

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

October 23, 2017

7:00 P.M.

1. Consideration of the Minutes of the Meeting held on September 25, 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.
3. Petition No. A-668-17, Norris & Nicole Cantrell, Owner, requests the following: Variance to Section 110-135 R-50. (d) (6) to reduce side yard setback from 20 feet to 9 feet to allow for the construction of a detached garage. The subject property is located in Land Lot 149 of the 5th District and fronts on Rocky Fork Boulevard.
4. Petition No. A-669-17, William Kevin Brumeloe, Owners, request the following: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 12 feet to maintain an existing well house. The subject property is located in Land Lot(s) 133 & 156 of the 4th District and fronts on Rising Star Road.

September 7, 2017

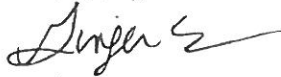
Fayette County Planning & Zoning

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

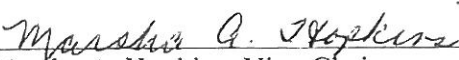
DATE: August 28, 2017

PETITION NUMBER: A-663-17

THE FAYETTE COUNTY ZONING BOARD OF APPEALS has granted
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 \$ 195⁰⁰

for application filing fee, and \$ 20⁵⁰ for deposit on frame for public hearing sign(s). 195⁰⁰

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:

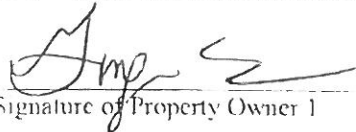
Please Print Names

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

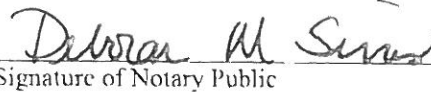
Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address



Signature of Notary Public

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
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.

A-663-17

Chappell Road

SUBJECT
PROPERTY

Doc ID: 01212180011 Type: PLAT
Recorded: 07/29/2017 at 03:00:00 AM
Fee Amt: \$0.00 Page: 1 of 1
Fayette Co. Open Public Court
Shelia J. Woodard Clerk of Court

50 55

COPY

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT



PRESENT ZONING: "AR"

100' FRONT SETBACK
60' SIDE SETBACK
75' REAR SETBACK

GRAPHIC SCALE - FEET

LEGEND

I.P.F. = IRON PIN FOUND
I.P.S. = IRON PIN SET
R.B.F. = REBAR FOUND
R.B.S. = REBAR SET
O.T.P. = CRIMPED TOP PIPE
C.T.P. = CRIMPED TOP PIPE
R/W = RIGHT OF WAY
P.L. = PROPERTY LINE
C.L. = CENTER LINE
B.L. = BUILDING LINE
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
G.M.D. = GEORGIA MILITIA DISTRICT
P.P. = POWER POLE
P.L. = POWER LINE
F.L. = FENCE LINE
R.D. = RADIUS
CH. = CHORD
TAN. = TANGENT
N/O. = NOW OR FORMERLY
D.B. = DEED BOOK
P.B. = PLAT BOOK
P.D. = PAGE
D.E. = DRAINAGE EASEMENT
S.E. = SEWER EASEMENT
F.H. = FIRE HYDRANT
M.H. = MANHOLE
C.B. = CATCH BASIN
999.D.E. = EXISTING SPOT ELEVATION
999.D.F. = FINISHED SPOT ELEVATION
999.D.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
13113C01155E, DATED SEPTEMBER 26, 2006. THIS PROPERTY LIES
WITHIN A NON-HAZARD FLOOD ZONE "X".

AS REQUIRED BY SUBSECTION (c) 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 957962
DULUTH, GEORGIA 30095

TELEPHONE (404) 213-5706
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

POINT OF BEGINNING

CHAPPELL ROAD - 80' R/W

N 87°49'13"E 299.19'

POWER POLE

1" X 4" 50' X 50' POLE (POINT)

100' SETBACK LINE

HAMMER WIRE FENCE MEASUREMENTS
ALONG THE PROPERTY LINE

CONCRETE DRIVEWAY

N 00°18'00"W 727.57'

50' SETBACK LINE

LL 167

LL 188

APPROXIMATE LAND LOT LINE

50' SETBACK LINE

75' SETBACK LINE

ORIGINAL CORNER
1" O.T.P.F. 0.85' NORTH

#4 RBS
NEW PROPERTY CORNER

S 87°49'27"W 299.85'

ORIGINAL CORNER
#4 RBS 1.75' NORTH

#4 RBS
NEW PROPERTY CORNER

S 00°18'00"E 727.57'

50' SETBACK LINE

AREA: 5.000 ACRES
217,800 SQUARE FEET

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: NORRIS AND NICOLE CANTRELL

MAILING ADDRESS: 335 ROCKY FORK BLVD, FAYETTEVILLE, GA 30214

PHONE: 443-889-6981/443-889-2420 E-MAIL: nnntrell@aol.com or nicole.cantrell@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 149 ~~140~~ LAND DISTRICT 05 PARCEL D533 08007

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.233

ZONING DISTRICT: R-50

ZONING OF SURROUNDING PROPERTIES: R-50

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-668-17

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: C.B. Date: 9/15/2017

DATE OF ZONING BOARD OF APPEALS HEARING: October 23, 2017

Received from Norris & Nicole Cantrell 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: 9/15/2017 Receipt Number: 5942772 - App
5942782 - 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:

NORRIS AND NICOLE CANTRELL

Please Print Names

Property Tax Identification Number(s) of Subject Property: 053308007

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 140 of the District, and said property consists of a total of 1.233 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

335 Rocky Fork Blvd, Fayetteville
Address GA 30214

[Signature]
Signature of Property Owner 2

335 Rocky Fork Blvd, Fayetteville
Address GA 30214

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

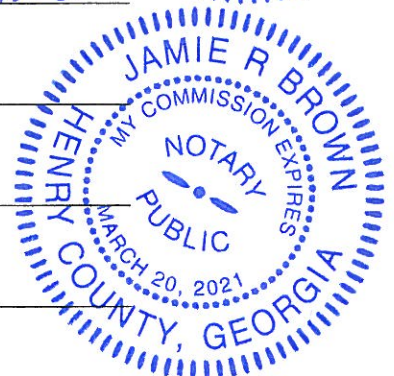
Sept 15, 2017
Date

[Signature]
Signature of Notary Public

Sept 15, 2017
Date

Signature of Notary Public

Date



VARIANCE SUMMARY

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

Respectfully request approval to build a 24x24 garage on my property at the end of my driveway where the setback is 20'. I am requesting a variance of 11' feet from my property line.

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 lot is a narrow lot and my septic lines run along the back of my home and the septic tank is located on the other side.

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

- Due to the septic lines in the rear of my home and they run from side to side, I am unable to build further back.

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

- My property is located on a narrow lot which prevents me from building within the setback code of 20'.

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 would not cause substantial detriment, because I spoke with my neighbor and

they did not have any issue with me building near the property line. I also have received approval through the Homeowner's Association.

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 deny me the right as others in the same zoning district as others either have wider lots or their septic system is placed in their front yard.

Record and Return to:

Morris | Schneider | Wittstadt, LLC
1371 Dogwood Drive SW
Conyers, GA 30012
Order No.: GA-019-00373-14-PUR

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF ROCKDALE

THIS INDENTURE, made this 31st day of December, 2014, between

D.R. Horton – Crown, LLC, a Delaware limited liability company

as party or parties of the first part, hereinafter called Grantor, and

Nicole D. Cantrell and Norris L. Cantrell
as Joint Tenants with Rights of Survivorship and not as Tenants in Common

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 AND 00/100's DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, 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:

All that tract or parcel of land lying and being in Land Lot 149 of the 5th District, Fayette County, Georgia, being Lot 31, of Rocky Fork Subdivision, per plat thereof recorded in Plat Book 45, Page 41-51, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Parcel ID Number: 053308007

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered
in the presence of:

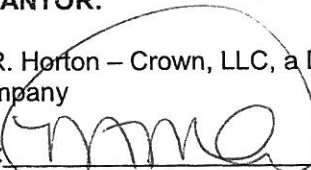
Unofficial Witness

Notary Public
My Commission Expires: 7/30/2017

[Notary Seal]

GRANTOR:

D.R. Horton – Crown, LLC, a Delaware limited liability
company

BY: 
Malinda Moody
Assistant Secretary

[Corporate Seal]



MISCELLANEOUS PAYMENT RECPT#: 5942772
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/15/17 TIME: 10:56
CLERK: 9597cbia DEPT:
CUSTOMER#: 0

COMMENT: A-668-17 APP
CHG:
RZ-Z A-668-17 APP 175.00

AMOUNT PAID: 175.00

PAID BY: NORRIS & NICOLE CANT
PAYMENT METH: CHECK
686

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 5942782
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/15/17 TIME: 10:57
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-668-17 SIGN
CHG:
ZS-Z A-668-17 SING 20.00

AMOUNT PAID: 20.00

PAID BY: NORRIS & NICOLE CANT
PAYMENT METH: CHECK
686

REFERENCE:

AMT TENDERED: 20.00
AMT APPLIED: 20.00
CHANGE: .00

A-668-17
Aerials

**SUBJECT
PROPERTY**

Rocky Fork Boulevard



THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, HEREON, AND DOES NOT EXTEND TO ANY OTHER PERSONS OR THINGS UNLESS SPECIFICALLY NOTED OTHERWISE. THE SURVEYOR MAKES NO WARRANTY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMED SAID PERSON.

© COPYRIGHT 2016, BOUNDARY ZONE, INC.

THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

TOTAL AREA: 1.23 ACRES / 53,708 SQUARE FEET

BOUNDARY REFERENCE: DEED BOOK 4272, PAGE 673 & PLAT BOOK 45, PAGE 41.

FIELDWORK PERFORMED ON: 03/10/2016.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 147,834 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSED PRECISION OF ONE FOOT IN 34,774 FEET, AND ANGULAR ERROR OF 0.5 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

BOUNDARY ZONE, INC.

LAND SURVEYING SERVICES
LAND PLANNING
LAND ACQUISITION
LAND DEVELOPMENT

20700 W. 10TH AVE. SUITE 100
DENVER, CO 80231
TEL: 303.733.8888
WWW.BOUNDARYZONE.COM

GRAPHIC SCALE - IN FEET

0 20 40 80

PROJECT
1696601

SHEET
1 OF 1

FOR THE FIRM
BOUNDARY ZONE, INC.
NOT VALID WITHOUT
ORIGINAL SIGNATURE

3/6/16

NO. 2294

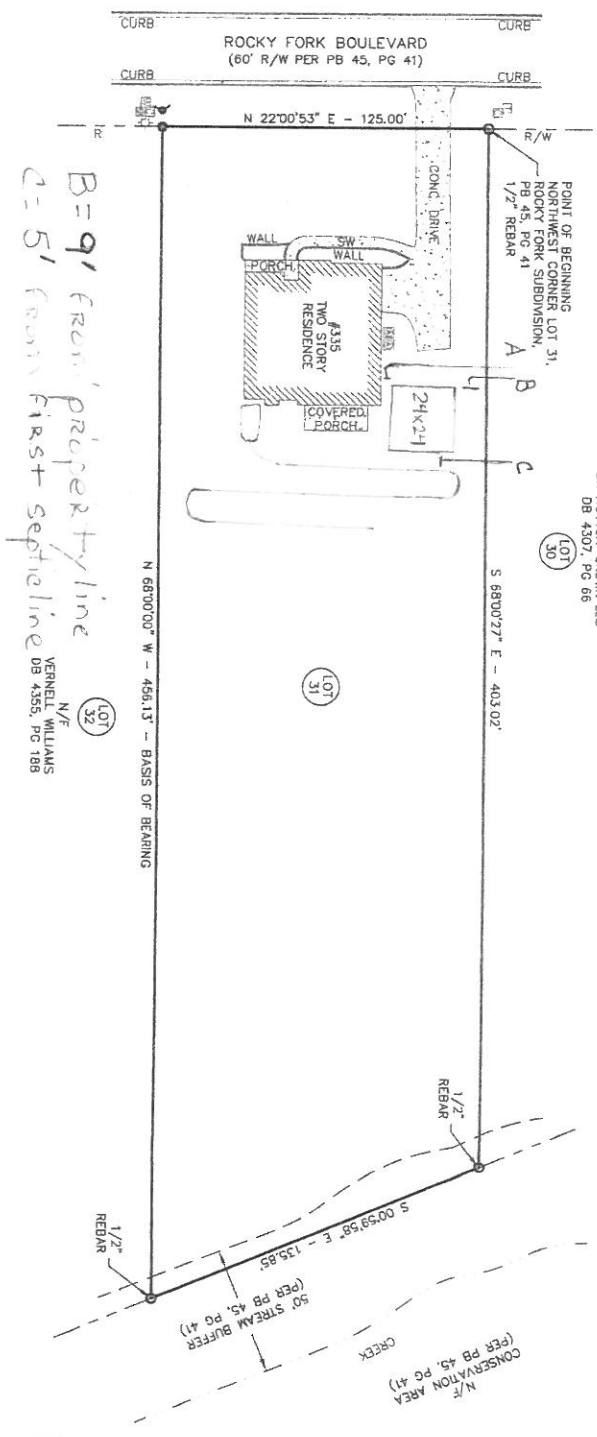
LAND SURVEYOR

BOUNDARY SURVEY

PREPARED FOR: NORRIS CANTRELL
LOT 31, ROCKY FORK SUBDIVISION,
LAND LOT 149, 5TH DISTRICT,
FAYETTE COUNTY, GEORGIA - 03/10/16

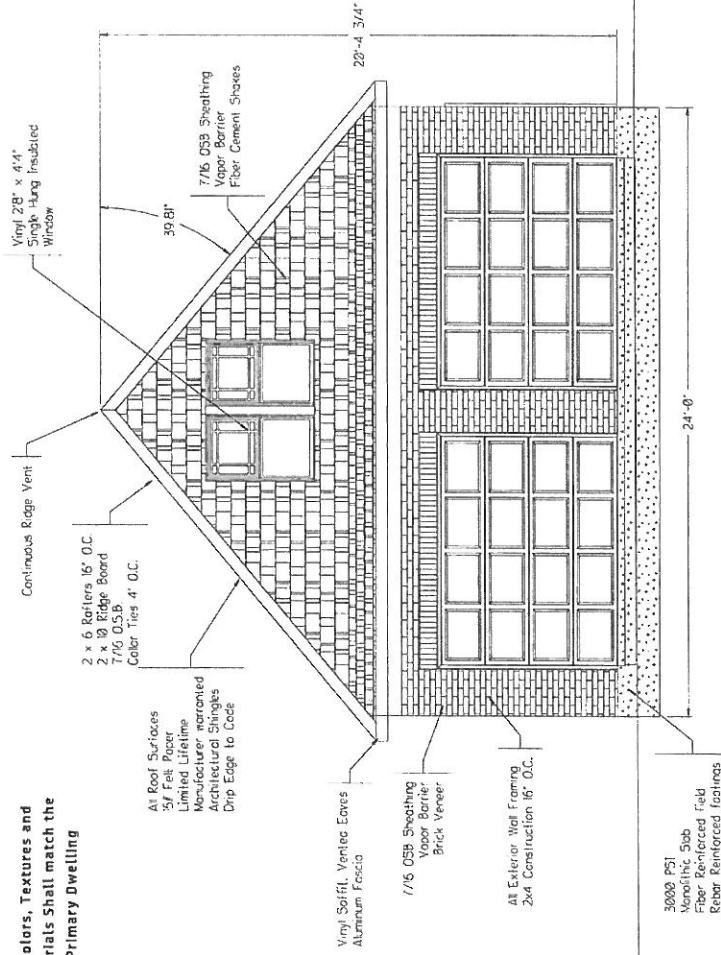
MAGNETIC NORTH
PER PB 45, PG 41

SCALE: 1"=40'



- LEGEND:**
- PROPERTY CORNER
 - FOUND (AS NOTED)
 - 1/2" REBAR WITH CAP SET LSF# 839
 - FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - POWER POLE
 - LIGHT POLE
 - POWER METER
 - POWER BOX
 - A/C UNIT
 - MANHOLE
 - CLEAN OUT
 - CABLE BOX
 - TELEPHONE BOX
 - - - FENCE LINE
 - - - BSI BUILDING SETBACK LINE
 - - - CONC CONCRETE
 - - - COP EDGE OF PAVEMENT
 - - - L.L. LAND LOT
 - DB DEED BOOK
 - PB PLAT BOOK
 - PG PAGE
 - N/F NOW OR FORMERLY
 - R/W RIGHT-OF-WAY

**All Colors, Textures and
Materials Shall match the
Primary Dwelling**



Better-Built Buildings
 42 Wood Rd. Griffin, Ga. 30223
 phone: (770) 929-4957
 fax: (770) 929-3514
 email: betterbuiltbuildings@comcast.net

Customer: Norris Cantrell
Address: 335 Rocky Fork Blvd
Fayetteville, Ga. 30223
phone: (443) 889 6081
mobile:

Drawing:
comments:

Scale: N/A
Drawn by:
Date: 09/06/17
Approved by:

PAGE NO:
2

**PETITION NO. A-668-17
Norris & Nicole Cantrell
335 Rocky Fork Boulevard
Fayetteville, GA 30214**

Public Hearing Date October 23, 2017

The subject property is located at 335 Rocky Fork Boulevard Fayetteville, GA 30214 and is zoned R-50 Conditional. The applicant is requesting a Variance as follows:

Variance to Section 110-135. (d) (6) to reduce side yard setback from 20 feet to 9 feet to allow for the construction of a detached garage.

History: The Final Plat of Rocky Fork was recorded on February 29, 2008 in Book 45 and Page 41-51. Tax Assessor's records indicate that the house was built in 2014 and according to the deed the applicant purchased the property in 2014.

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.

Respectfully request approval to build a 24 x 24 garage on my property at the end of my driveway where the setback is 20 feet. I am requesting a variance of 11 feet from my property line.

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 lot is a narrow lot and my septic lines run along the back of my home and the septic tank is located on the other side.

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

Due to the septic lines in the rear of my home and they run from side to side, I am unable to build further back.

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

My property is located on a narrow lot which prevents me from building within the setback code of 20 feet.

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 would not cause substantial detriment, because I spoke with my neighbor and they did not have any issue with me building near the property line. I also have received approval through the Homeowner's Association.

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 deny me the right as others in the same zoning district as others either have wider lots or their septic system is placed in their front yard.

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.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: William Kevin Brumbeloe
MAILING ADDRESS: 120 Carriage Chase Dr. Fayetteville GA 30214
PHONE: 678-873-3444 E-MAIL: kbrum72@gmail.com
AGENT FOR OWNERS: N/A
MAILING ADDRESS: _____
PHONE: _____ E-MAIL: _____
PROPERTY LOCATION: LAND LOT 133 & 156 LAND DISTRICT 4th PARCEL 0426087
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5.032
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-669-17

☐ 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: October 23, 2017

Received from Joy Brumbeloe 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: 9/15/2017 Receipt Number: 5943348-App
5943349-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:

William Kevin Brumbeloe

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) 133 + 156 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 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.

William Kevin Brumbeloe
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Amy K Smith
Signature of Notary Public

9-12-2017
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



Variance Summary

William Kevin Brumbeloe

We are the new owners of 430 Rising Star Road. The property was originally 10 acres and was divided into two 5-acre parcels. We are requesting a variance for the existing well house. It was originally in the middle of the property; however, when the property was divided, it then became situated very close to the new property line and encroaching on the setback. We are currently building a home on the property and were informed of this situation by the county.

We would like to keep the well house.

Justification of Request

1. There are no extraordinary or exceptional conditions pertaining to this piece of property in question because of its size, shape of topography. It is an existing well house.
2. The application of these regulations to this particular piece of property would create an unnecessary hardship secondary to the cost of demolition of the existing well house. We would like to keep it.
3. There are no peculiar conditions to the piece of property involved.
4. Relief, if granted would not cause and detriment to the public as it is an existing well house on private property.
5. A literal interpretation of this ordinance would deprive us of any rights that others in the same zoning district are allowed. There are other well houses in the area.

Doc ID: 010087560001 Type: WD
 Recorded: 02/20/2017 at 10:20:00 AM
 Fee Amt: \$162.90 Page 1 of 1
 Transfer Tax: \$152.90
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK **4572** PG **555**

SLEPIAN SCHWARTZ & LANDGAARD
 42 EASTBROOK BEND
 PEACHTREE CITY, GEORGIA 30269
 (770) 486-1220
 17-0003AA/JULIE

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **15th day of February, 2017**, by and between **ANNE COCOLES and GEORGE P. COCOLES**, as party or parties of the first part, hereinafter referred to as "Grantor," and **WILLIAM KEVIN BRUMBELOE**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 133 & 156 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 6A, OF THE WOODBRIDGE FARMS AT MATTHEWS PLANTATION SUBDIVISION, PHASE ONE, AS PER PLAT RECORDED AT PLAT BOOK 49, PAGES 132-133, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

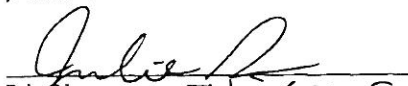
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Signed this 15th day of February, 2017 in the presence of:


 Print Name: Julie Greer
 Unofficial Witness


 ANNE COCOLES


 GEORGE P. COCOLES

Notary Public
 My Commission Expires: Fayette County
 Comm Expires
 Aug. 13, 2017
 [Notary Seal]



A-669-17
Aerials

Rising Star Road

**SUBJECT
PROPERTY**



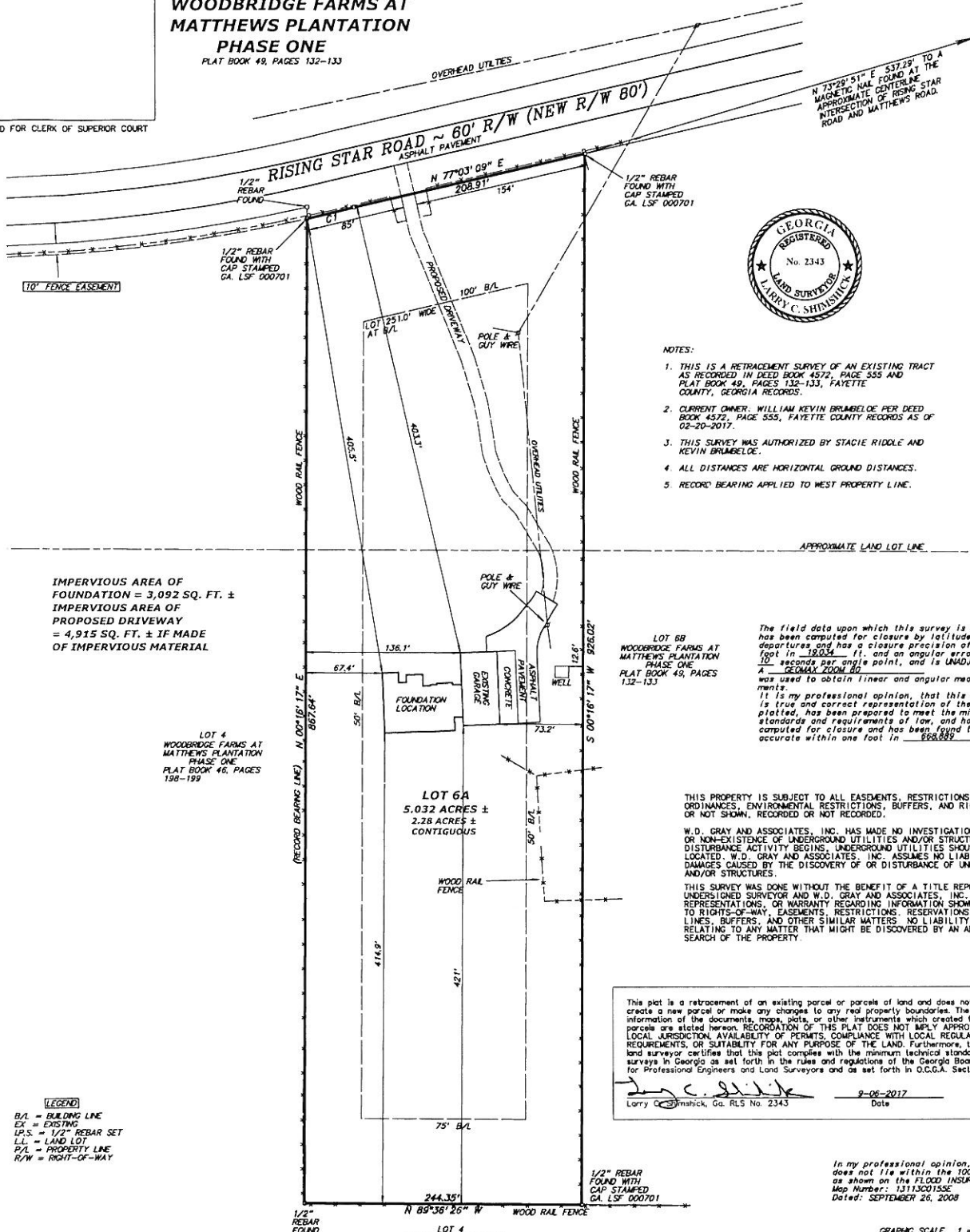
CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	1451.25'	01°39'59"	42.20'	42.20'	21.10'	N 76°26'24" E

LOT 6A WOODBRIDGE FARMS AT MATTHEWS PLANTATION PHASE ONE

PLAT BOOK 49, PAGES 132-133

RESERVED FOR CLERK OF SUPERIOR COURT



NOTES:

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 4572, PAGE 555 AND PLAT BOOK 49, PAGES 132-133, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER, WILLIAM KEVIN BRUMBELOE PER DEED BOOK 4572, PAGE 555, FAYETTE COUNTY RECORDS AS OF 02-20-2017.
3. THIS SURVEY WAS AUTHORIZED BY STACIE RIDGLE AND KEVIN BRUMBELOE.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. RECORD BEARING APPLIED TO WEST PROPERTY LINE.

NORTH BASED ON
PLAT BOOK 49,
PAGES 132-133

IMPERVIOUS AREA OF
FOUNDATION = 3,092 SQ. FT. ±
IMPERVIOUS AREA OF
PROPOSED DRIVEWAY
= 4,915 SQ. FT. ± IF MADE
OF IMPERVIOUS MATERIAL

LOT 4
WOODBRIDGE FARMS AT
MATTHEWS PLANTATION
PHASE ONE
PLAT BOOK 49, PAGES
138-139

LOT 6B
WOODBRIDGE FARMS AT
MATTHEWS PLANTATION
PHASE ONE
PLAT BOOK 49, PAGES
132-133

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 18,034. It is an angular error of 10 seconds per angle point, and is UNADJUSTED. A SECOND-CIRCLE CLOSE was used to obtain linear and angular measurements. It is my professional opinion, that this plot is true and correct representation of the land plotted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 18,034 feet.

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

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

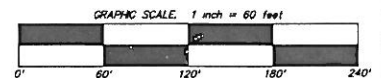
THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK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

This plot is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plot 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.

Larry C. Shinnick
Larry C. Shinnick, Ga. RLS No. 2343

9-06-2017
Date

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Map Number: 13113C0155E Dated: SEPTEMBER 26, 2008



This plot was prepared for the exclusive use of the person, persons or entity named hereon. Said plot does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

W.D. Gray and Associates, Inc.

LSF000701

land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:

WILLIAM KEVIN BRUMBELOE

LAND LOTS: 133 & 156	DATE OF SURVEY: 08-22-17
4th DISTRICT	DATE OF DRAWING: 08-23-17
FAYETTE COUNTY, GA.	REVISED: 09-06-17 TO SHOW WELL DISTANCE TO P/L
SCALE: 1" = 60'	JOB NO. 0704033

MISCELLANEOUS PAYMENT RECPT#: 5943348
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/15/17 TIME: 16:33
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-669-17 APP
CHG:
ZA-Z A-669-17 APP 175.00

AMOUNT PAID: 175.00

PAID BY: WILLIAM & JOY BRUMBE
PAYMENT METH: CHECK
3438

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

MISCELLANEOUS PAYMENT RECPT#: 5943349
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 09/15/17 TIME: 16:34
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: A-669-17 SIGN
CHG:
ZS-Z A-669-17 SIGN 20.00

AMOUNT PAID: 20.00

PAID BY: WILLIAM & JOY BRUMBE
PAYMENT METH: CHECK
3438

REFERENCE:

AMT TENDERED: 20.00
AMT APPLIED: 20.00
CHANGE: .00

**PETITION NO. A-669-17
William Kevin Brumbeloe
Rising Star Road
Fayetteville, GA 30215**

Public Hearing Date October 23, 2017

The subject property is located at Rising Star 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 12 feet for an existing well house to remain.

History: The Minor Subdivision Plat Lot 6A and Lot 6B Woodbridge Farms at Matthews Plantation Phase 1 was recorded on December 5, 2016 in Book 49 and Page 132-133.

The issue was discovered through the permitting process. The foundation survey indicated that the well house is 12.6 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.

Respectfully request approval to build a 24 x 24 garage on my property at the end of my driveway where the setback is 20 feet. I am requesting a variance of 11 feet from my property line.

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 lot is a narrow lot and my septic lines run along the back of my home and the septic tank is located on the other side.

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

Due to the septic lines in the rear of my home and they run from side to side, I am unable to

build further back.

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

My property is located on a narrow lot which prevents me from building within the setback code of 20 feet.

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 would not cause substantial detriment, because I spoke with my neighbor and they did not have any issue with me building near the property line. I also have received approval through the Homeowner's Association.

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 deny me the right as others in the same zoning district as others either have wider lots or their septic system is placed in their front yard.

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.