

**BOARD OF APPEALS**

Marsha A. Hopkins, Chair  
Tom Waller, Vice-Chair  
Therol Brown  
John Tate  
Bill Beckwith

**STAFF**

Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning and Zoning Coordinator

---

**AGENDA**  
**Fayette County Zoning Board of Appeals**  
**Fayette County Administrative Complex**  
**Public Meeting Room**  
**January 27, 2020**  
**7:00 P.M.**

---

1. Election of the Chairman.
2. Election of the Vice-Chairman.
3. Election of the Secretary.
4. Consideration of the Minutes of the Meeting held on December 16, 2019.

**PUBLIC HEARING**

5. Petition No. A-715-19, Xia Li (Lisa Li), owner, requests the following variance: variance to Section 110-125. A-R (d)(6), to reduce the side yard setback from 50 feet to 25 feet to allow an existing barn to remain. The subject property is located in Land Lot 222 of the 4<sup>th</sup> District and fronts on Highway 85 South.

**PETITION NO. A-715-19**  
**Xia Li (Lisa Li)**  
**1833 Highway 85 South**  
**Fayetteville, GA 30215**  
**Public Hearing Date December 16, 2019**

The subject property is located at 1833 Highway 85, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Section 110-125. A-R (d)(6), to reduce the side yard setback from 50 feet to 25 feet to allow an existing barn to remain.

**Section 110-3. Definitions**

*Lot, corner*, means a lot located at the intersection of two or more streets.

**History:** The subject property's survey was recorded on June 12, 2019 in Plat Book 100 and Pages 63. Property is located on the corner of Highway 85 South and Bernhard Road and is 34.667 acres in size. Tax Assessor's records indicate that the house was built in 1964, and according to the deed the applicant purchased the property in 2019.

As part of the permitting process for a sunroom, staff discovered the violation. The survey given shows the existing barn 25 feet from the property line.

**DEPARTMENTAL COMMENTS**

**ENGINEERING:** No Engineering issues with proposed side yard setback variance.

**ENVIRONMENTAL HEALTH:** No objections to proposed variance.

**ENVIRONMENTAL MANAGEMENT:** No comments.

**FIRE MARSHAL** Approved.

**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.**

I am asking for a variance so I can keep an existing small barn on my property which I use to keep geese and ducks on my residential farm. When I went to get a building permit to add a sunroom to my house, the staff discovered a small existing barn that was too close to the property by 25 feet.

## 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.**

The house was built in 1964 with a big lake. The barns were existing when I purchased the property this year (2019). I like to raise animals, this why I bought this property but I don't know when the barns were built it may be the same year as the house.

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

It would be a big problem for me to make this existing small barn (18x24) because the barn already has a separate existing stand-alone power-pole and a separate power-meter used to light the in and outside to protect my small animals from harmful animals. I also need to keep some space between the small barn and large barn to prevent problems between the different types of animals.

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

I have a residential farm on 34.6 acres with a large lake, now have geese, ducks, and sheep. I am planning to add more animals later.

- 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,**

No, it is not hurting either neighbor on my sides. The right side neighbor is about 200 feet away it been connected by woods, so they can't see this small barn. The left side neighbor is further away from the small barn. They also can't see the small barn.

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

Keeping this small barn does not take any rights away from both sides neighborhoods. This property is in the A-R district, which allows me to have barns so do my neighbors. This property is in the A-R zoning district, which allow me and my neighbors to have barns.

A-715-19

**SUBJECT  
PROPERTY**

SR 85

Bernhard Road



A-715-19

Type: PLAT EFILED  
 Recorded: 6/12/2019 3:44:00 PM  
 Fee Amt: \$8.00 Page 1 of 1  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court

Participant ID: 8598674241

**BK 100 PG 63**

THIS BLOCK RESERVED FOR THE CLERK  
 OF THE SUPERIOR COURT.

**SURVEYORS CERTIFICATION**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-8-87.

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-8-87).

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

DATE 03 / 21 / 2019

Prepared For:

**RICHARD L. CARTER, KELLY WILSON &  
 DAVID TYLER WILSON**

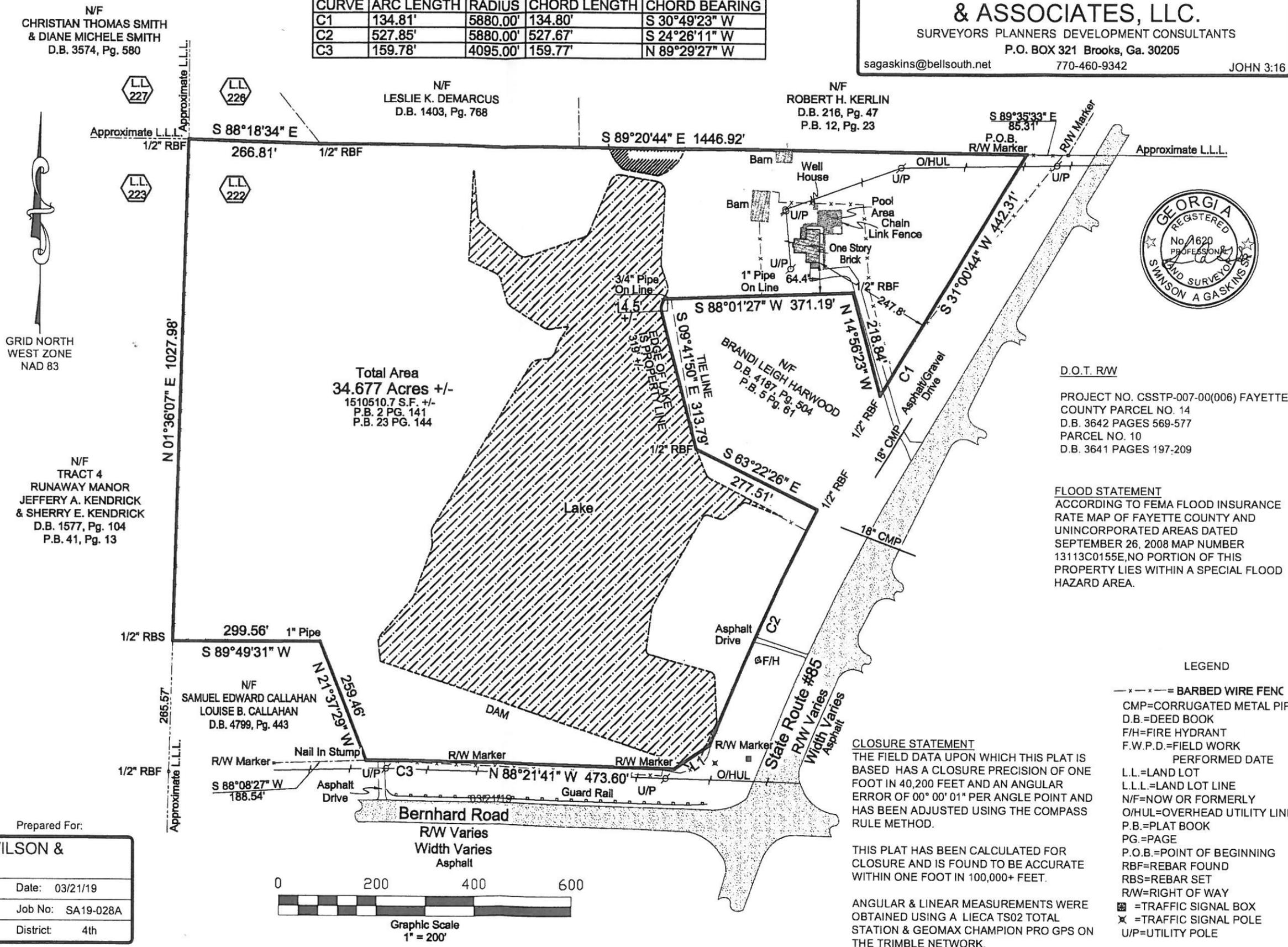
F.W.P.D.: 03/20/19	Date: 03/21/19
Scale: 1" = 200'	Job No: SA19-028A
County: Fayette, GA	Land Lot: 222
	District: 4th

LINE	BEARING	DISTANCE
L1	S 56°18'35" W	86.78'

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	134.81'	5880.00'	134.80'	S 30°49'23" W
C2	527.85'	5880.00'	527.67'	S 24°26'11" W
C3	159.78'	4095.00'	159.77'	N 89°29'27" W

**S.A. GASKINS & ASSOCIATES, LLC.**  
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS  
 P.O. BOX 321 Brooks, Ga. 30205  
 sgaskins@bellsouth.net 770-460-9342 JOHN 3:16



Total Area  
**34.677 Acres +/-**  
 1510510.7 S.F. +/-  
 P.B. 2 PG. 141  
 P.B. 23 PG. 144



D.O.T. RW  
 PROJECT NO. CSSTP-007-00(006) FAYETTE COUNTY PARCEL NO. 14  
 D.B. 3642 PAGES 569-577  
 PARCEL NO. 10  
 D.B. 3641 PAGES 197-209

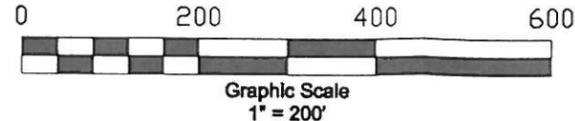
FLOOD STATEMENT  
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0155E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

- LEGEND**
- x - x - = BARBED WIRE FENC
  - CMP=CORRUGATED METAL PIPE
  - D.B.=DEED BOOK
  - F/H=FIELD WORK PERFORMED DATE
  - L.L.=LAND LOT
  - L.L.L.=LAND LOT LINE
  - N/F=NOW OR FORMERLY
  - O/HUL=OVERHEAD UTILITY LINE
  - P.B.=PLAT BOOK
  - PG.=PAGE
  - P.O.B.=POINT OF BEGINNING
  - RBF=REBAR FOUND
  - RBS=REBAR SET
  - RW=RIGHT OF WAY
  - ☒ =TRAFFIC SIGNAL BOX
  - ✕ =TRAFFIC SIGNAL POLE
  - U/P=UTILITY POLE

**CLOSURE STATEMENT**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,200 FEET AND AN ANGULAR ERROR OF 00° 00' 01" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Xia Li (Lisa Li)

MAILING ADDRESS: 1833 HWY 85 S. Fayetteville GA

PHONE: 865-660-6278 E-MAIL: lisali309@gmail.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

PHONE: N/A E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 222 LAND DISTRICT 4th PARCEL 0439 019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 34.67;

ZONING DISTRICT: A-R;

ZONING OF SURROUNDING PROPERTIES: A-R; C-H; S-Z

PRESENT USE OF SUBJECT PROPERTY: Residential Farm

PROPOSED USE OF SUBJECT PROPERTY: Barn.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-715-19

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: December 16th, 2019

Received from Xia Li (Lisa Li) a check in the amount of \$ 195<sup>00</sup>

for application filing fee, and \$ 20<sup>00</sup> 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:

Zong-ming Cheng and Xica Li
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0439-019

(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) 222 of the District, and said property consists of a total of 34677 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Xica Li (Lisa Li) 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: Xica Li
Signature of Notary Public: Howard L. Johnson
Date: 11/15/2019

Address: 1833 Hwy 85 S. Fayetteville, GA 30215

Signature of Property Owner 2
Signature of Notary Public

Address
Date

Signature of Authorized Agent
Signature of Notary Public

Address
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

## 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 asking for a variance so I can keep an existing small barn on my property which I use to keep geese and ducks on my residential farm. When I went to get a building permit to add a sunroom to my house, the staff discovered a small existing barn that was too close to the property by 25 feet.

---

---

---

## 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 house was built in 1964 with a big lake.

The barns were existing when I purchased property this year (2019), I like to raise animals, this is why I bought this property but I don't know when the barn were built. it may be same as house.

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

It would be a big problem for me to move this existing small barn (18' x 24') because the barn already has a separate existing stand-alones power-pole and a separate power-meter used to light the in and out side to protect my small animals from harmful animals.

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

I have a residential farm on 34.6 Acres with a large ~~lake~~ lake, now have geese, ducks, and sheep; I am plan to add more animal later.

I also need to keep some space between the small barn and large barn to prevent problems between the different type of animals

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.

---

No, it not hurt either side neighbors. The right side neighbor is about 200' away, it been connected by woods, so they can't see this small barn. The left side neighbor it is more far away from small barn. They also can't see the small barn.

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

---

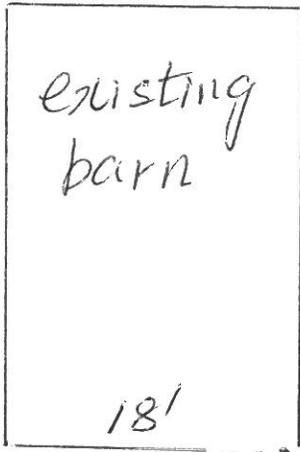
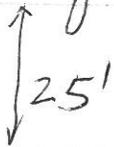
Keeping this small barn does not take any rights away from both sides neighbors. This property is in the A-R Zone, which allow me have barns, so do my neighbors.

Robert H. Kerlin.  
property



Jungle / wooded

property line



my property



Doc ID: 010676860001 Type: QCD  
 Recorded: 07/10/2019 at 08:40:00 AM  
 Fee Amt: \$10.00 Page 1 of 1  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Shella Studdard Clerk of Court  
 BK 4896 PG 479

Record and Return to:  
 Lawson & Beck, LLC  
 1125 Commerce Drive, Suite 300  
 Peachtree City, GA 30269

19-LAW-0480

### Quitclaim Deed

STATE OF GEORGIA  
 COUNTY OF FAYETTE

THIS INDENTURE, made this 8<sup>th</sup> day of July, 2019, between Richard L. Carter and Kelly Wilson and David Tyler Wilson of the County of Fayette, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Zong-Ming Cheng and Xia Li, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, of the County of Fayette, and State of Georgia, 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).

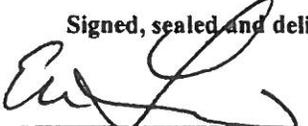
WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee,

All that tract or parcel of land lying and being in Land Lot 222 of the 4th District of Fayette County, Georgia, being shown as 34.677 acres, more or less, according to plat of survey prepared for Richard L. Carter, Kelly Wilson, and David Tyler Wilson by S.A. Gaskins & Associates, LLC, GRLS #1620, said plat of survey is recorded in Plat Book 100, Page 63, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

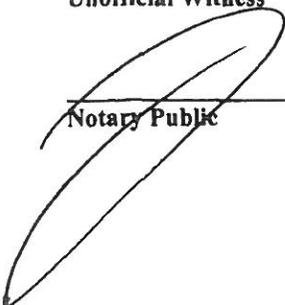
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

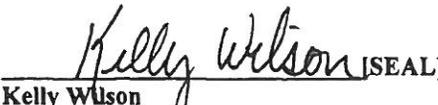
Signed, sealed and delivered in the presence of:

  
 \_\_\_\_\_  
 Unofficial Witness

  
 \_\_\_\_\_ [SEAL]  
 Richard L. Carter

  
 \_\_\_\_\_  
 Notary Public



  
 \_\_\_\_\_ [SEAL]  
 Kelly Wilson

  
 \_\_\_\_\_ [SEAL]  
 David Tyler Wilson