

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

AGENDA

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

1. Consideration of the Minutes of the Meeting held on August 28, 2017.

PUBLIC HEARING

2. Petition No. A-663-17, Ginger Pope, Owner, requests the following: Variance to Section 110-125. A-R (d) (6) to reduce side yard setback from 50 feet to 32 feet for an existing attached garage to remain. The subject property is located in Land Lot 168 of the 4th District and fronts on Chappell Road.

Petitioner requested A-663-17 be tabled to the October 23, 2017 meeting.

3. Petition No. A-665-17, Kurt & Deborah Johnson, Owner, requests the following: Variance to Sec. 110-125. A-R, (d) (4) (b) to reduce front yard setback from 75 feet to 74 feet to maintain the construction of a new residence. The subject property is located in Land Lot(s) 35 & 62 of the 7th District and fronts on Platinum Ridge Point.
4. Petition No. A-666-17, Mark & Jerrie L. Cauley, Owners, request the following: Variance to Sec. 110-79. Accessory structures and uses, (4) (d) Location on lot to allow an existing pool in the front yard to remain. Variance to Sec. 110-79. Accessory structures and uses, (4) (d) Location on lot to allow an existing shed in the front yard to remain. Variance to Sec. 110-79. Accessory structures and uses, (c) (1) to increase the amount of accessory structures per individual lot from 2 to 3. The subject property is located in Land Lot 248 of the 5th District and fronts on Jericho Lane.
5. Petition No. A-667-17, Linda L. Keener, Owner, requests the following: Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 49 feet for an existing pool. The subject property is located in Land Lot Land Lot 126 of the 5th District and fronts on Highway 85 Connector.

September 7, 2017

Fayette County Planning & Zoning

RE: Ginger Pope Variance

To Whom It May Concern:

I was unable to attend the August 28th hearing regarding my variance request. I didn't realize I had to present to the committee, I misunderstood Pete, that he would handle it. I am on vacation the week of September 25th, the next scheduled hearing date. Please move my variance request to the next meeting in October. I will greatly appreciate that.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginger Pope", with a stylized flourish at the end.

Ginger Pope

ZONING BOARD OF APPEALS DECISIONS

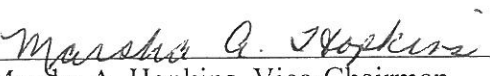
DATE: August 28, 2017

PETITION NUMBER: A-663-17

THE FAYETTE COUNTY ZONING BOARD OF APPEALS has tabled
the application of Ginger Pope this for the purpose of obtaining a Variance to Section 110-125. (d)
(6) to reduce side yard setback from 50 feet to 32 feet for an existing attached garage to remain.



Bill Beckwith, Chairman



Marsha A. Hopkins, Vice-Chairman



John Tate



Therol Brown



Tom Waller

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Ginger Pope

MAILING ADDRESS: 214 Chappell Rd., Fayetteville, GA 30215

PHONE: 404-431-6334 E-MAIL: gpope@bbandt.com

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 168 LAND DISTRICT 4th PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5 acres

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Primary Residence

PROPOSED USE OF SUBJECT PROPERTY: Same

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-643-17

[] 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: August 28, 2017

Received from Ginger Pope a check in the amount of \$ 195.00

for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s). 195.00

Date Paid: 7/21/2017 Receipt Number: 5867622 sign

5867621 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:

Please Print Names

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

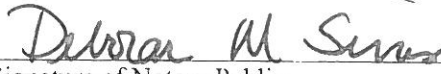
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of _____ acres (legal description corresponding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

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

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

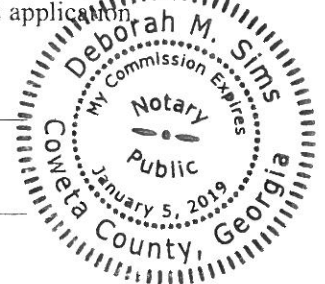

Signature of Property Owner 1

Address


Signature of Notary Public

Date

7/21/17



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
Sec. 110-125(d)(6)	50 feet side yard s/b	32	18

VARIANCE SUMMARY

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

We recently realized our house is too close to the right side of the property line. The attached garage was built in 1986 and permitted by my ex-husband. We were unaware there was an issue until applying for a permit for a pool.

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.

not really, it's a permit issue from 1986 just recently discovered.

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

It's a hardship because we got it permitted and we were never told there was problem.

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

1986 permit issue that went undiscovered until June 2017.

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.

it will not cause substantial detriment at all

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

We thought we were in compliance. Original permit from 1986 was approved.

PETITION NO. A-663-17

**Ginger Pope
214 Chappell Road
Fayetteville, GA 30215**

Public Hearing Date August 28, 2017

The subject property is located at 214 Chappell Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 32 feet for an existing attached garage to remain.

History: Tax records indicate the single family residence was built in 1983, and according to the deed the applicant purchased the property in 1982.

As part of the permitting process for the pool, a survey is required. Through the survey staff discovered the violation. The survey given for the pool permit shows the garage 33.3 feet from the property line. A building permit was issued for the enclosing of the garage in 1986. The survey given for that building permit in 1986 shows the garage 82.6 feet from the property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

We recently realized our house is too close to the right side of the property line. The attached garage was built in 1986 and permitted by my ex-husband. We were unaware there was an issue until applying for a permit for a pool.

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.**

Not really, it's a permit issued from 1986 and just recently discovered.

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

It's a hardship because we got it permitted and we were never told there was a problem.

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

1986 permit issued that went undiscovered until June 2017.

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,**

It will not cause substantial detriment at all.

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

We thought we were in compliance. Original permit from 1986 was approved.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and has no comments.

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

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

An aerial photograph showing a rural landscape with several property parcels outlined in black. A road, labeled 'Chappell Road', runs horizontally across the middle of the image. Above the road, there are several buildings, including a large white one on the right and a smaller one with a blue roof in the center. Below the road, a large parcel is outlined and labeled 'SUBJECT PROPERTY'. This parcel contains a house and is surrounded by fields and trees. The overall scene is a mix of developed and undeveloped land.

A-663-17

Chappell Road

SUBJECT
PROPERTY

Doc ID: 012122180001 Type: PLAT
 Recorded: 07/28/2017 at 09:00:00 AM
 Fee Amt: \$2.00 Page: 1 of 1
 Fayette County Superior Court
 Sheila Studdard, Clerk of Court

50 55

COPY

THIS BLOCK RESERVED FOR THE
 CLERK OF THE SUPERIOR COURT



MAGNETIC

PRESENT ZONING: "AR"

100' FRONT SETBACK
 50' SIDE SETBACK
 75' REAR SETBACK

GRAPHIC SCALE - FEET

LEGEND

- I.P.F. • IRON PIN FOUND
- I.P.S. • IRON PIN SET
- R.B.F. • RE-BAR FOUND
- R.B.S. • RE-BAR SET
- O.T.P. • OPEN TOP PIPE
- C.T.P. • CRIMED TOP PIPE
- R/W • RIGHT OF WAY
- P.L. • PROPERTY LINE
- C.L. • CENTER LINE
- B.L. • BUILDING LINE
- L.L. • LAND LOT LINE
- G.M.D. • GEORGIA MILITIA DISTRICT
- P.P. • POWER POLE
- P. • POWER LINE
- F. • FENCE LINE
- R. • RADIUS
- C. • CHORD
- T. • TANGENT
- N/O. • NOW OR FORMERLY
- D.B. • DEED BOOK
- P.B. • PLAT BOOK
- P.G. • PAGE
- D.E. • DRAINAGE EASEMENT
- S.E. • SEWER EASEMENT
- F.H. • FIRE HYDRANT
- M.H. • MANHOLE
- C.B. • CATCH BASIN
- 999.0 E. • EXISTING SPOT ELEVATION
- 999.0 F. • FINISHED SPOT ELEVATION
- 999.0 P. • PROPOSED SPOT ELEVATION
- F.F.E. • FINISHED FLOOR ELEVATION
- D.S.D. • DIRECTION OF SURFACE DRAINAGE

THIS PROPERTY HAS BEEN FIELD SURVEYED AND THIS PLAT PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND MAY BE SUBJECT TO OTHER EASEMENTS AND ENCUMBRANCES OF RECORD.

FIELD WORK COMPLETION DATE: JULY 21, 2017

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 49,650 FEET AND ANGULAR ERROR OF 01 SECONDS PER ANGLE POINT TURNED AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

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

EQUIPMENT USED: TOPCON ROBOTIC STATION AND RTK GPS SYSTEM.

THIS IS TO CERTIFY THAT THIS PROPERTY IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M. MAP OF FAYETTE COUNTY, GEORGIA AS SHOWN ON MAP NUMBER 13113C0155E, DATED SEPTEMBER 26, 2008. THIS PROPERTY LIES WITHIN A NON-HAZARD FLOOD ZONE "X".

POINT OF BEGINNING

CHAPPELL ROAD - 80' R/W

N 87°49'13"E 299.19'

POWER POLE

1" O.T.P. 0.65' NORTH

BARBED WIRE FENCE MEASUREMENTS ALONG THE PROPERTY LINE

100' SETBACK LINE

GARAGE ONE STORY STONE & FRAME RESIDENCE DECK

STORAGE BUILDING

APPROXIMATE LAND LOT LINE

50' SETBACK LINE

50' SETBACK LINE

S 00°18'09"E 727.57'

AREA: 5.000 ACRES
 217,800 SQUARE FEET

75' SETBACK LINE

LL 167

LL 168

ORIGINAL CORNER
 1" O.T.P. 0.65' NORTH

ORIGINAL CORNER
 #4 RBF 1.78' NORTH

#4 RBS
 NEW PROPERTY CORNER

#4 RBS
 NEW PROPERTY CORNER

S 87°49'27"W 299.85'

AS REQUIRED BY SUBSECTION (g) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL.



FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

James H. Carter
 JAMES H. CARTER
 GEORGIA REGISTERED LAND
 SURVEYOR NO. 1999

JAMES H. CARTER
 LAND SURVEYING COMPANY
 P.O. BOX 957982
 DULUTH, GEORGIA 30095

TELEPHONE (404) 219-5706
 jcarter@carterlandsurveying.com

SURVEY FOR
 GINGER S. POPE
 214 CHAPPELL ROAD
 FAYETTEVILLE, GEORGIA 30215

LAND LOT 168, 4TH DISTRICT
 FAYETTE COUNTY, GEORGIA

SCALE: 1" = 50' DATE: JULY 24, 2017

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Kurt + Deborah Johnson
MAILING ADDRESS: 1601 Cascade Overlook, 30289
PHONE: 770-632-1222 E-MAIL: Kurt Johnson 5@gmail.com
AGENT FOR OWNERS: Bill Gilmer
MAILING ADDRESS: 370 Sidney Lane, Fayetteville, Ga, 30215
PHONE: 770 318 2357 E-MAIL: ss5th1998@gmail.com
PROPERTY LOCATION: LAND LOT 35+62 LAND DISTRICT 7th PARCEL 071503007
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.04
ZONING DISTRICT: A-R
ZONING OF SURROUNDING PROPERTIES: A-R
PRESENT USE OF SUBJECT PROPERTY: Residential lot.
PROPOSED USE OF SUBJECT PROPERTY: Residential lot.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-665-17

☐ Application Insufficient due to lack of:

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff:  Date: August 9, 2017

DATE OF ZONING BOARD OF APPEALS HEARING: September 25, 2017

Received from Bill Gilmer a check in the amount of \$ 195⁰⁰

for application filing fee, and \$ 175⁰⁰ for deposit on frame for public hearing sign(s). 20⁰⁰

Date Paid: August 9, 2017 Receipt Number: 5891989 - Application

5891990 - 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:

Kurt Johnson Deborah Johnson

Please Print Names

Property Tax Identification Number(s) of Subject Property: 071503 007

(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) 35262 of the District, and said property consists of a total of 5.04 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Bill Gilmer 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.

Kurt Johnson
Signature of Property Owner 1

1601 Cascade Overlook, 30269
Address

Deborah Johnson
Signature of Property Owner 2

1601 Cascade Overlook, 30269
Address

[Signature]
Signature of Authorized Agent

370 Sidney Lane, 30215
Address

Kimberly Day
Signature of Notary Public

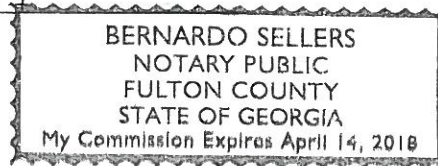
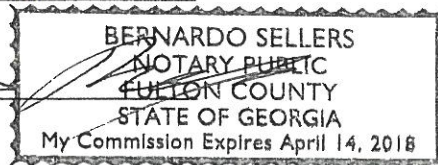
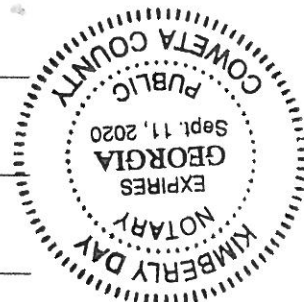
8/7/2017
Date

Kimberly Day
Signature of Notary Public

8/7/2017
Date




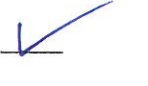





Bernardo Sellers
Signature of Notary Public

8/8/2017
Date



CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- ___ 1. Application form and all required attachments, completed, signed, and notarized (if applicable).
- ___ 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ___ 3. Fifteen (15) copies of the survey plat of the property (if larger than 11" x 17"), drawn to scale with accurate dimensions, with the following indicated:
 -  a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 -  b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 -  c. Location of exits/entrances to the subject property.
 -  d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 -  e. Location of well or water lines.
 -  f. Location of septic tank, drainfield, and drainfield replacement area.
 - ? ___ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 -  h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 -  i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 -  j. Location of landscaped areas, buffers, or tree save areas (if applicable).
- ___ 4. Application filing fee.

File for Record & Return to:
KURT JOHNSON AND DEBORAH JOHNSON
1601 CASCADE OVERLOOK
PEACHTREE CITY GA 30269

Doc ID: 009507160001 Type: TAXD
Recorded: 11/10/2014 at 04:00:00 PM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Shella Studdard Clerk of Court
BK **4251** PG **633**

Reference Deed: BK 3948 PG 28

State of Georgia
Fayette County

Tax Parcel ID: 071503007

SHERIFF'S TAX DEED

THIS INDENTURE, made this 7th day of October, 2014, between **GEORGE WINGO**, Tax Commissioner and Ex Officio Sheriff of Fayette County, and **SHAUN MICHAEL FETHERSTON**, Defendant in Fieri Facias, as **GRANTOR**, and **KURT JOHNSON and DEBORAH JOHNSON**, as **GRANTEE**.

WITNESSETH THAT, WHEREAS, in obedience to writ(s) of Fieri Facias issued against **SHAUN MICHAEL FETHERSTON**, the Taxpayer and Defendant in Fieri Facias, for unpaid State, County, and School taxes for the year(s) **2011, 2012, 2013**, said Tax Commissioner and Ex Officio Sheriff did levy the within described property as property of **SHAUN MICHAEL FETHERSTON**, serve notice, and, after the same being duly advertised agreeable to law, expose the said property within the legal hours of sale, at public outcry before the Courthouse door in Fayette County on October 7, 2014, offering the whole said parcel for sale, at which time the GRANTEE herein was the best and highest bidder of said property.

NOW, THEREFORE, in consideration of the sum of **\$ 45,000.00 DOLLARS**, receipt of which is hereby acknowledged, the said GRANTOR, does grant, bargain, sell, and convey, so far as the Office of Ex Officio Sheriff authorizes her, unto the said GRANTEE, heirs and assigns, said property to wit:

All and only that parcel of land designated as Tax Parcel 071503007, lying and being in Land Lots 36 and 62 of the 7th District of Fayette County, Georgia, being Lot 7 of Platinum Ridge as per plat recorded in Plat Book 40, Pages 94-98, Fayette County, Georgia records. Said plat is incorporated herein by reference for a more complete and accurate description of said property. Subject to all easements and restrictions of record, if any. Being the same property conveyed by deed from Peach State Land Development, Inc. to Haynes Home Builders, Inc. dated April 4, 2006 and recorded April 10, 2006 in Liber/Book 2989, Page/Folio 557. Commonly known as: 180 Platinum Point, Fayetteville, GA 30215.

This being the same parcel conveyed to Shaun Michael Fetherston in a deed recorded in Deed Book 3948, Page 28 and known as 180 Platinum Ridge Point, Fayetteville, GA.

TO HAVE AND TO HOLD the said described premises, together with all the rights, members and appurtenances thereof; and also, all the estate, right, title, interest, claim or demand of said Taxpayer and Defendant in Fieri Facias, heirs and assigns, legal, equitable or otherwise whatsoever, in and to the same, unto the said GRANTEE, heirs and assigns, subject to the right of redemption as provided by law. Said property is sold subject to all recorded easements, covenants, and right of ways in the said county land records.

IN WITNESS WHEREOF, the said GRANTOR has signed and sealed this deed, the date first above written.

Signed, Sealed and delivered in the
Presence of:

Kristie King
Unofficial Witness

Pamela K. White
Notary Public



George Wingo
George Wingo, Tax Commissioner and
Ex Officio Sheriff of Fayette County, Georgia

Justification of Request:

1. We kept the home forward to preserve the backyard due to an easement which cuts the yard in half. The home was also designed to be wide verses deep for the same reason. The second reason we kept the home forward was the slope of the lot. This lot slope down to the rear steeply. The home already required 12' concrete foundation walls at considerable expense. Placing the house further back would have required even taller walls.
2. We took care to build behind the line but close to it due to the easement. The encroachment is minor, 3.6 inches (.3 feet) in the corner of the garage. The home appears appropriately set back when compared to other homes in the neighborhood. The encroachment is visually imperceptible and does not impact the neighbors. The lot is wide with tree saves between the home and the neighboring homes. The house is 91 feet from the street.
3. The easement that greatly reduced the size of the lot. We were building on the site of a former burned down home. We were working around existing mature landscaping that the homeowners wished to preserve. This may have reduced the accuracy of our measurements.
4. Due to the small and nearly imperceptible encroachment, the cost of shortening the garage would be prohibitive and punitive with no perceivable benefit to the neighbors or the community.
5. None

Summary:

We have a small 3.6" encroachment on the corner of the garage. It was not intentional. The encroachment was more than likely caused by a slight twisting of the plan by the foundation subcontractor. The cost of the change would be prohibitive and provide no perceivable benefit to the community or the neighbors.

PETITION NO. A-665-17
Kurt & Deborah Johnson
180 Platinum Ridge Point
Fayetteville, GA 30215
Public Hearing Date September 25, 2017

The subject property is located at 180 Platinum Ridge Point, Peachtree City, Georgia 30269 in the Platinum Ridge subdivision and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (4) (b) to reduce front yard setback from 75 feet to 74 feet to maintain the construction of a new residence.

History: The Final Plat for Platinum Ridge was recorded on December 16, 2004. Tax Assessor's records indicate that the house was built in 2017.

This issue was discovered through the permitting process. The foundation survey indicated that the single-family residence is 74.7 feet from the property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

We have a small 3.6" encroachment on the corner of the garage. It was not intentional. The encroachment was more than likely caused by a slight twisting of the plan by the foundation subcontractor. The cost of the change would be prohibitive and provide no perceivable benefit to the community or the neighbors.

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.**

We kept the home forward to preserve the backyard due to an easement which cuts the yard in half. The home was also designed to be wide verses deep for the same reason.

The second reason we kept the home forward was the slope of the lot. This lot slope down to the rear steeply. The home already required 12' concrete foundation walls at considerable expense. Placing the house further back would have required even taller walls.

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

We took care to build behind the line but close to it due to the easement. The encroachment is minor, 3.6 inches (.3 feet) in the corner of the garage. The home appears appropriately set back when compared to other homes in the neighborhood. The encroachment is visually imperceptible and does not impact the neighbors. The lot is wide with tree saves between the home and the neighboring homes. The house is 91 feet from the street.

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

The easement that greatly reduced the size of the lot. We were building on the site of a former burned down home. We were working around existing mature landscaping that the homeowners wished to preserve. This may have reduced the accuracy of our measurements.

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,**

Due to the small and nearly imperceptible encroachment, the cost of shortening the garage would be prohibitive and punitive with no perceivable benefit to the neighbors or the community.

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

None

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: A-665-17: 180 Platinum Ridge Point. No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and has no comments.

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

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

A-665-17

SUBJECT
PROPERTY

Platinum Ridge Point





PLATINUM RIDGE LOT 7
 SIMPLY SOUTHERN TRADITIONAL HOMES, INC.
 JOHNSON HOME
 1/4" SCALE
 TOTAL INTERIOR LIVING AREA
 2490 SQ. FT.

3.6" on corner
 of Garage.

Δ	CALCULATED POINT
3 S L	BUILDING SETBACK LINE
CO	CONSTRUCTION ENTRANCE
R/W	RIGHT-OF-WAY
D E	DRAINAGE EASEMENT
RBF	REBAR FOUND

SITE NOTES

- THE SITE IS ON COUNTY WATER
- PER FEMA FIR M COMMUNITY PANEL NO. 13113C0091E DATED SEPT. 26, 2008. THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED FLOOD HAZARD AREA.
- THIS DRAWING WAS PREPARED FOR PERMITTING ONLY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE

REFERENCE PLAT
FINAL SUBDIVISION PLAT FOR PLATINUM RIDGE
DATED 12-01-2004
PB 40, PGS 94-98

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	610.00'	132.04'	12°54'07"	131.78'	S 48°29'12" W
C2	300.00'	15.24'	2°54'39"	15.24'	S 43°54'20" W

FIELD WORK COMPLETED 7/12/17

CLOSURE DATA:

2 Point Baseline Traverse

Angle Point Error: NA

Equip. Used: Leica TCRA 1105

Adjustment Method: None
Plat Closure: 1' in 236 742"

100,000, 200,000, 400,000

IMPERVIOUS AREA

FOUNDATION: 3.490 SQ FT

DRIVEWAY: 1.443 SQ. FT.

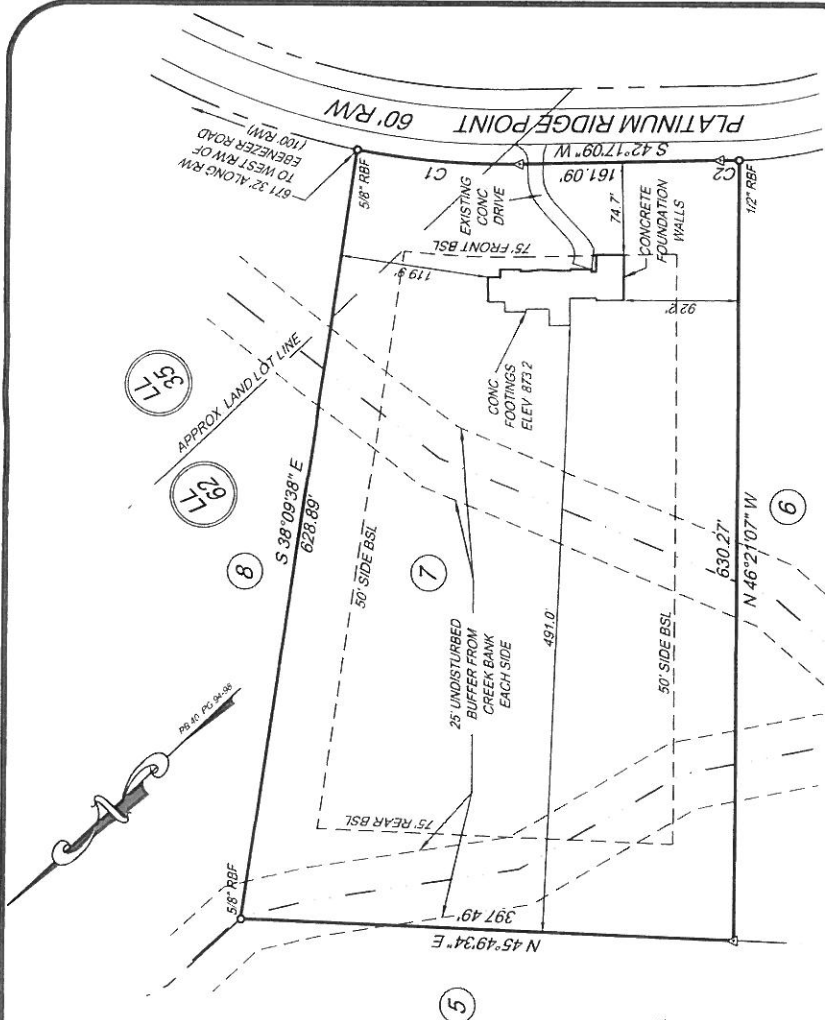
TOTAL 4,933 SQ. FT.

PREPARED FOR

TRAILBLAZER
SIMPLY SOUTHERN TRADITIONAL HOMES, INC.

370 SIDNEY LANE

FAYETTEVILLE, GA 30215



OF
LOT 7, PLATINUM RIDGE
180 PLATINUM RIDGE POINT
SIMPLY SOUTHERN TRADITIONAL HOMES, INC.

PROPERTY INFORMATION
LAND LOTS 35 & 62
DISTRICT 7TH
SECTION N/A
COUNTY: FAYETTE
STATE: GEORGIA
CITY: N/A



SCALE IN FEET

DRAWING INFORMATION	
DATE: 8/02/17	REVISIONS
SCALE 1" = 100'	
DWN JRG	
CHKD JCS	
JOB No., 13740	
FILE 13740-FWD-7	



METRO ENGINEERING &
SURVEYING CO., INC.
SURVEYORS - ENGINEERS - PHOTOGRAMMETRISTS

PROVIDING PROFESSIONAL SERVICE SINCE 1967
1469 Highway 20 West - McDonough, Georgia 30253

Phone 770-707-0777 - Fax 770-707-0755

www.metro-engineering.com

FOR THE FIRM
METRO ENGINEERING & SURVEYING CO., INC.



THIS PLAT IS NOT VALID UNLESS SURVEYOR'S
SIGNATURE APPEARS IN BLACK INK.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Mark & Julie Lynn Cawley

MAILING ADDRESS: 105 JERICHO LANE

PHONE: 1/04-557-3434 E-MAIL: TRAILER@bellSouth.net

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 248 LAND DISTRICT 4TH PARCEL _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5

ZONING DISTRICT: A-2

ZONING OF SURROUNDING PROPERTIES: A-R + R-80

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-666-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: COB Date: 8/18/2017

DATE OF ZONING BOARD OF APPEALS HEARING: September 25, 2017

Received from Mark D. & Terril L. Cawley ^{CASH} a ~~check~~ in the amount of \$ 175.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s). ^{Total} 2 signs 215

Date Paid: August 18, 2017 Receipt Number: 5921813 - Application
5922103 - Signs

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:

Mark & Jennie Lynn Caneley
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) 248 of the District, and said property consists of a total of 5.00 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

1005 Treachero Lane
Address
Fayetteville, GA 30215

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

8/12/17
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

My Commission Expires
January 29, 2018

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 110-79 Acc. Structures + uses (4)(d)	No structure shall be located in the front yard.	Pool (existing) is in front yard.	
" "	" "	Shed (existing) is in front yard.	
Section 110-79 Acc. Structures + uses (c)(1)	Two (2) acc structures per individual lot	Increase the amount of accessory structures per lot from 2 to 3.	

VARIANCE SUMMARY

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

~~Did not~~ WAS NOT AWARE I
 would be permitted to pull out of
 City limits. This was brought to
 my attention by Building & Inspection
 that did not have a fence around
 pool area. It was brought to my attention
 I wanted to make sure sum as possible
 But was told not to put fence up
 without permit + variance I am here to
 resolve matter and again I was not aware
 the permit was not needed.

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.

YES
Due TO Size and Shape
pool was unable to be put BACK
yard

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

listed in Ordinance #6
YES!! Because pool could not
be placed IN BACK yard

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

Due to the lot being so narrow
it was able to place IN BACK yard

detrimental

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.

In Council would not be

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

Save The Sun on Vainance

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- ☒ 1. Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☒ 2. Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☒ 3. Fifteen (15) copies of the survey plat of the property (if larger than 11" x 17"), drawn to scale with accurate dimensions, with the following indicated:
 - ☐ a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - ☐ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - ☐ c. Location of exits/entrances to the subject property.
 - ☐ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - ☐ e. Location of well or water lines.
 - ☐ f. Location of septic tank, drainfield, and drainfield replacement area.
 - ☐ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - ☐ h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - ☐ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - ☐ j. Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☒ 4. Application filing fee.



Doc ID: 008360140002 Type: GLR
 Filed: 07/20/2010 at 09:25:00 AM
 Fee Amt: \$309.00 Page 1 of 2
 Transfer Tax: \$295.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 3657 PG 154-155

Record and Return to:
 Weissman, Nowack, Curry & Wilco, P.C.
 500 Westpark Drive, Suite 150
 Peachtree City, GA 30269

File Number: PC135-10-0184-RC

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made this 16TH DAY OF JULY, 2010, between ANDREW TODD WILLIS of the County of FAYETTE, and the State of GEORGIA as party or parties of the first part, hereinafter called Grantor, and MARK D. CAULEY AND JERRIE L. CAULEY, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

See attached Exhibit "A" attached hereto and made a part hereof by reference hereto

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, IN FEE SIMPLE together with every contingent remainder and right of reversion, and to the heirs and assigns of said Grantee

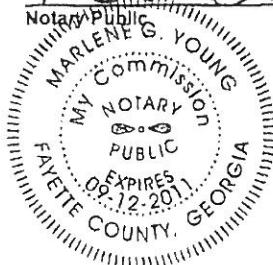
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written

Signed, sealed and delivered
 in the presence of:

Unofficial Witness

Notary Public



Andrew Todd Willis (SEAL)
 Andrew Todd Willis

Exhibit "A"

File Number: PC135-10-0184-RC

All that tract or parcel of land lying and being in Land Lot 248 of the 4th District of FAYETTE County, Georgia, being Lot 21 of CALEB'S MEADOWS, as per Plat thereof recorded in Plat Book 11, Page 132, FAYETTE County, Georgia, records, which Plat is incorporated herein and made a part hereof by reference for a more detailed description. Being known as 105 Jericho Lane according to the present system of numbering property in Fayette County, Georgia.

Chanelle Blaine

From: trailer <trailer@bellsouth.net>
Sent: Wednesday, September 6, 2017 1:14 PM
To: Chanelle Blaine
Subject: Fw: Mark Cauley variance application 105 Jericho Lane for shed and gazebo

Categories: Red Category

--- On Thu, 8/17/17, trailer <trailer@bellsouth.net> wrote:

> From: trailer <trailer@bellsouth.net>
> Subject: Mark Cauley variance application 105 Jericho Lane
> To: cblaine@fayettecountyga.gov
> Date: Thursday, August 17, 2017, 2:42 PM Variance Summary:
> Provide a detailed and specific summary of each request. If additional
> space is needed, please attach a separate sheet of paper.
>
> I was not aware I needed a permit to
> build outside of the city limits. This was brought to my attention by
> building and inspections department, that I did not have a fence
> around my pool. It was brought to my attention to rectify immediately,
> but was told not to put up fence without permit and variance. I am
> here to resolve matter and again I was not aware that a permit was
> needed outside city limits. Pool was not contracted out, it was built
> by me personally. I did not know the shed needed a variance because it is less than 200 square feet and does require a
permit through Permits and Inspections. I did not know the gazebo was counted as an accessory structure either.
>
>
>
>
>
> 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, due to size and shape of corner lot, the pool was unable to be
> built in back yard without encroaching on the setbacks.
>
>
> (2) The application of these
> regulations to this particular piece of property would create a
> practical difficulty or unnecessary hardship.
>
> Yes, because listed in question (1)

> because the pool could not be placed in back yard. It would also require me to move or demolish the shed which would be unnecessary cost.

>

> (3) Such conditions are peculiar to the particular piece of property

> involved.

>

> Due to the lot being on corner was

> unable to place pool or shed in back yard

>

> (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.

>

> If granted would not be detrimental to the public good or impair the

> purposes and intent of these regulations because all buildings are

> existing.

>

> (5) A literal interpretation of this

> ordinance would deprive the applicant of any rights that others in the

> same zoning district are allowed.

>

> variance summary

> Other lots in Fayette County are allowed to have a pool and shed but because of the way my lot is situated (i.e.corner). I am unable to place the structures in the desired locations of P & Z.

>

> Thank you,

> Mark Cauley

>

PETITION NO. A-666-17
Mark & Jerrie L. Cauley
105 Jericho Lane
Fayetteville, GA 30215
Public Hearing Date September 25, 2017

The subject property is located at 105 Jericho Lane, Fayetteville, Georgia 30215 in the Caleb's Meadow subdivision and is zoned A-R. The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-79. Accessory structures and uses, (4) (d) Location on lot to allow an existing pool in the front yard to remain.
2. Variance to Sec. 110-79. Accessory structures and uses, (4) (d) Location on lot to allow an existing shed in the front yard to remain.
3. Variance to Sec. 110-79. Accessory structures and uses, (c) (1) to increase the amount of accessory structures per individual lot from 2 to 3.

Location on lot. Accessory structures shall conform to the dimensional requirements within each zoning district. **No structure shall be located in the front yard** except: a detached garage (see subsections (d)(1) and (2) of this section for requirements); well/pump house consisting of 70 square feet or less; or farm outbuildings, including horse stables, auxiliary structures, and greenhouses located in an A-R zoning district, where the lot consists of five acres or more. A well/pump house of 70 square feet or less may be located within the setbacks. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. **On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory structures.** On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.

Sec. 110-3. - Definitions

Yard, front, means the area between a property line adjacent to a thoroughfare and the **building line**, extending the full width of the lot.

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

History: The Final Plat for Caleb's Meadow was recorded on April 11, 1979. Tax Assessor's records indicated the single-family residence was built in 1983, and according to the deed the applicant purchased the property in 2010. Records show that a building permit was issued and approved for the garage in 1984. There are no records of building permits for the pool or shed.

This issue was discovered through Code Enforcement from a complaint made by a neighbor that the pool was constructed without a permit. The applicant began the permitting process for the pool, a survey is required. Through the survey staff discovered the other two (2) violations.

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.

I was not aware I needed a permit to build outside of the city limits. This was brought to my attention by building and inspections department, that I did not have a fence around my pool. It was brought to my attention to rectify immediately, but was told not to put up fence without permit and variance. I am here to resolve matter and again I was not aware that a permit was needed outside city limits. Pool was not contracted out, it was built by me personally. I did not know the shed needed a variance because it is less than 200 square feet and does require a permit through Permits and Inspections. I did not know the gazebo was counted as an accessory structure either.

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.**

Yes, due to size and shape of corner lot, the pool was unable to be built in back yard without encroaching on the setbacks.

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

Yes, because listed in question (1) the pool could not be placed in back yard. It would also require me to move or demolish the shed which would be and unnecessary cost.

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

Due to the lot being on the corner and lack of space I was unable to place pool or shed in the back yard.

- 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,

If granted it would not be detrimental to the public good or impair the purposes and intent of these regulations because all of the buildings are existing.

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

Other lots in Fayette County are allowed to have a pool and shed but because of the way my lot is situated (i.e.corner). I am unable to place the structures in the desired locations for Planning & Zoning Department.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: A-666-17: 105 Jericho Lane. No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and has no comments.

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

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

WATER SYSTEM: No conflict.

A-666-17

McBride Road

SUBJECT
PROPERTY

Jericho Lane



S.A. GASKINS & ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3 16

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	66.40'	438.97'	8°39'58"	N 80°49'30" E	66.33'
C2	88.57'	194.35'	26°06'41"	S 05°26'24" W	87.81'
C3	209.10'	404.20'	29°38'28"	S 05°19'12" W	206.78'

LINE	BEARING	DISTANCE
L1	S 06°48'21" E	23.29'

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

McBRIDE ROAD
40' R/W

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP OF FAYETTE
COUNTY AND UNINCORPORATED
AREAS DATED SEPTEMBER 26, 2008
MAP NUMBER 13113C0118E NO
PORTION OF THIS PROPERTY LIES
WITHIN A SPECIAL FLOOD HAZARD
AREA

N/F
LOT 22
PHILLIP D. ROSSIGNOL
DB 208 PG 421
PB 11 PG 132

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L L=LAND LOT
L L L=LAND LOT LINE
P L=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P O B=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D E=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F W P D=FIELD WORK
PERFORMED DATE
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 42,167 FEET AND AN ANGULAR ERROR
OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN
ADJUSTED USING THE COMPASS RULE
METHOD

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

ANGULAR & LINEAR MEASUREMENTS WERE
OBTAINED USING A LEICA 403 TCR TOTAL
STATION



SURVEYORS CERTIFICATION

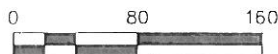
AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND
SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED
FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR
MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING
AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING
THAT APPROVAL IS NOT REQUIRED

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED
FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY
SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE
MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE
CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA
PLAT ACT (O.C.G.A. SECTION 15-6-67)

BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 1620

DATE: 7/21/17



Prepared For
MARK D. & JERRIE L. CAULEY

Subdivision	Caleb's Meadows	Date	07/18/17
Scale	1" = 80'	F W P D	07/03/17
Job No	JERICHO		
County	FAYETTE, GA	Land Lot	248
District	4TH		

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Linda L. Keener

MAILING ADDRESS: 391 Highway 85 Connector, Brooks, GA

PHONE: 770-719-7822 E-MAIL: lkeener@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 126 LAND DISTRICT 4th PARCEL 0422 024

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 12.13

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: Residential (A-R)

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-667-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: 8/18/2017

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

by Staff: C. B. Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: September 25, 2017

Received from Linda L. Keener a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: August 18, 2017 Receipt Number: 5922111 (app) 175⁰⁰
5922113 (Sign) 20⁰⁰

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:

Linda L. Keener

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0422 024

(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) 126 of the District, and said property consists of a total of 12.13 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.

Linda L. Keener
Signature of Property Owner 1

391 Hwy 85 Conover, GA
Address

Patricia A. Houston
Signature of Notary Public

8/17/17
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

Variance Summary

I am the current owner of 391 Highway 85 Connector in Brooks. My husband and I bought the property in 1987 from the original owners. When we bought the property we were told the pool was built around the time the house was built. I believe the pool was indeed that old because it was in such bad shape when we bought it that we had to completely replace the liner, pump and even had to re-pour concrete. Records added the pool to the tax bill in 1982 but I believe the pool was built in the 70's as we were told when we bought it. I am widowed now and it has come time to sell the property. Through the selling process, I learned a variance would be needed for the pool if the new owners ever needed a building permit so I thought it was important to go through the process.

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.

No, there are no extraordinary or exceptional conditions pertaining to the property because the pool is an existing pool.

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

Yes, it would create a huge hardship it have to fill-in the existing pool.

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

There are no peculiar conditions to the property except we believe the pool was built prior to 1980 but since my husband and I did not buy the property till 1987, I do not have any of the previous owner's permits or records showing the exact date the pool was put in. I only know what we were told and the condition I observed the pool in when we purchased the home.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations;

I believe that if relief is granted it would not cause any detriment to the public good or impair any purpose or intent of these regulations.

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

No, a literal interpretation of this Ordinance would not deprive me of any rights that other are allowed.



WARRANTY DEED

STATE OF GEORGIA

BOOK 430 PAGE 704

CLAYTON COUNTY

BOOK 487 PAGE 790

THIS INDENTURE, made this 11 day of February in the year of our Lord One Thousand Nine Hundred and Eighty Seven between JERE N. COCHRAN and PAMELA W. COCHRAN of the State of GEORGIA and County of FAVETTE of the first part and ROBERT W. KEENER and LINDA L. KEENER of the State of Georgia and County of FAVETTE of the second part. WITNESSETH: That the said part ies of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) and other valuable consideration DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, ha ve granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part ies of the second part, their heirs and assigns, all that tract or parcel of land lying and being in

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 126, 4th District, Fayette County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin on the Southwest side of State Highway 85 Connector (80 foot Right of Way) 688.7 feet Southeasterly from the intersection of the Southwesterly side of State Highway 85 and the North line of Land Lot #126 as measured along the Southwesterly side of State Highway 85 Connector; run thence South 55 degrees 57 minutes 45 seconds East along the Southwesterly side of State Highway 85 Connector a distance of 301.30 feet to an iron pin; continue thence South 55 degrees 50 minutes east a distance of 300.00 feet to an iron pin; run thence South 34 degrees 30 minutes West a distance of 1113.30 feet to a point at the center line of Haddock Creek; run thence in a Westerly direction along the center line of Haddock Creek and following the curvature and meanderings thereof a distance of 214.75 feet (more or less) to a point; run thence North 06 degrees 36 minutes 45 seconds East a distance of 361.72 feet to an iron pin set; run thence North 10 degrees 40 minutes 35 seconds East a distance of 475.17 feet to an oak tree; run thence North 28 degrees 12 minutes East a distance of 431.6 feet to an iron pin on the Southwesterly side of State Highway 85 Connector and the Point of Beginning; all as shown on plat of survey prepared by Steed & Boyd Land Surveyors, dated 12/9/86 for JERE COCHRAN, being approximately 12.13 acres.

FILED 2-19-1988
RECORDED 2-19-1988 1000 AM
W. A. Ballard
CLERK SUPERIOR COURT

This conveyance is made subject to the outstanding balance of a loan deed from Jere N. Cochran to Macon Federal Savings & Loan Association, dated 12/1/72, filed 1/11/73, recorded in Deed Book 116, Page 624, Fulton County records. Grantee herein assumes and agrees to pay said loan deed as it matures.

GEORGIA, Fayette County
Clerk's Office Superior Court

Filed for record Feb. 16, 1987
9:00 A.M.

Recorded in Book 430 Page 704
This 16 day of Feb. 19 87

W. A. Ballard

Fayette County, Georgia
Real Estate Transfer Tax
Paid 10.10 Date 2-16-87

W. A. Ballard
Clerk of Superior Court

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of them the said part ies of the second part, their heirs and assigns, forever, IN FEE SIMPLE.

And the said part ies of the first part, for their heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part ies of the second part, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and affixed their seal s, the day and year above written.

Signed, sealed and delivered in the presence of

[Signature]
UNOFFICIAL WITNESS
[Signature]
NOTARY PUBLIC

Jere N. Cochran (Seal)
PAMELA W. COCHRAN (Seal)
[Signature] (Seal)
[Signature] (Seal)

PETITION NO. A-667-17
Linda L. Keener
391 Highway 85 Connector
Brooks, GA 30205

Public Hearing Date September 25, 2017

The subject property is located at 391 Highway 85 Connector Brooks, GA 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 49 feet for an existing pool.

History: Tax records indicate the single family residence was built in 1972, and according to the deed the applicant purchased the property in 1987. There is no record of when the pool was built.

In early July the applicant's realtor inquired to the Planning & Zoning department about potentially subdividing her lot. This issue was discovered when a concept / survey was provided on July 26, 2017 for staff to review. However, after review a definitive answer on the distance of the pool to the property line could not be reached by staff, so the applicant obtained another survey. The Pool Location Survey shows the pool 49 feet from the property line.

The applicant provides the following information:

VARIANCE SUMMARY

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

I am current owner of 391 Highway 85 Connector in Brooks. My husband and I bought the property in 1987 from the original owners. When we bought the property we were told the pool was built around the time the house was built. I believe the pool was indeed that old because it was in such bad shape when we bought it, that we had to completely replace the liner, pump, and even had to re-pour the concrete. Records added the pool to the tax bill in 1982 but I believe the pool was built in the 70's as we were told when we bought it. I am widowed now and it has come time to sell the property. Through the selling process, I learned a variance would be needed for the pool if the new owners ever needed a building permit, so I thought it was important to go through the process.

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.**

No, there are no extraordinary or exceptional conditions pertaining to the property because the pool is an existing pool.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
Yes, it would create a huge hardship if I have to fill-in the existing pool.

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

There are no peculiar conditions to the property except we believe the pool was built prior to 1980 but since my husband and I did not buy the property till 1987, I do not have any of the previous owner's permits or records showing the exact date was put in. I only know what we were told and the condition I observed the pool in when we purchased the home.

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 believe that if relief is granted it would not cause any detriment to the public good or impair any purpose or intent of these regulations.

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

No, a literal interpretation of this ordinance would not deprive me of any rights that others are allowed.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to variance.

ENVIRONMENTAL MANAGEMENT: EMD reviewed and has no comments.

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

PUBLIC WORKS/ENGINEERING: No Public Works/Engineering issues.

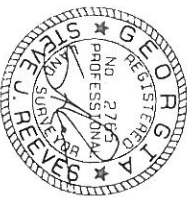
WATER SYSTEM: No conflict.



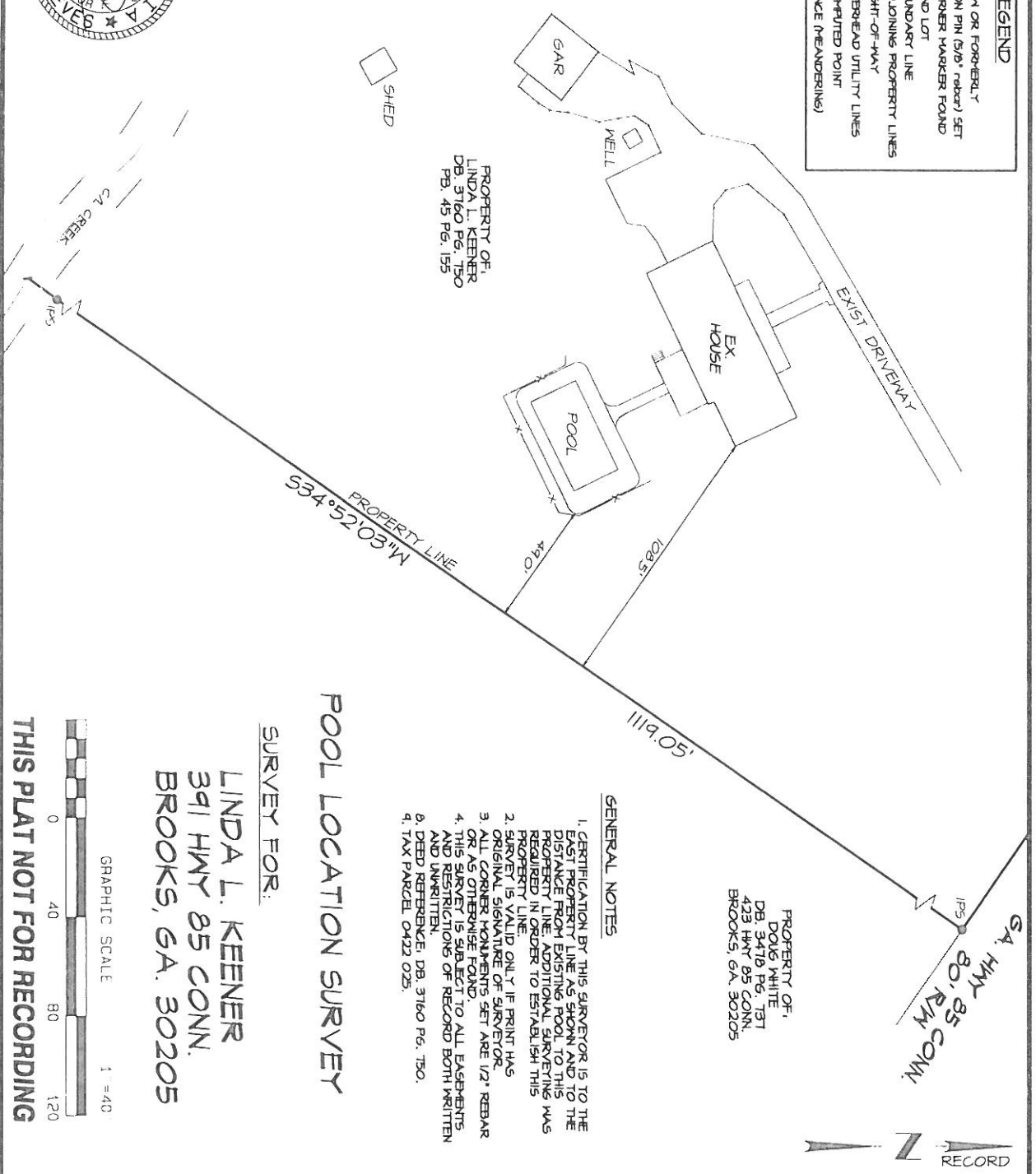
SUBJECT
PROPERTY

SR 85 Connector

A-667-17



LEGEND	
N/F	NON OR FORMERLY
● IP3	IRON PIN (5/8" RADIUS) SET
○ IP1	CORNER MARKER FOUND
DL 12	LAND LOT
---	BOUNDARY LINE
---	ADJOINING PROPERTY LINES
---	RIGHT-OF-WAY
---	OVERHEAD UTILITY LINES
/	COMPUTED POINT
X	FENCE (MEASURING)



POOL LOCATION SURVEY

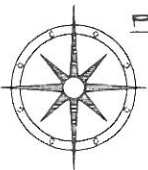
SURVEY FOR:

LINDA L. KEENER
391 HWY 85 CONN.
BROOKS, GA. 30205

GENERAL NOTES

1. CERTIFICATION BY THIS SURVEYOR IS TO THE DISTANCE FROM THE LINE AS SHOWN TO THE DISTANCE FROM THE LINE AS SHOWN TO THIS PROPERTY LINE. ADDITIONAL SURVEYING WAS REQUIRED IN ORDER TO ESTABLISH THIS PROPERTY LINE.
2. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR.
3. ALL CORNER MONUMENTS SET ARE 1/2" REBAR OR AS OTHERWISE FOUND.
4. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.
5. DEED REFERENCE, DB. 3160 PG. 150.
6. TAX PARCEL 0422 025.

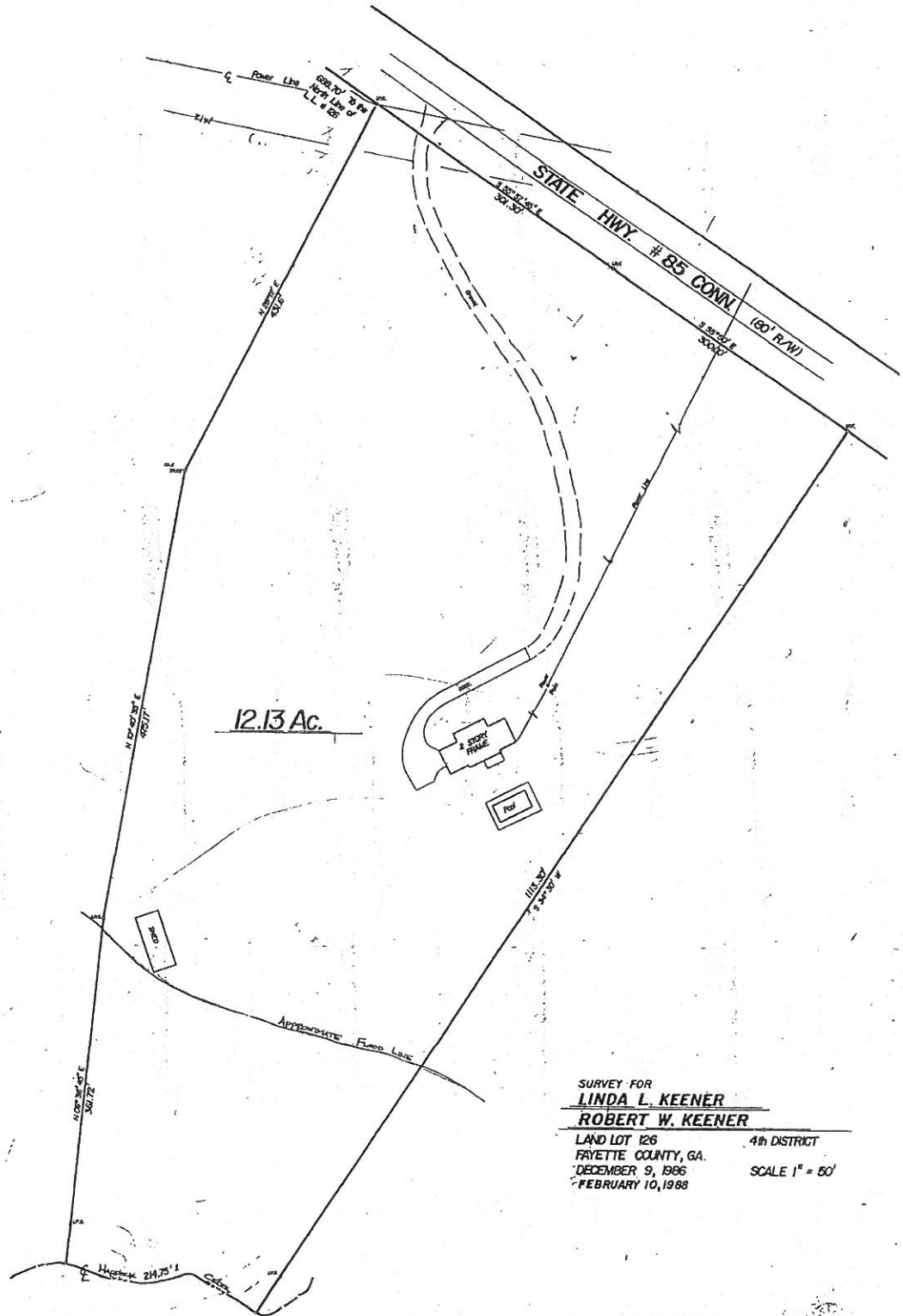
PREPARED BY:



S.J. Reeves Land Surveying

P.O. BOX 653 • 11491 HIGHWAY 19 N • ZEBULON, GA 30295
770-584-5203 • sjreevessurveying@gmail.com (EMAIL)
LAND SURVEYING, PLANNING & SUBDIVISION DESIGN

LANDLOT	DISTRICT
126	4h
SCALE	COUNTY
1" = 40'	FAYETTE
DATE OF FIELD WORK	DATE OF PLAT
08/25/2017	08/24/2017
JOB NO.	REV



SURVEY FOR
LINDA L. KEENER
ROBERT W. KEENER
 LAND LOT 126 4th DISTRICT
 FAYETTE COUNTY, GA.
 DECEMBER 9, 1986 SCALE 1" = 60'
 FEBRUARY 10, 1988

STEED LAND SURVEYORS
 636 HYDRAULIC ROAD
 COLLEGE PARK, GA 30034
 404-327-0301



Doc ID: 007903090001 Type: PLT
 Filed: 10/01/2008 at 11:39:00 AM
 Fee Amt: \$0.00 Page 1 of 1
 Fayette, Ga. Clerk Superior Court
 Shelia Studdard Clerk of Court
 BK45 PG155

