

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
January 22, 2018
7:00 P.M.**

1. Election of the Chairman.
2. Election of the Vice-Chairman.
3. Election of the Secretary.
4. Consideration of the Minutes of the Meeting held on December 18, 2017.

PUBLIC HEARING

5. Petition No. A-677-18, Wesley J. & Ava H. Harris, Owner, request the following: Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 30 feet to allow the construction of an addition to an existing home. The subject property is located in Land Lot 3 of the 5th District and fronts on Harris Road.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Wesley J Harris Ara H Harris

MAILING ADDRESS: 160 Harris rd Fayetteville GA

PHONE: 770 823-8921 E-MAIL: wjharris2000@yahoo.com

AGENT FOR OWNERS: JAMES DUFFEY

MAILING ADDRESS: 680 LAKEVIEW Dr Brooks, GA 30205

PHONE: 770 318 7140 ^{cell} 770 5991 27 ^{office} E-MAIL: duffeyandcompany@yahoo.com

PROPERTY LOCATION: LAND LOT 3 LAND DISTRICT 5th PARCEL 0502031

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.77

ZONING DISTRICT: 5th

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-677-18

Application Insufficient due to lack of:

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 12/13/2017

DATE OF ZONING BOARD OF APPEALS HEARING: January 22, 2018

Received from Duffey & Company 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: December 13, 2017 Receipt Number: 6066256-Sign
6066255-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:

WESLEY J. HARRIS , AVA H. HARRIS
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0502031

(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) 3 of the District, and said property consists of a total of 1.77 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to EDWARD DUFFEY (DUFFEY COMPANY) 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.

Wesley J. Harris
Signature of Property Owner 1

160 HARRIS RD FAYETTEVILLE, GA 30215
Address

Ava H. Harris
Signature of Property Owner 2

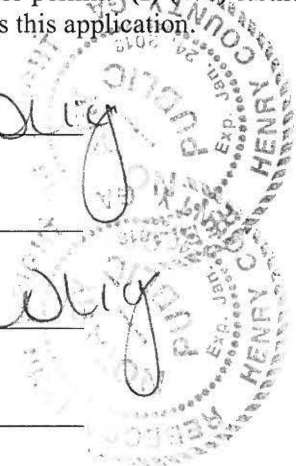
160 Harris Rd. Fayetteville, Ga. 30215
Address

Rebecca Hylton
Signature of Notary Public

12/13/17
Date

Rebecca Hylton
Signature of Notary Public

12/13/17
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)	50ft	30ft	20 ft

VARIANCE SUMMARY

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

Asking for variance for left side
of house of the amount of 20 ft
to meet requirement (for addition)
for master bed room and dining room

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.

This is a non-conforming property
on lot of 1.77 ac.

Set back are to large to meet
requirments for an addition

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

Yes, the application of the regulations
will devolope an hardship e' owner
will not be able to make addition for
kitchen or bedroom

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

Yes, This is a legal non-conforming
property of 1.77 ac, the set back
are to large for the lot.

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.

Structure on this property have been in place for many years with no problem or issues and will not cause substantial detriment to the public good or impair the purpose.

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

Other permits were obtained for all structures built with no issue arising

WARRANTY DEED

STATE OF GEORGIA
FAYETTE COUNTY

THIS INDENTURE, made this 3rd day of February in the year of our Lord One Thousand Nine Hundred and Ninety Five between WESLEY J. HARRIS, of the State of Georgia and County of Fayette of the first part and AVA H. HARRIS, of the State of Georgia and County of Fayette of the second part.

WITNESSETH: That the party of the first part, for and in consideration of LOVE AND AFFECTION and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents does grant, bargain, sell and convey unto the said party of the second part, herself, her heirs and assigns, an undivided one-half (1/2) interest in and to:

ALL THAT TRACT or parcel of land lying and being in Land Lot 3 of the 5th Land District of Fayette County, Georgia, as shown by plat of Lee Engineering Company entitled "Survey for Wesley J. Harris" dated January 15, 1976 and recorded in Plat Book 9 at Page 80, records of Fayette County, Georgia and in accordance with said plat being more particularly described as follows:

BEGINNING at an iron pin located 1,826 feet northeastwardly, as measured along the southeasterly side of the right-of-way 50 feet in width for a public road sometimes referred to as Harris Road, from the South line of Land Lot 3 aforesaid; running thence North, 15 degrees 4 minutes East, continuing along the southeasterly side of the right-of-way of said Harris Road, 150 feet to an iron pin; thence North 89 degrees 1 minute East, 517.7 feet to an iron pin; thence South, 00 degrees 48 minutes East 144.1 feet to an iron pin; thence South 89 degrees 1 minute West, 558.7 feet back to the iron pin at the POINT OF BEGINNING; said tract containing 1.77 acres, more or less.

The purpose of this deed is to establish a Joint Tenancy with Right of Survivorship between the parties hereto.

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 party of the second part, her heirs and assigns, forever, IN FEE SIMPLE.

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and affixed his seal, the day and year above written.

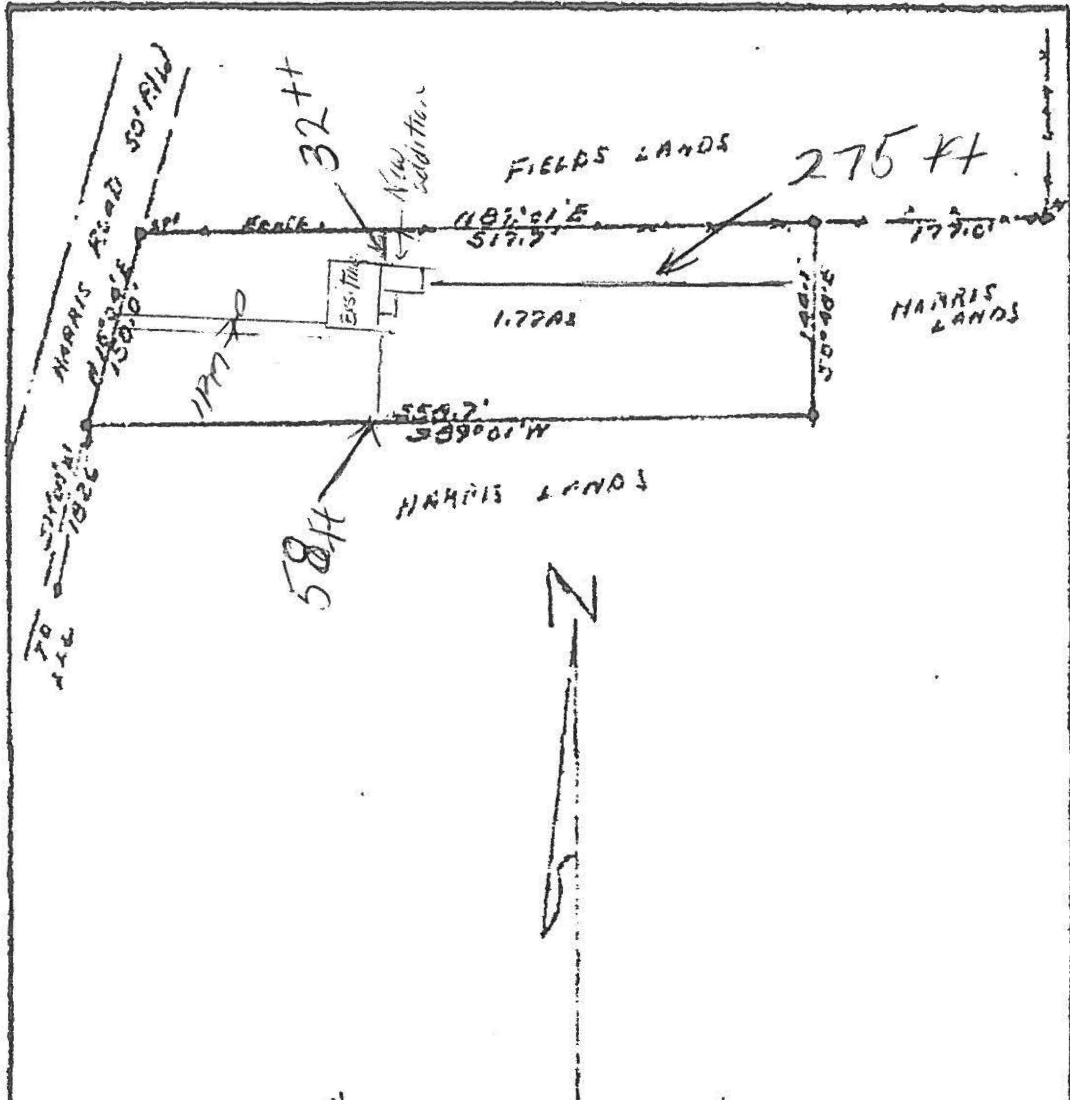
Signed sealed and delivered in the presence of:

Patricia E. Pierce
Witness

Wesley J. Harris (SEAL)
WESLEY J. HARRIS
BOOK 967 PAGE 681

[Signature]
NOTARY PUBLIC
Commission Expires 3-98


FILED & RECORDED
FAYETTE COUNTY, GA.
'95 FEB 13 PM 2 56
W.A. BALLARD, CLERK
Book: 967 Page: 681 Seq: 1

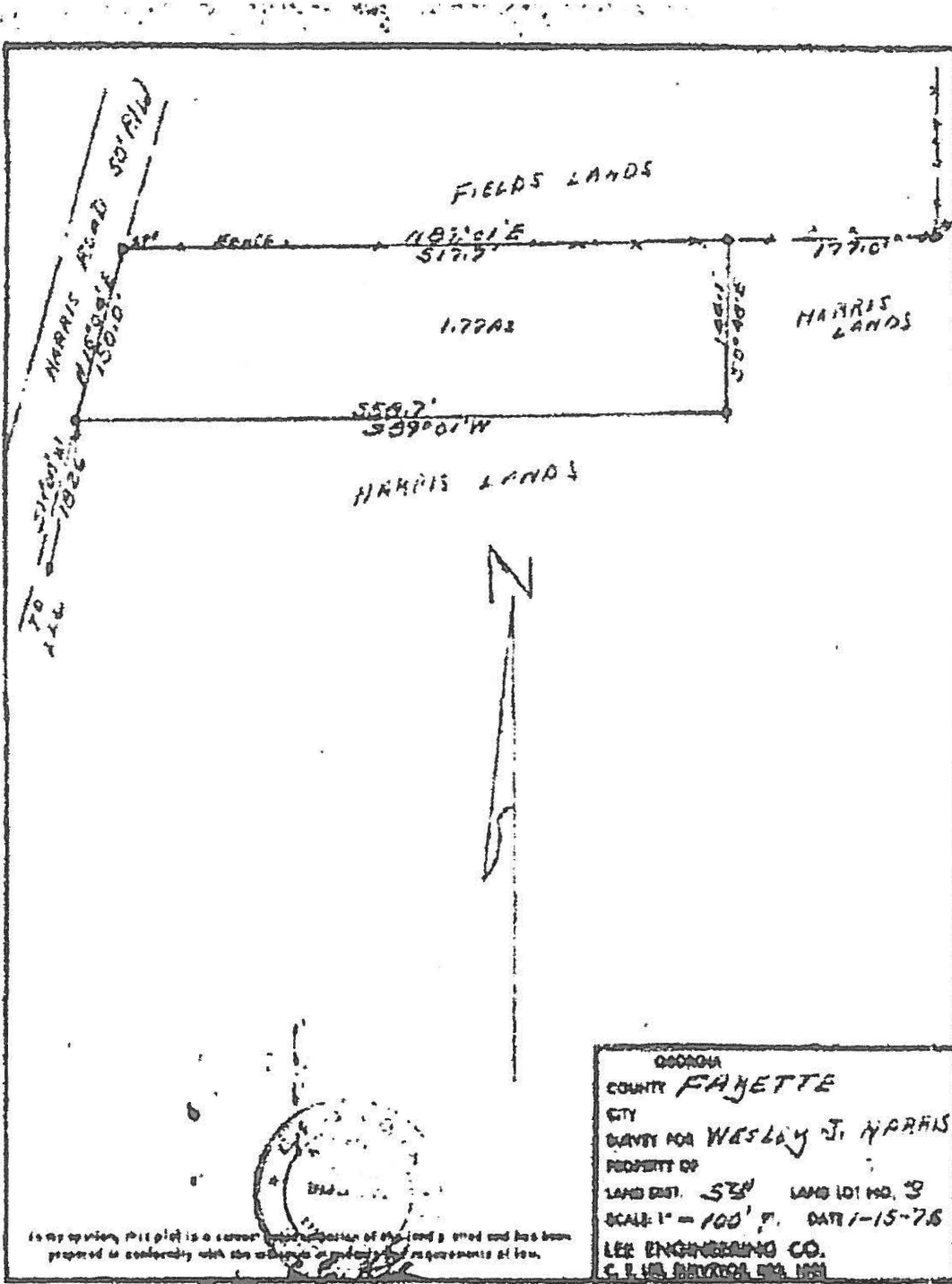


GEORGIA
 COUNTY **FAHETTE**
 CITY
 PLANNED FOR **WESLEY J. HARRIS**
 PROPERTY OF
 LAND DIST. **5th** LAND LOT NO. **3**
 SCALE: 1" = 100' P. DATE: **1-15-76**
LEE ENGINEERING CO.
 C. E. LEE, REGISTERED PROFESSIONAL ENGINEER

This site plan is a correct representation of the land as shown and has been prepared in conformity with the minimum requirements of law.

INSTR
TRANS
3
5-76

Recorded 1-21-76 W.R. Ballard, Clerk



In my opinion this plat is a correct and accurate representation of the land & area and has been prepared in conformity with the rules and regulations of law.

GEORGIA
 COUNTY **FAYETTE**
 CITY
 SURVEY FOR **WESLEY J. HARRIS**
 PROPERTY OF
 LAND DIST. **5TH** LAND LOT NO. **3**
 SCALE 1" = 100' P. DATE 1-15-76
LEE ENGINEERING CO.
 C. E. HARRIS, REGISTERED PROFESSIONAL ENGINEER

MISCELLANEOUS PAYMENT RECPT#: 6066255
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 12/15/17 TIME: 11:28
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: ZBA APP A-677-18
CHG:
ZA-Z ZBA APP A-677-1 175.00

AMOUNT PAID: 175.00

PAID BY: DUFFEY & COMPANY INC
PAYMENT METH: CHECK
 9470

REFERENCE:

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

MISCELLANEOUS PAYMENT RECPT#: 6066256
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 12/15/17 TIME: 11:31
CLERK: 9597cb1a DEPT:
CUSTOMER#: 0

COMMENT: ZBA SIGN A-677-18
CHG:
ZS-Z ZBA SIGN A-677- 20.00

AMOUNT PAID: 20.00

PAID BY: DUFFEY & COMPANY INC
PAYMENT METH: CHECK
 9470

REFERENCE:

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

POSTING OF PROPERTY

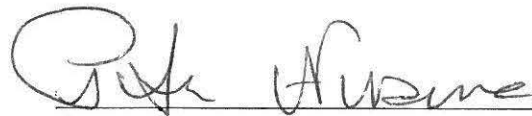
PETITION NO: A-677-18


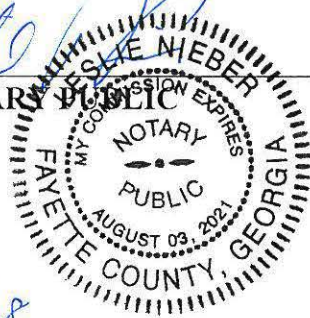
OWNER: Wesley J. & Ava H. Harris
160 Harris Road
Fayetteville, Georgia
30215

LOCATION: Land Lot(s) 3 of the 5th District
Fronts on Harris Road

REQUEST: Variance to Sec. 110-125. A-R, (d) (6) to reduce side yard setback from 50 feet to 30 feet to allow the construction of an addition to an existing home.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.


OFFICIAL


NOTARY PUBLIC

1/3/18

Number of signs posted 1.

Date sign posted 1/3/18.

MISCELLANEOUS PAYMENT RECPT#: 6084642
FAYETTE COUNTY, GA
140 Stonewall Avenue, West
BE
FAYETTEVILLE GA 30214

DATE: 12/29/17 TIME: 11:05
CLERK: 9597cbla DEPT:
CUSTOMER#: 0

COMMENT: MSP FOR DOUGLAS JOHN
CHG:
FP-Z MSP FOR DOUGLAS 35.00

AMOUNT PAID: 35.00

PAID BY: DOUGLAS G & KAREN W.
PAYMENT METH: CHECK
 2103

REFERENCE:

AMT TENDERED: 35.00
AMT APPLIED: 35.00
CHANGE: .00

PETITION NO. A-677-18
Wesley & Ava Harris
160 Harris Road
Fayetteville, GA 30215
Public Hearing Date January 22, 2018

The subject property is located on 160 Harris Road, Fayetteville, GA 30215 and is zoned Agricultural-Residential (A-R) which requires a five (5) acre minimum. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R. (d) (6) to reduce side yard setback from 50 feet to 30 feet to allow the construction of an addition to an existing home.

History: The subject property is a non-conforming lot of record. The subject property is 1.77 acres in size. Tax Assessor's records indicate that the house was built in 1976 and according to the deed the applicant purchased the property in 1995.

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.

Asking for variance for left side of house of the amount of 20 feet to meet requirement for an addition (master bedroom and dining room).

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.**

This is a non-conforming property with 1.77 acres. Setbacks are too large to meet requirements for an addition.

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

Yes, the application of the regulations will develop a hardship and owner will not be able to make addition for kitchen or bedroom.

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

Yes, this is a legal non-conforming property of 1.77 acres, the setback are too large for the lot.

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,

Structure on this property have been in place for many years with no problem or issues and will not cause substantial detriment to the public good or impair the purpose.

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

Other permits were obtained for all structures built with no issue arising.

DEPARTMENTAL COMMENTS

ENGINEERING: No comments.

ENVIRONMENTAL HEALTH: No objections to variance

ENVIRONMENTAL MANAGEMENT: EMD has no comments

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

WATER SYSTEM: No conflict.

Harp Road

A-677-18

Harris Road

SUBJECT
PROPERTY

