

currently required in the R-70 Zoning District.

As part of the permitting process for the detached garage, surveys are required. Through the review of the survey staff discovered the violation. The survey given shows the detached garage 74.8 feet from the front property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No issues on variance request to reduce front setback.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

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 bought our house/property at 100 Rosemont Trace, Fayetteville, (unincorporated Fayette County), Stubbs Plantation subdivision, in late October 2011, which sits on the corner of Antioch Road and Rosemont Trace. We are the third owner on record. Our property contains our house, a detached garage, and a storage shed. The house and garage were built by John Weiland homes, in 1987 & 1988, respectively. The builder applied for and received a permit for both structures. As it turns out, the detached garage was built over the 80' setback required from Antioch Road with NW corner being surveyed and recorded at 77.3' and the SW corner being surveyed and recorded at 74.8' (see copy of plat).

We currently use this detached garage as such: a garage, a “man-cave”, and for storage. We would like to convert the interior of this structure into “The Nana Cottage” to accommodate my 81 year-old mother to move from Kentucky, as she is in need of additional assistance in various areas at this stage in her life, of which I cannot accomplish from Fayetteville.

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.**

Deep setbacks.

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

Structure cannot be moved due to concrete foundation, septic field lines, and a wheelchair ramp (under construction to existing rear deck).

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

There are two front yards.

- 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,**

This is an existing structure and there are no neighbors on that side of the property.

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

None.

A-723-20

**SUBJECT
PROPERTY**

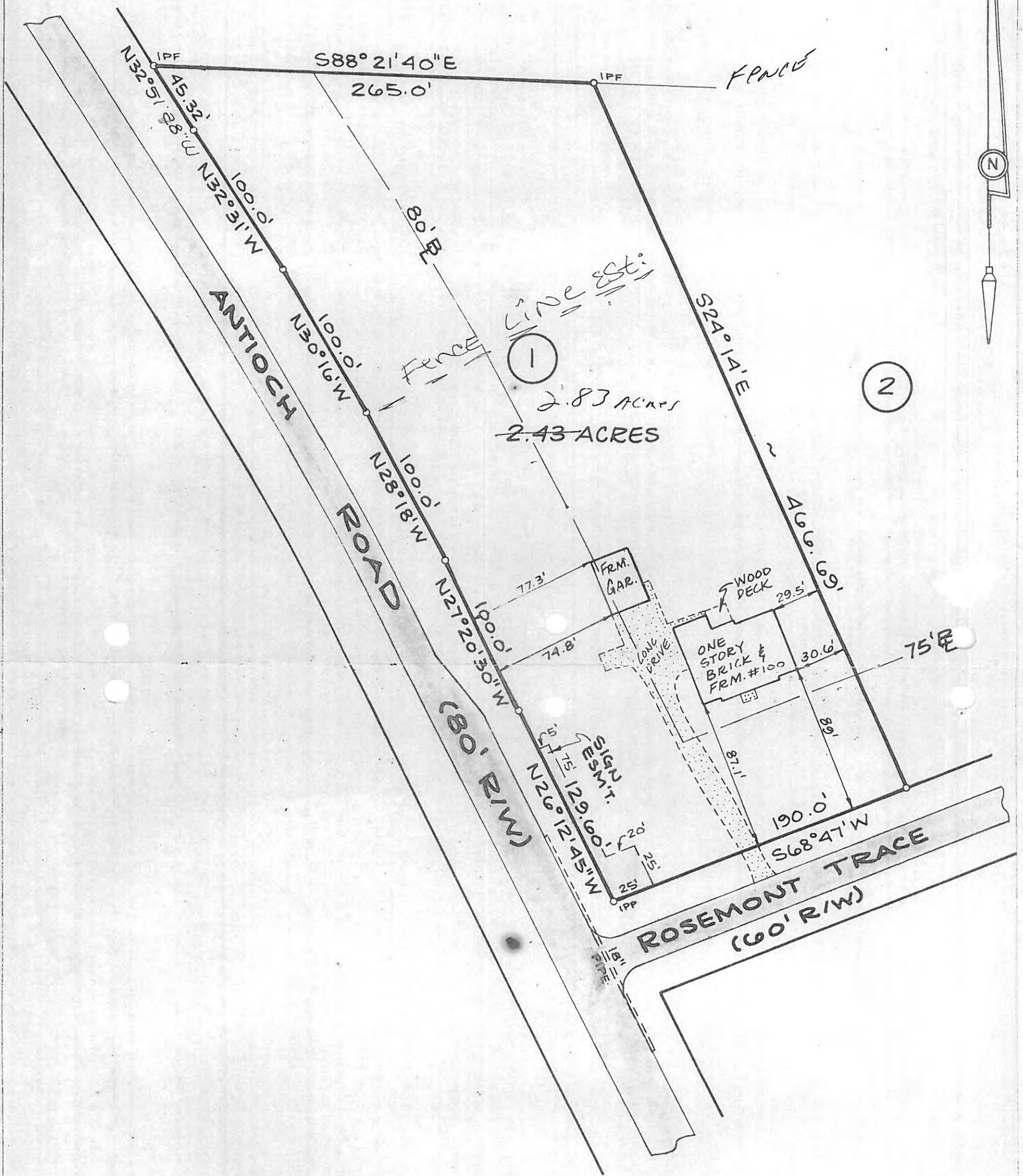
Antioch Road

Rosemont Trace



DO NOT TAKE

THIS PROPERTY IS NOT LOCATED INSIDE AN IDENTIFIED FLOOD HAZARD AREA.



SURVEY FOR B. L. HARBISON

LAND LOT 216 DISTRICT 4TH. COUNTY FAYETTE

SUBDIVISION STUBBS PLANTATION PHASE _____

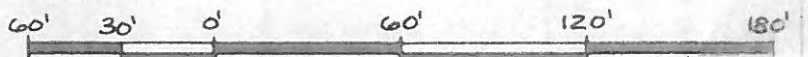
LOT 1 BLOCK _____ UNIT _____ SECTION _____

DATE 12-29-89 SCALE 1" = 60'

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW

ROBERT M. KIRKLEY
LAND SURVEYORS

STOCKBRIDGE, GA. 474-1062



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Scott + Wendy Marlow

MAILING ADDRESS: 100 Rosemont Trace, Fayetteville, 30215

PHONE: 404.663.7309 E-MAIL: marlow.wendy@gmail.com
678.775.9729 smarlow63@icloud.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 216 LAND DISTRICT 4th PARCEL 4001 ⁰⁴⁴²⁰

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.83

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70, AR

PRESENT USE OF SUBJECT PROPERTY: Residence

PROPOSED USE OF SUBJECT PROPERTY: In-law Suite

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: ~~A 714-19~~
A-723-20

Application Insufficient due to lack of:

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: ~~[Signature]~~ [Signature] Date: 2/21/2020

DATE OF ZONING BOARD OF APPEALS HEARING: ~~12/16/19~~ ^{5/18/2020} March 23, 2020

Received from Wendy + Scott Marlow a check in the amount of \$ 175.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: November 12, 2019 Receipt Number: _____

A-723-20

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:

Scott & Wendy Markow

Please Print Names

Property Tax Identification Number(s) of Subject Property: 044204001

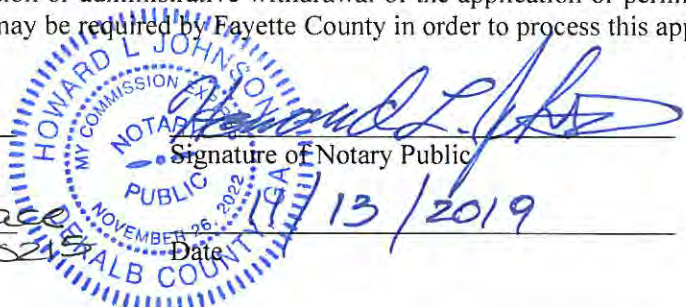
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 216 of the District, and said property consists of a total of 2.83 acres (legal description corresponding 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.

Wendy Markow

Signature of Property Owner 1



Signature of Notary Public

100 Rosemont Trace
Address Fayetteville, 30215

Date 11/13/2019

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

A-723-20

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-133 R-70 (d)(4)(a)(2)	75'	74'	1'

Variance Summary:

We bought our house/property at 100 Rosemont Trace, Fayetteville, (unincorporated Fayette County), Stubbs Plantation subdivision, in late October 2011, which sits on the corner of Antioch Road and Rosemont Trace. We are the third owner on record. Our property contains our house, a detached garage, and a storage shed. The house and garage were built by John Weiland homes, in 1987 & 1988, respectively. The builder applied for and received a permit for both structures. As it turns out, the detached garage was built over the 80' setback required from Antioch Road with the NW corner being surveyed and recorded at 77.3' and the SW corner being surveyed and recorded at 74.8' (see copy of plat).

We currently use this detached garage as such: a garage, a "man-cave", and for storage. We would like to convert the interior of this structure into "The Nana Cottage" to accommodate my 81 year-old mother to move from Kentucky, as she is in need of additional assistance in various areas at this stage in her life, of which I cannot accomplish from Fayetteville.

A-723-20

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.

Deep setbacks.

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

Structure cannot be moved due to concrete foundation, septic field lines, and a wheelchair ramp (under construction to existing rear deck).

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

There are two front yards.

A 723 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.

This is an existing structure and there are no neighbors on that side of the property.

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

None.

Doc ID: 008692710002 Type: WD
 Recorded: 11/07/2011 at 10:05:00 AM
 Fee Amt: \$207.00 Page 1 of 2
 Transfer Tax: \$195.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK **3816** PG **375-376**

Record and Return to:
 Weissman, Nowack, Curry & Wilco, P.C./Post Closing
 3500 Lenox Road, 4th Floor
 Atlanta, GA 30326

File Number: PC135-11-0429-RC

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made this 28TH DAY OF OCTOBER, 2011, between JAMES T. GRANT AND NANCY L. GRANT of the County of FAYETTE, and the State of GEORGIA as party or parties of the first part, hereinafter called Grantor, and SCOTT M. MARLOW* 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).

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

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

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

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

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

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

Signed, sealed and delivered
 in the presence of:

[Signature]
 Unofficial Witness

[Signature] (SEAL)
 James T. Grant

[Signature]
 Notary Public
 MARLENE G. YOUNG
 Notary Public, Georgia
 Fayette County
 My Commission Expires
 August 23, 2015

Signed, sealed and delivered
 in the presence of:

[Signature]
 Unofficial Witness

[Signature] (SEAL)
 Nancy L. Grant

[Signature]
 Notary Public

Exhibit "A"

File Number: PC135-11-0429-RC

All that tract or parcel of land lying and being in Land Lot 216 of the 4th District of FAYETTE County, Georgia, being Lot 1 of Stubbs Plantation, as per Plat thereof recorded in Plat Book 18, Page 11, FAYETTE County, Georgia, records, which Plat is incorporated herein and made a part hereof by reference for a more detailed description.

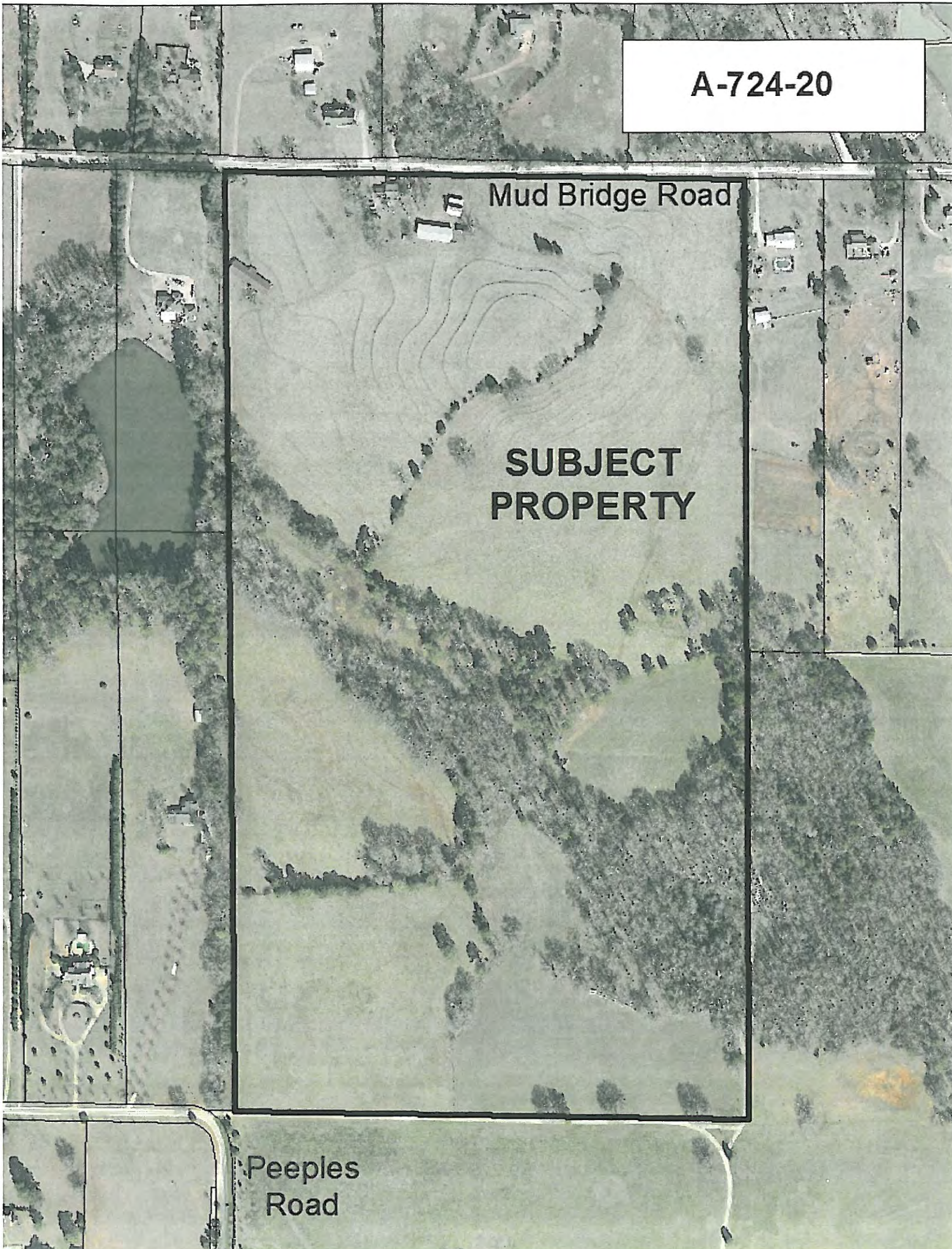
Being known as 100 Rosemont Trace according to the present system of numbering property in Fayette County, Georgia.

A-724-20

Mud Bridge Road

**SUBJECT
PROPERTY**

Peeples
Road

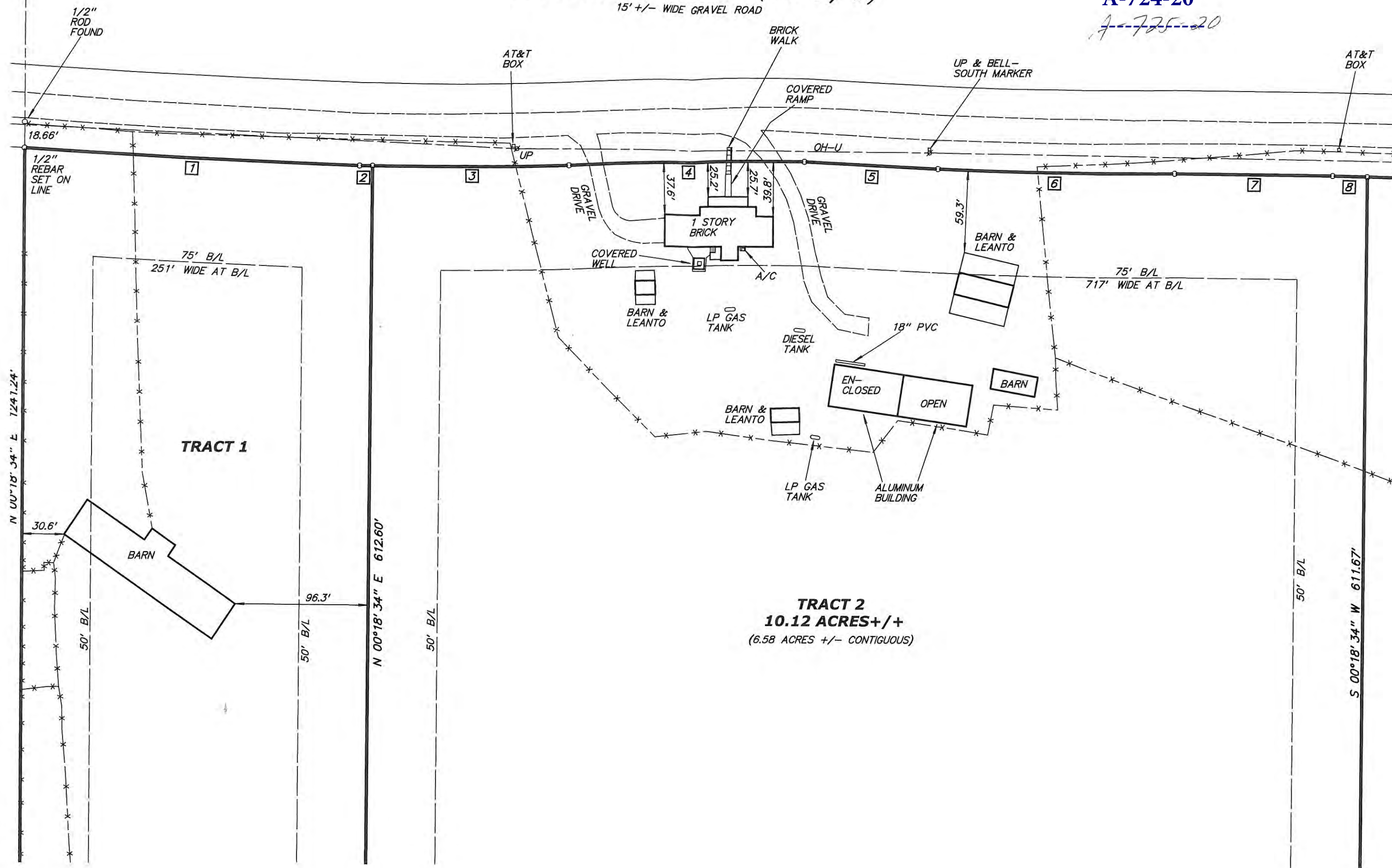


MUD BRIDGE ROAD (60' R/W)

15' +/- WIDE GRAVEL ROAD

A-724-20

~~A-725-20~~



TRACT 1

TRACT 2
10.12 ACRES +/-
(6.58 ACRES +/- CONTIGUOUS)

18.66'

1

2

3

4

5

6

7

8

N 00°18'34" E 7241.24'

75' B/L
251' WIDE AT B/L

75' B/L
717' WIDE AT B/L

30.6'

BARN

96.3'

N 00°18'34" E 612.60'

50' B/L

50' B/L

50' B/L

50' B/L

S 00°18'34" W 611.67'

1/2" ROD FOUND

1/2" REBAR SET ON LINE

AT&T BOX

BRICK WALK

UP & BELL-SOUTH MARKER

AT&T BOX

COVERED RAMP

GRAVEL DRIVE

GRAVEL DRIVE

COVERED WELL

BARN & LEANTO

LP GAS TANK

DIESEL TANK

18" PVC

BARN & LEANTO

EN-CLOSED

OPEN

BARN

BARN & LEANTO

LP GAS TANK

ALUMINUM BUILDING

UP

OH-U

A/C

LP GAS TANK

TRACT 2

10.12 ACRES +/-

(6.58 ACRES +/- CONTIGUOUS)

PETITION NO. A-724-20
David Ballard, Executor: Estate of Josephine Ballard
183 Mud Bridge Road
Fayetteville, GA 30215
Public Hearing Date April 27, 2020

The subject property is located at 183 Mud Bridge Road, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 30 feet to allow an existing barn to remain.
- 2) Variance to Sec. 110-125 A-R, (d) (4) (b) to reduce the front yard setback from 75 feet to 25 feet to allow the existing single-family residential home to remain.
- 3) Variance to Sec. 110-125, (d) (4) (b) to reduce the front yard setback from 75 feet to 59 feet to allow the existing barn and lean-to to remain.

History: Tax Assessor's records indicate that the house was built in 1971 and the applicant purchased the property in 1975.

As part of the subdividing process for a property, a plat is required. Through the plat staff discovered the violations. The plat given shows the existing barn 30 feet from the property line on Tract 1. The plat also shows existing single-family residential home 25 feet from the property line and the existing barn/lean-to 59 feet from the property line on Tract 2.

DEPARTMENTAL COMMENTS

ENGINEERING: No Engineering issues to the variance request.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT: No comments.

FIRE MARSHAL No comments.

WATER SYSTEM: No conflict.

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.

- Request 1: Tract 1 Barn: The applicant request: Barn to remain. It would create a hardship on the land owner to destroy the barn as it has significant historic and sentimental value. The barn has been located on the family property for around 70 years. The barn contains family heirloom items as well. The proposed division of this property does not cause/create the need for a variance.
- Request 2: Tract 2 story brick: The applicant requests a variance in the front yard setback to allow the existing single-family residential home to remain. It would create a hardship on the land owner to destroy the home as it has significant historic and sentimental value. The home is located on land that has been owned by the family for around 100 years. The home was constructed prior to Mud Bridge Road being a County owned/maintained road. The proposed division of this property does not cause/create the need for a variance.
- Request 3: Tract 2 Barn and Lean-to: The applicant requests a variance in the front yard setback to allow the existing barn and lean-to to remain. It would create a hardship on the land owner to destroy the structure as it has significant historic and sentimental value. The structure is located on land that has been owned by the family for around 100 years. This was the original homeplace, of the original family members, that has since been repurposed to be used as a barn. The structure was constructed prior to Mud Bridge Road being a County owned/maintained road. The proposed division of this property does not cause/create the need for a variance.

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 is a large tract and when the structures were built setback lines were not an issue. To try to move the structures would impact the land currently being used as pasture for cattle.

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

Each structure holds historical and sentimental value to the family. The barns hold equipment, supplies, and family heirlooms. The removal of these structures would be a

hardship to the family and would not benefit neighbors or the public as they are not causing any issues or complaints. The family would need to build new structures to house all the existing equipment and supplies that are currently located in the existing structures.

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

There are a limited number of structures such as these remaining in Fayette County. The removal of these structures would not only cause hardship to the family but would cause a piece of Fayette County history to be lost.

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,

These structures have been in place for 70 years more or less. They have become a normal part of the areas landscape. The structures have not changed and do not cause any loss or hardship to the neighboring properties.

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

The property is in an agricultural/residential area. These structures are used for that purpose and have been allowed to exist on this property for years. These structures were not in violation when originally constructed.

Josephine

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

David Ballard, Executive

PROPERTY OWNERS: Estate of ~~Josephine Ballard~~ Josephine Ballard (David Ballard, Executive)

MAILING ADDRESS: 113 Glynn Street S., Fayetteville, GA 30214

PHONE: 770-461-4222 E-MAIL: _____

AGENT FOR OWNERS: Amanda Mask Loyd

MAILING ADDRESS: 225 Tyrone Rd. Fayetteville, GA 30214

PHONE: 678-967-1943 E-MAIL: Manda12688@yahoo.com

PROPERTY LOCATION: LAND LOT 181 LAND DISTRICT 4 PARCEL 0432010

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 97.41 183 Mudbridge Rd

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL/AGRICULTURE

PROPOSED USE OF SUBJECT PROPERTY: SAME

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-724-20

[] 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: April 27, 2020

Received from Amanda Mask Loyd a check in the amount of \$ _____

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

Date Paid: _____ Receipt Number: _____

A-724-20

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:

10 Josephine Ballard Estate.
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0432010

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 10 4th District, and (if applicable to more than one land district) Land Lot(s) 181 of the District, and said property consists of a total of 97.6 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Amanda Loyd 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

113 Glynn St. S., Fayetteville, GA 30214
Address

Signature of Property Owner 2

Address

Amanda Loyd
Signature of Authorized Agent

225 Tyrone Rd. F.ville 30214
Address

Shannon G. Pritchett
Signature of Notary Public

March 18th, 2020
Date

Shannon
Signature of Notary Public

Date

Shannon G. Pritchett
Signature of Notary Public

March 18th, 2020
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
ARTICLE IV SEC. 110-125 (d)(6)	50' SIDE SETBACK	30' SIDE SETBACK	20'
ARTICLE IV SEC. 110-125 (d)(4b)	75' FRONT YARD SETBACK	25' FRONT SETBACK AT 1 STORY BRICK	50'
ARTICLE IV SEC 110-125 (d)(4b)	75' FRONT YARD SETBACK	59' FRONT SETBACK AT BARN & LEANTO	16'

VARIANCE SUMMARY

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

See attached document

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.

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.

See attached document

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.

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

A-724-20

Detailed and specific summary of each request:

Request 1 – Tract 1 Barn: The applicant requests a variance in the side yard setback to allow the existing barn to remain. It would create a hardship on the land owner to destroy the barn as it has significant historic and sentimental value. The barn has been located on the family property for around 70 years. The barn contains family heirloom items as well. The proposed division of this property does not cause/create the need for a variance.

Request 2 – Tract 2 - 1 story brick: The applicant requests a variance in the front yard setback to allow the existing single-family residential home to remain. It would create a hardship on the land owner to destroy the home as it has significant historic and sentimental value. The home is located on land that has been owned by the family for around 100 years. The home was constructed prior to Mud Bridge Road being a County owned/maintained road. The proposed division of this property does not cause/create the need for a variance.

Request 3 – Tract 2 Barn and Lean-to: The applicant requests a variance in the front yard setback to allow the existing barn and lean-to to remain. It would create a hardship on the land owner to destroy the structure as it has significant historic and sentimental value. The structure is located on land that has been owned by the family for around 100 years. This was the original homeplace, of the original family members, that has since been repurposed to be used as a barn. The structure was constructed prior to Mud Bridge Road being a County owned/maintained road. The proposed division of this property does not cause/create the need for a variance.

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 is a large tract and when the structures were built setback lines were not an issue. To try to move the structures would impact the land currently being used as pasture for cattle.

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

Each structure holds historical and sentimental value to the family. The barns hold equipment, supplies, and family heirlooms. The removal of these structures would be a hardship to the family and would not benefit neighbors or the public as they are not causing any issues or complaints. The family would need to build new structures to house all the existing equipment and supplies that are currently located in the exiting structures.

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

There are a limited number of structures such as these remaining in Fayette County. The removal of these structures would not only cause hardship to the family but would cause a piece of Fayette County history to be lost.

A-...-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 or building or structure that is prohibited by this Ordinance**

These structures have been in place for 70 years more or less. They have become a normal part of the areas landscape. The structures have not changed and do not cause any loss or hardship to the neighboring properties.

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

The property is in an agricultural/residential area. These structures are used for that purpose and have been allowed to exist on this property for years. These structures were not in violation when originally constructed.

CERTIFICATE OF ORDER OF YEAR'S SUPPORT
(Pursuant to Ga. Code Ann. §53-3-11)

A-728 20

GEORGIA, FAYETTE COUNTY

DATE ORDER GRANTED: October 4, 2004

GRANTOR: W. A. BALLARD

GRANTEE: JOSEPHINE C. BALLARD

Legal Description of Real Property and Interest Therein:

TRACT 1: All that tract or parcel of land lying and being in Land Lot 181 of the 4th District of Fayette County, Georgia, containing 100 acres, more or less; being the West half of said land lot and bounded now or formerly as follows: On the North by lands of Fayette Venture 700, a Georgia limited partnership; East by lands of Fred Green and lands of C.E. Allbritton; South by lands of Fred Green and West by lands of Duncan Mitchell.

Said realty is the same conveyed W.A. Ballard by Deed of Assent from himself as Executor of the Will of C.A. Ballard, deceased, to himself, individually, dated June 18, 1975, and recorded in Deed Book 140 at Page 122, records of Fayette County, Georgia.

TRACT 2: All that tract or parcel of land lying and being in Land Lot 182 of the 4th District of Fayette County, Georgia, adjoining TRACT 1 aforesaid on the West, described by plat of Roland McCann dated March 24, 1979, entitled "SURVEY FOR DUNCAN F. MITCHELL," and recorded in Plat Book 13 at Page 103, said records, to which reference is made for a fuller description.

Said realty is the same conveyed by quitclaim deed from Duncan F. Mitchell to W.A. Ballard dated July 8, 1982, recorded in Deed Book 258 at Page 271, said records.

Also land in Not applicable, Counties.



Doc ID: 006457510001 Type: GLR
Filed: 10/04/2004 at 09:23:55 AM
Fee Amt: \$10.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 2618 PG 732

Certificate prepared by:

I do certify that the information herein is true and correct.

Charles T. Ballard
CHARLES T. BALLARD
113 Glynn Street South
Fayetteville, GA 30214
(770)461-4222
State Bar No. 033500

Martha Stephenson
HONORABLE MARTHA STEPHENSON
JUDGE OF THE PROBATE COURT

By: Bruce A. Johns
CLERK, PROBATE COURT OF FAYETTE COUNTY

PETITION NO. A-725-20
Mask Road Brooks Residence Trust William Pettis
561 Mask Road
Brooks, GA 30205
Public Hearing Date May 18, 2020

The subject property is located at 561 Mask Road, Brooks, GA 30205 and is zoned A-R. The applicant is requesting a Variance as follows:

- Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 15 feet to allow an existing barn to remain.

History: Tax Assessor's records indicate that the house was built in 1979 and the applicant purchased the property in 2017. The property was subdivided in 1995 creating two lots.

As part of the building permit process, a plat/site plan is required. Through the plat staff discovered the violation. The plat given shows the existing barn 15 feet from the side yard property line on Tract 2.

DEPARTMENTAL COMMENTS

ENGINEERING: No comment.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT:

Floodplain The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated Sept 26, 2008. The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. Any future buildings or substantial improvements to existing building will need to meet the Fayette County Floodplain Ordinance.

Wetlands The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

Watershed The lake and stream on the property **IS NOT** subject to a Watershed Protection buffer requirement and the state buffer 25 foot **DOES** apply.

Groundwater The property **IS NOT** within a groundwater recharge area.
Stormwater This development **IS NOT** subject to the Post-Development Stormwater Management Ordinance.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

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 own Tract 1 & 2 at 561 Mask Rd, Brooks. In 2006 I had a shed from Home Depot built on Tract 2. A permit was not mentioned by the contractor. It was my mistake that I did not verify whether a permit was required. Doing it correctly then would have prevented the current problem. The shed built on tract 2 is 15 ft. from the property line. It's the property line for tract 1 and tract 2. See site plan for exact location. The shed is highlighted in yellow. I am requesting a variance to allow the shed to remain in its current location. Again, it is 15 ft. from the property line of our tract 1.

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.**

One exceptional condition would be the property line that the shed is 15 ft. from is our property line for tract 1. Our home is on tract 1.

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

I contacted a building moving company that works in Fayette County. The cost to move the shed would be \$3000 - \$3500. I will soon have two children in college and the additional unexpected expense would be difficult.

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

The condition is peculiar to the property line since we own both tracts of land. No one else would be affected

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 public would not be affected. The shed cannot be seen from anyone else's home.

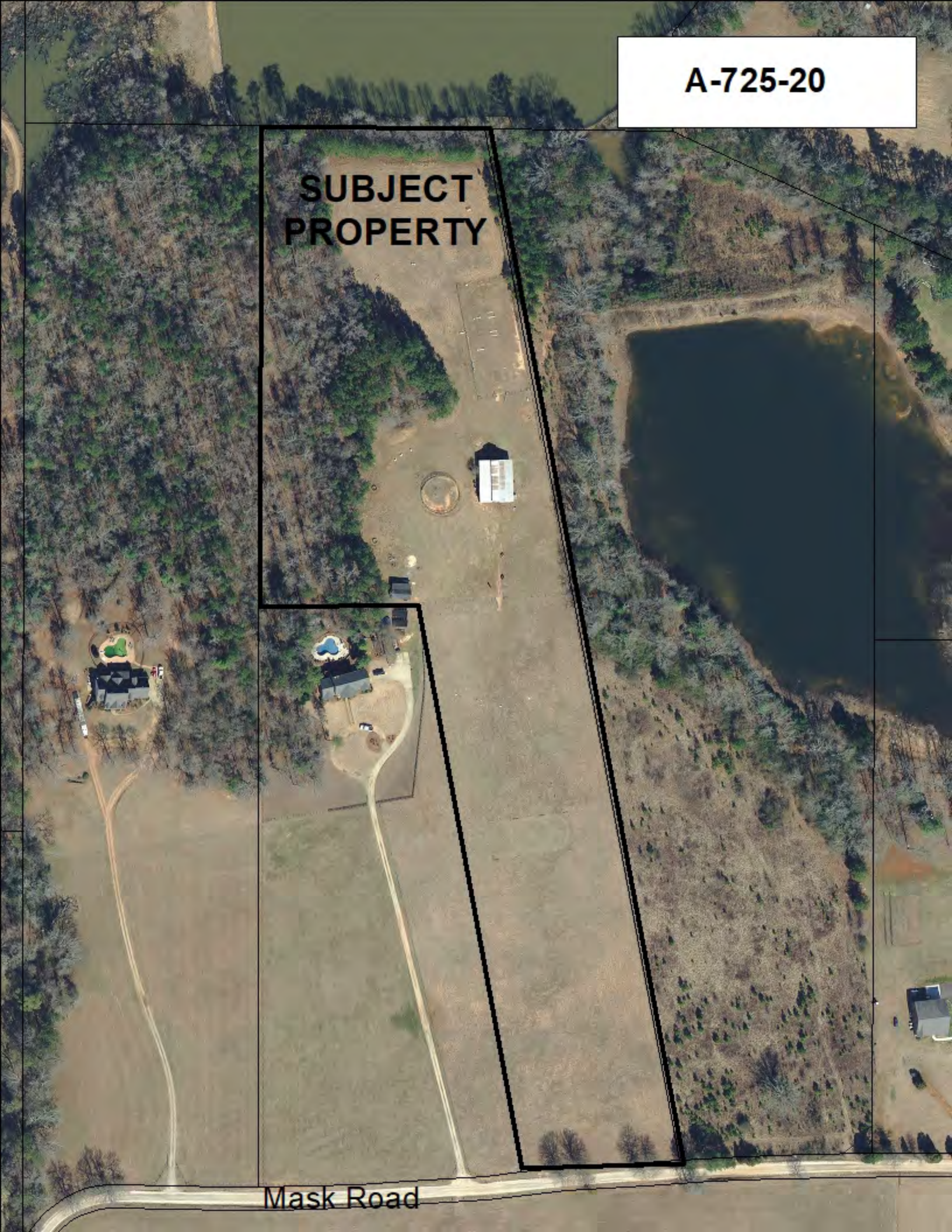
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

I do not know if this has occurred before in my district. I would assume it has over the years but I have not verified that

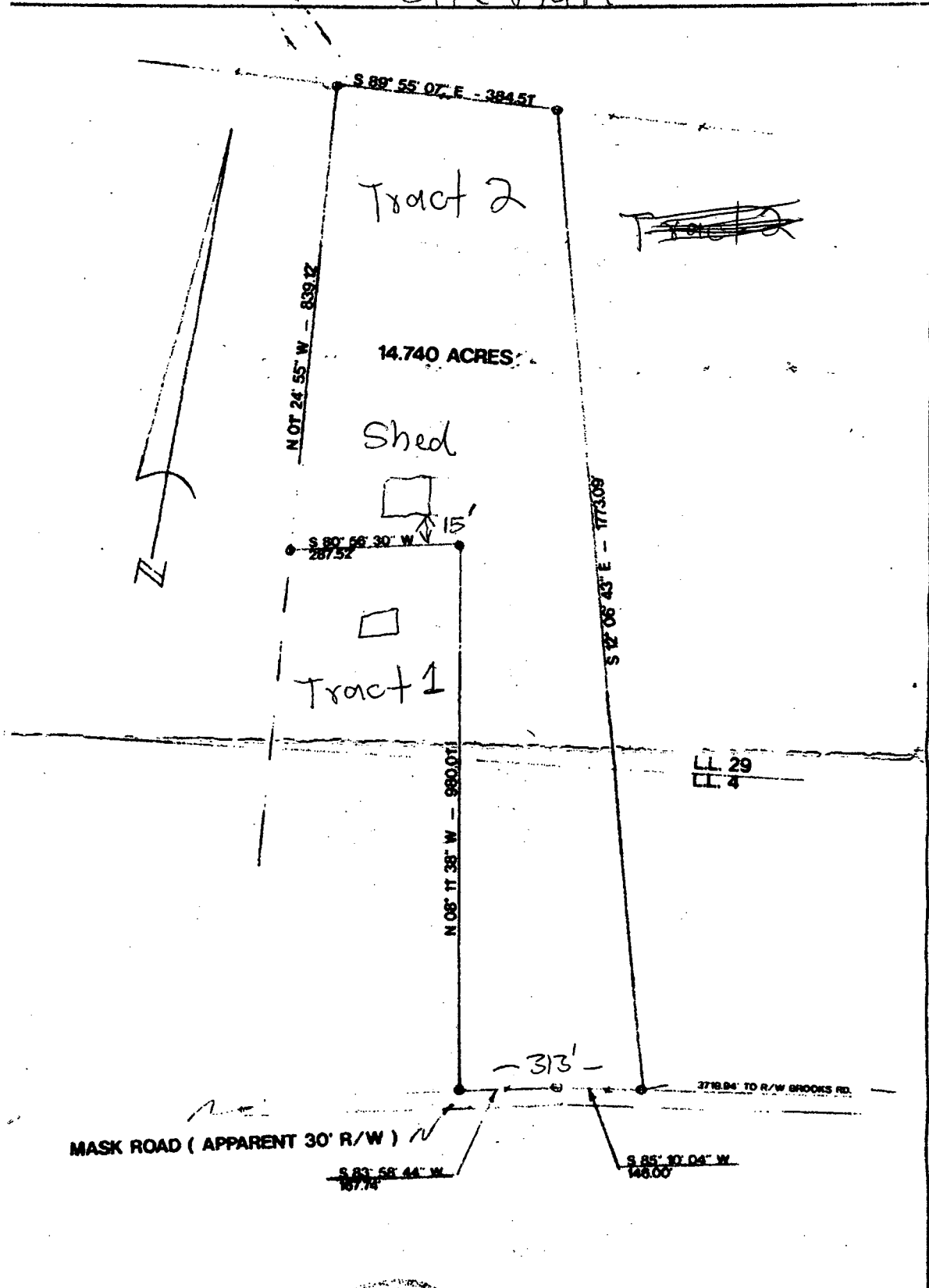
A-725-20

**SUBJECT
PROPERTY**

Mask Road



Site Plan



I CERTIFY TO THE PARTY NAMED THAT THIS PLAT IS CORRECT AND IS A TRUE REPRESENTATION OF THE CONDITIONS ON THIS PROPERTY

Roland McCann

MCCANN & MCCANN SURVEYING
LAND SURVEYING

THIS PROPERTY DOES NOT LIE IN A H.U.D. IDENTIFIED FLOOD AREA.



PROPERTY OF		
CALVIN STEPHENSON JR.		
LAND LOT 4 & 29	LOT	BLOCK
DISTRICT 4		
COUNTY FAYETTE		
STATE GEORGIA		
DATE 11-7-95	SCALE 1" = 200'	

A-725-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Mask Rd Brooks Res. Trust/William Pettis

MAILING ADDRESS: 561 Mask Rd Brooks 6A 30205

PHONE: 404 561 8198 E-MAIL: cpettis@bellsouth.net

AGENT FOR OWNERS: NA

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 429 LAND DISTRICT 4th PARCEL 0402056

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 14.74

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: Agricultural

PROPOSED USE OF SUBJECT PROPERTY: Agricultural

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-725-20

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: 4/17/2020

DATE OF ZONING BOARD OF APPEALS HEARING: May 18, 2020

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: _____

A-725-20

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: Bill NO. 2019-25460

(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) 4 & 29 of the District, and said property consists of a total of 14.74 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.

X William E. Rott
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

X [Signature]
Signature of Notary Public

04/09/2020
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



A-725-20

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.

See attachment

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.

A-725-20

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.

See attachment.

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

A-725-20

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

VARIANCE SUMMARY

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

See Attachment

**EXHIBIT A
LEGAL DESCRIPTION**

TRACT I

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 4 AND 29 OF THE 4th DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING 7.641 ACRES AS PER PLAT OF SURVEY DATED NOVEMBER 7, 1995, PREPARED BY ROLAND McCANN, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHERLY RIGHT-OF-WAY OF MASK ROAD (APPARENT 30 FOOT RIGHT OF WAY) SAID POINT BEING A DISTANCE OF 4,033.68 FEET WESTERLY AS MEASURED ALONG SAID RIGHT OF WAY FROM THE INTERSECTION OF SAID RIGHT OF WAY WITH THE RIGHT OF WAY OF BROOKS ROAD; FROM SAID POINT OF BEGINNING, RUNNING THENCE IN A SOUTHWESTERLY DIRECTION AND FOLLOWING THE NORTHERLY RIGHT OF WAY OF MASK ROAD, THE FOLLOWING COURSES AND DISTANCES, TO WIT: SOUTH 83 DEGREES 46 MINUTES 26 SECONDS WEST, A DISTANCE OF 84.76 FEET; SOUTH 85 DEGREES 59 MINUTES 04 SECONDS WEST, A DISTANCE OF 246.79 FEET; SOUTH 89 DEGREES 16 MINUTES 35 SECONDS WEST, A DISTANCE OF 69.54 TO A POINT; RUNNING THENCE NORTH 01 DEGREE 24 MINUTES 55 SECONDS WEST, A DISTANCE OF 952.30 FEET TO A POINT; THENCE NORTH 80 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 287.52 FEET; THENCE SOUTH 08 DEGREES 11 MINUTES 38 SECONDS EAST, A DISTANCE OF 980.01 FEET TO A POINT, AND THE POINT OF BEGINNING.

TRACT II

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 4 AND 29 OF THE 4th DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING 14.740 ACRES AS PER PLAT OF SURVEY DATED NOVEMBER 7, 1995, PREPARED BY ROLAND McCANN, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHERLY RIGHT OF WAY OF MASK ROAD (30 FOOT RIGHT OF WAY) SAID POINT BEING A DISTANCE OF 3,719.94 FEET AS MEASURED WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF MASK ROAD FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF MASK ROAD WITH THE SOUTHERLY RIGHT OF WAY OF BROOKS ROAD; FROM SAID POINT OF BEGINNING, RUNNING THENCE SOUTH 85 DEGREES 10 MINUTES 04 SECONDS WEST, A DISTANCE OF 146.00 FEET TO A POINT; THENCE SOUTH 83 DEGREES 58 MINUTES 44 SECONDS WEST, A DISTANCE OF 167.74 FEET TO A POINT; THENCE NORTH 08 DEGREES 11 MINUTES 38 SECONDS WEST, A DISTANCE OF 980.01 FEET TO A POINT; THENCE SOUTH 80 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 287.52 FEET TO A POINT; THENCE NORTH 01 DEGREE 24 MINUTES 55 SECONDS WEST, A DISTANCE OF 839.12 FEET TO A POINT; THENCE SOUTH 89 DEGREES 55 MINUTES 07 SECONDS EAST, A DISTANCE OF 348.51 FEET TO A POINT; THENCE SOUTH 12 DEGREES 06 MINUTES 43 SECONDS EAST, A DISTANCE OF 1,773.09 FEET TO A POINT, AND THE POINT OF BEGINNING;

PETITION NO. A-726-20
Stacie McCullough/Nick McCullough Agent
304 Lees Lake Road
Fayetteville, GA 30214
Public Hearing Date May 18, 2020

The subject property is located at 304 Lees Lake Road, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

- Variance to Sec. 110-133 R-70, (d) (6) to reduce the side yard setback from 25 feet to 20 feet to allow a single family residence under construction to remain.

History: Building permit was issued for the new construction of a single-family residence in January 2019 and the applicant purchased the property in 2013.

As part of the building permit process, a foundation survey is required. Through the foundation survey staff discovered the violation. The survey given shows the construction of a single-family residence 20 feet from the side yard property line.

DEPARTMENTAL COMMENTS

ENGINEERING: No comment.

ENVIRONMENTAL HEALTH: No objections to proposed variance.

ENVIRONMENTAL MANAGEMENT:

Floodplain The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated Sept 26, 2008. The property **IS ADJACENT** to floodplain delineated in the FC 2013 Future Conditions Flood Study. Any buildings or substantial improvements to existing building will need to meet the Fayette County Floodplain Ordinance.

Wetlands The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

Watershed There are **NO** state waters requiring a buffer on the property.

Groundwater The property **IS NOT** within a groundwater recharge area.

Stormwater This development **IS NOT** subject to the Post-Development Stormwater Management Ordinance.

FIRE MARSHAL No comments.

WATER SYSTEM: No comment.

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.

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.**

I purchased the property in 2013. A building permit was issued in January 2019. When I called in for my rough mechanicals the building department asked for a foundation survey. After this survey we discovered that the garage side of the house was over the building line. The survey showed the construction of a new single-family residence with the foundation 21 feet from the principal structure to the side property line. At the time, the foundation survey was require the house was already 75% completed with only the interior to finish.

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

The property was surveyed, and the surveyor and setback markers placed for house. Unfortunately, the stakes either were placed incorrectly or were accidentally moved by equipment during the foundation process. As it turned out the house was built 4 feet over the building line on the right side. I have been building in Fayette County for 20 years and have never had anything like this happen. I applied and received the permit and required setback lines. The property is not peculiar, we just want to bring the existing structure into

compliance. The property is zoned R-70. The setback is 25 feet.

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

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

If a variance was granted for the side yard setback, it would not impact the nearest neighbor nor would it impact the general public. The property that is adjacent to the side where the house was built is large wooded tract of land. The land on garage side is low lying and no home could ever be built there in the future. There are no neighbors on that side of the property, the closest house to the property is located on left side.

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

These structures would not be a detriment to the public because single family home area allowed on other lots in the community. Granting this variance will not affect the rights of other in this community because single family homes with garages are allowed to have garages. There are other single family homes which have variances in this zoning district. All other requirements have R-70 standards. Only request from this board is allow the 5-foot variance to comply with setback requirements. This was an accident and I am sorry it happened. Thank you for your consideration in evaluating this request.

Lee's Lake Road

A-726-20

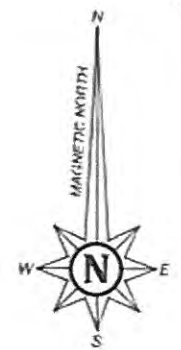
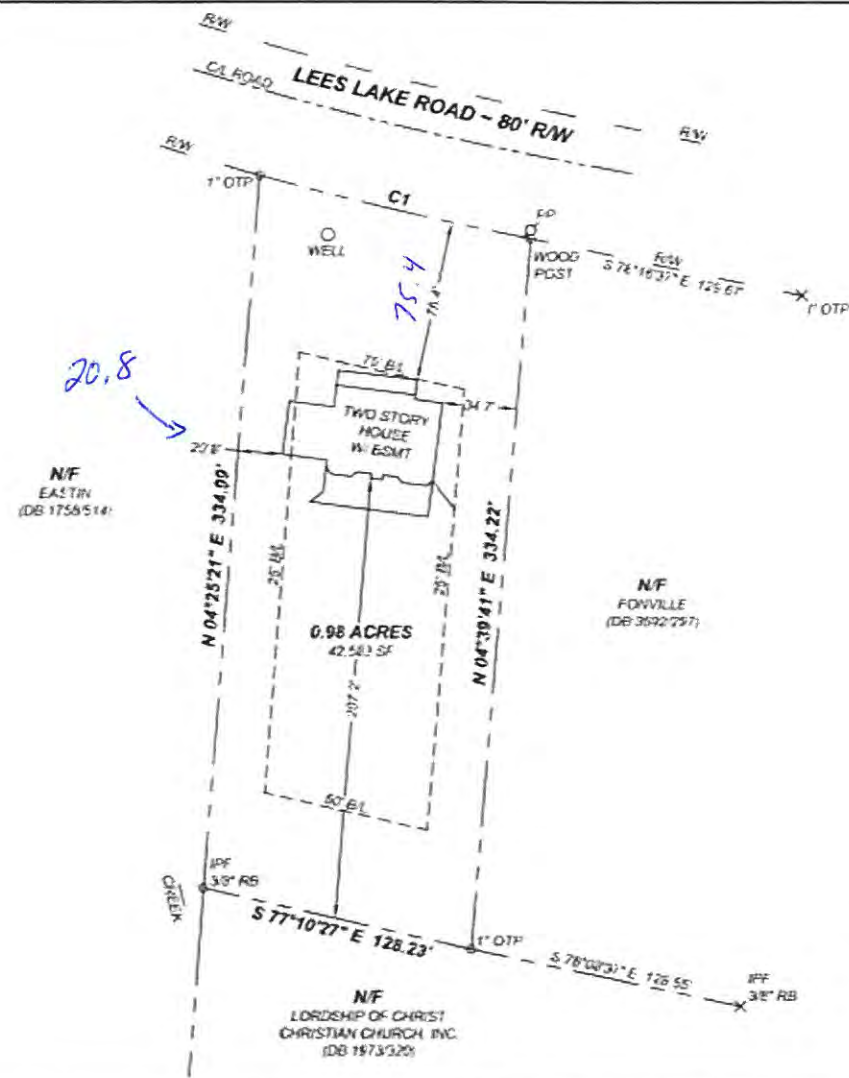
**SUBJECT
PROPERTY**



A-726-20

NOTES:
 1. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY FIELD SURVEY USING A TOPCON DT3 313 INSTRUMENT.
 2. THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS MAGNETIC NORTH. REFERENCE: DEED BOOK: 1357/859 & 2437/825 OF FAYETTE COUNTY RECORDS.
 3. THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS DETERMINED BY F.L.R.M. MAP No. 131120001BE, DATED 8/26/2009.
 4. THE PARCEL DEFINED HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN ONE FOOT IN 20,000 + FEET.

"NOT TO BE RECORDED"



LEGEND

RW	=	RIGHT OF WAY
IFF	=	IRON PIN FOUND
RE	=	REINFORCING BAR
OTF	=	OPEN TOP PIPE
N/F	=	NON OR FORMERLY
BL	=	BUILDING LINE
PP	=	POWER POLE
DB	=	DEED BOOK
AIF	=	ANGLE IRON FOUND
PCB	=	POINT OF BEGINNING

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1673.61'	128.75'	129.72'	S 76°36'27" E

0 60 120 160
GRAPHIC SCALE:
 1" = 20'

DATE	ISSUE	No.	DESCRIPTION	DATE
3/12/2020				
SCALE: 1" = 60'				
ACREAGE: 0.98				
CITY:				
DRAWN: MWR				
CHECKED: WLS				
SHEET # 1 of 1				
PROJECT: MCCULL - FND				

FOUNDATION SURVEY FOR
NICHOLAS W. MCCULLOUGH
 TP#: 0709 025
 LAND LOT 47, 7th DISTRICT
 FAYETTE COUNTY, GEORGIA

PREPARED BY:
W. LUKE SUTTLES, RLS
 780 RAYMOND SHEDDAN AVE.
 NEWNAN, GA 30265
 (678) 378-5881

SHEET
1
 OF
1

A-726-20



A-726-20



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: STACIE McCULLOUGH

MAILING ADDRESS: 413 ROBINSON ROAD, PEACHTREE CITY, GA 30269

PHONE: 678 858 2120 E-MAIL: NICKMCCULLOUGH@MSN.COM

AGENT FOR OWNERS: NICK McCULLOUGH

MAILING ADDRESS: 413 ROBINSON ROAD, PEACHTREE CITY, GA 30269

PHONE: 678 858 2120 E-MAIL: VIKINGBUILT@MSN.COM

PROPERTY LOCATION: LAND LOT 47 LAND DISTRICT 7 PARCEL 0709025

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: SINGLE FAMILY HOME

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY HOME

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY HOME

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-726-20

Application Insufficient due to lack of:
by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete
by Staff: Howard L. [Signature] Date: 5/6/2020

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from _____ a check in the amount of \$ 195⁰⁰
for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

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.*

I purchased the property in 2013. A building permit was issued in January 2109. When I called in for my rough mechanicals the building department asked for a foundation survey. After this survey we discovered that the garage side of the house was over the building line. The survey showed the construction of a new single-family residence with the foundation 21 feet from the principal structure to the side property line. At the time, the foundation survey was require the house was already 75% completed with only the interior to finish.

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

The property was surveyed, and the surveyor and setback markers placed for house. Unfortunately, the stakes either were placed incorrectly or were accidently moved by equipment during the foundation process. As it turned out the house was built 4 feet over the building line on the right side. I have been building in Fayette County for 20 years and have never had anything like this happen. I applied and received the permit and required setback lines. The property is not peculiar, we just want to bring the existing structure into compliance. The property is zoned R-70. The setback is 25 feet.

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

If a variance was granted for the side yard setback, it would not impact the nearest neighbor nor would it impact the general public. The property that is adjacent to the side where the house was built is large wooded tract of land. The land on garage side is low lying and no home could ever be built there in the future. There are no neighbors on that side of the property, the closest house to the property is located on left side.

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

These structures would not be a detriment to the public because single family home area allowed on other lots in the community. Granting this variance will not affect the rights of other in this community because single family homes with garages are allowed to have garages. There are other single family homes which have variances in this zoning district. All other requirements have R-70 standards. Only request from this board is allow the 5-foot variance to comply with setback requirements. This was an accident and I am sorry it happened. Thank you for your consideration in evaluating this request.



Doc ID: 009031350002 Type: OGD
Recorded: 02/05/2013 at 09:30:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4009 PG 566-567

After recording, return to:
Slepian, Schwartz & Landgaard
Attn: Rebecca Roper
Attorneys at Law
42 Eastbrook Bend
Peachtree City, GA. 30269

Return recorded deed to:
McCULLOH OF MYRETON, LLC
10635 WOODRUFF RD.
FAIRBURN, GA 30213

DRAW DEED ONLY

STATE OF GEORGIA
COUNTY OF FULTON

QUITCLAIM DEED

THIS INDENTURE, made the 31 day of January, in the year two thousand thirteen, between **Nicholas W. McCullough**, as part or parties of the first part, hereinafter called "Grantor", and **McCulloh of Myreton, L.L.C.**, 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, Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said Grantee the following property to wit:

All that tract or parcel of land lying and being in Land Lot 47 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the northeast corner of Land Lot 47 and the common corner for Land Lots 17, 18, 47 and 48; running thence west along the north line of Land Lot 47, two thousand six hundred (2,600) feet to a point; run thence southerly two hundred nine (209) feet to an iron pin found on the southwesterly side of Lee's Lake Road (80' right-of-way) and THE TRUE POINT OF BEGINNING, said point of beginning also being at the northeast corner of property now or formerly owned by Griffin H.

Eastin, III; run thence southerly along the easterly line of said Eastin property that forms an interior angle of 81 degrees 40 minutes with the southwesterly side of Lee's Lake Road, three hundred thirty-five (335) feet to an iron pin found; run thence southeasterly along the northeasterly line of said Eastin property, one hundred thirty (130) feet to an iron pin found and the property now or formerly owned by Evelyn M. Wallace; run thence northerly along the westerly line of said Wallace property at an interior angle of 81 degrees 40 minutes with the preceding course, three hundred thirty-four (334) feet to the southwesterly side of Lee's Lake Road; run thence northwesterly along the southwesterly side of Lee's Lake Road, one hundred thirty (130) feet to said Eastin property and the point of beginning, being improved property having a concrete block house thereon known as 304 Lee's Lake Road, Fayetteville, Georgia.

Property Address: 304 Lees Lake Road
Map Parcel #: 0709 025

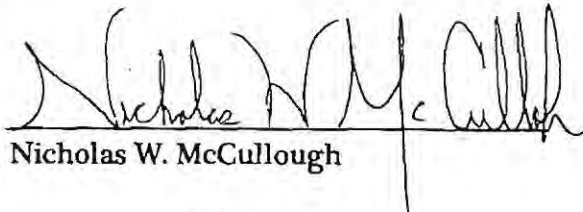
This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting subject property.

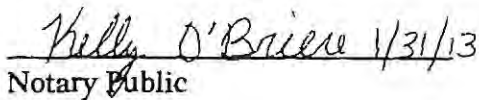
TO HAVE AND TO HOLD the said described property to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or appurtenances, or any rights thereto.

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

Signed, sealed and delivered in presence of:


Witness


Nicholas W. McCullough


Notary Public

