



**NEWNAN**

GEORGIA • CITY OF HOMES

## City of Newnan Board of Zoning Appeals

Agenda for July 1, 2025 Board of Zoning Appeals Meeting  
10:00 AM, Richard A. Bolin Council Chambers, City Hall

1. Call to Order
2. Approval of Minutes
  - a. May 6, 2025, BZA Minutes
3. Public Hearings
  - a. Variance Requests - 27 College Street (Parcel N02 0006 002), 63 Madison Street (Parcel N02 0006 003), 57 Madison Street (Parcel N02 0006 004)
  - b. Variance Request - 971 Bullsboro Drive - Raising Cane's, LLC
4. Other Business
5. Adjourn

Any questions prior to the meeting  
should be directed to the Planning and Zoning Department.

Phone: 770-254-2354

E-mail: [tdunnavant@newnanga.gov](mailto:tdunnavant@newnanga.gov)



**CITY OF NEWNAN**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
**May 6, 2025**  
**10:00 a.m.**

Board Members in Attendance: Skin Edge, Frank Flournoy, Sally Hensley, Ken Parker

Board Members Absent: Cliff Smith, Willie Walton, Kris Lovell

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director  
Dean Smith, Senior Planner  
Brad Sears, City Attorney  
Debbie Snider, Planning & Zoning Administrative Assistant

**CALL TO ORDER**

Chairman Edge called the meeting to order at 10:00 a.m. in the Richard A. Bolin Council Chambers, City Hall, 25 LaGrange Street.

**READING OF THE MINUTES**

Chairman Edge asked the Board if they had reviewed the April 1, 2025, meeting minutes. Hensley motioned to approve the minutes. Flournoy seconded the motion.

**MOTION CARRIED (4-0)**

**Public Hearing - 2 Mercantile Drive – Special Exception 2025-02**

Chairman Edge opened the public hearing for Special Exception 2025-02.

Senior Planner, Dean Smith, gave the staff report. He stated the applicant is seeking a special exception for an extended stay hotel on 2 Mercantile Drive. Mr. Smith explained that on February 25, 2025, Newnan City Council adopted a zoning ordinance amendment that now requires special exception approval for extended stay hotels through the Board of Zoning Appeals in CGN, CHV, ILT, or IHV. Mr. Smith stated that these will be reviewed on a case-by-case basis and listed the accompanying regulations and restrictions: no more than 10% of guests shall occupy a room for more than 90 days, a recreation area must be provided, no one shall operate a business from an extended stay hotel, and a hotel room cannot be converted into a condo or apartment, making the hotel a residence.

The application proposes an upscale hotel that it states will be a prime location for families of people who may be at Piedmont Newnan Hospital or Encompass Health Rehab. The hotel

may also accommodate doctors, traveling nurses, or other hospital staff traveling out of town. It would also provide lodgings for interstate travelers and temporary housing for families affected by natural disasters, etc. Also included in the application are two letters of recommendation provided by Piedmont Newnan Hospital and Encompass Health Rehab who are in favor of the project.

Mr. Smith reviewed the renderings and explained that there are no variances associated with this request. The Board is only deciding if this particular use is appropriate for the proposed location. Mr. Smith further explained that the packet includes a review of the special exception use standards. He stated that staff finds this request meets these standards and therefore recommends approval.

Chairman Edge called for any questions of staff. Hearing none, Chairman Edge asked the applicant to present their case. Melissa Griffis stated that Mr. Smith's report appears to be thorough. She stated that she only wishes to add that these rooms are larger than typical extended stays and that after opening, the hotel will maintain 20 – 25 full-time employees. Chairman Edge inquired about the anticipated opening day. Ms. Griffis stated around the end of 2026.

Chairman Edge called for anyone in favor or against this project to come forward. With no one coming forward, the public hearing was closed.

Ms. Hensley made a motion to approve the special exception request for an extended stay hotel at 2 Mercantile Drive. Mr. Parker seconded the motion.

**MOTION CARRIED (4-0)**

**New Business**

None

**ADJOURN**

Mr. Flournoy made a motion to adjourn the meeting at 10:09 a.m. and Ms. Hensley seconded the motion.

**MOTION CARRIED (4-0)**

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Chairman Edge



**City of Newnan, Georgia – Board of Zoning Appeals**

Date: July 1, 2025

Application Number: 2025-05

Agenda Item: Variance Requests - 27 College Street (Parcel N02 0006 002), 63 Madison Street (Parcel N02 0006 003), 57 Madison Street (Parcel N02 0006 004)

Prepared and Presented by: Chris Cole, Senior Planner

**Purpose:** The purpose of the hearing is to receive public comment on variance requests by First Baptist Church of Newnan, Inc. The applicant is asking for a reduction of the rear property line between its property at 27 College Street (Parcel N02 0006 002) and the adjacent neighbor at 32 Wesley Street (Parcel N02 0006 011) from 22 feet to 13 feet. The applicant is also asking for a reduction of the rear property line between its property at 63 Madison Street (Parcel N02 0006 003) and the adjacent neighbor at 30 Wesley Street (Parcel N02 0006 010) from 18 feet to 13 feet. In addition, the applicant is asking for a reduction of the rear property line between its property at 57 Madison Street (Parcel N02 0006 004) and the adjacent neighbor at 28 Wesley Street (Parcel N02 0006 009) from 21 feet to 13 feet. The applicants’ parcels are all zoned RU-I. The setback requirement is outlined in Section 4-32 and Table 4-A of the City of Newnan’s Zoning Ordinance.

**Applicant:** First Baptist Church of Newnan, Inc.  
15 West Washington Street  
Newnan, GA 30263

**Property Owner:** First Baptist Church of Newnan, Inc.  
15 West Washington Street  
Newnan, GA 30263

**Zoning:** Urban Residential Dwelling District – Historical and Infill (RU-I)

**Present Use:** First Baptist Church Accessory Building (for Sunday School classes and Kindergarten classes) and Playground Area

**Proposed Use:** Same as above

**Pertinent Regulations:** Section 4-32 and Table 4-A of the Zoning Ordinance

**Applicant’s Position:**

According to the applicant, “Over the last few years, we have had various businesses and individuals assist us with the landscaping and maintenance of our physical campus. Unfortunately, we have made mistakes in addressing our rear properties boundaries on our Madison Street properties, our northern border. We have walls and fences that have also added to the confusion for both parties. We have simply mistaken the property lines of the adjoining three residential lots, which face Wesley Street and not maintained and/or been able to reach those areas appropriately.

Fortunately, we have neighbors that have taken up the task of maintaining the property and/or not complaining as to these issues. However, we now have an opportunity to address those issues with our neighbors and need consideration by the City to make this resolution and all lots involved legal parcels. FBC voted to give the property to the neighbors, which they have incorporated into their landscaping program and/or would like to address and make part of its yards.”

The applicant added in other application materials, “To make this possible, we must obtain a Variance from the City of Newnan, allowing a 13-foot setback from the former daycare building to the portion of land being transferred. This adjustment ensures all properties are properly surveyed and recorded.”

Staff Note - The proposal includes no new construction, but only the lot splits and an eventual new combined recorded plat that will “clean up” the property line uncertainty that has existed for years.

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicant referred to the setback requirements. Regarding the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance, the applicant indicated realignment of the properties as an issue.

Regarding the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property, the applicant indicated, “Existing structures and uses would create nonconforming lots.” Regarding the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property, the applicant indicated that in order to align with existing uses, the applicant requests a 13-foot rear setback.

### **Basis for Granting Variances:**

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. The hearing authority will base its findings on facts and information presented to it in each specific case where the applicant and/or property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards (please see applicant’s responses in blue type and staff responses in red type):

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

Applicant’s Response - New yard dimensions based upon the gifting of property and existing structures.

The reduction of rear setbacks for the Church’s property lines with the neighbors involved (as described in the application) is necessary in order to gift land to all three neighboring property owners and to clearly distinguish a rear property line for the First Baptist Church property. As seen on the location map, the property lines between the Church and the three neighbors do not “line up” themselves. Staff believes that this unique shape of the involved lots led to further uncertainty (especially after the Church’s primary property caretaker retired in the late 2000s).

2. Such conditions are peculiar to the particular piece of such property involved;

Applicant's Response - New yard dimensions respect existing neighbors' structures (out-structures, walls & fences) in determining the gifting of property, thus setting a 13-foot rear setback, noting distance between center lot & existing building.

Staff believes this proposal is peculiar or special in that no construction is being proposed and that the applicant is just dealing with "cleaning up" property line issues that have developed through the years.

3. Such conditions were not imposed by the action or will of the owner of the property;

Applicant's Response - Conditions were not imposed however existing structures of adjoining property owners and FBC's Daycare create the requested 13 feet.

4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship;

Applicant's Response - Without approval, the Church cannot move forward with the gifting of property as we would in turn, create non-conforming lots.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures;

Applicant's Response - Impact would be between the properties affected by the gifting of property and FBC Newnan, with no impact on other neighbors or the City as a whole.

Staff agrees with the applicant's response.

6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and

Applicant's Response - FBC's request to gift between 400 - 600 square feet to the adjoining property owners (Pate 32 Wesley St; Reese - 30 Wesley St; Pitts - 28 Wesley St) cannot be accomplished. In turn, FBC will need to remove existing neighbor walls, fences and possible structures to in turn maintain the property.

7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance.

Applicant's Response - This request is simply neighbors coming together to resolve an issue and asking for the City of Newnan's support to allow it to move forward.

Staff agrees with the applicant's response.

**Planning Department's Review and Findings:**

As of the date of this report, the City has received no objections from any of the neighboring property owners. Regarding the variance requests to reduce the rear setback on each of the church's subject lots (in order to gift land to neighbors who have been maintaining portions of those properties), staff believes the requests are appropriate and will present no negative impacts. Staff also believes this proposal works within the restrictions of the lots' size, shape, and topography.

The desire of the applicant to "clean up" these property lines is not unreasonable and should present no impact upon the neighbors. Furthermore, alleviation of the rear setbacks will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit rear setback reductions.

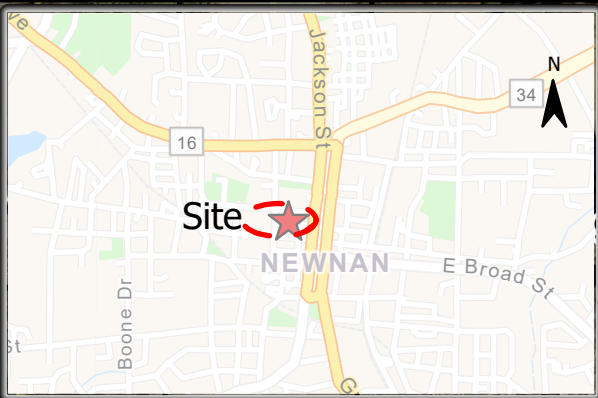
**Options:**

- A. Approve the variance requests
- B. Deny the variance requests
- C. Other direction as determined by the Board of Zoning Appeals

Staff's assessment of the requests coincides with Option A, to approve the requests. After evaluating the requests in regard to the City's variance hardships standards, staff feels that the requests meet the following standards: 1, 2, 5, & 7.

**Attachments:**

Application



**CITY OF NEWNAN**



CITY OF NEWNAN  
 PLANNING DEPT.  
 25 LAGRANGE STREET  
 NEWNAN, GEORGIA 30263  
[www.NewnanGa.gov](http://www.NewnanGa.gov)

**Project Location**

1" = 600 feet

Date: 5/14/2025 12:31 PM

 Project Location

 City Limits

**ADDRESS**

27 COLLEGE ST  
 57 MADISON ST  
 Newnan, Ga 30263

**Parcel #**  
 N02 0006 002  
 N02 0006 003  
 N02 0006 004



## First Baptist Church - Variance

**View of Church Kindergarten building to the left and neighboring properties to the right.**



**View of adjoining Church playground area at 53 Madison Street**



## First Baptist Church - Variance

**View from Madison Street towards the start of Church's existing vinyl fencing between subject neighboring properties (looking towards neighbor at 28 Wesley Street - shown with arrow)**



**View of area in question between the Church property (to the left) and the neighbors (to the right)**



## First Baptist Church - Variance

**View of area in question between neighbors (to the left) and Church property (to the right)**



**View of area in question between the Kindergarten building (to the left) and the neighbors (to the right)**



## First Baptist Church - Variance

**View of area in question between Church property (to the right) and neighbors (to the left)**



**View of area in question between Church property (to the left) and neighbors (to the right)**





**CITY OF NEWNAN, GEORGIA**

25 LaGrange Street  
Newnan, Georgia 30263  
770-254-2354

**NEWNAN**  
GEORGIA

**APPLICATION FOR VARIANCE**

Name of Applicant First Baptist Church of Newnan, Inc c/o Angela B White, Properties Chair

Mailing Address 15 W Washington Street, Newnan GA 30263

Telephone 770 328 2241 E-Mail: aggielandfarm@gmail.com

Property Owner (Use back if multiple names) First Baptist Church of Newnan, Inc

Mailing Address 15 W. Washington Street, Newnan GA 30263

Telephone \_\_\_\_\_

Address/Location of Property Madison Street

Tax Parcel No: N02 0006 002, 003, 004

Present Zoning Classification: RU-I

Present Land Use Bldg, Playground, Parking

Intended Use \_\_\_\_\_

Any person owning property or having a possessory or contract interest in property and the consent of the owner, may file an application for variance regarding such property with the Board.

If you have any questions concerning this process, you may call the Planning and Zoning Department at (770) 254-2354. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Board of Zoning Appeals meets on the first Tuesday of each month. Applications must be submitted by 9:00 a.m. at least forty-five (45) days prior to that date. Incomplete applications or applications submitted after the deadline will not be accepted.

I (We) hereby request the following variance from the provisions of section(s) Div 2-12 (d) (4) 3. Setback of the Zoning Ordinance/Subdivision Regulations: Residential Districts RU-I

In order for the Board to consider the request, there must be required findings of fact upon the particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. Please answer the following criteria questions:

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property? Setbacks  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 
- 
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?  
RU-1 Urban Residential Dwelling District - Historical & Infill

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  3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?  
Realignment of property

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  4. What is the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property?  
Existing structures & uses would create non-conforming lots

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  5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?  
To align with existing uses, the applicant requests a 13-ft rear setback

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The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards. **The applicant must provide written documentation demonstrating that their request meets at least 4 out of the 7 hardship standards listed below:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  2. Such conditions are peculiar to the particular piece of such property involved;
  3. Such conditions were not imposed by action or will of the owner of the property;
  4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship.
  5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures;
  6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and
  7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance.
- **To meet these standards, the applicant should provide specific examples, data, or expert opinions that demonstrate how their property and situation align with at least 4 of these criteria.**

Included with the application, the following information is required and must also be furnished in digital, pdf format:

- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ Check for applicable fees (\$350.00).

I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand any inaccuracies may be considered just cause for invalidation of this application, and any action taken on this application. I (We) do hereby understand a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations.

First Baptist Church Newnan, Inc  
 Applicant(s) Name(s) (Please Print) *Angela B. White*  
*Angela B. White*  
 Signature of Applicant(s)

**FOR OFFICIAL USE ONLY**

RECEIVED BY Chris Cole

DATE OF FILING 5-8-2025

BZA MEETING DATE 7-1-2025

DATE OF NOTICE PUBLICATION 5-28-2025

ACTION TAKEN (DATE) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



City of Newnan, Georgia  
Attachment A

## Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for property.

Name of Property Owner First Baptist Church of Newnan, Inc c/o Angela B. White, Properties Chair

Telephone Number 770 328 2241

Address of Subject Property Madison Street N02 0006 002, 003, 004

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

Signature of Property Owner

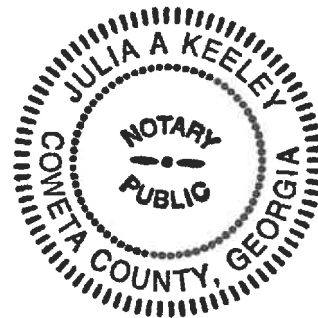
Personally appeared before me

Angela B. White

who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

May 8, 2025  
Date



(Affix Raised Seal Here)

My commission expires  
April 18, 2029.

First Baptist Church of Newnan, Inc has been part of Newnan, City of Homes since 1928. The Church was founded 4 months after the City of Newnan was established. Locals began meeting off the Square in a log cabin and began serving God and its community ever since. First Baptist looks forward to celebrating its Bicentennial and has already begun preparation to that end. Moreso, its goal is to worship and serve God in our community, state and world. It is our hope that we would be considered a good neighbor and one of service to Newnan, and the Historic College-Temple District it adjoins as well.

Over the last few years, we have had various businesses and individuals assist us with the landscaping and maintenance of our physical campus. Unfortunately, we have made mistakes in addressing our rear properties boundaries on our Madison Street, our northern border. We have walls and fences that have also added to the confusion for both parties. We have simply mistaken the adjoining three residential lots, which face Wesley Street and not maintained and/or be able to reach those areas appropriately. Fortunately, we have neighbors that have taken up the task of maintaining the property and/or not complaining as to these issues. However, we now have an opportunity to address those issues with our neighbors and need consideration by the City to make this resolution and all three lots legal parcels.

FBC voted to give the property to the neighbors, which they have incorporated into their landscaping program and/or would like to address and make part of its yard. With the varied yard gifts of 5, 7, and 9 feet, we find a 13-ft distance between parcels 002 & 003 and the existing FBC Daycare Building. With that, we request a 13-ft Rear Setback be applied to our 3 parcels (002, 003, & 004).

Based upon the "Hardship Questions" in the Variance application, we submit the following responses which we believe meet the intent of the Ordinance:

- 1) New yard dimensions based upon the gifting of property and existing structures.
- 2) New yard dimensions respect existing neighbors structures(out-structures, walls & fences) in determining the gifting of property, thus setting the 13-ft as the rear setback, noting distance between center lot & existing building.
- 3) Conditions were not imposed however existing structures of adjoining property owners and FBC's Daycare create the requested 13-ft.
- 4) Without approval, the Church cannot move forward with the gifting of property as we would in turn, create non-conforming lots.
- 5) Impact would be between the properties affected by the gifting of property and FBC Newnan, with no impact on other neighbors or the City as a whole.
- 6) FBC's request to gift between 400 - 600 square feet to the adjoining property owners (Pate 32 Wesley St; Reese - 30 Wesley St; Pitts - 28 Wesley St) cannot be accomplished. In turn, FBC will need to remove existing neighbor walls, fences and a storage building to in turn maintain the property.
- 7) This request is simply neighbors coming together to resolve an issue and asking for the City of Newnan's support to allow it to move forward.

First Baptist Church of Newnan's Properties Committee, Deacons and Church Family appreciates the Consideration by City Staff, BZA and the community as this request is considered. Moreover, we appreciate the Pate, Reese, and Pitts Families patience

is considered. Moreover, we appreciate the Pate, Reese, and Pitts Families patience as we go thru this process to meet all city requirements. If FBC is successful in this variance request, Chris Robertson(Gaskins-LeCraw) is ready to finalize surveys with setbacks noted on all involved parcels. We gladly will address any questions or concerns and look forward to moving forward with this request.

Respectfully submitted,

  
Angela B. White, Properties Committee Chair

Kristi Fenninger, Secretary  
Barrett Davis  
Brian Cook  
Andy Gosch  
Michael Miller  
Rick Moore  
Rob Muzio  
Ken Pinkerton

County, Georgia  
Local Public Treasurer Tax  
0.00  
2-12-91  
Deborah Glover  
Clerk of Superior Court  
11 Perry Street  
Newnan, Georgia 30263

FILED IN OFFICE  
CLERK SUPERIOR COURT

SANDERS, MOTTOLA, HAUGEN & MANN  
WARRANTY DEED

91 FEB 12 PM 4:40

GEORGIA, COWETA  
DEBORAH GLOVER, CLERK

For and in consideration of OTHER VALUABLE CONSIDERATION AND INCORPORATION OF FIRST BAPTIST CHURCH OF NEWNAN, GEORGIA, in hand paid, the receipt of which is hereby acknowledged, BILL LOFTIN, SAM SEAT, and THOMAS W. BARRON, AS TRUSTEES FOR THE FIRST BAPTIST CHURCH OF NEWNAN, of the County of COWETA State of GEORGIA, do hereby give, grant, sell, alien and convey unto FIRST BAPTIST CHURCH OF NEWNAN, GEORGIA, INCORPORATED, of the County of COWETA, State of GEORGIA, its successors and assigns, the following:

All property belonging to First Baptist Church of Newnan, Georgia of any kind and description, including both real, personal, and choses in action, including, but not limited to the following described real property, to-wit:

TRACT ONE

All that tract or parcel of land situate, lying and being in the City of Newnan, Coweta County, Georgia, and being more particularly described as follows: Beginning at the intersection of the northerly side of West Washington Street with the westerly side of Brown Street; thence run westerly along the northerly side of West Washington Street 468.5 feet, more or less to a nail found at the intersection of said northerly side of West Washington Street with the easterly side of College Street; thence in a northerly direction along the easterly side of College Street 116.0 feet to an aluminum pin set; thence continuing along the easterly side of College Street 13.4 feet to an aluminum pin; thence easterly along the property of Stewart 112.69 feet to an iron pin; thence northerly along said Stewart property to the northeast corner of said Stewart property on the southerly side of Madison Street; thence easterly along the southerly side of Madison Street 364.6 feet, more or less to the intersection of said southerly side of Madison Street with the westerly side of Brown Street; thence southerly along the westerly side of Madison Street 206.2 feet to the point of beginning.

The above described property includes all of the block bounded by Madison Street, Brown Street, West Washington Street, and College Street, except for said Stewart property located at the northwest corner of said block. Said property includes property shown by plat of survey for First Baptist Church by J. William Ozmore dated August 12, 1965, amended March 9, 1966, of record in Plat Book 10, Page 241, Coweta County Records; property shown by plat of survey for First Baptist Church by J. William Ozmore dated November 12, 1971 of record in Plat Book 15, Page 281, Coweta County Records; property designated as Tract 2 according to plat of survey for First Baptist Church by J. William Ozmore, revised April 30, 1973 of record in Plat Book 17, Page 147, Coweta County Records; property acquired from June G. Machen by warranty deed dated May 23, 1984 of record in Deed Book 365, Page 170, Coweta County Records; and property acquired from Ms. Frances Wages, et al, by warranty deed dated December 11, 1986 of record in Deed Book 419, Page 586, Coweta County Records.

TRACT TWO

All that tract or parcel of land situate, lying and being in the City

NO2 0005 004  
Man building  
Tract 1

...OK 509 PAGE 007

of Newman, Coweta County, Georgia, being shown by plat of survey for First Baptist Church by J. William Ozmore dated October 27, 1967 of record in Plat Book 10, Page 249, in the Office of the Clerk of Superior Court of Coweta County, Georgia, to which plat reference is hereby made for a more particular description of the property herein conveyed, and being more particularly described according to said plat as follows:

BEGINNING at the point of intersection of the northerly side of Madison Street with the westerly side of Brown Street; thence north along the westerly side of Brown Street 104.7 feet to property formerly owned by Boone; thence in a westerly direction forming an interior angle of 90°29' 102.5 feet along said Boone property to the southwestern corner of said Boone property; thence in a northerly direction along the westerly line of said Boone property and forming an exterior angle of 90°29' a distance of 20.3 feet to the southeastern corner of property formerly owned by Bowers; thence in westerly direction along said Bowers property 85 feet to a point; thence in a southerly direction 128.0 feet to a point on the northerly side of Madison Street which is 187.5 feet west of the intersection of the northerly side of Madison Street with the westerly side of Brown Street; thence in an easterly direction along the northerly side of Madison Street 187.5 feet to the point of beginning.

Said Tract includes property conveyed to First Baptist Church by deeds of record in Deed Book 26, Page 418, Coweta County Records; Deed Book 66, Page 99, Coweta County Records; and Deed Book 121, Page 484, Coweta County Records.

TRACT THREE

All that tract or parcel of land lying and being in the City of Newman, County of Coweta, State of Georgia, fronting south 62 feet, more or less, on Madison Street, beginning at a point on the north side of Madison Street, being the southwest corner of property belonging to the First Baptist Church, as shown by plat of survey for First Baptist Church by J. William Ozmore dated October 27, 1967 of record in Plat Book 10, Page 249, Coweta County records; running thence west 62 feet, more or less, to property formerly owned by Mrs. W.W. Robison; thence north along said Robison line 106 feet to a fence; thence east 62 feet, more or less, to said First Baptist Church property; thence south along the line of said church lot 106 feet to the beginning point; together with all improvements thereon.

TRACT FOUR

A certain tract of land in the City of Newman, said State and County, known and designated according to the present numbering as No. 63 Madison Street, and facing on Madison Street sixty-nine (69) feet and running back north ninety-four (94) feet, and more particularly described as follows: Begin at a point on the north side of Madison Street where lot formerly owned by Mrs. A.H. Freeman (now owned by First Baptist Church) corners with the lot herein conveyed and run east along Madison Street sixty-nine (69) feet, more or less, to lot formerly owned by C.E. Hamilton (now owned by First Baptist Church); thence run north along said lot formerly owned by Hamilton ninety-four (94) feet to lot formerly owned by Mrs. Ysabel Salbide Odom; thence west along the south line of said Odom lot sixty-nine (69) feet, more or less, to the aforesaid Freeman lot; thence south along line of said lot formerly owned by Mrs. Freeman ninety-four (94) feet to the beginning point, together with all improvements thereon.

TRACT FIVE

All that tract or parcel of land situate, lying and being in the City of Newman, Coweta County, Georgia, being the former residence of Mrs. Katie Arnall Freeman located at the intersection of College Street and Madison Street in said City, said residence being known according to the system of street numbering in said City as No. 25 College Street

and being bounded now or formerly as follows: on the north by Mrs. Lillian R. Hopkins and J.L. Burson, on the east by W.L. Robinson and Mrs. Ysabel Odom, on the south by Madison Street, and on the west by College Street.

This is the same property as that identified as TRACT THREE on a deed of assent from the Executors of the Last Will and Testament of Mrs. Katie Arnall Freeman to The Heritage School, Inc., dated 5-12-75, and recorded at Deed Book 254, Page 712, Coweta County Records.

TRACT SIX

All that certain tract or parcel of land lying and being in the City of Newnan, Coweta County, Georgia, and more particularly described as follows:

BEGIN at a point on the East side of Brown Street 66.8 feet North of where the East side of Brown Street intersects the North side of Madison Street and run thence South 85 degrees 30 minutes East 109 feet, more or less, to property of Ball; thence North 4 degrees 40 minutes East 63 feet; thence North 85 degrees 30 minutes West 109 feet, more or less, to East side of Brown Street; thence South along the East side of Brown Street 63 feet, more or less, to beginning point.

together with all privileges and appurtenances thereto in anywise belonging in fee simple.

And the said vendor will, and its heirs, executors, administrators, and assigns shall, the said property to the said vendee, its heirs, executors, administrators, and assigns, forever warranty and defend against the lawful demands of all persons whatever.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set its hand, affixed its seal, and delivered these presents this 31st day of December, 1989.

FIRST BAPTIST CHURCH OF NEWNAN,  
GEORGIA

By: Bill Loftin (SEAL)  
BILL LOFTIN, Trustee

By: Sam Seat (SEAL)  
SAM SEAT, Trustee

By: Thomas W. Barron (SEAL)  
THOMAS W. BARRON, Trustee

Signed, sealed and delivered in our presence this 12<sup>th</sup> day of February, 1991.

Thomas W. Barron  
Official Witness

Thomas W. Barron  
Notary Public, State of Georgia  
My Commission Expires: \_\_\_\_\_

Notary Public, State of Georgia  
My Commission Expires: \_\_\_\_\_

600K 0000 JCE 009

SEE: N-7



SEE: N-3



May 21, 2025

Dear FBC Neighbor:

First Baptist Church of Newnan has been fortunate to be part of the City of Homes and a neighbor of the College-Temple Historic District for almost 200 years. It is our hope we have been a good neighbor to you as we shine the light of Christ within our community, state and world.

For many years, Mr. Charlie Robison cared for our campus and knew everything about it. After his retirement in the late 2000s, we began to outsource maintenance and landscaping, both inside and out. With various individuals involved, we lost track of the rear property lines adjoining the Pate, Reese and Pitts families on Wesley Street. Fortunately, they have been very kind and patient as we have tried to ensure our property is in its best shape for our church family and neighborhood.

Through this process, we have come to realize we failed to maintain the actual rear properties. Thankfully, the neighbors adjacent to those areas have cared, or would like to care, for those areas. In return, First Baptist Church has voted to transfer those small areas to the respective neighbors so they can incorporate them into their yards.

To make this possible, we must obtain a Variance from the City of Newnan, allowing a 13-ft setback. from the former daycare building to the portion of land being transferred. This adjustment ensures all properties are properly surveyed and recorded.

We want to share this information directly with you regarding signage you will be seeing, and a letter you will be receiving from the City of Newnan regarding this Variance Request. Our Public Hearing is set for July 1, 2025, at 10:00am before the BZA in chambers. Please rest assured FBC has no plans of construction. We simply want to do what is right towards our neighbors.

In the meantime, if you have questions or concerns, please do not hesitate to reach out to me at (770) 328-2241. I have the pleasure of serving as the Properties Committee Chair and will gladly answer your questions.

Best regards,

  
Angela B. White, Chair  
FBC Properties Committee

CC: Chris Cole, Senior Planner, City of Newnan  
Tracy Dunnavant, Director of Planning & Zoning, City of Newnan  
Properties Committee Members:

|                  |                |               |
|------------------|----------------|---------------|
| Brian Cook       | Andy Gosch     | Rob Muzio     |
| Barrett Davis    | Michael Miller | Ken Pinkerton |
| Kristi Fenninger | Rick Moore     |               |

## Chris Cole

---

**From:** aggielandfarm <aggielandfarm@gmail.com>  
**Sent:** Monday, June 23, 2025 10:25 PM  
**To:** Chris Cole  
**Subject:** FW: Letter of support

Angela B. White

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** aggielandfarm <aggielandfarm@gmail.com>  
**Date:** 5/16/25 9:59 AM (GMT-05:00)  
**To:** Chris Cole <ccole@newnanga.gov>  
**Subject:** FW: Letter of support

Letter of support - Pate family

Angela B. White

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** pateart60@gmail.com  
**Date:** 5/16/25 9:17 AM (GMT-05:00)  
**To:** aggielandfarm@gmail.com  
**Subject:** Letter of support

As one of the neighbors involved in the property line discussions, I am onboard with the current plan and have no opposition. Martin Pate. 32 Wesley Street. Thank you

Sent from my iPhone

## Chris Cole

---

**From:** aggielandfarm <aggielandfarm@gmail.com>  
**Sent:** Monday, June 23, 2025 10:26 PM  
**To:** Chris Cole  
**Subject:** FW: Variance letter

Angela B. White

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** aggielandfarm <aggielandfarm@gmail.com>  
**Date:** 5/16/25 12:27 PM (GMT-05:00)  
**To:** Chris Cole <ccole@newnanga.gov>  
**Subject:** FW: Variance letter

Angela B. White

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Gary Pitts <gargantuajr1128@gmail.com>  
**Date:** 5/16/25 12:15 PM (GMT-05:00)  
**To:** aggielandfarm@gmail.com  
**Subject:** Variance letter

Angela,

Thank you, and the church committee for your consideration of our shared boundary issues. I agree with my fellow neighbors and the church committee, of the value of adjusting the variance and the property deeds needed to move forward with the land transfer.

Thank you,

Gary Pitts

28 Wesley Street, Newnan GA

## Chris Cole

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**From:** aggielandfarm <aggielandfarm@gmail.com>  
**Sent:** Monday, June 23, 2025 10:25 PM  
**To:** Chris Cole  
**Subject:** FW: 30 Wesley FBC variance support

Angela B. White

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** aggielandfarm <aggielandfarm@gmail.com>  
**Date:** 5/16/25 9:59 AM (GMT-05:00)  
**To:** Chris Cole <ccole@newnanga.gov>  
**Subject:** FW: 30 Wesley FBC variance support

Letter of support - Reese family

Angela B. White

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Andrea & Randy Reese <andrearandy.reese@gmail.com>  
**Date:** 5/16/25 9:15 AM (GMT-05:00)  
**To:** aggielandfarm@gmail.com  
**Subject:** 30 Wesley FBC variance support

Dear members of the Newnan Board of Zoning Appeals,

As neighbors of First Baptist Church, we support the variance request at hand to amend the rear setback averaging and property lines between our property, 30 Wesley Street, and First Baptist Church.

Kind Regards,

Randall & Andrea Reese  
30 Wesley St, Newnan, GA 30263



City of Newnan, Georgia – Board of Zoning Appeals

Date: July 1, 2025

Application Number: 2025-04

Agenda Item: 971 Bullsboro Drive – (Current Applebees Restaurant)

Prepared and presented by: Dean Smith, Senior Planner

**Purpose:** To hear a request for a variance to allow an increase over the maximum allowed number of parking spaces for a proposed fast-food restaurant.

**Applicant:** Harrison Aiken  
Kimley-Horn  
1200 Peachtree Street, Suite 800  
Atlanta, GA 30309

**Property Owner:** New Peach Partners, L.P.  
566 Gramercy Drive  
Marietta, GA 30068

**Zoning:** Community Shopping Center District (CCS)

**Overlay Districts:** Quality Development Corridor and I-85 Building Height

**Present Use:** Sit-Down Restaurant

**Proposed Use:** Fast-food restaurant

**Pertinent Regulations:** Article 7, Section 7-5, Table 7-A

**Applicant’s Position:**

The applicant states, in part, “...Raising Cane’s Restaurants, L.L.C. has announced plans to redevelop the parcel located at 971 Bullsboro Drive...to serve as a quick serve restaurant with drive through service....The parking space requirements for this site have been calculated...as follows...This calculation was done based on the assumption of 900 square feet of seating area, indoor and outdoor...the minimum number of parking spaces, 1 per 75 square feet of seating area was calculated at 12 spaces... the maximum number of parking spaces, to not exceed 50% of the minimum calculated, was then calculated as 18 spaces....A variance to increase the allowable parking to 30 spaces has been requested because the maximum parking required by code is not sufficient to support the business and the number of employees required for this site...There are 20 employees on the largest shift...The 18 parking spaces allowed per the Ordinance are insufficient for the employees, let alone the customers as well....This would result in off-site parking required or off-site stacking of cars entering the property.”

**Basis for Granting Variances:** - Responses in **Red** indicate staff’s analysis of the request and where it meets a particular hardship standard.

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and

substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. The hearing authority will base its findings on facts and information presented to it in each specific case where the applicant and/or property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. Such conditions are peculiar to the particular piece of such property involved;
3. Such conditions were not imposed by the action or will of the owner of the property; **Agree with applicant-see responses below. This is a redevelopment of an existing site. The proposed new restaurant will include a drive-through point of sale with drive through lanes, which currently does not exist with the present restaurant use. In developing a site plan for the new restaurant, consideration has to be given to working in the existing confines of the property.**
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship; **Agree with applicant-see responses below**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures; **Agree with applicant-see responses below**
6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and
7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance. **Agree with applicant-see responses below**

#### **Applicant's response to hardship standards:**

3. Such conditions were not imposed by action or will of the owner of the property;  
*Response: The current tenant [Applebees] has a larger building footprint, and therefore has more parking associated with the existing site.*
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship.  
*Response: The maximum parking required by code is not sufficient to support the business and the number of employees required for this site. There are 20 employees on the largest shift. The 18 parking spaces allowable per ordinance is insufficient for the employees, let alone customers as well. This would result in off-site parking required or off-site stacking of cars entering the property.*
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the

inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures;

*Response: Relief would not cause detriment to any of the items listed above if granted. It would reduce congestion in public and private streets as more people would be able to park within the site itself.*

7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance. *Response: The number of parking spaces is primarily driven by a restaurant's use and what is expected for staff and customers and would not apply to all restaurants.*

### **Planning Department's Review and Findings:**

The BZA has approved requests to increase parking spaces above the maximum allowed in 2020 and 2022 for similar fast food/quick serve restaurants.

The proposed site plan does indicate that 18 out of the 30 parking spaces are proposed to be constructed using permeable pavers. This conforms to what is required by ordinance for the additional spaces being requested. The difference between the minimum required (12) and the maximum being requested (30) is 18 spaces, so the site plan illustrating 18 parking spaces using permeable pavers complies with the zoning ordinance.

### **Options:**

- A. Approve the variance request
- B. Deny the variance request
- C. Other direction as determined by the Board of Zoning Appeals

The issue before the Board of Zoning Appeals is to consider granting the applicant permission to increase the number of parking spaces from the maximum allowed by zoning, which are 18 parking spaces to 30 parking spaces. The staff's assessment of this request coincides with Option A, to approve the variance request.

**Attachments:** Application

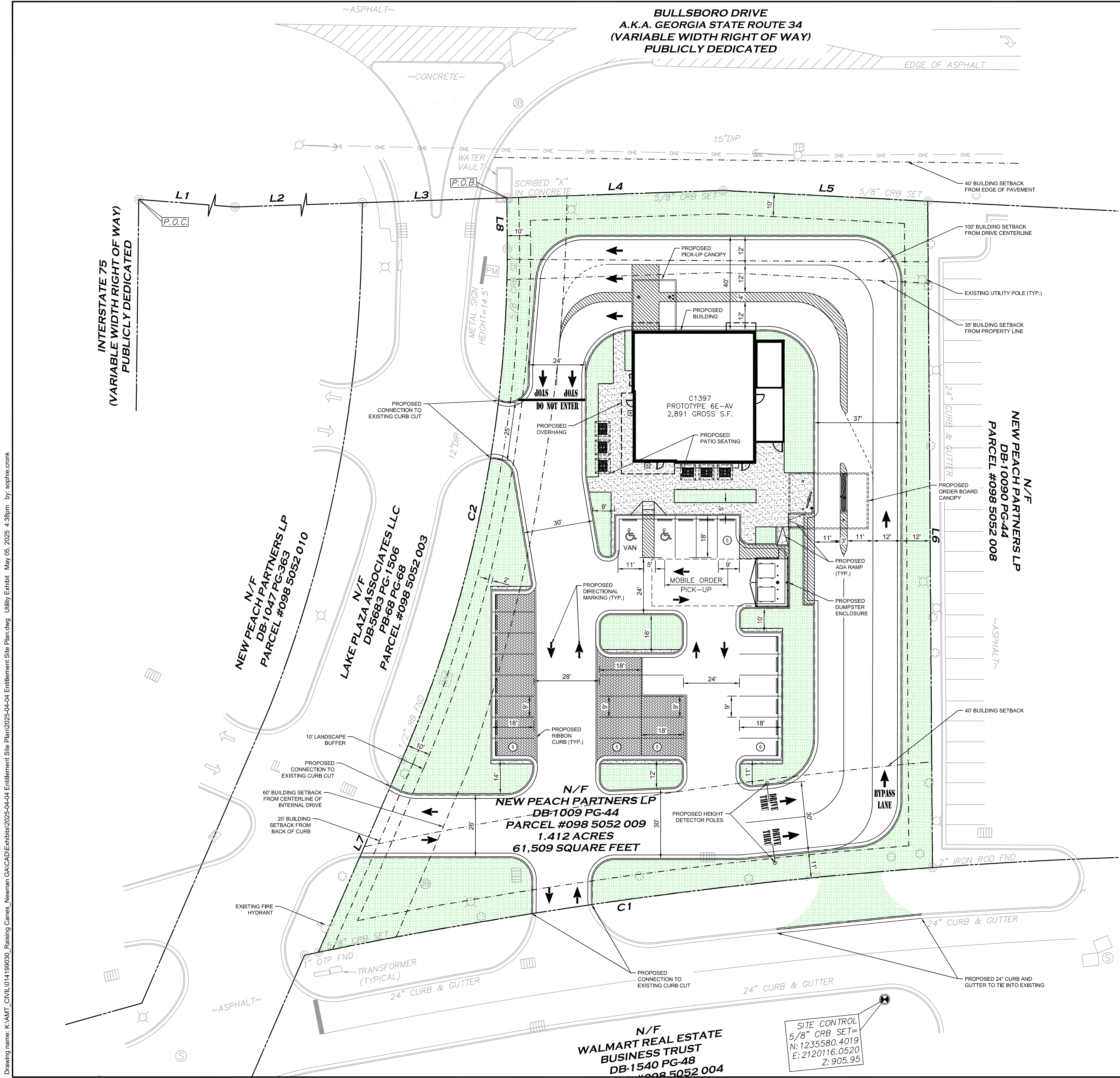
**BULLSBORO DRIVE  
A.K.A. GEORGIA STATE ROUTE 34  
(VARIABLE WIDTH RIGHT OF WAY)  
PUBLICLY DEDICATED**

| DEVELOPMENT SUMMARY:                              |   |
|---|---|
| SITE AREA:  | 61,509 SF (1.41 AC)   |
| CURRENT ZONING:                                   | CCS (COMMERCIAL SHOPPING CENTER DISTRICT)<br>QUALITY DEVELOPMENT CORRIDOR<br>I-85 BUILDING HEIGHT OVERLAY |
| BUILDING SETBACKS:                                |   |
| FRONT:  | 40/100 FT   |
| SIDE:   | 10 FT   |
| STREET SIDE:                                      | 20/60 FT  |
| REAR:   | 40 FT   |
| *SETBACK FROM ROW/SETBACK FROM CENTERLINE OF ROAD |   |
| LANDSCAPE SETBACKS:                               | 10' ALL SIDES   |
| ALLOWABLE FAR:                                    | 0.50 (BASE) / 1.00 (MAX)  |
| PROVIDED FAR:                                     | 0.06  |
| <b>PARKING NOTES:</b>                             |   |
| EXISTING VEHICLE PARKING:                         |   |
| RESTAURANT  | 106 SPACES  |
| <b>REQUIRED VEHICLE PARKING:</b>                  |   |
| SEATABLE AREA                                     | 900 SF  |
| MINIMUM PARKING (1 SPACE / 75 SF)                 | 12 SPACES   |
| MAXIMUM PARKING (150% OF MINIMUM)                 | 18 SPACES   |
| <b>PROVIDED VEHICLE PARKING:</b>                  |   |
| RESTAURANT  | 29 SPACES   |
| <b>LANDSCAPE NOTES:</b>                           |   |
| REQUIRED LANDSCAPE AREA                           | 15,378 SF (25.0%)   |
| PROVIDED LANDSCAPE AREA                           | 19,723 SF (32.1%)   |

| SITE PLAN LEGEND: |                            |
|-------------------|----------------------------|
|                   | LANDSCAPED AREA            |
|                   | PERMEABLE PAVERS           |
|                   | PROPOSED CONCRETE SIDEWALK |

| REQUESTED VARIANCES:   |  |
|--|--|
| 1. VARIANCE TO INCREASE MAXIMUM PARKING COUNT FROM 18 TO 30 PARKING SPACES |  |

**Kimley»Horn**  
 PREPARED BY: RAISING CANE'S RESTAURANTS, LLC  
 PROJECT: RAISING CANE'S - NEWNAN  
 1200 PEACHTREE ST NE, SUITE 800, ATLANTA, GEORGIA 30309  
 PHONE: 404.419.8700, WWW.KIMLEY-HORN.COM  
 6800 BISHOP RD, PLANO, TX 75024  
 PHONE: 469.644.3199, WWW.RAISINGCANES.COM  
 PREPARED FOR: RAISING CANE'S RESTAURANTS, LLC  
 PROJECT: RAISING CANE'S - NEWNAN  
 971 BULLSBORO DR, NEWNAN, GA 30265  
 PIN 0985052009, LAND LOT 52, 5TH DISTRICT  
 No. PE047234, PROFESSIONAL ENGINEER, HARRISON J. KIMLEY, 05/05/2025  
 GSWCC NO. (LEVEL II) 0000072899  
 DRAWN BY SMC/KIA  
 DESIGNED BY SACK  
 REVIEWED BY HJA  
 DATE 05/05/2025  
 PROJECT NO. 014199030  
 TITLE ENTITLEMENT SITE PLAN  
 SHEET NUMBER C1.0  
**PRELIMINARY - NOT FOR CONSTRUCTION**



Drawing name: K:\AMT\_CIVIL\014199030\_Raising Cane's\_Newnan\_GA\CAD\Exhibits\2025-04-04 Entitlement Site Plan.dwg May 05, 2025 4:38pm by: sophie.cronk

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



CITY OF NEWNAN, GEORGIA

25 LaGrange Street
Newnan, Georgia 30263
770-254-2354

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant Harrison Aiken

Mailing Address 1200 Peachtree Street, Suite 800, Atlanta, GA 30309

Telephone 404-819-8700 E-Mail: harrison.aiken@kimley-horn.com

Property Owner (Use back if multiple names) Raising Cane's Restaurants, LLC

Mailing Address 6800 Bishop Rd, Plano, TX 75024

Telephone 469-644-3198

Address/Location of Property 971 Bullsboro Dr, Newnan, GA 30265

Tax Parcel No: 0985052009

Present Zoning Classification: CCS (Commercial Shopping Center District)

Present Land Use Restaurant

Intended Use Restaurant

Any person owning property or having a possessory or contract interest in property and the consent of the owner, may file an application for variance regarding such property with the Board.

If you have any questions concerning this process, you may call the Planning and Zoning Department at (770) 254-2354. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Board of Zoning Appeals meets on the first Tuesday of each month. Applications must be submitted by 9:00 a.m. at least forty-five (45) days prior to that date. Incomplete applications or applications submitted after the deadline will not be accepted.

Article 7 (Parking and Loading) - Sec. 7-5

I (We) hereby request the following variance from the provisions of section(s) increase in max parking of the Zoning Ordinance/Subdivision Regulations:

In order for the Board to consider the request, there must be required findings of fact upon the particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. Please answer the following criteria questions:

- 1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property? The maximum number of parking spaces is not sufficient for the business, which will result in off-site stacking and traffic issues.

- 
- 
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?  
Existing zoning is the same, CCS. The existing building has a larger building footprint and is allowed more parking.

---

  3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?  
The proposed building has a smaller footprint, which prevents the number of parking required per code to support the business.

---

  4. What is the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property?  
The site would not have enough parking for staff and customers, which would result in off-site parking or stacking of cars on adjacent property owners and public road. The number of employees on the largest shift is 20 employees; 18 parking spaces would be insufficient to accommodate the employees, let alone customers as well.

---

  5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction, on, or use of, the property?  
To increase the maximum parking from 18 spaces to 30 spaces.

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The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards. **The applicant must provide written documentation demonstrating that their request meets at least 4 out of the 7 hardship standards listed below:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  2. Such conditions are peculiar to the particular piece of such property involved;
  3. Such conditions were not imposed by action or will of the owner of the property;
  4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship.
  5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures;
  6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and
  7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance.
- **To meet these standards, the applicant should provide specific examples, data, or expert opinions that demonstrate how their property and situation align with at least 4 of these criteria.**

Included with the application, the following information is required and must also be furnished in digital, pdf format:

- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ Check for applicable fees (**\$350.00**).

I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand any inaccuracies may be considered just cause for invalidation of this application, and any action taken on this application. I (We) do hereby understand a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations.

Harrison Aiken

Applicant(s) Name(s) (Please Print)

Signature of Applicant(s)

**FOR OFFICIAL USE ONLY**

RECEIVED BY \_\_\_\_\_

DATE OF FILING \_\_\_\_\_

BZA MEETING DATE \_\_\_\_\_

DATE OF NOTICE PUBLICATION \_\_\_\_\_

ACTION TAKEN (DATE) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



City of Newnan, Georgia  
Attachment A

## Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for property.

Name of Property Owner New Peach Partners, L.P.

Telephone Number 770-977-9579

Address of Subject Property 971 Bullsboro Dr

Newnan GA 30265

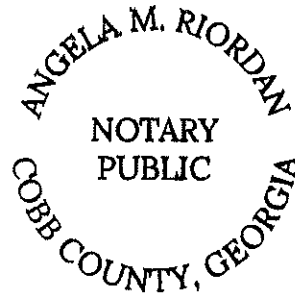
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

*Linda H Morris*  
Signature of Property Owner  
Linda Hughes Morris

Personally appeared before me

Linda Morris

who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.



*Angela M. Riordan*  
Notary Public

*Expires 10/22/28*

(Affix Raised Seal Here)

4/10/25  
Date

All that tract or parcel of land lying in and being in Land Lot 52 of the 5<sup>th</sup> District, Coweta County, City of Newnan, State of Georgia and being more particularly described as follows:

Commencing at a point found at the intersection of the easterly right of way of Interstate 85 (having a variable width, publicly dedicated right of way) and the southerly right of way of Bullsboro Drive a.k.a. Georgia State Route 34 (having a variable width, publicly dedicated right of way), thence leaving said right of way of Interstate 85 and continuing along said right of way of Georgia State Route 34 the following courses and distances: South 85 degrees 30 minutes 03 seconds East a distance of 199.46 feet to a point; North 88 degrees 04 minutes 25 seconds East a distance of 307.26 feet to an scribed x in the concrete, said scribed x being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way the following courses and distances: North 88 degrees 04 minutes 16 seconds East a distance of 92.64 feet to a 5/8-inch capped rebar set; South 87 degrees 01 minutes 10 seconds East a distance of 87.66 feet to a 5/8-inch capped rebar set; Thence leaving said right of way South 00 degrees 24 minutes 15 seconds East a distance of 284.99 feet to a 2-inch iron rod found; Thence with a curve turning to the left with an arc distance of 265.42 feet, with a radius of 2052.98 feet, with a chord bearing of South 82 degrees 09 minutes 20 seconds West, with a chord length of 265.23 feet to a 5/8-inch capped rebar set; Thence North 23 degrees 27 minutes 00 seconds East a distance of 89.78 feet to a 1/2-inch rebar found; Thence with a curve turning to the left with an arc distance of 224.67 feet, with a radius of 545.35 feet, with a chord bearing of North 11 degrees 39 minutes 12 seconds East, with a chord length of 223.08 feet to a 5/8-inch capped rebar set; Thence North 00 degrees 26 minutes 45 seconds West a distance of 21.78 feet to a scribed x found on the southerly right of way of Georgia State Route 34, said scribed x being the TRUE POINT OF BEGINNING.

Said tract of land contains 1.412 acres (61,509 square feet).

SURVEY NOTES

- 1) PROPERTY SHOWN HEREON WAS SURVEYED JANUARY 15, 2025.
2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1" IN 34,518' WITH AN ANGULAR ERROR OF 3.62 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
4) THIS PLAT HAS A MAP CLOSURE OF 1" IN 106,050'.
5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13077C0163D, WITH A DATE OF IDENTIFICATION OF FEBRUARY 6, 2013 FOR COMMUNITY NUMBER 130662, IN COWETA COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
6) BEARING BASIS (NAD83(2011), GA WEST) AND VERTICAL DATUM (NAVD88, GEOID18) FOR THIS SURVEY WERE ESTABLISHED USING A CARLSON BRX7 GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .05 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C., UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. PROFESSIONAL LAND SURVEYORS MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.
8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.
9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS SET FORTH IN GENERAL RECORDS RECORDED IN DEED BOOK 1009, PAGE 44, COWETA COUNTY RECORDS.
10) THIS DESCRIBES THE SAME PROPERTY AS DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 2-43881, DATED SEPTEMBER 15, 2024 AT 5:00PM.
11) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.
12) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
13) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
14) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
15) SUBJECT PROPERTY HAS IN-DIRECT ACCESS TO BULLSBORO DRIVE, BEING A PUBLICLY DEDICATED RIGHT OF WAY.
16) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXIST.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 52 OF THE 5TH DISTRICT, COWETA COUNTY, CITY OF NEWMAN, STATE OF GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF INTERSTATE 85 (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF BULLSBORO DRIVE A.K.A. GEORGIA STATE ROUTE 34 (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF INTERSTATE 85 AND CONTINUING ALONG SAID RIGHT OF WAY OF GEORGIA STATE ROUTE 34 THE FOLLOWING COURSES AND DISTANCES: SOUTH 85 DEGREES 30 MINUTES 03 SECONDS EAST A DISTANCE OF 198.46 FEET TO A POINT, NORTH 88 DEGREES 04 MINUTES 25 SECONDS EAST A DISTANCE OF 307.26 FEET TO AN SCRIBED X IN THE CONCRETE, SAID SCRIBED X BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 88 DEGREES 04 MINUTES 18 SECONDS EAST A DISTANCE OF 92.64 FEET TO A 5/8-INCH CAPPED REBAR SET; SOUTH 87 DEGREES 01 MINUTES 10 SECONDS EAST A DISTANCE OF 87.66 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY SOUTH 00 DEGREES 24 MINUTES 15 SECONDS EAST A DISTANCE OF 284.99 FEET TO A 2-INCH IRON ROD FOUND; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC DISTANCE OF 263.42 FEET, WITH A RADIUS OF 2052.98 FEET, WITH A CHORD BEARING OF 284.99 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 23 DEGREES 27 MINUTES 00 SECONDS EAST A DISTANCE OF 89.78 FEET TO A 1/2-INCH REBAR FOUND; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC DISTANCE OF 224.67 FEET, WITH A RADIUS OF 545.35 FEET, WITH A CHORD BEARING OF NORTH 11 DEGREES 39 MINUTES 12 SECONDS EAST, WITH A CHORD LENGTH OF 233.08 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 00 DEGREES 26 MINUTES 45 SECONDS WEST A DISTANCE OF 21.78 FEET TO A SCRIBED X FOUND ON THE SOUTHERLY RIGHT OF WAY OF GEORGIA STATE ROUTE 34, SAID SCRIBED X BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1.412 ACRES (61,509 SQUARE FEET).

SURVEYOR'S 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 15-6-67.

TO NEW PEACH PARTNERS LP AND CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 6(b), 7(a)(1)(c), 8, 9, 11(c)(i), 13, 14, & 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 15, 2025.



ADAM T. BRATTON, A GEORGIA PLS# 3489
DATE OF PLAT OR MAP: JANUARY 30, 2025

PARKING

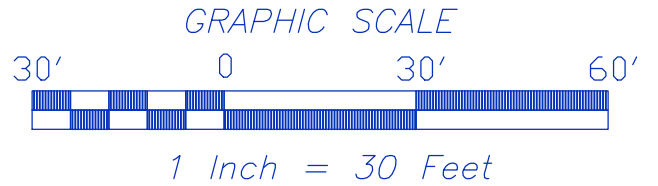
SUBJECT PROPERTY CONTAINS 106 PARKING SPACES, 3 OF WHICH ARE DESIGNATED HANDICAP ACCESSIBLE.

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

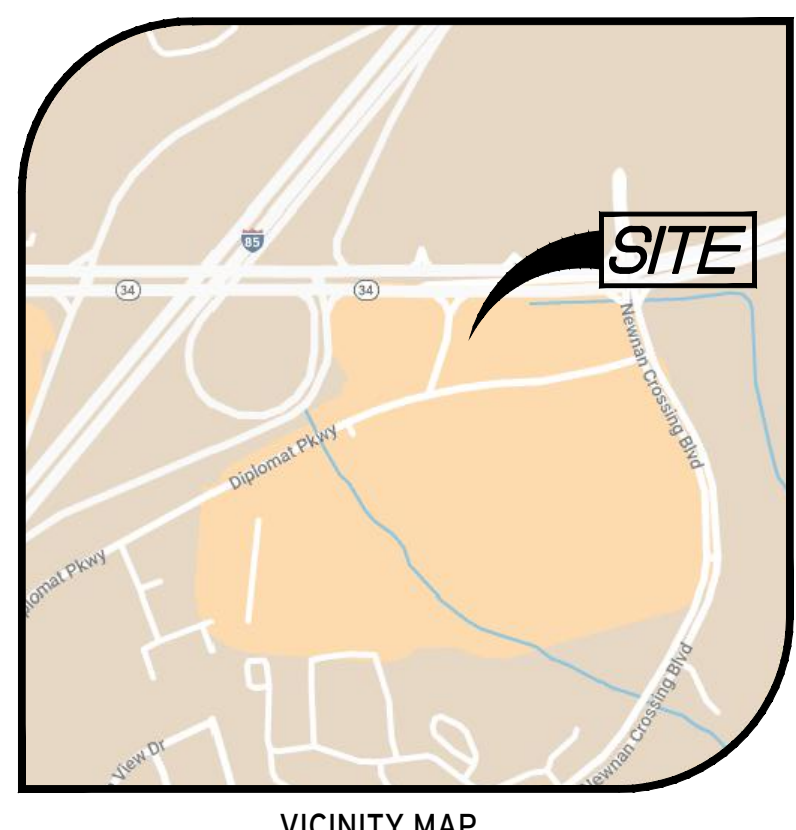
LEGEND

- PROPERTY LINE
OVERHANGING/AWNING
RECORD CALLS
BUILDING SETBACK LINE
BUILDING SETBACK LINE
INDEX CONTOUR
MINOR CONTOUR
SPOT ELEVATION
WATER LINE
OVERHEAD UTILITY LINE
GAS LINE
SANITARY SEWER LINE
UNDERGROUND ELECTRIC LINE
UNDERGROUND TELEPHONE LINE
FENCE LINE
STORM DRAIN PIPE
WATER VALVE
WATER METER
FIRE HYDRANT
GAS METER
GAS VALVE
POWER METER
SANITARY SEWER MANHOLE
DROP INLET
CURB INLET
JUNCTION BOX
REBAR
CAPPED REBAR
FOUND
LIGHT POLE
SIGN
TREE
HARDWOOD
PINE



LINE TABLE with columns: LINE, BEARING, DISTANCE. Rows L1 through L8.

CURVE TABLE with columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING. Rows C1, C2.



VICINITY MAP

TITLE EXCEPTIONS

CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NO. 2-43881
EFFECTIVE DATE OF COMMITMENT: SEPTEMBER 15, 2024 AT 5:00 P.M.

PART II, SCHEDULE B
3. SPECIAL EXCEPTIONS:

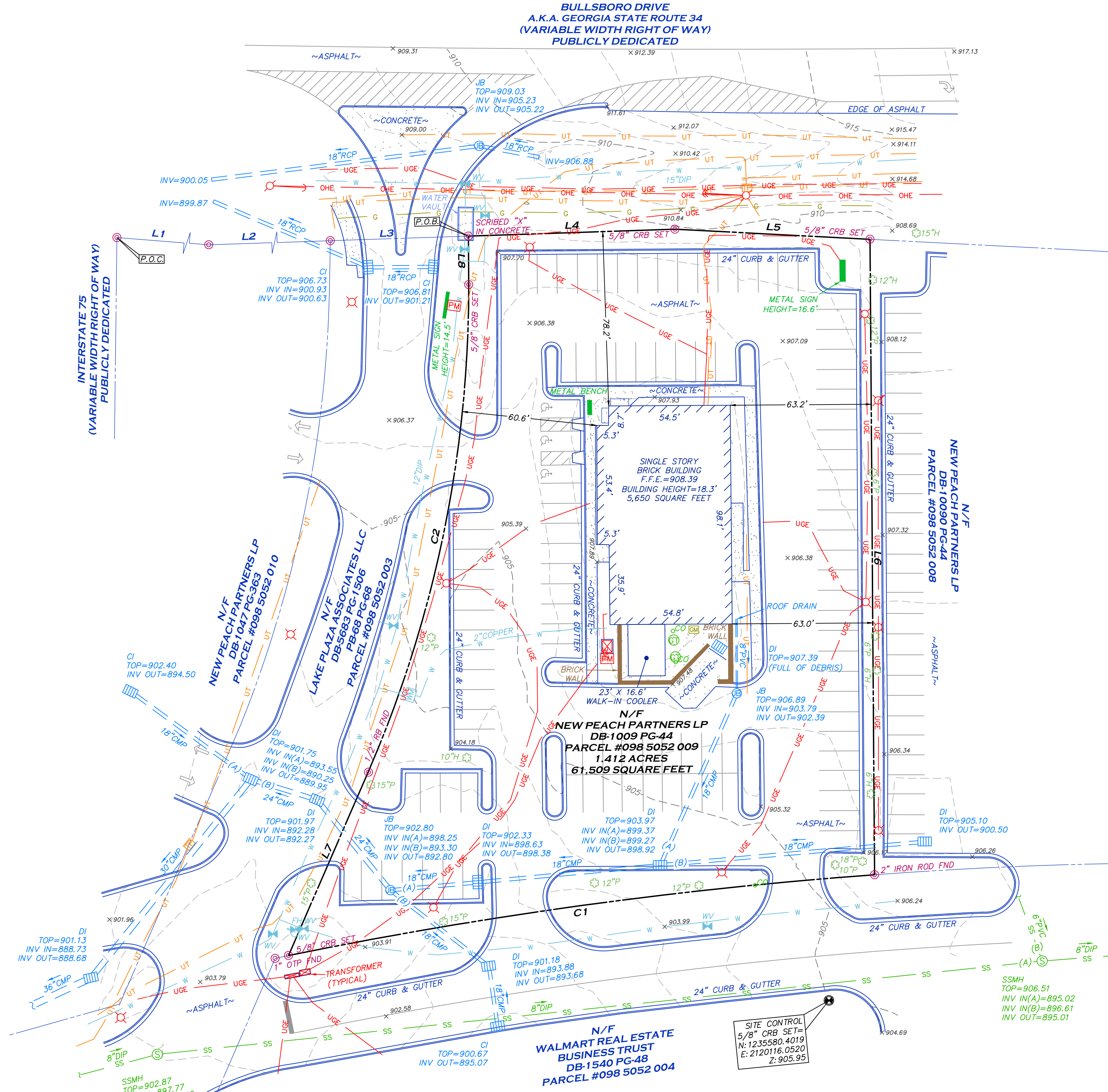
(F) RIGHT OF WAY DEED (LIMITED ACCESS) FROM CATHERINE FARMER AND MILLARD FARMER TO STATE HIGHWAY DEPARTMENT OF GEORGIA, DATED AUGUST 25, 1966, FILED FOR RECORD SEPTEMBER 1, 1966 AT 9:00 A.M., RECORDED IN DEED BOOK 133, PAGE 168, AFORESAID RECORDS.
(SAID DOCUMENT DESCRIBES A CONVEYANCE OF PROPERTY FOR THE RIGHT OF WAY OF INTERSTATE 85. ALSO DESCRIBES THE RELINQUISHMENT OF ACCESS RIGHT AND STORM WATER EASEMENT. SAID CONVEYANCE, RIGHTS AND EASEMENT DO NOT AFFECT SUBJECT PROPERTY.
(G) RIGHT OF WAY DEED FROM CATHERINE FARMER, INDIVIDUALLY AND CATHERINE FARMER AS EXECUTRIX UNDER WILL MILLARD FARMER, DECEASED TO STATE HIGHWAY DEPARTMENT OF GEORGIA, DATED APRIL 5, 1968, FILED FOR RECORD MAY 13, 1968 AT 10:30 A.M., RECORDED IN DEED BOOK 151, PAGE 205, AFORESAID RECORDS.
(SAID DOCUMENT DESCRIBES A CONVEYANCE OF PROPERTY FOR THE RIGHT OF WAY OF STATE ROUTE 34 ALSO KNOWN AS BULLSBORO DRIVE. SAID CONVEYANCE ESTABLISHES CURRENT RIGHT OF WAY AND DOES NOT AFFECT SUBJECT PROPERTY.

(H) EASEMENT AGREEMENT AND RESTRICTIVE COVENANT AGREEMENT BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION AND NEWMAN CROSSING PARTNERSHIP, A GEORGIA GENERAL PARTNERSHIP, DATED JANUARY 10, 1995, FILED FOR RECORD JANUARY 19, 1995 AT 1:52 P.M., RECORDED IN DEED BOOK 907, PAGE 205, AFORESAID RECORDS. AS AMENDED BY THAT CERTAIN RESTATED AND AMENDED EASEMENT AGREEMENT BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION AND NEWMAN CROSSING PARTNERSHIP, A GEORGIA GENERAL PARTNERSHIP, DATED APRIL 7, 1995 AT 8:45 A.M., RECORDED IN DEED BOOK 923, PAGE 541, AFORESAID RECORDS; AS FURTHER AMENDED BY THAT CERTAIN FIRST AMENDMENT TO RESTATED AND AMENDED EASEMENT AGREEMENT BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION, JDN REALTY CORPORATION, A MARYLAND CORPORATION AND NEWMAN CROSSING PARTNERSHIP, A GEORGIA GENERAL PARTNERSHIP, DATED NOVEMBER 21, 1995, FILED FOR RECORD DECEMBER 22, 1995 AT 11:48 A.M., RECORDED IN DEED BOOK 987, PAGE 49, AFORESAID RECORDS; AS FURTHER AMENDED BY THAT CERTAIN SECOND AMENDMENT TO RESTATED AND AMENDED EASEMENT AGREEMENT BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION, JDN REALTY CORPORATION, A MARYLAND CORPORATION AND NEWMAN CROSSING PARTNERSHIP, A GEORGIA GENERAL PARTNERSHIP, DATED AS OF APRIL 19, 2004, FILED FOR RECORD APRIL 22, 2004 AT 9:19 A.M., RECORDED IN DEED BOOK 2478, PAGE 62, AFORESAID RECORDS.
(SAID DOCUMENT DESCRIBES RESTRICTIONS ON USE AND DEVELOPMENT OF PROPERTY. ALSO INCLUDES EASEMENTS FOR INGRESS/EGRESS, UTILITIES, AND STORMWATER DRAINAGE. SAID RESTRICTIONS AND EASEMENTS BOTH AFFECT AND BENEFIT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

(I) USE RESTRICTIONS AS CONTAINED IN THAT CERTAIN MEMORANDUM OF LEASE BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION ("LANDLORD") AND LOWE'S HOME CENTERS, INC., A NORTH CAROLINA CORPORATION ("TENANT"), DATED JANUARY 31, 1995, FILED FOR RECORD MAY 17, 1995 AT 9:18 A.M., RECORDED IN DEED BOOK 932, PAGE 432, AFORESAID RECORDS.
(SAID DOCUMENT DESCRIBES RESTRICTIONS ON USE AND DEVELOPMENT OF PROPERTY. SAID RESTRICTIONS BOTH AFFECT AND BENEFIT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

(J) DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS BY JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION, DATED AS OF SEPTEMBER 12, 1995, FILED FOR RECORD SEPTEMBER 27, 1995 AT 11:26 A.M., RECORDED IN DEED BOOK 985, PAGE 124, AFORESAID RECORDS; AS AMENDED BY THAT CERTAIN AMENDMENT TO SAID DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION AND JDN REALTY CORPORATION, A MARYLAND CORPORATION, DATED AS OF DECEMBER 20, 1995, FILED FOR RECORD DECEMBER 22, 1995 AT 11:47 A.M., RECORDED IN DEED BOOK 987, PAGE 8, AFORESAID RECORDS; AS FURTHER AMENDED BY THAT CERTAIN FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION AND JDN REALTY CORPORATION, A MARYLAND CORPORATION, DATED AS OF MARCH 14, 1996, FILED FOR RECORD MARCH 19, 1996 AT 9:34 A.M., RECORDED IN DEED BOOK 1009, PAGE 22, AFORESAID RECORDS; AS FURTHER AMENDED BY THAT CERTAIN SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION AND JDN REALTY CORPORATION, A MARYLAND CORPORATION AND AMERICAN RETAIL PROPERTIES, INC., A CALIFORNIA CORPORATION, DATED AS OF MAY 2, 1996, FILED FOR RECORD JUNE 7, 1996 AT 9:30 A.M., RECORDED IN DEED BOOK 1037, PAGE 460, AFORESAID RECORDS; AS RE-RECORDED JULY 10, 1996 AT 10:01 A.M., RECORDED IN DEED BOOK 1040, PAGE 523, AFORESAID RECORDS; AS FURTHER AMENDED BY THAT CERTAIN FOURTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS BY AND BETWEEN JDN DEVELOPMENT COMPANY, INC., A DELAWARE CORPORATION, JDN REALTY CORPORATION, A MARYLAND CORPORATION AND AMERICAN RETAIL PROPERTIES, INC., A CALIFORNIA CORPORATION, DATED AS OF OCTOBER 8, 1997, FILED FOR RECORD DECEMBER 8, 1997 AT 11:11 A.M., RECORDED IN DEED BOOK 1190, PAGE 594, AFORESAID RECORDS.
(SAID DOCUMENT DESCRIBES RESTRICTIONS ON USE AND DEVELOPMENT OF PROPERTY. ALSO INCLUDES EASEMENTS FOR INGRESS/EGRESS, UTILITIES, AND STORMWATER DRAINAGE. SAID RESTRICTIONS AND EASEMENTS BOTH AFFECT AND BENEFIT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

(K) ALL THOSE MATTERS AS DISCLOSED BY THAT CERTAIN PLAT RECORDED IN PLAT BOOK 68, PAGE 69, AFORESAID RECORDS.
-NO ADDITIONAL MATTERS AFFECT SUBJECT PROPERTY.



PROFESSIONAL LAND SURVEYORS, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30120
770-334-8186
WWW.PLS.US
INFO@PLS.US
GEORGIA C.O.A.: LSF001980

PREPARED FOR:
NEW PEACH PARTNERS LP
8
CHICAGO TITLE INSURANCE COMPANY

ALTA / NSPS LAND TITLE SURVEY OF:

971 BULLSBORO DR.
NEWMAN GA 30265
(CITY OF NEWMAN)

COUNTY: COWETA

DISTRICT: 5

STATE: GEORGIA

LAND LOT: 52

REVISIONS

DATE: DESCRIPTION

DATE: DESCRIPTION

DATE: DESCRIPTION

DATE: DESCRIPTION

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DATE: DESCRIPTION

DATE: JANUARY 29, 2025

JOB #: 255121

SCALE: 1"=30'

DRAWN BY: D. HALL



DATE: JANUARY 29, 2025

JOB #: 255121

SCALE: 1"=30'

DRAWN BY: D. HALL

## MEMORANDUM

From: Harrison Aiken, P.E.  
Kimley-Horn and Associates, Inc.

Date: 4/29/2025

Subject: Raising Cane's Newnan: Variances for 971 Bullsboro Dr, Newnan, GA 30265

---

Raising Cane's Restaurants, L.L.C. has announced plans to redevelop the parcels located at 971 Bullsboro Dr, Newnan, GA 30265 to serve as a quick serve restaurant with drive through service. The existing zoning for this site is CCS (Commercial Shopping Center District), and a drive-through restaurant is allowed by right. This application for variance requests is submitted for this development.

The below is a written request to demonstrate this variance request meets at least 4 hardships:

3. Such conditions were not imposed by action or will of the owner of the property; **The current tenant has a larger building footprint, and therefore has more parking associated with the existing site.**
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship; **The maximum parking required by code is not sufficient to support the business and the number of employees required for this site. There are 20 employees on the largest shift. The 18 parking spaces allowable per the Ordinance is insufficient for the employees, let alone customers as well. This would result in off-site parking required or off-site stacking of cars entering the property.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures; **Relief would not cause detriment to any of the items listed above if granted. It would also reduce congestion in public and private streets as more people would be able to park within the site itself.**

7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance; **The number of parking spaces required is primarily driven by this restaurant's use and what is expected for staff and customers and would not apply to all restaurants.**

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## MEMORANDUM

From: Harrison Aiken, P.E.  
Kimley-Horn and Associates, Inc.

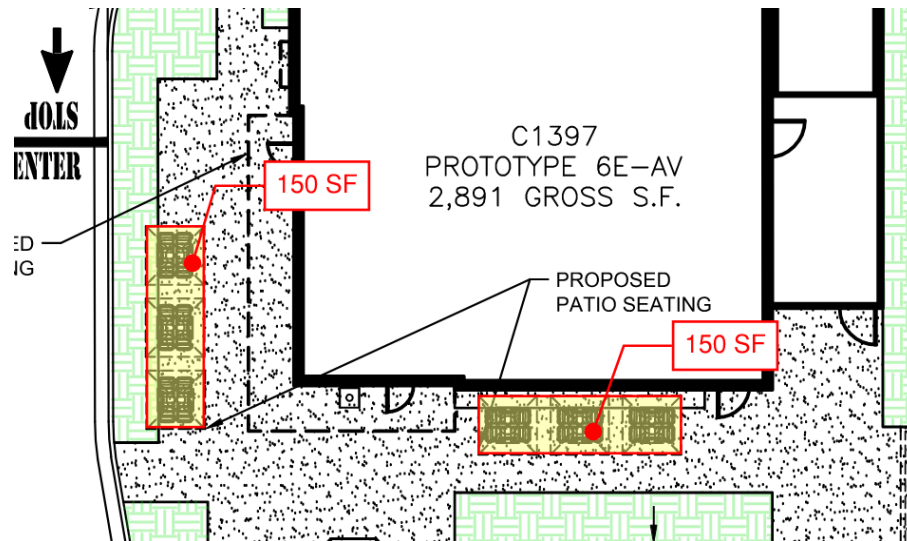
Date: 6/17/2025

Subject: Raising Cane's Newnan: Parking Calculations for 971 Bullsboro Dr, Newnan, GA 30265

---

Raising Cane's Restaurants, L.L.C. has announced plans to redevelop the parcels located at 971 Bullsboro Dr, Newnan, GA 30265 to serve as a quick serve restaurant with drive through service. The existing zoning for this site is CCS (Commercial Shopping Center District). The parking space requirements for this site have been calculated from the code requirements as follows.

This calculation was done based on the assumption of 900 SF of seating area, indoor and outdoor. Per conversations with the architect, approximately 600 SF of indoor seating area will be provided. 300 SF of outdoor seating area will be provided as illustrated below.



The minimum number of parking spaces, 1 per 75 SF of seating area, was calculated as 12 spaces.

$$900 \text{ SF seating area} * (1 \text{ space}/75 \text{ SF seating area}) = \mathbf{12 \text{ spaces minimum}}$$

The maximum number of parking spaces, to not exceed 50% of the minimum calculated, was then calculated as 18 spaces.

$$1.5 * (\text{minimum } 12 \text{ spaces}) = \mathbf{18 \text{ spaces maximum}}$$

A variance to increase the allowable parking to 30 spaces has been requested because the maximum parking required by code is not sufficient to support the business and the number of employees required for this site. There are 20 employees on the largest shift. The 18 parking spaces allowed per the Ordinance are insufficient for the employees, let alone customers as well. This would result in off-site parking required or off-site stacking of cars entering the property.

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