1. Consideration of the Minutes of the Meeting held on May 20, 2019.

PUBLIC HEARING

2. Petition No. A-700-19, Berachah Bible Church, Inc., requests the following: Variance to Sec. 110-137. R-40, (d)(4)(a)(1) to reduce front yard setback from 60 feet to 40 feet to bring the existing building on this reconfigured lot into compliance. The subject property is located in Land Lot 202 of the 5th District and fronts on Corinth Road.

3. Petition No. A-701-19, Shelley Anthony, requests the following: Variance to Section 110-173. (3)(d)(1) to reduce roof pitch from the minimum of 4.5 inches in one foot to 1.25 inches in one foot. The subject property is located in Land Lot 199 of the 13th District and fronts on State Route 314.

4. Petition No. A-702-19, Judy Abigail Looper, requests the following: Variance to Sec. 110-125.(d)(6) to reduce the side yard setback from 50 feet to 25 feet to allow for the construction of a swimming pool. The subject property is located in Land Lot 118 of the 4th District and fronts on Antioch Road and Lowery Drive.
PETITION NO. A-700-19
320 Corinth Road
Jonesboro, GA 30238
Public Hearing Date June 24, 2019

The subject property is zoned R-40 and located at 320 Corinth Road. The applicant is requesting a Variance as follows:

Variance to Sec. 110-137. R-40, (d)(4)(a)(1) to reduce front yard setback from 60 feet to 40 feet to bring the existing building on this reconfigured lot into compliance.

History: Rezoning 459-83, A-R to R-40, was approved by the Board of Commissioners on July 14, 1983. No conditions were placed on the rezoning. The Final Plat for North Bend subdivision was recorded on August 31, 1983. The subject property is 1.00 acres in size. Tax Assessor’s records indicate that applicant purchased the property in 2017.

Revision to a recorded final plat for North Bend subdivision (RP-070-18) was approved by the Board of Commissioners on January 24, 2019 to reconfigure Lot 1 by adding/exchanging property from an adjacent tract which contains the Berachah Bible Church. By reconfiguring Lot 1 the front setback changed to the current setback requirement of 60 feet. The existing home encroaches the setback and can only be rectified by a variance through the Zoning Board of Appeals.

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.

Berachah Bible Church, Inc. (The Church) wishes to revise the configuration of Lot 1 in the North Bend Subdivision. The Board of Commissioners approved the request to revise the final plat to add/exchange property to this lot. The existing ordinances must now be applied to the revised lot. The 60 foot front applied will not create an encroachment of the existing house.

JUSTIFICATION OF REQUEST
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

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

   The lot in question was developed in August of 1983. The Church owns this lot and the property to the south. As the lot exists now in the shape of a triangle, the areas converge to a point on the east and west of the lot.

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

   If this variance is not granted, the Church cannot reconfigure the lot to a more desirable shape.

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

   The existing lot is a triangular shape with road frontage that terminates, on the east side of the lot, to a point. This area and the area at the west side of the lot is unusable.

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

   The house on this lot was constructed in 1984. The only reason a variance is requested is to reconfigure the shape of the lot as it now exists.

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

   The front building line on the lots in North Bend Subdivision is 40’. The front building of 60’ is required now if the lot is reconfigured.
DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No comment.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: The bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of Fire Prevention Code Requirements.

WATER SYSTEM: No conflict.
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: BERACHAH BIBLE CHURCH, INC (RON NEWTON)
MAILING ADDRESS: 320 CORINTH ROAD - JONESBORO, GA. 30238
PHONE: SEE BELOW E-MAIL: SEE BELOW
AGENT FOR OWNERS: RANDY M. BOYD
MAILING ADDRESS: P.O. BOX 64 ZEBULON, GA. 30295
PHONE: 404-295-1677 E-MAIL: boyd1227@gmail.com

PROPERTY LOCATION: LAND LOT 207 LAND DISTRICT 5TH PARCEL 05460 2001
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.00 ACRE

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: NORTHWEST - R-40, WEST - ALL
SOUTHEAST - R-40

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL
PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-900-19

[ ] Application Insufficient due to lack of:

by Staff: ___________________________ Date: __________________

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

by Staff: ___________________________ Date: 5/20/19

DATE OF ZONING BOARD OF APPEALS HEARING: Monday, June 24

Received from ___________________________ a check in the amount of $______

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

Date Paid: ___________________________ Receipt Number: __________________
VARIANCE INFORMATION

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

<table>
<thead>
<tr>
<th>Ordinance/Section</th>
<th>Requirement</th>
<th>Proposed</th>
<th>Variance Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 120-137 (2)(A)(2)</td>
<td>60'</td>
<td>REDUCE THE FRONT BUILDING LINE FROM 60' TO 40'</td>
<td>20'</td>
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</tbody>
</table>

VARIANCE SUMMARY

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

BERACHAH BIBLE CHURCH, INC. (THE CHURCH) WISHES TO REVISE THE CONFIGURATION OF LOT 1 IN THE NORTH BEND SUBDIVISION. THE BOARD OF COMMISSIONERS APPROVED THE REQUEST TO REVISE THE FINAL PLAT TO ADD/EXCHANGE PROPERTY TO THIS LOT. THE EXISTING ORDINANCES MUST NOW BE APPLIED TO THE REVISED LOT. THE 60' FRONT APPLICATION WILL NOT CREATE AN ENCROACHMENT OF THE EXISTING HOUSE.
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:

BEDACHAT BIBLE CHURCH, INC.
Please Print Names

Property Tax Identification Number(s) of Subject Property: 054602001

(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) _______________ of the District, and said property consists of a total of 1.00 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to RANDY M. BOYD 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
231 AMPHORA TRAV
Fayette, GA 30214

Signature of Notary Public
Date

Signature of Property Owner 2

Signature of Notary Public
Date

Signature of Authorized Agent
P.O. Box 64
Address
ZE-BULON, GA.
30295

Signature of Notary Public
Date
JUSTIFICATION OF REQUEST

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

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

   The lot in question was developed in August of 1983. The church owns this lot and the property to the south. As the lot exists now in the shape of a triangle, the areas converge to a point on the east and west of the lot.

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

   If this variance is not granted, the church cannot reconfigure the lot to a more desirable shape.

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

   The existing lot is a triangular shape with road frontage that terminates, on the east side of the lot, to a point. This area and the area at the west side of the lot is unusable.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

THE HOUSE ON THIS LOT WAS CONSTRUCTED IN 1984. THE ONLY REASON A VARIANCE IS REQUESTED IS TO RECONFIGURE THE SHAPE OF THE LOT AS IT NOW EXISTS.

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

THE FRONT BUILDING LINE ON THE LOTS IN THE NORTH BEND SUBDIVISION IS 40’. THE FRONT BUILDING OF 60’ IS REQUIRED NOW IF THE LOT IS RECONFIGURED.
STATE OF GEORGIA
COUNTY OF SPALDING

THIS INDENTURE, made this 17th day of March 2017 between Daniel E. Ivey, of the first
part and Berachah Bible Church, Inc. of the State of Georgia and County of Fayette of the second
part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
TEN ($10.00) DOLLARS, and other goods 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 and conveyed and by these presents does grant, sell and convey unto the said party
of the second part his heirs and assigns:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 202, 5TH
DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 1, NORTH BEND, AS PER PLAT
THEREOF RECORDED IN PLAT BOOK 14, PAGE 63, FAYETTE COUNTY RECORDS,
WHICH PLAT IS INCORPORATED HEREBY REFERENCE FOR A MORE COMPLETE
AND ACCURATE DESCRIPTION OF THE PROPERTY.

THIS CONVEYANCE IS MADE SUBJECT TO ALL ZONING ORDINANCES,
EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID BARGAINED
PREMISES.

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 the said party of the second part heirs,
successors and assigns, forever, IN FEE SIMPLE,

And the said party of the first part, for his heirs, successors, executors and administrators
will warrant and forever defend the right and title to the above described property subject to
permitted exceptions, unto the said party of the second part, his heirs, successors 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 said date and year above written.

Signed this 17th day of March 2017 in the presence of:

[Signature]
Unofficial Witness

[Signature]
Daniel E. Ivey

Notary Public (My commission expires 12/24/21)
PETITION NO. A-701-19
Parcel ID 130501033 (Fronts S.R. 314)
Fayetteville, GA 30214
Public Hearing Date March 25, 2019

The subject property is zoned C-H and located next door to AutoZone off of State Route 314 (130501033), Fayetteville, GA 30215. The applicant is requesting a Variance as follows:

Variance to Section 110-173. (3)(d)(1) to reduce pitched peaked roof from the minimum of 4.5 inches in one foot to 1.25 inches in one foot.

Section 110-173. Transportation corridor overlay zone. (3) General state route overlay zone. (d) Architectural standards. Structures shall maintain a residential character. **Elevation drawings denoting compliance with the following shall be submitted as part of the site plan.** (1) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of 4.5 inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade shall be of a residential character with the appearance of shingles, slate or terra cotta.

**History:** The subject property is a non-conforming lot of record. A survey of the subject property was recorded on October 19, 1971. The subject property is 0.627 acres in size. Tax Assessor’s records indicate that applicant purchased the property in 2017.

As part of the site plan process for a zoning compliance letter, elevation drawings for the structure is required. The first submittal for the site plan of Butch’s Auto (SP18-012) was received by staff on August 1, 2018. Staff requested the elevation drawings on August 8, 2018 by email through comments. The second submittal for the site plan was received by staff on August 23, 2018. No elevation drawings were given to staff with the second submittal. On September 11, 2018 staff requested elevation drawings again with comments by email. The third submittal for the site plan was received by November 1, 2018 by staff. A few days after the third submittal was given to staff the petitioner provided staff with a copy of the elevation drawings. Staff conditionally approved the site plan on November 15, 2018, with some minor changes including updating the roof pitch minimum. The fourth submittal for the site plan was received by staff on December 12, 2018. Staff conditionally approved the site plan on December 27, 2018 provided that the petitioner updated the elevation drawings to meet the minimum pitch of 4.5 inches in one foot (see attached emails).

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.

According to Article V, section 110-169; Conditional use approval D.1 states that a pitched peaked (Gable or hip) roof with a minimum pitch of 4.5 inches in one foot is required for commercial use in this zoning perimeter. I am submitting a variance request because my current roof on my building doesn’t meet the county regulations for the overlay district that I’m in. I will be using a modular building that comes with a flat roof and is manufactured off site as they come. This is great because my construction site will be free from debris, dust, and etc. keeping the air clean as possible during construction. Before even purchasing the modular building, I checked with the county to see if I could even put that type of structure up and I was told yes by a county official. Constructing a building with such specific requirements for the roof would cause extreme hardship to the other businesses around me. I have talked to several roofing companies for the past 6 months and everyone is the same thing, “It’s impossible.” To make the transition as smooth as possible for the flow of traffic and neighboring businesses my modular building that’s already purchased is ready to be transported to my property. While I understand regulations are put in place to uphold the standards and decency of the county, this was already verbally pre-approved by the zoning administrator of the Fayette county planning and zoning department. Once I was given the verbal approval for the elevations and building materials, I moved forward with my plans until I was then told otherwise, months later, that I had to have a different type of roof. Surely, I hope you all can understand my justifications for this request and grant me the opportunity to continue my plans to add yet another successful business to Fayette County.

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 particular property that I own is approximately .67 acres in size. Due to the exceptionally small size of this property it calls for a certain type of building in order to fit perfectly on the property. For this reason I will be using an energy efficient modular building which already comes with a flat roof and fits the property perfectly.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,

Being that the modular building I will be using already comes with a flat roof and the building already is manufactured that way, changing the roof to a “pitch” roof that regulations require would cause includes months of construction which would impact the other buildings around me and possibly the flow of traffic, I would have to put a hold on construction until I would be able to destroy the roof the building comes with to reconstruct a pitch roof to accommodate regulations, which I have been told is almost impossible without great possibility of destroying the entire building.

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

I would definitely say that these conditions are peculiar to my property because being that it is only .67 acres. Given only limited space, I have already purchase a modular building that was made off site and is ready to be transported to my property as is. Modular buildings are not manufactured for commercial use with a “pitch” roof, as the regulations require. If my property were slightly larger I could possible construct a building with a pitch roof rather than a flat roof, but I do not have the space to accommodate such a large project which makes my circumstance peculiar. Also, based on my observation, there are no other commercial buildings in the overlay zoning area with “pitch” roofs either.

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

There would be no substantial detriment to the public good or impair the purposes and intent of these regulations because the modular building with the flat roof will be easily placed on the property without any interference to the community and it will look equally as professional as the other commercial buildings in the area if not better. My landscape plan is very extensive and the curb appeal for this property will be like none other in the overlay district.

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

I would like to exercise my right to explain why these regulations would not work for my given property size and location. With justification as I have explained, I would like the same opportunity as the others in my same zoning to create a professional space on my property
that will still uphold the decency of the county's appearance without having a required "Pitch" roof.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to flat roof.

ENVIRONMENTAL MANAGEMENT: No comment.

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.
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Shelley Anthony W

MAILING ADDRESS: 1050 Brookhame Drive Fortain, GA 32313

PHONE: 678-886-0746 E-MAIL: shelley.anthony58@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: 

PHONE: E-MAIL: 

PROPERTY LOCATION: LAND LOT 199 LAND DISTRICT 13TH PARCEL 130501035

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.627

ZONING DISTRICT: C-H

ZONING OF SURROUNDING PROPERTIES: C-H

PRESENT USE OF SUBJECT PROPERTY: Undeveloped

PROPOSED USE OF SUBJECT PROPERTY: Use-Car Dealership

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-701-19

[ ] Application Insufficient due to lack of:

by Staff: ___________________________ Date: ________________

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

by Staff: ___________________________ Date: 5/20/19

DATE OF ZONING BOARD OF APPEALS HEARING: Monday, June 24, 2019

Received from ___________________________ a check in the amount of $_____

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

Date Paid: ___________________________ Receipt Number: ____________
PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Please Print Names

Shelby Anthony IV

Property Tax Identification Number(s) of Subject Property: 1305010.33

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 13th District, and (if applicable to more than one land district) Land Lot(s) 199 of the District, and said property consists of a total of 0.427 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

105 McDade Dr Fayetteville, GA 30214

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Signature of Notary Public

5/17/2019

Date

Signature of Notary Public

Date

Signature of Notary Public

Date
Variance Summary

According to Article V, section 110-169; Conditional use approval D.1 states that a pitched peaked (Gable or hip) roof with a minimum pitch of 4.5 inches in one foot is required for commercial use in this zoning perimeter. I am submitting a variance request because my current roof on my building doesn’t meet the county regulations for the overlay district that I’m in. I will be using a modular building that comes with a flat roof and is manufactured off site as they come. This is great because my construction site will be free from debris, dust, and etc. keeping the air clean as possible during construction. Before even purchasing the modular building, I checked with the county to see if I could even put that type of structure up and I was told yes by a county official. Constructing a building with such specific requirements for the roof would cause extreme hardship to the other businesses around me. I have talked to several roofing companies for the past 6 months and everyone is the same thing, “It’s impossible.” To make the transition as smooth as possible for the flow of traffic and neighboring businesses my modular building that’s already purchased is ready to be transported to my property. While I understand regulations are put in place to uphold the standards and decency of the county, this was already verbally pre-approved by the zoning administrator of the Fayette county planning and zoning department. Once I was given the verbal approval for the elevations and building materials, I moved forward with my plans until I was then told otherwise, months later, that I had to have a different type of roof. Surely, I hope you all can understand my justifications for this request and grant me the opportunity to continue my plans to add yet another successful business to Fayette county.
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.
   This particular property that I own is approximately .67 acres in size. Due to the exceptionally small size of this property it calls for a certain type of building in order to fit perfectly on the property. For this reason I will be using an energy efficient modular building which already comes with a flat roof and fits the property perfectly.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
   Being that the modular building I will be using already comes with a flat roof and the building already is manufactured that way, changing the roof to a “pitch” roof that regulations require would cause unnecessary hardship. The practical difficulty that this would cause includes months of construction which would impact the other buildings around me and possibly the flow of traffic, I would have to put a hold on construction until I would be able to destroy the roof the building comes with to reconstruct a pitch roof to accommodate regulations, which I have been told is almost impossible without great possibility of destroying the entire building.

3. Such conditions are peculiar to the particular piece of property involved.
   I would definitely say that these conditions are peculiar to my property because being that is only .67 acres. Given only limited space, I have already purchase a modular building that was made off site and is ready to be transported to my property as is. Modular buildings are not manufactured for commercial use with a “pitch” roof, as the regulations require. If my property were slightly larger I could possible construct a building with a pitch roof rather than a flat roof, but I do not have the space to accommodate such a large project which makes my circumstance peculiar. Also, based on my observation, there are no other commercial buildings in the overlay zoning area with “pitch” roofs either.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.
There would be no substantial detriment to the public good or impair the purposes and intent of these regulations because the modular building with the flat roof will be easily placed on the property without any interference to the community and it will look equally as professional as the other commercial buildings in the area if not better. My landscape plan is very extensive and the curb appeal for this property will be like none other in the overlay district.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.
I would like to exercise my right to explain why these regulations would not work for my given property size and location. With justification as I have explained, I would like the same opportunity as the others in my same zoning to create a professional space on my property that will still uphold the decency of the county’s appearance without having a required “Pitch” roof.
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/document as necessary.

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

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

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

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VARIANCE SUMMARY

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

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________
QUITCLAIM DEED

THIS INDENTURE is made as of this 5th day of September, 2017, by and between LYNNE T. NELSON, a resident of the State of Georgia and LUANNE T. MCGINNIS, a resident of the State of Tennessee (hereinafter collectively referred to as “Grantor”) and BUTCH’S AUTO LLC, a Georgia corporation (hereinafter referred to as “Grantee”).

WITNESSETH: That Grantor for and in consideration of the sum of ONE AND NO/100 DOLLAR ($1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, and forever quit-claim to Grantee any and all right, title, interest, claim or demand which the Grantor has or may have had in and to the following described real property (the “Property”), to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 199 of the 13th District of Fayette County, Georgia being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference.

With all the rights, members, and appurtenances to the said described premises in anywise appertaining or belonging.

[SIGNATURE PAGE CONTAINED ON FOLLOWING PAGE]
IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed by its duly authorized and incumbent officers as of the 5th September, 2017.

Signed, sealed and delivered and attested to in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My commission expires:

[Date]

(Notary Seal)
Signed, sealed and delivered
and attested to in the presence of:

Megan Shultz
Unofficial Witness

Hail Cane
Notary Public

My commission expires:

[2-2]

(SEAL)

LUANNE T. MCGINNIS

(Notary Seal)
EXHIBIT A
LEGAL DESCRIPTION
(Survey)

All that tract or parcel of land lying and being in Land Lot 199 of the 13th District of Fayette County, Georgia and being more particularly described as follows:

Commencing at the Concrete Right of Way Monument found at the Southeast Mitered intersection of State Route 314 and State Route 138; thence running South 01 degrees 07 minutes 27 seconds West, a distance of 168.39 feet to a rebar found and the TRUE POINT OF BEGINNING; thence running North 89 degrees 22 minutes 00 seconds East, a distance of 179.68 feet to an iron pin set found; thence running South 00 degrees 25 minutes 44 seconds East, for a distance of 150.00 feet to an iron pin set found; thence running West for a distance of 4.88 feet to a rebar found; thence running South 89 degrees 26 minutes 25 seconds East, for a distance of 184.89 feet to a rebar found; thence running North 01 degrees 33 minutes 52 seconds East, for a distance of 149.87 feet to a rebar found and being the TRUE POINT OF BEGINNING.
Good Morning Mr. Anthony,

I spoke to my Director this morning about your roof pitch predicament for Butch's Auto and he said we must go with the requirement stated in the Zoning Ordinance of a minimum pitch of 4.5 feet in one foot. I've attached a copy of the General Business Transportation Overlay Zone to the email. Please let me know if you have any other questions.

Regards,
Chanelle Blaine

Chanelle N. Blaine, AICP
Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770-305-5162
Email: cblaine@fayettecountyga.gov
Good Morning,

Planning & Zoning has approved the 4th Submittal site plan of Butch's Auto. I cannot sign off on the site plan until I receive a copy of the building elevations. These elevations must show that the building has a minimum pitch of 4.5 inches in one foot. Once that has been provided P&Z will sign off on the site plan. The review fee will be $150.00. If you have any other questions please feel free to call or email.

Thanks,
Chanelle Blaine

Chanelle N. Blaine, AICP
Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770-305-5162
Email: cblaine@fayettecountyga.gov
Good Afternoon Joey,

The site plan looks good but I cannot officially sign-off on it until the elevation comments are addressed. Please inform owner. If you have any additional questions feel free to call or email.

Thanks,
Chanelle Blaine

From: Joey Scanlon [mailto:joey@scanloneng.com]
Sent: Wednesday, November 28, 2018 12:26 PM
To: Chanelle Blaine
Cc: Shelley Anthony; Bob Sims
Subject: FW: Butch Auto SP18-012 3rd Sub. Comments

*External Email* Be cautious of sender, content, and links

Ms. Blaine

Attached is the revised site plan showing the requested dimensions to the dumpster enclosure. Please review the drawing and let me know if it satisfies your comments.

Have a good day!

Sincerely, Joey

Michael J. Scanlon, PE
Vice President

Scanlon Engineering Services, Inc.
221 E. Bank Street
Griffin, Georgia 30223
Cell Phone - 678-618-3665
Office Phone - 678-967-2051
website - www.scanloneng.com

From: Shelley Anthony <shelley.anthony58@yahoo.com>
Sent: Tuesday, November 27, 2018 11:55 AM
To: Joey Scanlon <joey@scanloneng.com>
Subject: Fwd: Butch Auto SP18-012 3rd Sub. Comments

Sent from my iPhone

Begin forwarded message:

1
From: Chanelle Blaine <cblaine@fayecctountyga.gov>
Date: November 15, 2018 at 5:26:25 PM EST
To: Shelley Anthony <shelley.anthony58@yahoo.com>
Subject: Butch Auto SP18-012 3rd Sub. Comments

Good Afternoon Mr. Anthony,

Attached is a copy of the 3rd submittal comments for Butch Auto. This is a conditional approval meaning that I will not make you resubmit plans unless other departments have found issues with your plans, but you will need to make the changes on the final set. My issues with the 3rd submittal are:

- Show the distance from the dumpster pad to the property line on the north and east end.
- Delineate the dumpster pad in bold marker because it looks to be encroaching the 15’ setback.

After reviewing the elevation I have also found some issues and they are:

- Doors must be framed and maintain a residential character. The large glass in the door needs to have a divider between it so it can appear to have residential character.
- Roof must have a pitch that is a minimum of 4.5 inches in one foot.
- Please provide the building façade materials.

I’ve attached a copy of the overlay district to this email just in case you had any questions and highlighted the section that pertains to your project. If you have any questions please feel free to call or email.

Thanks,
Chanelle Blaine

Chanelle N. Blaine, AICP
Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770-305-5162
Email: cblaine@fayecctountyga.gov
Good Afternoon Mr. Anthony,

Attached is a copy of the 3rd submittal comments for Butch Auto. This is a conditional approval meaning that I will not make you resubmit plans unless other departments have found issues with your plans, but you will need to make the changes on the final set. My issues with the 3rd submittal are:

- Show the distance from the dumpster pad to the property line on the north and east end.
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- Roof must have a pitch that is a minimum of 4.5 inches in one foot.
- Please provide the building façade materials.

I’ve attached a copy of the overlay district to this email just in case you had any questions and highlighted the section that pertains to your project. If you have any questions please feel free to call or email.

Thanks,
Chanelle Blaine

Chanelle N. Blaine, AICP
Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770-305-5162
Email: cblaine@fayettecountyga.gov
Thank you.

From: Shelley Anthony [mailto:shelley.anthony58@yahoo.com]
Sent: Wednesday, September 26, 2018 7:06 PM
To: Chanelle Blaine; Joey Scanlon
Subject: Re: RE: Butch Auto SP18-012 Comments

*External Email* Be cautious of sender, content, and links
The elevations starts on page 26, please let me know if you need anything else!

Regards.
On Friday, September 14, 2018, 10:39:33 AM EDT, Joey Scanlon <joey@scanloneng.com> wrote:

Ms. Blaine:

Thank you for the quick response.

As far as I know the plans can be approved once the building elevations are submitted. Is this correct?

Sincerely, Joey

Michael J. Scanlon, PE
Vice President

Scanlon Engineering Services, Inc.
221 E. Bank Street
Griffin, Georgia 30223
Joey

This looks good

Thanks.

Chanelle Blaine

---

*External Email* Be cautious of sender, content, and links

Ms. Blaine:

I have moved the dumpster enclosure behind the 15' building setback and included a dumpster enclosure detail. Please review the attached and let me know if this is acceptable.

Thank you for the quick response.
6" MOUNTABLE CURB

10' LANDSCAPE STRIP

15' SETBACK

20.0'

25.0'

R5.0

200 LF 1" SCH40 PVC WATER LINE

1,000 GA. SEPTIC TANK

28'x50' 1 STORY BUILDING

F.E. 944.73

8.5' x 2'
DUMP: PAD / ENCLC

10' Constr

24.0'

15.0'

1.5' SETBACK

100' 25.4" E 150.00
Sincerely, Joey

Michael J. Scanlon, PE
Vice President

Scanlon Engineering Services, Inc.
221 E. Bank Street
Griffin, Georgia 30223
Good Morning Joey.

According to the Fayette County Zoning Ordinance Section 110-98, the refuse/dumpster area used in conjunction with nonresidential uses shall only be located to the side or rear of the principal structure, comply with the setbacks and/or buffer requirements, and screened per this article. Please update and resubmit.

Thanks,

Chanelle Blaine

Chanelle N. Blaine, AICP
Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone 770-305-5102
Email cbleine@fayettecountyga.gov
Ms. Blaine,

The Civil Plans for Butch’s Auto, LLC have been revised per your comments (comments attached). Please review the attached revised site plan and let me know if this is acceptable. P&Z’s approval is the only outstanding department for gaining final approval of this project.

The Owner will provide a copy of the building elevations.

Attached is the revised site plan showing:

1. the dimension from the dumpster enclosure to the property line, i.e. 10.5’
2. The rezoning petition #206-72, Approved February 5, 1972 (see General Note 7A)
Begin forwarded message:

From: Chanelle Blaine <cblaine@fayettedountyga.gov>
Date: September 11, 2018 at 8:35:12 AM EDT
To: "shelley.anthony58@yahoo.com" <shelley.anthony58@yahoo.com>
Cc: "Bryan D. Keller" <bkeller@fayettedountyga.gov>, Deborah Sims <dsims@fayettedountyga.gov>
Subject: Butch Auto SP18-012 Comments

Good Morning Mr. Anthony,

Attached are the County comments for the 2nd Submittal of the Butch Auto site plan (SP18-012). I believe EMD comments are combined with the Engineering Comments. Please reach out to Deborah Sims or Bryan Keller for clarification. I apologize about the late response.

Have a wonderful week,

Chanelle Blaine
Chanelle N. Blaine, AICP

Zoning Administrator
Fayette County Planning & Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770-305-5162
Email: cblaine@fayettecountyga.gov

FAYETTE County
Create Your Story!
MATERIAL TRANSMITTAL

DATE OF TRANSMITTAL: 12/12/2018
PROJECT NAME: Butch’s Auto, SP18-012
LOCATION: Highway 314
CONTACT: Shelly Anthony IV
PHONE NO: (678) 886-0946 E-MAIL: shelleyn.anthony56@yahoo.com

Channelle Blaine, Zoning Administrator
Matt Bergen, Utilities
Robert Kurbes, Environmental Health
Jimmy Hall, Fire Marshal
Vanessa Birrell, Environmental Management
Phil Mallon, Engineering/Public Works
Permits & Inspections (As Requested)
GDOT

This department transmits herewith to you:

( ) FINAL PLAT
( ) REVISED FINAL PLAT
( ) FINAL PLAT (REVISION FOR CORRECTIONS)
( ) MINOR SUBDIVISION PLAT
( ) PRELIMINARY PLAT
( ) PRELIMINARY PLAT (REVISION FOR CORRECTIONS)
( ) SITE PLAN NEW TOWER ADMIN APPROVAL
( ) SITE PLAN CO-LOCATION
(X) SITE PLAN
( ) REVISED SITE PLAN (ADDITION)
( ) SITE PLAN (REVISION FOR CORRECTIONS)
( ) YIELD PLAN (REVISION FOR CORRECTIONS)
( ) OTHER: MINOR REVISION TO A FINAL PLAT

For:

(X) REVIEW AND APPROVAL
( ) YOUR INFORMATION AND FILES
( ) OTHER:

REMARKS: 4th Submittal Provide Updated Elevations

APPROVED: ____________________  Signed: ____________________

RESUBMIT: ____________________  Date: ____________________

PLEASE RETURN COMMENTS TO THE ZONING DEPT. BY: 12/26/2018
SITE PLAN CHECKLIST
PLANNING AND ZONING DEPARTMENT

Project: Butch's Auto SP18-012
Applicant: Shelly Anthony

Plan Page:\ Included Y/N/NA

1. Provide County, land district, and land lot.
2. Indicate date of site plan preparation; provide scale of drawing, stated and shown graphically.
3. Provide north arrow and vicinity map.
4. Provide name, address, and telephone number of owner and/or developer.
5. Provide name, address, and telephone number; registration number, seal and signature of the project's engineer or architect. The design profession must be licensed in the State of Georgia.
6. Provide signature blocks for County approval: County Engineer, Fire Marshal, Environmental Health, Environmental Management, and Zoning Administrator. Please provide on cover page.
7. Provide a legend for all abbreviations.
8. Provide an index of sheets if more than one sheet is provided.
9. Show property lines with bearings and distances of subject property.
10. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line, as required by the Planning & Zoning Department.
11. Within the general notes, indicate the zoning district; minimum lot sizes; front, side, and rear setbacks; and buffer, as applicable. (N/A)
12. Show all land lot lines; land district lines; land section lines; and city and county boundaries intersecting or adjacent to the property.
13. Provide total acreage of subject property to the 1/100th acre.
14. Provide acreage of Lot Coverage Limit (Structures and parking areas) to the 1/100th acre. Lot Coverage limit cannot exceed 40% of total lot area.
15. Provide elevation drawings as applicable. Please provide a copy of the elevation drawings.

No Elec. Drawings
<table>
<thead>
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<tbody>
<tr>
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<td>16. Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions as applicable. Petition No 20X-72 Approved 2/5/19??-</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>17. Provide variances information including petition number, date of approval and exact wording of any variance conditions as applicable.</td>
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<tr>
<td></td>
<td>N/A</td>
<td>18. Provide Information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval as applicable.</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>19. Provide Information regarding the final plat or minor subdivision plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval as if applicable.</td>
</tr>
<tr>
<td>c-02</td>
<td>Y</td>
<td>20. Provide zoning and property owner name and/or subdivision name of all adjacent properties.</td>
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<td>21. Identify all existing structures and features and label as &quot;to remain&quot; or &quot;to be removed&quot;. Structures to remain must be shown and meet all applicable zoning requirements. &quot;Features&quot; include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.</td>
</tr>
<tr>
<td>c-02</td>
<td>Y</td>
<td>22. Provide locations and dimensions of all proposed structures including, proposed use(s), distances between buildings, number of stories, number of units per structure, square footage per unit, and total number of units.</td>
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<td>23. Provide location of refuse collection area(s), outside storage and/or service areas, off-street loading areas and how such areas will be screened.</td>
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<tr>
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<td>24. Indicate how subject property will be served by water and sewage disposal.</td>
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<tr>
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<td>Y</td>
<td>25. Provide location of existing and proposed water lines and fire hydrants.</td>
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<tr>
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<td>Y</td>
<td>26. Provide location of septic system, initial and replacement drain fields and/or sanitary sewer lines as applicable.</td>
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</table>

Note: "Problems occur with property markings."

Where Are Fire Hydrants?
SITE PLAN CHECKLIST
PLANNING AND ZONING DEPARTMENT

Plan Included
(Items marked with * are missing or deficient)

27. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property. ✓

28. Indicate how number of parking spaces was determined. ✓

Comments: 3. Please remove the extra label. ✓ Add signature.

blocks on Rev. pg. 74. Overrun, limit cannot exceed 60% of total lot area. ✓

15. Please provide a copy of the elevations.* ✓


20. Provide a note if there is no existing structures or features on the property. ✓

22. Provide the number of stories. ✓

23. Dumpster must be placed on the side of rear yard. ✓

25. Provide location of fire hydrants.

Approval/Date: 11/15/18
Resubmit/Date: 8/8/18

Cond.: C 12/27/18

Planning & Zoning Department
Administrative Complex - Suite 202
140 Stonewall Avenue, West
Fayetteville, Georgia 30214
(T) 770-305-5162
Email: cblaine@fayettecountyga.gov

* Provide updated elevations*

27. Provide a note if there are no existing easements associated with the property.

28. ✓

23. Please show distance from dumpster to property line. Please delineate the dumpster pad in as bold marker it looks to be encroaching 15' x 16'.
MATERIAL TRANSMITTAL

DATE OF TRANSMITTAL: 11/01/2018
PROJECT NAME: Butch’s Auto, SP18-012
LOCATION: Highway 314
CONTACT: Shelly Anthony IV
PHONE NO: (678) 886-0946 E-MAIL: shelly.anthony58@yahoo.com

☐ Chanelle Blaine, Zoning Administrator ☐ Vanessa Birrell, Environmental Management
☐ Matt Bergen, Utilities ☐ Phil Mallon, Engineering/Public Works
☐ Robert Kurbos, Environmental Health ☐ NA Permits & Inspections (As Requested)
☐ Jimmy Hall, Fire Marshal ☐ NA GDOT

This department transmits herewith to you:
( ) FINAL PLAT
( ) REVISED FINAL PLAT
( ) FINAL PLAT (REVISION FOR CORRECTIONS)
( ) MINOR SUBDIVISION PLAT
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( ) OTHER: MINOR REVISION TO A FINAL PLAT

For:
( ) REVIEW AND APPROVAL
( ) YOUR INFORMATION AND FILES
( ) OTHER: __________________________

REMARKS: 3RD Submittal

APPROVED: ____________________________
Signed: ____________________________ Date: 11/15/18

RESUBMIT: ____________________________
Date: ____________________________

PLEASE RETURN COMMENTS TO THE ZONING DEPT. BY: 11/15/2018
# SITE PLAN CHECKLIST
## PLANNING AND ZONING DEPARTMENT

**Project:** Butch's Auto SP18-012  
**Applicant:** Shelly Anthony

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2. Indicate date of site plan preparation; provide scale of drawing, state and shown graphically.
3. Provide north arrow and vicinity map.
4. Provide name, address, and telephone number of owner and/or developer.
5. Provide name, address, and telephone number, registration number, seal and signature of the project's engineer or architect. The design profession must be licensed in the State of Georgia.
6. Provide signature blocks for County approval: County Engineer, Fire Marshal, Environmental Health, Environmental Management, and Zoning Administrator.
7. Provide a legend for all abbreviations.
8. Provide an index of sheets if more than one sheet is provided.
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10. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line, as required by the Planning & Zoning Department.
11. Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and buffer as applicable.
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13. Provide total acreage of subject property to the 1/100th acre.
14. Provide acreage of Lot Coverage Limit (Structures and parking areas) to the 1/100th acre. Lot Coverage Limit cannot exceed 40% of total lot area.
15. Provide elevation drawings as applicable.

Please provide a copy of the elevation drawings.
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Please note on property:

- Please remove dumping area.
- Must be out of a 200 yard.
SITE PLAN CHECKLIST
PLANNING AND ZONING DEPARTMENT

Plan Page# Included Y/N/NA

27. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.  

28. Indicate how number of parking spaces was determined.

Comments:

3. Please remove the extra label #2. Add signature blocks on cover pg.  
4. Lot coverag limit cannot exceed 60% of total lot area.  
15. Please provide a copy of the elevations.  

Don't provide training info. Petition #204-22 Approved Feb. 5, 1992.

Don't provide a note if there is no existing structures or features on the property.  
22. Provide the number of stories.  
23. Dumpster must be placed on the side of rear yard.  
25. Provide location of fire hydrants.

Planning & Zoning Department
Administrative Complex - Suite 202
140 Stonewall Avenue, West
Fayetteville, Georgia 30214
(T) 770-305-5162
Email: cblaine@fayettecountyga.gov

Page 1

1. Provide a note if there are no existing easements associated with the property.

23. Please show distance from dumpster to property line. Please delineate the dumpster pad in a bold marker it looks to be encroaching 15'.
MATERIAL TRANSMITTAL

DATE OF TRANSMITTAL: 8/23/2018
PROJECT NAME: Butch's Auto, SP18-012
LOCATION: Highway 314
CONTACT: Shelly Anthony IV
PHONE NO: (678) 886-0946 E-MAIL: shelleynanthony58@yahoo.com

☐ Chanelle Blaine, Zoning Administrator
☐ Matt Bergen, Utilities
☐ Robert Kurbes, Environmental Health
☐ Jimmy Hall, Fire Marshal
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☐ NA Permits & Inspections (As Requested)
☐ NA GDOT

This department transmits herewith to you:
☐ FINAL PLAT
☐ REVISED FINAL PLAT
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☐ YIELD PLAN (REVISION FOR CORRECTIONS)
☐ OTHER: MINOR REVISION TO A FINAL PLAT

For:
☐ REVIEW AND APPROVAL
☐ YOUR INFORMATION AND FILES
☐ OTHER: ___________________________________________________________________

REMARKS: 2ND Submittal

APPROVED: ____________________________________________
RESUBMIT: ✔

Signed: ___________________________ Date: 9/4/2018

PLEASE RETURN COMMENTS TO THE ZONING DEPT. BY 9/6/2018
SITE PLAN CHECKLIST
PLANNING AND ZONING DEPARTMENT

Project: Butch's Auto SP18-012
Applicant: Shelly Anthony

Plan Page# Included YIN/NA (Items marked with * are missing or deficient)

4 Y 1. Provide County, land district, and land lot.
C-02 Y 2. Indicate date of site plan preparation; provide scale of drawing, stated and shown graphically.
C-02 Y* 3. Provide north arrow and vicinity map. *Please remove the label of SITE on cover page.
C-01 Y* 4. Provide name, address, and telephone number of owner and/or developer.
C-01 Y* 5. Provide name, address, and telephone number, registration number, seal and signature of the project's engineer or architect. The design profession must be licensed in the State of Georgia.
C-01 N/A 6. Provide signature blocks for County approval: County Engineer, Fire Marshal, Environmental Health, Environmental Management, and Zoning Administrator. *Please provide on cover page.
C-02 Y* 7. Provide a legend for all abbreviations.
C-02 N/A 8. Provide an index of sheets if more than one sheet is provided.
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C-02 Y* 11. Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and buffer as applicable. (N/A)
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C-02 N/A 14. Provide acreage of Lot Coverage Limit (Structures and parking areas) to the 1/100th acre. Lot Coverage Limit cannot exceed 40% of total lot area. (N/A)
N/A 15. Provide elevation drawings as as applicable.

Please provide a copy of the elevation drawings.
<table>
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SITE PLAN CHECKLIST
PLANNING AND ZONING DEPARTMENT

Plan Included (Items marked with * are missing or deficient)
Page# Y/N/NA

27. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.

28. Indicate how number of parking spaces was determined.

Comments:
3. Please remove the extra label.
6. Add signature blocks on cover pg.
74. Lot cover limit cannot exceed 60% of total lot area.
15. Please provide a copy of the elevations.
17. Provide note if there is no existing structures or features on the property.
22. Provide number of stories.
23. Dumpster must be placed on the side of rear yard.
25. Provide location of fire hydrants.

Approval/Date

Resubmit/Date 8/8/18

Planning & Zoning Department
Administrative Complex - Suite 202
140 Stonewall Avenue, West
Fayetteville, Georgia 30214
(T) 770-305-5162
Email: cblaine@fayettecountyga.gov

27. Provide a note if there are no existing easements associated with the property.

23. Please show distance from the dumpster to the property line.
MATERIAL TRANSMITTAL

DATE OF TRANSMITTAL: 8/1/2018
PROJECT NAME: Butch's Auto, SP18-012
LOCATION: Highway 314
CONTACT: Shelly Anthony IV
PHONE NO: (678) 886-0946 E-MAIL: shelly.anthony58@yahoo.com

☐ Chanelle Blaine, Zoning Administrator
☐ Matt Bergen, Utilities
☐ Robert Kurbes, Environmental Health
☐ Jimmy Hall, Fire Marshal
☐ Vanessa Birrell, Environmental Management
☐ Phil Mallon, Engineering/Public Works
☐ NA Permits & Inspections (As Requested)
☐ NA GDOT

This department transmits herewith to you:
( ) FINAL PLAT
( ) REVISED FINAL PLAT
( ) FINAL PLAT (REVISION FOR CORRECTIONS)
( ) MINOR SUBDIVISION PLAT
( ) PRELIMINARY PLAT
( ) PRELIMINARY PLAT (REVISION FOR CORRECTIONS)
( ) SITE PLAN NEW TOWER ADMIN APPROVAL
( ) SITE PLAN CO-LOCATION
(X) SITE PLAN
( ) REVISED SITE PLAN (ADDITION)
( ) SITE PLAN (REVISION FOR CORRECTIONS)
( ) YIELD PLAN (REVISION FOR CORRECTIONS)
( ) OTHER: MINOR REVISION TO A FINAL PLAT

For:
(X) REVIEW AND APPROVAL
( ) YOUR INFORMATION AND FILES
( ) OTHER: ____________________________________________

REMARKS: 1st Submittal

APPROVED: ____________________________ Signed: ____________________________

RESUBMIT: ✓ Date: 8/8/18

PLEASE RETURN COMMENTS TO THE ZONING DEPT. BY: 8/15/2018
# SITE PLAN CHECKLIST

**PLANNING AND ZONING DEPARTMENT**

**Project:** Butch's Auto SP18-012  
**Applicant:** Shelly Anthony

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**Comments:**  
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7. Lot coverage limit cannot exceed 60% of total lot area.  
15. Please provide a copy of the elevations.  
92. Provide the number of stories.  
23. Dumpster must be placed on the side of rear yard.  
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**Approval/Date**  
Resubmit/Date 8/8/18

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Planning & Zoning Department  
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Email: cblaine@fayettedountyga.gov

27. Provide a note if there are no existing easements associated with property.

23. Please show distance from the dumpster to the property line.
PETITION NO.  A-702-19
1469 Antioch Road
Fayetteville, GA 30215
Public Hearing Date June 24, 2019

The subject property is zoned A-R and located at 1469 Antioch Road. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125.(d)(6) to reduce the side yard setback from 50 feet to 25 feet to allow for the construction of a swimming pool.

Section 110-3. - Definitions.
Lot, corner, means lot located at the intersection of two or more streets.

History: The subject property is a non-conforming lot of record. A deed of the subject property was recorded on August 15, 1969. The subject property survey was recorded on October 27, 2015 in Book 48 and Page 115. Tax Assessor’s records indicate that the house was built in 2016 and according to the deed the applicant purchased the property in 2019.

As part of the permitting process for a swimming pool, a survey is required. Through the survey staff discovered the violation. The survey given for the pool permit shows the pool’s foundation 25 feet from the side 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 requesting to put a swimming pool inside of the 50 foot setback behind my house. This location will provide the most privacy as well as address the low drainage areas that are in the yard. I believe this location will be away from main road and provide the safest location for my son. Also other side yard has yard drainage flowing through.
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 my backyard, side yard has septic system in it. Location of pool desired would give me the most privacy from two main county roads. Left side of house contains drainage ditch for yard.

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

   If I’m not allowed to put pool in back area. I’m worried about pool being near a main road and distracting drivers.

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

   I live on a corner lot, I have 2 front yards. This location will provide most privacy and keep my child away from main roads.

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 don’t believe that there will be any detriment to my neighbors behind me. I have a privacy fence that will block sight of pool from neighbor. I believe this pool will better the area and address some drainage issues as well.

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

   Other people are allowed to put their pool in back yard, I believe that we will still be able to maintain a landscape buffer between me and the neighbor I have already installed privacy fence.
DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objection to variance.

ENVIRONMENTAL MANAGEMENT: No comment.

FIRE MARSHAL: The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

WATER SYSTEM: No conflict.
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Judy Abigail Looper

MAILING ADDRESS: 1469 Antioch Rd, Fayetteville, GA 30215
PHONE: 770-653-9111 E-MAIL: dear.jabigail@gmail.com
AGENT FOR OWNERS: Brown's pools

MAILING ADDRESS: 3285 Hwy 34 E, Newman, GA 30265
PHONE: 770-755-6477 E-MAIL:

PROPERTY LOCATION: LAND LOT 118 LAND DISTRICT 4TH PARCEL 0418-039
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.49

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY:

PROPOSED USE OF SUBJECT PROPERTY:

(This Area to be completed by Staff): PETITION NUMBER: A-702-19

[ ] Application Insufficient due to lack of:

by Staff: ____________________________ Date: ______________

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

by Staff: ____________________________ Date: 5/20/19

DATE OF ZONING BOARD OF APPEALS HEARING: ____________________________

Received from ____________________________ a check in the amount of $______

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

Date Paid: ____________________________ Receipt Number: ____________
PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Judy Abigail Loper

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0418 039

(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) 118 of the District, and said property consists of a total of 1.49 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to David Anthony Brown 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
1469 North Rd
Fayetteville, GA

Signature of Notary Public
5/17/2019

Signature of Property Owner 2
Signature of Notary Public

Address

Date

Signature of Authorized Agent
3472 Hwy 5
Address

Date

Signature of Notary Public
5/17/2019

Signature of Notary Public

**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.

<table>
<thead>
<tr>
<th>Ordinance/Section</th>
<th>Requirement</th>
<th>Proposed</th>
<th>Variance Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50' S. side setback</td>
<td>25' S. side setback</td>
<td>25'</td>
<td></td>
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**VARIANCE SUMMARY**

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JUSTIFICATION OF REQUEST

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

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

   This is my Backyard, side yard has septic system in it. Location of pool desired would give me the most privacy from 2 Main County Roads, left side of house contains drainage ditch for yard.

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

   If I'm not allowed to put pool in Back Area, I'm worried about pool being near a main road, and distracting drivers.

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

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Other people are allowed to put their pool in their back yard, I believe that we will still be able to maintain a landscape buffer between me and the neighbor. I have already installed privacy fence.
LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 15th day of February, 2019, between

John Alan Bell

of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

Judy Abigail Looper

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 No/100 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, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 118 of the 4th District, Fayette County, Georgia, said parcel containing 1.49 acres, as shown on that plat of survey for John Alan Bell by Jackson Land Surveying, P.C., Charles H. Jackson, GRLS No. 2351, dated January 24, 2015, said plat recorded in Plat Book 48, page 115, Fayette County, Georgia records, which said plat is incorporated herein and made a part hereof by this reference.

Parcel: 0418-039
Known as: 1469 Antioch Road, Fayetteville, GA

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

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 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 claims of all persons owning, holding or claiming by, through or under the said Grantor.

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

Signed, sealed and delivered in the presence of:

[Signature]

Uninofficial Witness

[Signature]
Notary Public

[Signature]

[Signature] (Seal)

MELISSA M. WARR, Notary Public

[Signature]

COMMISSION EXPIRES: DECEMBER 18, 2021

[Signature]

[Signature] (Seal)

COMMISSION EXPIRES: 12/18/2021

[Signature] (Seal)

COMMISSION EXPIRES: 12/18/2021