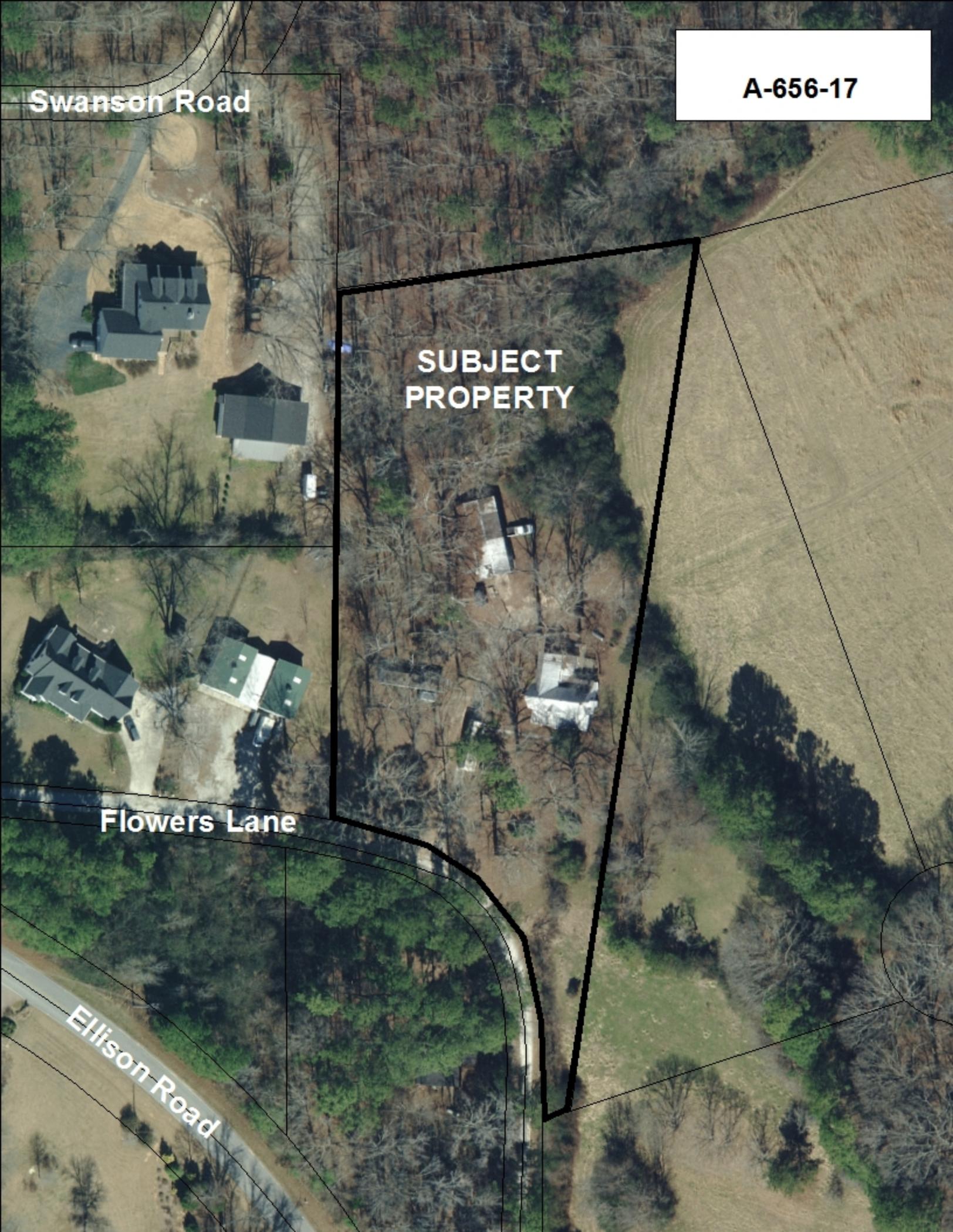
**A-656-17**

**Swanson Road**

**SUBJECT  
PROPERTY**

**Flowers Lane**

**Ellison Road**



SWANSON ROAD  
(R/W VARIES)



N/F  
CHARLES COURSEY  
DB 3855 PG 42  
PB 29 PG 41  
ZONED R-70

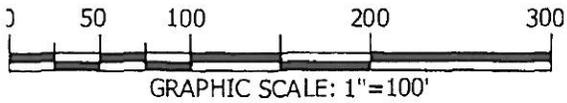
*FINAL PLATT  
IS BEING  
REVISED  
TO BE  
#100*

N/F  
CHRISTIAN C. &  
NANCY ANN FRYER  
DB 1720 PG 535  
PB 29 PG 41  
ZONED R-70

FLOWERS ROAD

NO RECORDED R/W-  
FIELD EVIDENCE INDICATES  
PARENT 30' PRESCRIPTIVE R/W

$N73^{\circ}30'11''W$   
 $C=86.24'$   
 $L=86.25'$   
 $R=1373.55'$



GRAPHIC SCALE: 1"=100'

ELLISON ROAD  
(80' R/W)

*Approved: [Signature]  
J.P. [Signature]  
2/3/17*

N/F  
BARBARA L.  
McWILLIAMS  
DB 1044 PG 583  
ZONED R-70

$S89^{\circ}23'02''W$  (POC)  
148.49' 1/2" RBF

$S00^{\circ}47'59''W$   
159.88'

(POB)  $N82^{\circ}13'34''E$   
267.51'

$N00^{\circ}47'59''E$   
397.43'

1/2" RBF  
0.1' E.

1-1/2" ROD  
ONLINE

50' FRONT  
SETBACK

50' REAR  
SETBACK

APPROX. LAND  
LOT LINE

#101



25' SIDE  
SETBACK



THE SCARBROUGH  
GROUP, INC.  
DB 4153 PG 100 & 102  
ZONED R-70

*PROPOSE  
SEPTIC  
TANK &  
DRAIN FIELD*

$N49^{\circ}45'39''W$   
 $C=73.70'$   
 $L=74.77'$   
 $R=127.10'$

$N14^{\circ}53'39''W$   
 $C=74.05'$   
 $L=74.35'$   
 $R=236.34'$

$S73^{\circ}24'03''W$   
21.38'

$S04^{\circ}25'02''W$   
258.10' TBM = 1" OTF  
ELEV. = 925.52

78.09'

$S08^{\circ}03'38''W$   
655.69'

CL. GRID TEST

- 1) (
- DA)
- PH.
- 51E
- PAL
- 2) I
- 21E
- GR
- (67
- MIC
- MA
- 3) !
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- 4) !
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- 14
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- OV
- 15
- GI



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: MERRILL S. JOHNSON

MAILING ADDRESS: 502 BARBERRY LANE, PEACHTREE CITY, GA. 30269

PHONE: 404.909.4716 E-MAIL: MSJOHNSON2500@GMAIL.COM

AGENT FOR OWNERS: N/A

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 85 LAND DISTRICT 7th PARCEL 0732-093

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2 1/2

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-656-17

Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: CB Date: 5/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: June 26, 2017

Received from Merrill Johnson a check in the amount of \$ 175

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

Date Paid: 5/19/2017 Receipt Number: 5784837 (ZBA 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:

MERRILL S. JOHNSON

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0722-093

**(I am) (we are)** the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 85 of the District, and said property consists of a total of 2.549 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

**(I) (We)** hereby delegate authority to N/A 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]  
Signature of Property Owner 1

502 BARBERRY LANE  
Address DENVER CITY GA 30269

[Signature]  
Signature of Notary Public

5-19-17  
Date

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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Date



Merrill S. Johnson  
101 Flowers Lane  
Tyrone, GA 30290

VARIANCE INFORMATION

Ordinance/Section	Requirement	Proposed	Variance Amount
	25' Side Yard Set-back	23' Side Yard Set-back	2' or 8%

VARIANCE SUMMARY

I am requesting a side yard setback variance for the Eastern side of the subject property. The Current Recorded Plat for the subject property depicts the existing residence as in compliance with the Fayette County required setback of 25'. However, a recent County Required foundation survey, shows the Eastern side of the residence, in fact, encroaching into the setback by 1'-9".

This property was purchased with the goal of restoring the existing +/- 100-year-old Flowers Residence. It was the intent of the project to maintain this structure's character, charm, texture and location. During the Permitting of the proposed remodel, it was determined that the existing stone foundation would be required to be replaced with a permanent concrete foundation. Following the submittal of plans and the subsequent receipt of the Building Permit, the existing structure was placed on a Concrete Slab-on-Grade in its current location and the second floor addition, windows, doors and electrical were all added. In order to obtain inspections, a Foundation Survey was required. During the survey process, it was determined that the Existing Residence had been improperly located on the Recorded Plat. At this point, considerable planning, expense, time and energy have been placed into the structure and a requirement to shift the entire structure over 1'-9" would create an undue hardship and, as such, I am respectfully requesting a minor variance to this county ordinance.

JUSTIFICATION OF REQUEST

1. The current Residence has been in its existing location for nearly 100 years and should be allowed to remain in its current location. The Residence was Plated and Accepted by Fayette County during the recent subdivision of the Flowers Field development. All Plans and Permitting for this structure's renovation have been completed utilizing the referenced Plat with the understanding that it was in full compliance with all County Ordinances. The subject property is 2 ½ Acres and the adjacent residential property, Land Lot 76 exceeds 4 Acres. The size of both lots makes the encroachment unnoticeable and places no negative bearing on either property's visibility, accessibility, utilization, value or future configuration. Further, the likelihood of the reduced set-back obstructing any future placement of utilities or similar service is highly unlikely.
2. Complete Demolition and subsequent Relocation of this structure to simply allow an additional 1'-9" of set-back would, in fact, create a practical difficulty and unnecessary hardship. The current design and construction cost, as well as the vast amount of invested personal time cannot be recovered. This project has been financed and I, in no way, can afford to lose the current invested amount or obtain additional financing to relocate the residence. Additionally, the size of the current property and surrounding parcels is in no way negatively affected by this variance. Further consideration should be given to the fact that the residence is bordered to the

to the South by the current Septic Tank, drain field and old growth Oak trees and to the north by existing old growth Oak trees.

3. This particular piece of property, and Fayette County, should be preserved and maintained as it has been for the last century. The existing property and residence were purchased because of its age, history and charm and are specific to this location and Recorded Plat. The encroachment could not have been known prior to the third-party survey. Additionally, Flowers Lane is a very short gravel road off-shoot of Ellison Road and only serves three (3) residences. One of these residences will, more than likely, utilize the Flowers Field Road to access its property. The inherent limited use of this road supports the notion that use of this reduced setback area is highly improbable. A minor variance would resolve the conflict and allow the completion of this renovation.
4. As stated above, Relief would in no way cause detriment to the public good or impair the purposes and intent of the regulations. The 1'-9" setback variance will in no way obstruct any current or any future access. Access to the areas is easily obtained from Flowers Lane to the South or Swanson Road to the North. Additionally, the current owners of the adjacent Lot #11, of the Flowers Field Development, are in support of this variance and have provided a letter to that affect and it is attached for reference. Moreover, the rear setback of Flowers Field Lot #11 is 50'. Lot #11 immediately abuts the side setback of the subject property. When combined, the 50' setback of Lot #11 and the amended 23' setback of the subject property, create a 73' setback versus a 75' setback, equaling only a 2.5% reduction.
5. The literal interpretation of this Ordinance would deprive the applicant of rights enjoyed by others in the County. Renovations to existing residences are granted and permitted each and every day by Fayette County. It just so happens that this property was Plated incorrectly and is now impeding the right to perform the proposed work and creating an undue hardship. A granted variance would be the practical solution to this hardship.

THE SCARBROUGH GROUP, INC.

518 Main Street, Palmetto, GA 30268

678-429-2903

May 18, 2017

Fayette County Planning Commission  
140 Stonewall Avenue West  
Fayetteville, GA 30214

Dear Commission:

We are aware of the recent finding that Merrill Johnson's house on Flowers Lane is slightly (less than two feet) within the side setback area for his lot. His lot abuts Lot 11 in Flowers Field subdivision. We still own this lot, but it is currently under contract with Liberty Communities. The Scarbrough Group and Liberty Communities have no issues with any requested variance related to this encroachment.

Sincerely,



Dawn Scarbrough  
President

**PETITION NO. A-657 -17**

**John TerBeek  
723 Lees Mills Road  
Fayetteville, GA  
30215**

**Public Hearing Date June 26, 2017**

The subject property is located at 723 Lees Mills Road. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79. Accessory structures and uses.(c) (1) (b). to increase floor area from 1,800 square feet to 3,200 square feet for an existing garage.

Sec. 110-79. Accessory structures and uses.(c) (1) (b):

One accessory structure, per individual lot, not to exceed 1,800 square feet of floor area (see total square footage), or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure; or

Also applicable is Sec. 110-79. Accessory structures and uses.(c) (4):

Total square footage. When both of the following criteria are met, the upper level space shall be included in the total square footage of the structure:

- a. The upper level space is accessed by permanent stairs; and
- b. That portion of the upper level space where the ceiling width, measured at least seven feet in height, is more than 50 percent of the ceiling width measured at least five feet in height.

**History:** Building Permit RNEW-12-15-7607 for a 1,800 square foot garage was issued on January 15, 2016.

**VARIANCE SUMMARY**

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

During the construction of the garage at 723 Lees mill rd, stairs were added in response to a written request of a FCBP inspector, after the stairs were added the inspection was completed and the rough framing part of my permit was approved. After moving on to release electric, the inspector said now that stairs were added I needed to put a light over the staircase and a receptacle upstairs. I put a light

over the staircase and added outlets to the upstairs upon their request. I called for re-inspection, the inspector now says that since stairs and electricity have been added I need to file for a variance or remove the stairs. I argued the fact the stairs were installed on their request and rough framing was approved, also FCBP made three trips to the site with the stairs installed and only stipulated their installation on the fourth visit. I have not received a clear answer as to why this made it through rough framing inspection if the stairs are not allowed.

I have invested time and money in the stairs and electric wiring on FCBP's request. Now I'm told I need to remove them.

Now that the stairs have been installed, I can see a temporary ladder will not be safe to use in this application. The garage has 12ft ceiling height and a pull down ladder is not safe in my opinion. Referencing the plans approved by Fayette county, one would see that there is no note for stairs whether they be temporary or permanent.

The hardship I will experience will not only be monetarily but also physically if the stairs are not allowed to stay. Also reference the attached inspection worksheets to confirm my version of events.

Garage was designed with attic access hole and no stairs. During construction F.C.B.P requested stairs be finished to inspect upper level. I completed wooden stairs to upper level. Garage passed framing inspection with wood stairs installed.

I request the stairs stay in place.

### **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. 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.**

A misunderstanding led to stairs being installed in my garage. I now want them to stay.

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

A temporary ladder is unsafe, now that stairs are installed. I want them to stay.

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

The exterior of the garage is unchanged.

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

The exterior of the garage will not change appearance. The public will not notice any changes.

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

My neighbor has a variance to allow more than 2 accessory structures.

#### **DEPARTMENTAL COMMENTS**

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

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

**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.

**A-657-17**

**Lake Road**

**SUBJECT  
PROPERTY**

**Lee's Mill Road**

**Sandy Creek Road**



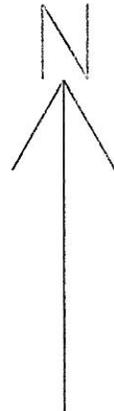
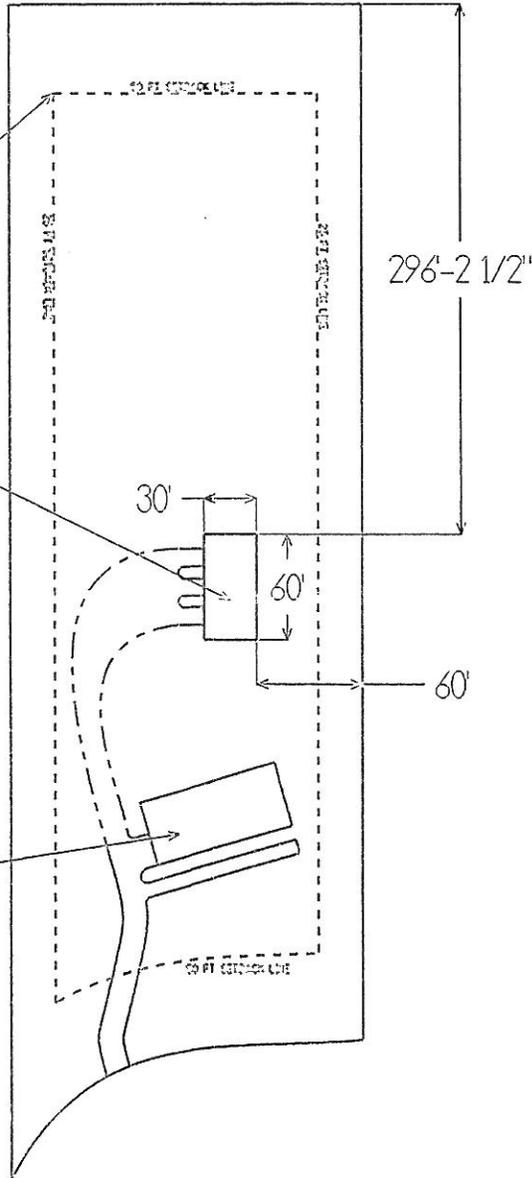


BUILDING SETBACK LINE

Fayette County Health Department  
Signed *Kelley J. [Signature]*  
Katherine J. [Signature]  
Environmental Health Specialist

PROPOSED STRUCTURE

HOUSE



723 LEE'S MILL ROAD



## John TerBeek Variance Application Explanation

During the construction of the garage at 723 Lees mill rd, stairs were added in response to a written request of a FCBP inspector, after the stairs were added the inspection was completed and the rough framing part of my permit was approved. After moving on to release electric, the inspector said now that stairs were added I needed to put a light over the staircase and a receptacle upstairs. I put a light over the staircase and added outlets to the upstairs upon their request. I called for re-inspection, the inspector now says that since stairs and electricity have been added I need to file for a variance or remove the stairs. I argued the fact the stairs were installed on their request and rough framing was approved, also FCBP made three trips to the site with the stairs installed and only stipulated their installation on the fourth visit. I have not received a clear answer as to why this made it through rough framing inspection if the stairs are not allowed.

I have invested time and money in the stairs and electric wiring on FCBP's request. Now I'm told I need to remove them.

Now that the stairs have been installed, I can see a temporary ladder will not be safe to use in this application. The garage has 12ft ceiling height and a pull down ladder is not safe in my opinion. Referencing the plans approved by Fayette county, one would see that there is no note for stairs whether they be temporary or permanent.

The hardship I will experience will not only be monetarily but also physically if the stairs are not allowed to stay. Also reference the attached inspection worksheets to confirm my version of events.

Fayette County Building Permits and Inspections

Office Phone: 770-305-5403. Address: 140 Stonewall Ave West Ste: 201 Fayetteville, GA 30214

Case Number:	RNEW-12-15-7607	Case Module:	Permit
Inspection Date:	04/14/2017	Inspection Status:	Disapproved \$50
Inspector:	Joe Scarborough	Inspection Type:	Framing *B
Job Address:	723 LEES MILL RD Fayetteville, GA 30214-	Parcel Number:	0710 034

Contact Type	Company Name	Name
Owner		Terbeek, John
Contractor		{John Terbeek} Terbeek, John
Applicant		Terbeek, John

Checklist Item	Passed	Comments
#01 - #01	NO	Complete stairs to allow inspection of upper level.
#02 - #02	NO	Support end of top plate at rear wall and add fha strap.
#03 - #03	NO	Incomplete inspection.

Scarborough, Joe (Inspector)



John TerBeek <johnjamesterbeek@gmail.com>

---

## Fayette County Building Department Auto-Email

1 message

---

**noreply@fayettecountyga.gov** <noreply@fayettecountyga.gov>  
To: johnjamesterbeek@gmail.com

Thu, Apr 27, 2017 at 3:17 PM

This is a message from the Fayette County building department regarding an inspection.

Inspection Address: 723 LEES MILL RD.

Inspection Type: Framing \*B.

Inspection Number: INSP-80510.

Permit Number: RNEW-12-15-7607.

The status for this inspection is Approved.

Please do not reply to this email. Replies to this email are not checked by the district.

Fayette County Building Permits and Inspections

Office Phone: 770-305-5403. Address: 140 Stonewall Ave West Ste: 201 Fayetteville, GA 30214

Case Number: RNEW-12-15-7607  
Inspection Date: 05/01/2017  
Inspector: James Massey  
Job Address: 723 LEES MILL RD  
Fayetteville, GA 30214

Case Module: Permit  
Inspection Status: Disapproved \$0  
Inspection Type: Release Electric \*E  
Parcel Number: 0710 034

Contact Type	Company Name	Name
Applicant		Terbeek, John
Owner		Terbeek, John
Contractor		[John Terbeek] Terbeek, John

Checklist Item	Passed	Comments
#01 - #01	NO	Now that a stairway has been added up to a second level, must add wiring for switches and lights for stairway and second level.

---

Massey, James (Inspector)



John TerBeek &lt;johnjamesterbeek@gmail.com&gt;

**Fayette County Building Department Auto-Email**

1 message

noreply@fayettecountyga.gov &lt;noreply@fayettecountyga.gov&gt;

Mon, May 1, 2017 at 11:35 AM

To: johnjamesterbeek@gmail.com

This is a message from the Fayette County building department regarding an inspection.

Inspection Address: 723 LEES MILL RD.

Inspection Type: Release Electric \*E.

Inspection Number: INSP-64494.

Permit Number: RNEW-12-15-7607.

The status for this inspection is Disapproved \$0.

Please do not reply to this email. Replies to this email are not checked by the district.

Fayette County Building Permits and Inspections

Office Phone: 770-305-5403. Address: 140 Stonewall Ave West Ste: 201 Fayetteville, GA 30214

Case Number: RNEW-12-15-7607 Case Module: Permit  
Inspection Date: 05/22/2017 Inspection Status: Disapproved \$50  
Inspector: Steve Tafoya Inspection Type: Release Electric \*E  
Job Address: 723 LEES MILL RD Parcel Number: 0710 034  
Fayetteville, GA 30214-

Contact Type	Company Name	Name
Owner		Terbeek, John
Applicant		Terbeek, John
Contractor		[John Terbeek] Terbeek, John

Checklist Item	Passed	Comments
#06 - #06	NO	Close all receptacles etc and make safe
#02 - #02	NO	Revision to permit must be submitted to include 2nd floor s.f.
#05 - #05	NO	User ground must be part of grounding electrode system
#01 - #01	NO	
#04 - #04	NO	Expose all ground rods
#03 - #03	NO	Clean garbage out of panels

Tafoya, Steve (inspector)



John TerBeek &lt;johnjamesterbeek@gmail.com&gt;

---

**Fayette County Building Department Auto-Email**

1 message

---

**noreply@fayettecountyga.gov** <noreply@fayettecountyga.gov>

Mon, May 22, 2017 at 10:52 AM

To: johnjamesterbeek@gmail.com

This is a message from the Fayette County building department regarding an inspection.

Inspection Address: 723 LEES MILL RD.

Inspection Type: Release Electric \*E.

Inspection Number: INSP-80737.

Permit Number: RNEW-12-15-7607.

The status for this inspection is Disapproved \$50.

Please do not reply to this email. Replies to this email are not checked by the district.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: John Ter Bee K

MAILING ADDRESS: 723 Lees Mills Road

PHONE: 404-423-2226 E-MAIL: JTerBeeK@GTSGA.Com

AGENT FOR OWNERS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 07 LAND DISTRICT 10 PARCEL 34

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: ~~2.7~~ 2.7

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70, AR

PRESENT USE OF SUBJECT PROPERTY: R-70

PROPOSED USE OF SUBJECT PROPERTY: R-70

---

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-657-17

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: \_\_\_\_\_

### 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
110-79	Temporary Stairs	Permanent Stairs	1800 sq.ft

★

### VARIANCE SUMMARY

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

Garage was designed with a attic access hole and no Stairs. During construction F.C.B.P. requested Stairs be finished to inspect upper level. I completed wood Stairs to the upper ~~level~~ level. Garage passed framing inspection with wood Stairs installed.

I request the Stairs stay in place.

## 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.

A misunderstanding led to Stairs  
being installed in my Garage.  
I now want them to stay.

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

A temporary ladder is unsafe,  
now that stairs are installed  
I want them to stay.

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

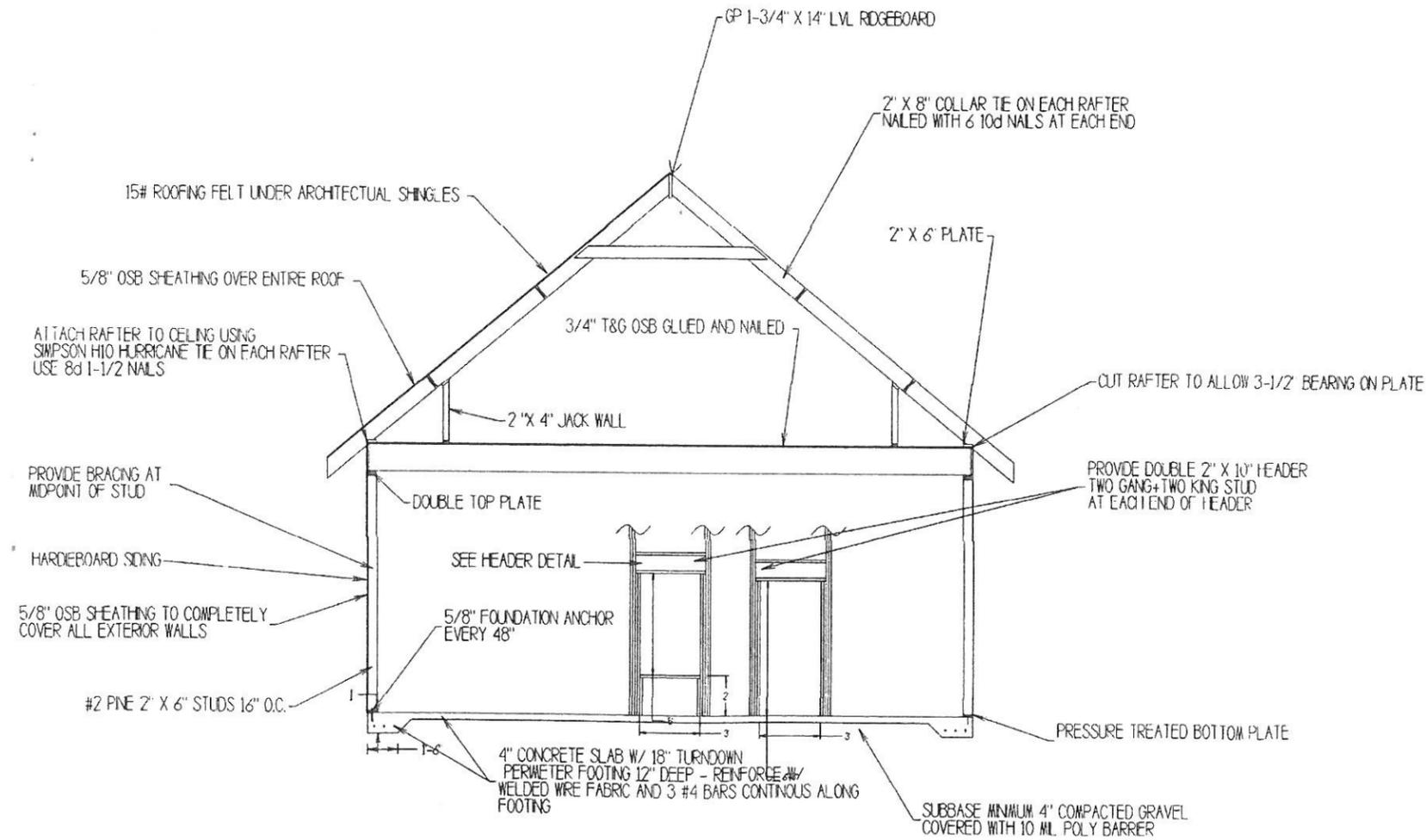
The exterior of the garage  
is un-changed.

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.

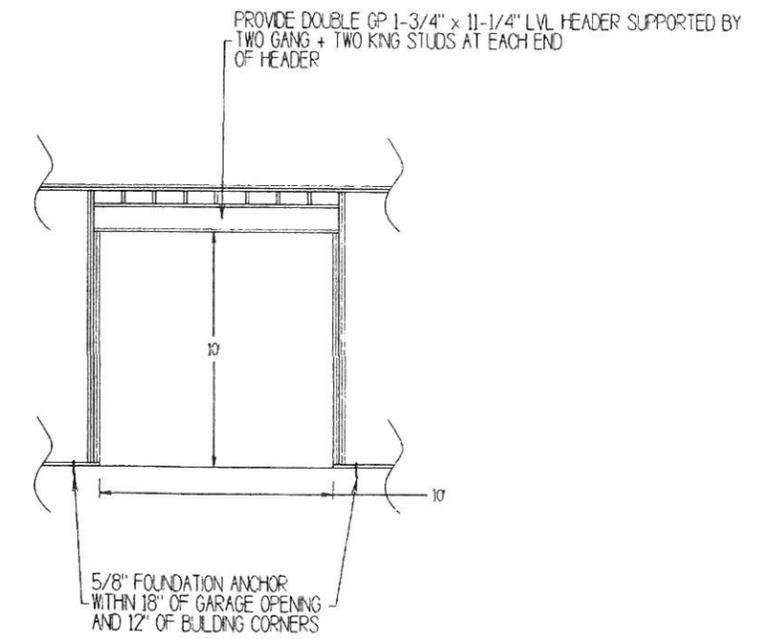
The exterior of the Garage will not change appearance. The public will not notice any changes.

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

My neighbor has a variance to allow more than 2 accessory structures.

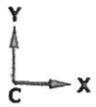


FOR SHEATHING USE 8D COMMON  
NAILS SPACED MINIMUM 6" EDGES  
AND 12" FIELD



CONTINUOUSLY SHEATHED PORTAL FRAME

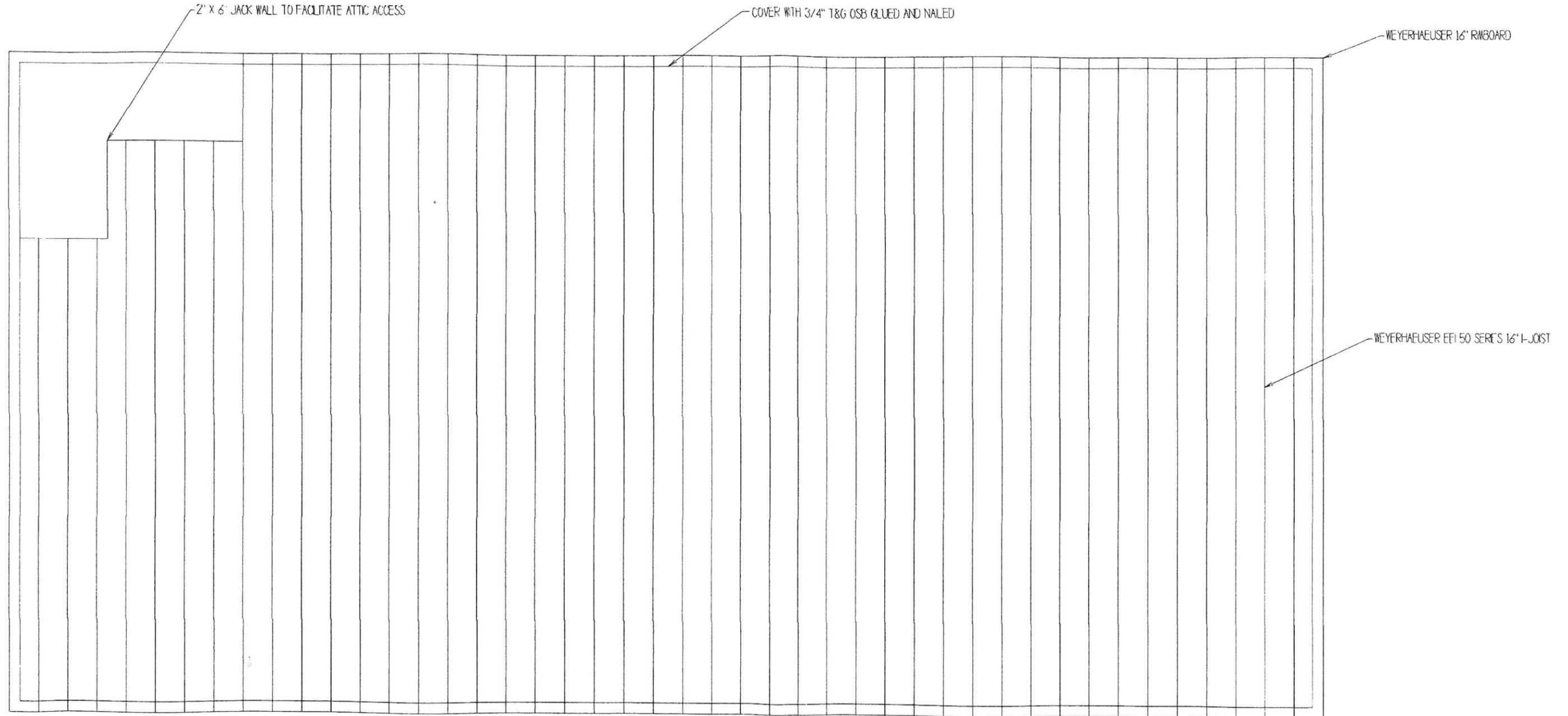
CROSS SECTION FRAMING DETAIL



Revision

All Electrical Work to comply with Current Adopted Version of the (NEC) National Electric Code

RR1R - 03 - 17 - 7090

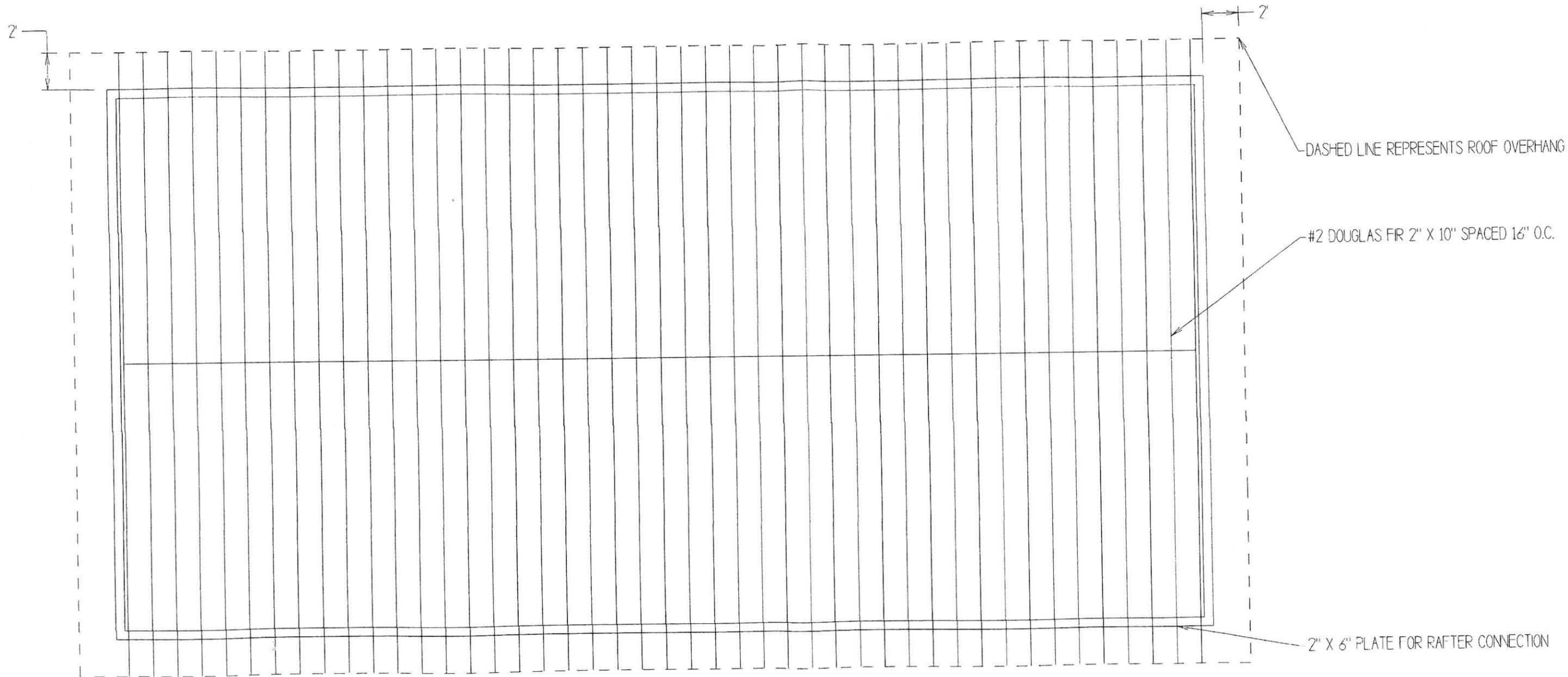
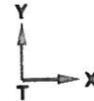


CEILING FRAMING PLAN

REVIEWED FOR CODE

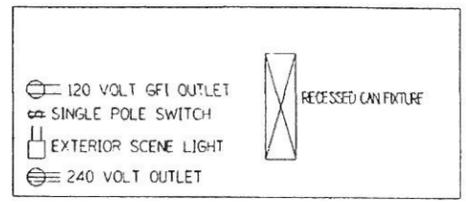
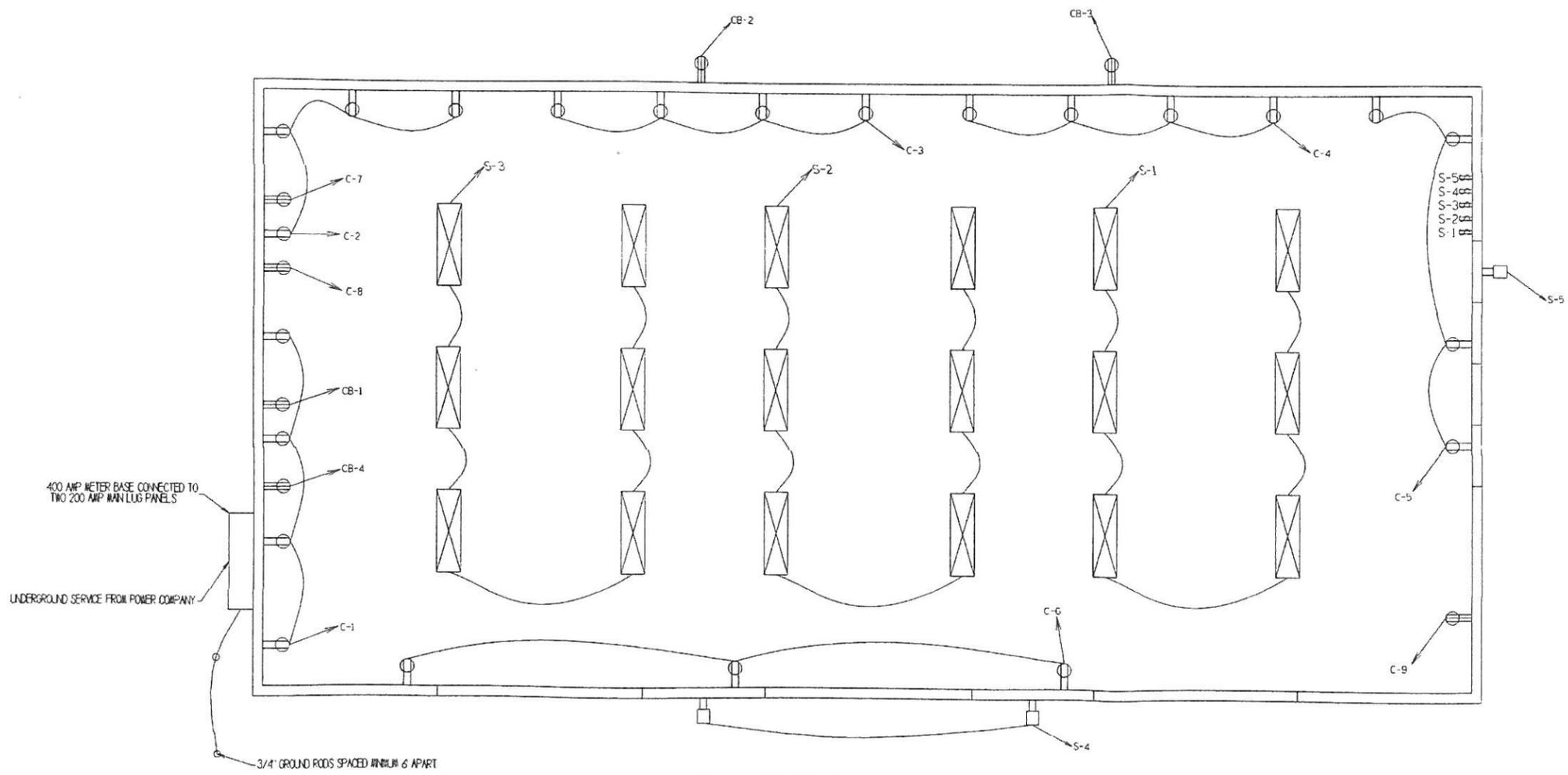
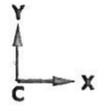
Revision

RR1R - 03 - 17 - 7090



ROOF FRAMING PLAN

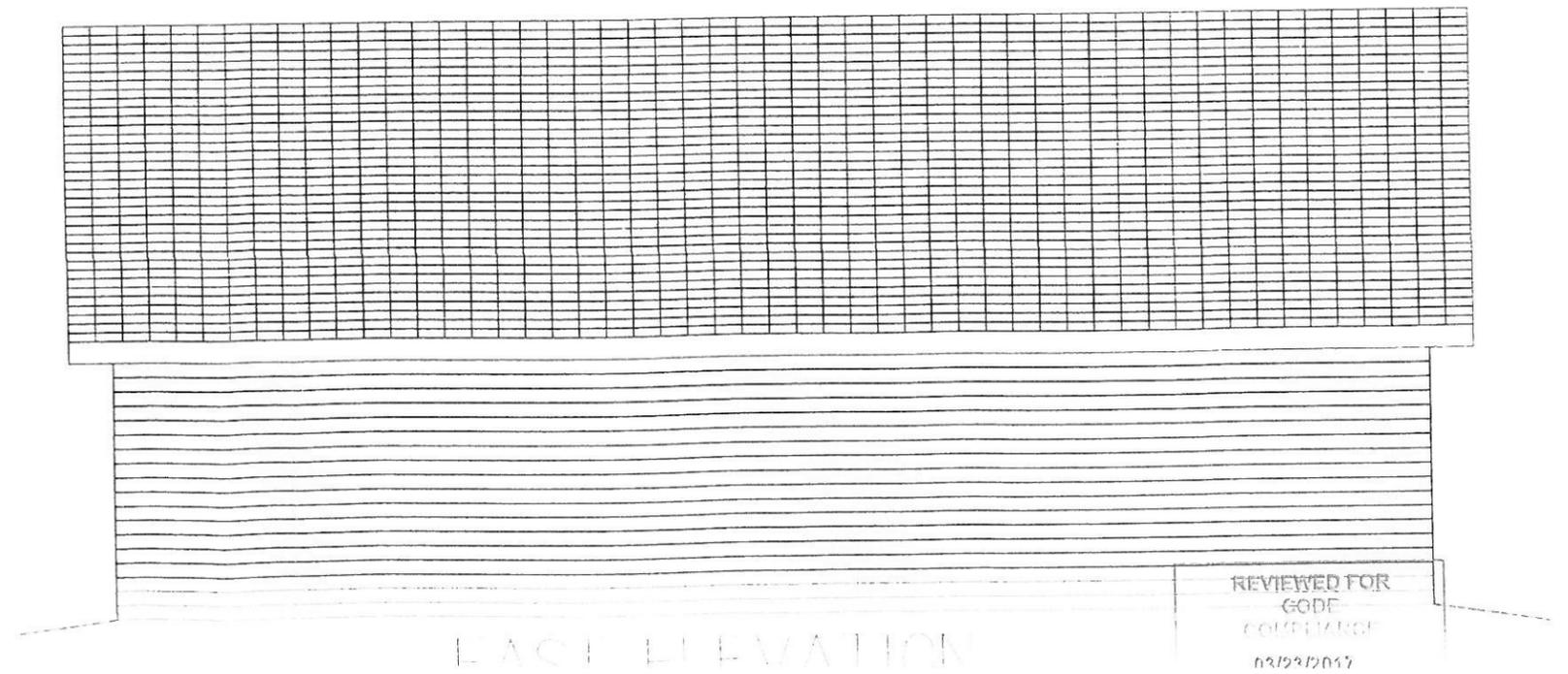
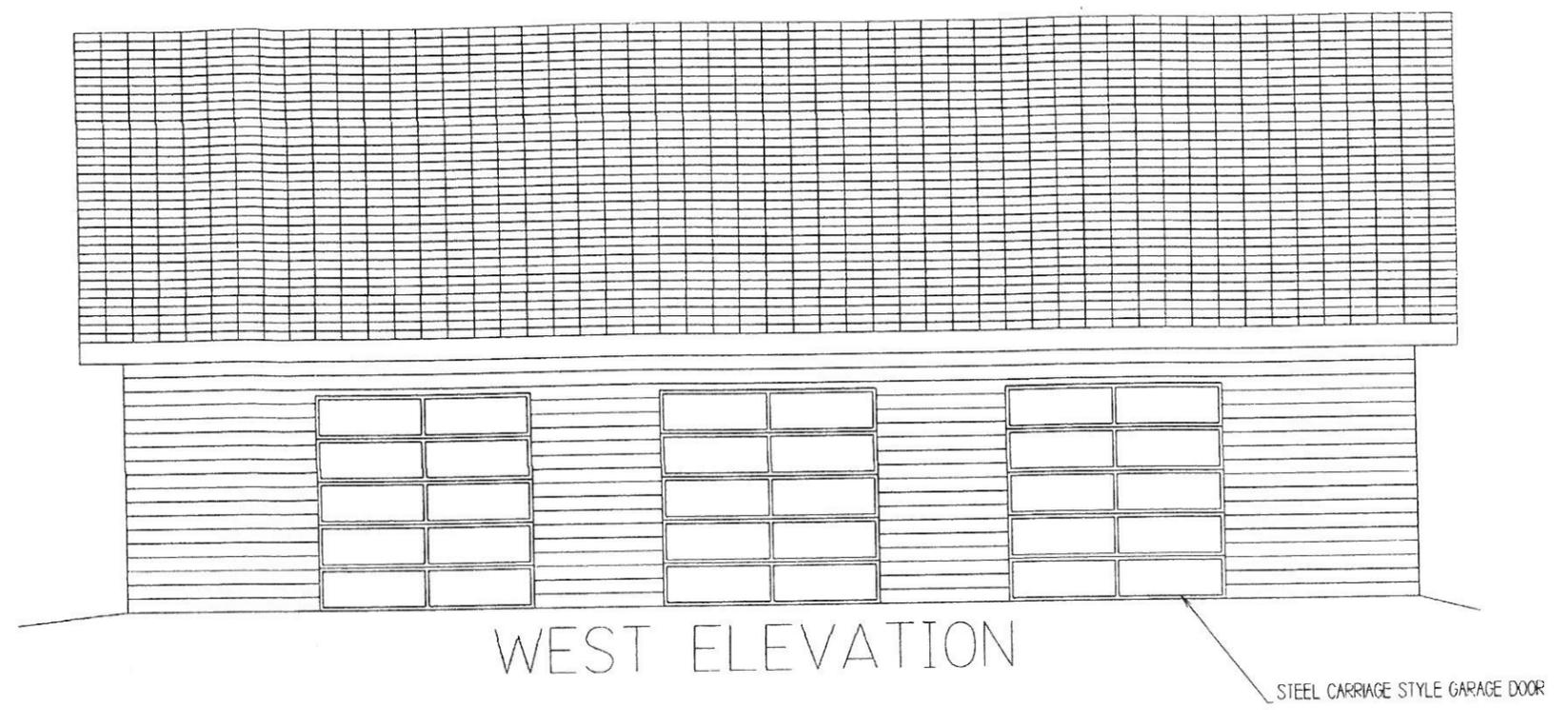
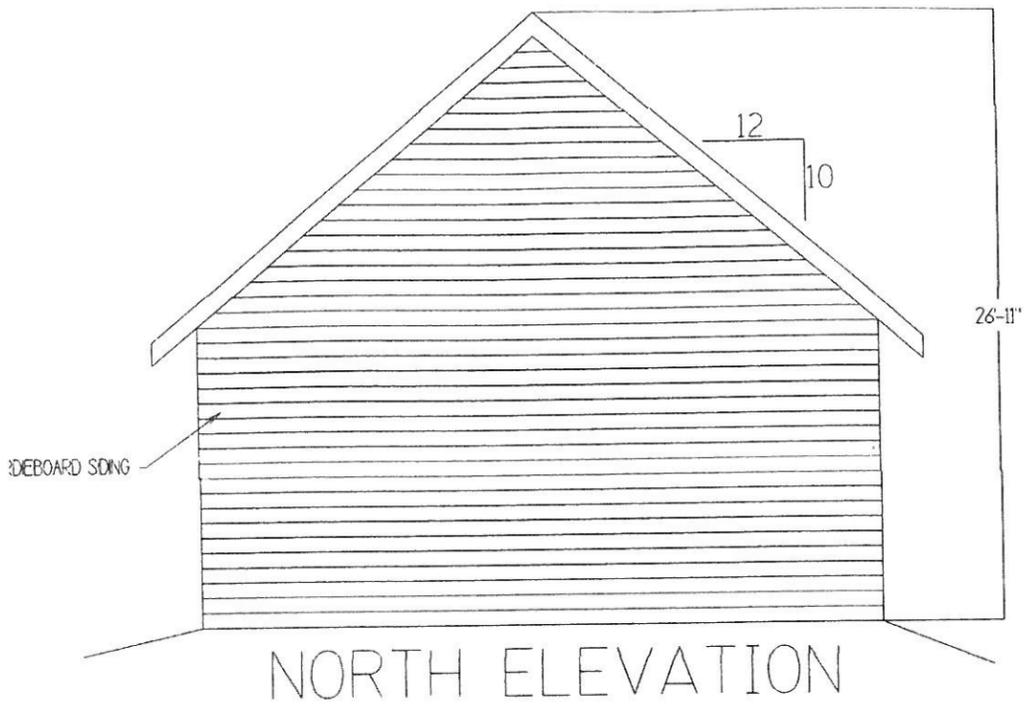
REVIEWED FOR  
CODE

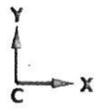


PANEL A				PANEL B					
SPACE	LOAD	VOLT	AMPS	DESCRIPTION	SPACE	LOAD	VOLT	AMPS	DESCRIPTION
1	S-1	120	15	LIGHTS	1	CB-1	240	100	ROTARY PHASE CONVERTER
2	S-2	120	15	LIGHTS	2				
3					3	CB-2	240	30	HVAC
4					4				
5					5	CB-3	240	30	HVAC
6	C-1	120	20	GFI OUTLET BRANCH	6				
7	C-2	120	20	GFI OUTLET BRANCH	7				FUTURE EXPANSION
8	C-3	120	20	GFI OUTLET BRANCH	8				FUTURE EXPANSION
9	C-4	120	20	GFI OUTLET BRANCH	9	CB-4	240	50	ELECTRIC VEHICLE HOOKUP
10	C-5	120	20	GFI OUTLET BRANCH	10				
11	C-6	120	20	GFI OUTLET BRANCH	11				FUTURE EXPANSION
12	C-7	240	30	AIR COMPRESSOR	12				FUTURE EXPANSION
13					13				FUTURE EXPANSION
14	C-8	240	30	WELDER	14				FUTURE EXPANSION
15					15				FUTURE EXPANSION
16	C-9	120	30	RV POWER HOOKUP	16				FUTURE EXPANSION
17					17				FUTURE EXPANSION
18				FUTURE EXPANSION	18				FUTURE EXPANSION
19				FUTURE EXPANSION	19				FUTURE EXPANSION
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31				FUTURE EXPANSION	31				FUTURE EXPANSION
32				FUTURE EXPANSION	32				FUTURE EXPANSION

ELECTRICAL PLAN

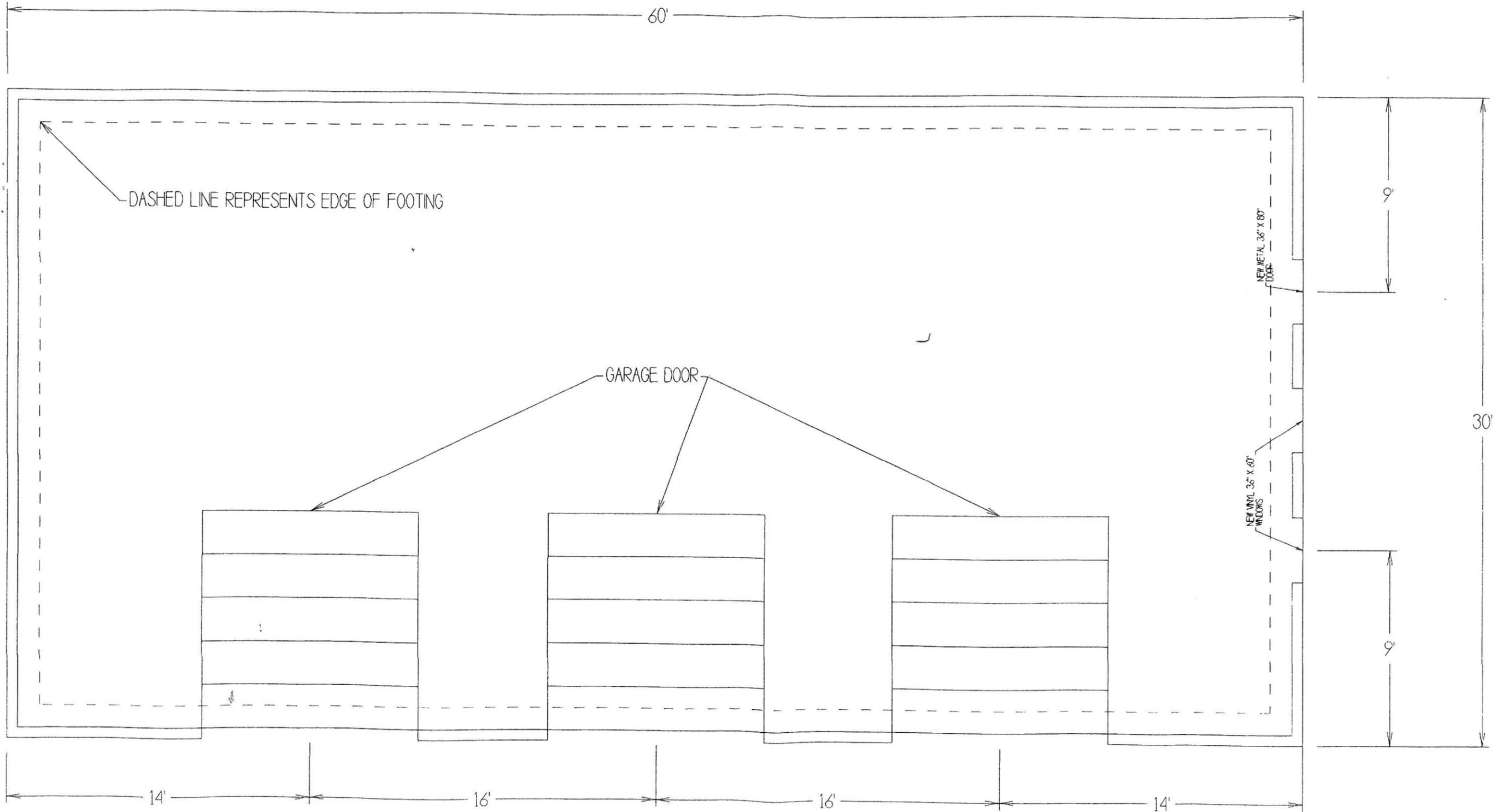
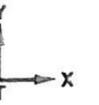
REVIEWED FOR CODE





Revision

RR1R - 03 - 17 - 7090



DATE: 10/10/17

May 19, 2017

Zoning Board of Appeals  
Fayette County Administration  
140 Stonewall Avenue West  
Suite 100  
Fayetteville, GA 30214

Re: Appeal to the Zoning Board of Appeals

Greetings.

We respectfully request appearing before the Zoning Board of Appeals on Monday, June 26, 2017 to appeal the action of the Zoning Administration (please reference Code of Ordinance 110-242(a) and to permit our business to own the property located at 1826 Hwy 54 West, Fayetteville, GA to be used for office purposes only.

As you know, and have surely experienced, with the opening up of the internet, technology has advanced so far from years ago that it has greatly changed the way people buy their transportation needs.

We found what works best for us is to service the majority of our customer base – which is local – using the internet and to give our customers assurance that we have invested in local offices that provide an attractive and comfortable professional business space. Stability and exposure are extremely important in augmenting internet sales – commercial/industrial space does not provide the image to help customers feel the level of comfort they expect in their purchases. The advantage of being on Highway 54 gives us the added visibility with an attractive monument sign that is already in place. Having the ability to purchase the location rather than “rent” is very important to us – and Mr. Chandler’s location and building is ideal.

We ask your Board to permit the addition of our internet brokerage service under Sec. 110-142. O-1, Office-Institutional District and contend our business in every aspect will comply with this Section of Fayette County Georgia’s Code of Ordinances.

Reference: 110-142. O-1, (b) (1) Office

As a professional license holder, the State of Georgia requires we have an office and we wish to establish same.

Reference: 110-142. O-1, (b) (7) Insurance carrier, agent and/or broker

Similar to an insurance broker offering many products we as a dealer/broker offer many products as well in the transportation field – personal modes of transportation such as golf carts, personal water craft, atv’s and vehicles) with all advertising, marketing and sales done over the internet. We do not require and will not have any exterior advertising display. We do require signage on the monument sign at the street. We will not have on the property units for sale.

Reference 110-142. O-I, (b) (16) Professional services, including, but not limited to and (b) (17) Real estate agent and/or broker

Our business is most similar to a real estate agent and/or broker in that instead of selling homes we provide a valuable service to the public by offering various personal modes of transportation and world-class customer support.

\*\*\*\*\*

We have been incorporated with the State of Georgia for 15 years. We have sold the location we have had for those years and require a new location. We believe the size and location of Mr. Chandler's building located at 1826 Hwy 54 West in Fayette County is ideal for

Page 2

Letter to the Zoning Board of Appeals

Welch/A Better Ride, Inc.

May 19,, 2017

operating our business as a service to the increasing number of consumers who use the internet to research, compare, and shop for various types of transportation for business, personal and recreational use.

Our professional Georgia license, dealer bonding and dealer insurance allows our company to access all national vehicle and power sport auctions and a nationwide and international network of inventory that is not available to the public.

Our service will be available to the private individual as well as companies seeking the best value for a particular personal or company vehicle as well as one for recreational use.

The sharing of Internet searches including, market research, cost comparisons, and sales will be conveyed to our clients over the internet through a link to our web site, by 'phone and in face to face meetings in our office. All State of Georgia sales documents will be prepared over the internet and conveyed in person, by the USPS or express mail. Inspection and delivery of all units sold will be made at another already designated business location in Coweta County or delivered directly to the client's address.

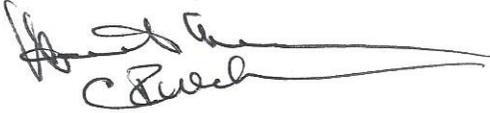
The searches we perform for various types of personal modes of transportation are far more extensive than available to the public and we can provide connections to quality financing, warranty, insurance and transportation services in one comprehensive package.

We also provide a service to locate a specific buyer for custom vehicles and specialty collector cars (i.e. 1953 Hudson Convertible) both nationally and internationally or vintage vehicles to the overseas market such as the 1960's muscle cars to Germany.

We are dedicated to provide world class customer service to our clients and are serious about finding the best value for their transportation needs. We would like to establish our offices

and develop a solid long term relationship with officials, other businesses and residents in Fayette County.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris and Marlene Welch", with a long horizontal flourish extending to the right.

A Better Ride, Inc.  
Chris and Marlene Welch  
155 Fairway Court  
Newnan, GA 30265  
[welch47@aol.com](mailto:welch47@aol.com)  
404 643 1511  
404 916 4051

**Petition No. A-658-17**  
**Appeal from the Actions of the Zoning Administrator**  
**Zoning Board of Appeals Public Hearing Date: June 26, 2017**

**Applicant Request:**

An Appeal from the actions of the Zoning Administrator regarding the denial of an internet broker of personal modes of transportation such as golf carts, personal water crafts, ATV's, and vehicles to operate in the Office-Institutional Zoning District.

**Sec. 110-142. - O-I, Office-Institutional District.**

- (a) *Description of district.* This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- (b) *Permitted principal uses and structures.* The following permitted uses shall be allowed in the O-I zoning district:
- (1) Office;
  - (2) Art gallery;
  - (3) Bank and/or financial institution;
  - (4) College and/or university, including classrooms and/or administration only;
  - (5) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
  - (6) Health club and/or fitness center;
  - (7) Insurance carrier, agent, and/or broker;
  - (8) Laboratory, medical, and/or dental;
  - (9) Legal services;
  - (10) Massage therapy (see [chapter 8](#));
  - (11) Medical/dental office (human treatment);
  - (12) Military recruiting office;
  - (13) Museum;
  - (14) Performing arts theater;
  - (15) Private school, including classrooms and/or administration only;
  - (16) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
  - (17) Real estate agent and/or broker.
- (c) *Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the

following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:

- (1) Beauty shop and/or barbershop;
  - (2) Blueprinting;
  - (3) Cafeteria;
  - (4) Commercial art and/or drafting service;
  - (5) Day care facility;
  - (6) Delivery and/or messenger service;
  - (7) Drug store;
  - (8) Florist;
  - (9) Gift shop;
  - (10) Photocopying and/or reproduction;
  - (11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);
  - (12) Stenographic and/or typing service;
  - (13) Teleconferencing center; and
  - (14) Travel agency and/or ticket office.
- (d) *Conditional uses.* The following conditional uses shall be allowed in the O-I zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
  - (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
  - (3) Care home, convalescent center, and/or nursing home;
  - (4) Church and/or other place of worship;
  - (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
  - (6) Child care facility;
  - (7) Home occupation;
  - (8) Hospital;
  - (9) Hotel and/or bed and breakfast;
  - (10) Non-emergency medical transport service;
  - (11) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
  - (12) Religious tent meeting; and
  - (13) Single-family residence and accessory structures and/or uses (see article III of this chapter).

Appeals from actions of the zoning administrator are allowed under the following section:

**Sec. 110-242. - Powers and duties.**

- (a) *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 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) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
  - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.

**Zoning Administrator:**

The denial by the Zoning Administrator is based on the Fayette County Code of Ordinances, Chapter 20 Zoning Ordinance. As stated in the applicant's letter, the business is internet dealer/brokerage of personal modes of transportation such as golf carts, personal water crafts, ATV's, and vehicles. Vehicle sales are not specifically allowed in the O-I zoning district (see O-I above). Vehicle sales are specifically allowed in the C-H and M-1 zoning districts as follows:

**Sec. 110-144. - C-H, Highway Commercial District.**

- (c) *Conditional uses.*
  - (4) Automobile, truck, farm equipment, or motorcycle sales and incidental repairs;

**Sec. 110-146. - M-1, Light Industrial District.**

- (b) Permitted uses.
  - (6) Automobile, truck, farm equipment, and heavy equipment sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop;

The applicant's letter states they are professional license holders of the State of Georgia. The applicant's letter also states:

1. "Our professional Georgia license, dealer bonding and dealer insurance allows our company to access all national vehicle and power sport auctions and a nationwide international network of inventory that is not available to the public."
2. "We also provide a service to locate a specific buyer for custom vehicles and specially collector cars (i.e. 1953 Hudson Convertible) both nationally and internationally or vintage vehicles to the overseas market such the 1960's muscle cars to Germany."

The professional license is a Used Motor Vehicle Dealers License issued by the Georgia Secretary of State. A requirement of the application is a Zoning Certification (see attached) that has to be signed by a zoning official. All current holders of a Used Motor Vehicle Dealers License are located in either C-H or M-1 zoning districts.

**Summary:**

It is the Zoning Administrator's position that vehicle sales of any kind are not allowed in the O-I zoning district unless they are specifically listed as a Permitted Use or a Conditional Use. This position is based on the following:

**Sec. 110-62. - Use prohibited.**

If either a use or class of uses is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of uses, or structures for such uses shall be prohibited in such zoning district, except as otherwise provided herein.

Georgia Secretary of State  
Professional Licensing Boards Division

Used Motor Vehicle Dealers License Application

**ZONING CERTIFICATION**

THIS IS TO CERTIFY THAT THE PROPERTY LISTED AS:

DEALERSHIP NAME

OWNER

STREET ADDRESS

CITY, STATE, ZIP CODE

IS CURRENTLY ZONED FOR USE AS A USED MOTOR VEHICLE DEALER OR USED MOTOR VEHICLE PARTS  
DEALER ESTABLISHMENT IN THE COUNTY / CITY OF \_\_\_\_\_

AND THAT CURRENT ZONING STANDARDS WILL ALLOW A PERMANENT SIGN ON THE PROPERTY THAT  
APPRISES CONSUMERS OF THE DEALERSHIP.

\_\_\_\_\_  
**SIGNATURE OF ZONING COMMISSIONER**

\_\_\_\_\_  
**PRINTED NAME OF ZONING COMMISSIONER**

SWORN TO AND SUBSCRIBED BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY SEAL**

**A-658-17**

**SR 54**

**SUBJECT  
PROPERTY**



**PETITION NO. A-659-17  
Richard E. Carne  
170 Stable Creek Road  
Fayetteville, GA 30215**

**Public Hearing Date June 26, 2017**

The subject property is located at 170 Stable Creek Road and is 5.74 acres in size. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79. Accessory structures and uses. (c) (1) (c) to allow the construction of a 3,600 square foot detached garage on a lot with less than two (2) acres of contiguous area.

Sec. 110-79. Accessory structures and uses. (c) (1) (c):

One accessory structure, per individual lot with a **minimum of five acres and a minimum contiguous area of two acres** clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind, not to exceed 3,600 square feet of floor area (see total square footage) or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. An accessory structure combined with a guesthouse, under this option, shall be deemed as one accessory structure. Under this option, an accessory structure shall be located only to the rear of the principal structure.

**History:** The Final Plat of Bay Chappelle Farms (Phase One) was approved by the County in 1989 and recorded on October 3, 1989 in Book 20 Page 193. The subject property was platted as a 5.09 acre lot. The Revise Final Plat of Bay Chappelle Farms (Phase One) was approved by the County in 1992 and recorded on August 24, 1992. The subject property was platted as a 5.74 acre lot. In 1996 a variance (A-416-17) was approved for a reduction in the side yard setback (20 feet to seven (7) feet for an existing house and a reduction in the watershed setback (50 feet to 30 feet) for the placement of a driveway.

**VARIANCE SUMMARY**

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

**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. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.**

The subject property consists of a total of some 5.745 acres, but is traversed on the rear portion of the property by a creek which meanders from the north-western (or center right) front of the rear portion of the property (as viewed from the street), then laterally to the east (left), and then at a slight south-easterly angle back to the extreme southeast corner of the property. From the rear southeast corner to the opposing rear southwest corner measures some three hundred (300) feet across, thus rendering the proposed intended site for this auxiliary or "accessory structure" to be in excess of roughly two-hundred (200) feet from the approximate area/point where the creek exits this property on the opposite rear corner. However, given the accompanying setbacks from the creek bed, those setbacks impinge upon the requirement imposed under Sec. 100-79 to have a minimum of two (2) contiguous acres clear of any zoning setbacks, watershed protection buffers ... or 100-year floodplain area, despite the fact that the proposed site is at a substantially higher topographical elevation, and those surrounding lands not affected by these constraints are just short of the required two (2) acre minimum. These conditions thereby warrant the review and hopeful approval of this variance request by the Zoning Board of Appeals.

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

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

Notwithstanding that the primary subject property consist of a total of some 5.745 acres, the review and approval of a variance to those provisions cited in Section 110-242(b) are nonetheless required because there is not a "minimum contiguous area of two acres clear of ... watershed protection buffers and setbacks ... [or] 100-year floodplain area" that separates a creek on the subject property, from a proposed building site for an anticipated "accessory structure".

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

Given the current restrictions affecting the subject property, and without an approved variance, the property owner/ applicant will be unable to construct an appropriately sized garage to house several antique and classic automobiles and related grounds maintenance equipment. Although there is in excess of well over 1.5 acres of unrestricted grounds surrounding the proposed building site as defined by Section 110-242, there is something just short of the required two-acre minimum contemplated by this section, thereby necessitating formal approval of this request in order to accommodate the construction of a facility sufficient in size to house these vehicles and equipment.

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

Because of the existence of the creek running along the opposite side of the subject property, and those corresponding setbacks and buffers required in such instances under current cited Code

Sections, formal approval of a variance request is required. This request is therefore unique, since the absence of this waterway would otherwise render moot any need to petition for this variance.

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

The intended building site for the proposed structure is targeted to be constructed at a minimum of three hundred (300) feet from the road on the southwestern corner of the subject property. The proposed design is not only in keeping with the primary residence situated on this land tract, but is likewise aesthetically pleasing and in keeping with other area residences. Construction of these premises would therefore not cause any substantial detriment to the public good or otherwise impair the purposes and intent of the noted regulations. Similarly, approval of the requested variance would not constitute any improper land use, building, or structure as contemplated by these referenced Code Sections.

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

A literal interpretation of this Ordinance would deprive the Applicant of those rights that others in the same zoning district have, since most other potential Applicants would not otherwise be constrained because they typically would not have a creek or waterway running through their property.

#### **DEPARTMENTAL COMMENTS**

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

**ENVIRONMENTAL MANAGEMENT:** Floodplain is on the property. Structure must be 3 feet above the base flood elevation as defined in the 2013 Fay County Flood Study. If structure built in floodplain, all Floodplain Management Regulation requirements must be adhered to.

**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.

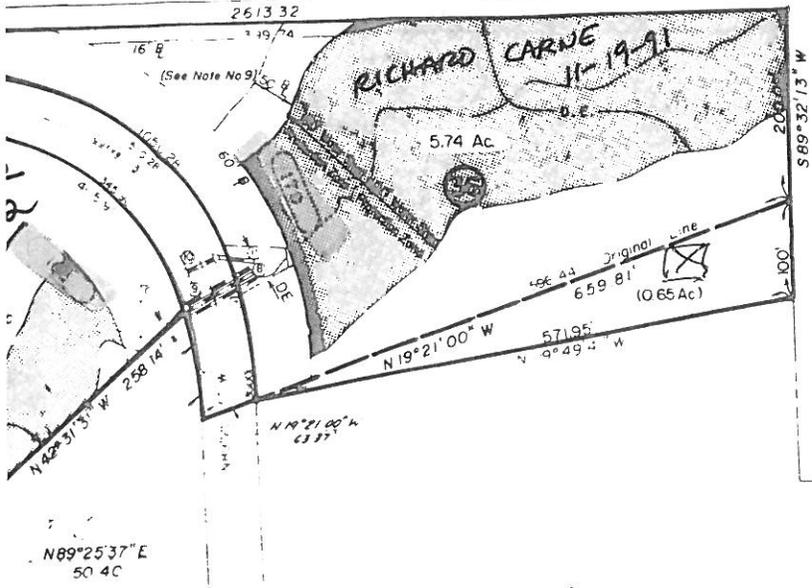
**A-659-17**

**Stable Creek Road**

**SUBJECT  
PROPERTY**



Asw or Formerly  
George William Brannen



20 sides  
50 - rear  
3600 ft

100 33 38

NOTE

- 1. WHO INVOLVED: Barnett Bank  
West Lamar Avenue  
Lafayetteville, GA 30214
- 2. CLIENT: CHAPMAN LAND VENTURES, INC.  
4 EXECUTIVE PARK DRIVE  
SUITE 240B  
ATLANTA, GA 30329  
(404) 728-8773
- 3. SURVEY INFORMATION TAKEN FROM PLAT BY BENCHMARK ENGINEERS  
TITLE "BOUNDARY SURVEY FOR THOMPSON & COMPANY MORTGAGE  
DATE NOVEMBER 9, 1988.
- 4. CURRENT ZONING = R-60  
MINIMUM LOT SIZE = 2.00 ACRES  
FRONT BUILDING LINE = 75' (OF AS SHOWN)  
SIDE BUILDING LINE = 20'  
REAR BUILDING LINE = 50'
- 5. TOTAL TRACT = 62.72 ACRES  
TOTAL NUMBER OF LOTS IN THIS PHASE = 21
- 6. LOTS TO BE SERVED BY INDIVIDUAL SEPTIC TANKS.
- 7. I.R.M. = CENTERLINE INTERSECTION OF CHAPPELL ROAD AND STAR  
ELEVATION = 857.82
- 8. THIS TRACT DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN PER  
NATIONAL FLOOD PANEL NUMBER 130432 0095 A DATED JULY 5,  
COUNTY, GEORGIA.
- 9. LOT 36 = FRONT BUILDING LINE REFERRED TO ADJ AND SIDE BUILDING  
REFERRED TO 16' PER ADMINISTRATIVE VARIANCE BY COUNTY ZONING

Rev. 1-29-92  
APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY  
JULY 2, 1992  
JULY 24, 1992  
FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY  
MAY AS SHOWN PLANS HAVE BEEN APPROVED  
29-92  
APPROVED BY FAYETTEVILLE - FAYETTE COUNTY PLANNING COMMISSION  
DATE 1-29-92  
29/92



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: RICHARD E. CARNE

MAILING ADDRESS: 170 STABLE CREEK ROAD, FAYETTEVILLE, GA. 30215

PHONE: 770-719-1188 E-MAIL: dickcarne@gmail.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 187 LAND DISTRICT 4<sup>th</sup> PARCEL 043402017

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.745

ZONING DISTRICT: R-72

ZONING OF SURROUNDING PROPERTIES: R-72, A-R

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-659-17

[ ] Application Insufficient due to lack of:

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

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

by Staff: COB Date: 5/19/2017

DATE OF ZONING BOARD OF APPEALS HEARING: June 26, 2017

Received from Richard E. Carne 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: 5/19/2017 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:

RICHARD E. CARNE

Please Print Names

Property Tax Identification Number(s) of Subject Property: 04-3402-017

**(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]  
Signature of Property Owner 1

[Signature]  
Signature of Notary Public

5-19-17

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Address

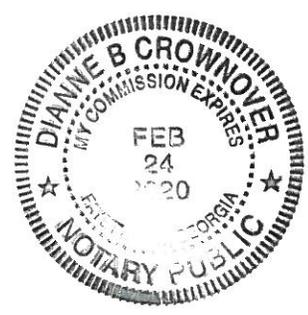
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date



### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
110-75 (2) (1) 2.	1,200 sq ft	3,600 sq ft	1,500 sq ft

### VARIANCE SUMMARY

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

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

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

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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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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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## **Justification of Request**

### **1.**

The subject property consist of a total of some 5.745 acres, but is traversed on the rear portion of the property by a creek which meanders from the north-western (or center right) front of the rear portion of the property (as viewed from the street), then laterally to the east (left), and then at a slight south-easterly angle back to the extreme southeast corner of the property. From the rear southeast corner to the opposing rear southwest corner measures some three hundred (300) feet across, thus rendering the proposed intended site for this auxiliary or “accessory structure” to be in excess of roughly two-hundred (200) feet from the approximate area/point where the creek exits this property on the opposite rear corner. However, given the accompanying setbacks from the creek bed, those setbacks impinge upon the requirement imposed under Sec. 100-79 to have a minimum of two (2) contiguous acres clear of any zoning setbacks, watershed protection buffers ... or 100-year floodplain area, despite the fact that the proposed site is at a substantially higher topographical elevation, and those surrounding lands not affected by these constraints are just short of the required two (2) acre minimum. These conditions thereby warrant the review and hopeful approval of this variance request by the Zoning Board of Appeals.

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Notwithstanding that the primary subject property consist of a total of some 5.745 acres, the review and approval of a variance to those provisions cited in Section 110-242(b) are nonetheless required because there is not a “*minimum* contiguous area of two acres clear of ... watershed protection buffers and setbacks ... [or] 100-year floodplain area” that separates a creek on the subject property, from a proposed building site for an anticipated “accessory structure”.

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### **2.**

Given the current restrictions affecting the subject property, and without an approved variance, the property owner/applicant will be unable to construct an appropriately sized garage to house several antique and classic automobiles and related grounds maintenance equipment. Although there is in excess of well over 1.5 acres of unrestricted grounds surrounding the proposed building site as defined by Section 110-242, there is something just short of the required two-acre minimum contemplated by this section, thereby necessitating formal approval of this request in order to accommodate the construction of a facility sufficient in size to house these vehicles and equipment.

### **3.**

Because of the existence of the creek running along the opposite side of the subject property, and those corresponding setbacks and buffers required in such instances under current cited Code Sections, formal approval of a variance request is required. This request is therefore unique, since the absence of this waterway would otherwise render moot any need to petition for this variance.

4.

The intended building site for the proposed structure is targeted to be constructed at a minimum of three hundred (300) feet from the road on the southwestern corner of the subject property. The proposed design is not only in keeping with the primary residence situated on this land tract, but is likewise aesthetically pleasing and in keeping with other area residences. Construction of these premises would therefore *not* cause any substantial detriment to the public good or otherwise impair the purposes and intent of the noted regulations. Similarly, approval of the requested variance *would not* constitute any improper land use, building, or structure as contemplated by these referenced Code Sections.

5.

A literal interpretation of this Ordinance would deprive the Applicant of those rights that others in the same zoning district have, since most other potential Applicants would not otherwise be constrained because they typically would not have a creek or waterway running through their property.