



NEWNAN

GEORGIA • CITY OF HOMES

City of Newnan Board of Zoning Appeals

Agenda for September 2, 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. Minutes, July 1, 2025
3. Public Hearings
 - a. Variance Request - 21 Fresh Bru Drive - 2025-06
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



CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
July 1, 2025
10:00 a.m.

Board Members in Attendance: Skin Edge, Frank Flournoy, Sally Hensley, Kris Lovell, Ken Parker, Cliff Smith

Board Members Absent: Willie Walton

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director
Dean Smith, Senior Planner
Chris Cole, 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 May 6, 2025, meeting minutes. Mr. Parker motioned to approve the minutes. Mr. Lovell seconded the motion.

MOTION CARRIED (6-0)

Public Hearing – Variance 2025-05 – 27 College Street, First Baptist Church

Chairman Edge opened the public hearing on Variance 2025-05.

Senior Planner, Chris Cole, gave the staff report and presented visual representations of the proposed variance. He stated the applicant is seeking a reduction of the rear property line between itself and the adjacent neighbors at 32 Wesley Street, 30 Wesley Street, and 28 Wesley Street. Mr. Cole further explained that all properties involved are zoned RU-I, and he discussed the setback requirements according to Newnan’s Zoning Ordinance.

Mr. Cole also discussed the applicant’s reasoning for this request. In the past, the property lines have been mistaken. Additionally, walls and fences led to further confusion. There has simply been a misunderstanding of where the property lines lie, and the homeowners have

maintained these areas. FBC has voted to give this property, which they have incorporated into their landscaping and general yards, to the neighbors.

Staff further notes that there will be no new construction, only lot splits and an eventual new recorded plat that will “clean up” the property lines. Mr. Cole also explained that letters of support have been included in his report and no objections have been received.

Chairman Edge called for any questions of staff. Mr. Flournoy asked if this request is to give property to the adjoining neighbors. Mr. Cole confirmed this.

Angela White, representing First Baptist Church, approached and was sworn in by Brad Sears. She stated that she wanted to thank Mr. Cole and the board for the presentation and their consideration. She reiterated that they would like to give this property to the adjoining neighbors in this case.

Mr. Parker asked if parcel 28 would be part of this. Mr. Cole confirmed this. Ms. White stated that 32, 30, and 28 Wesley Street were the addresses involved with the church’s intent to tidy up the property lines. Mr. Parker inquired if 26 would be involved. Ms. White stated that 26 is the church playground.

Randy Reese, Wesley Street, approached and was sworn in by Brad Sears. He stated he is in support of this variance.

Chairman Edge asked if anyone present was against this project. With no one coming forward, the public hearing was closed.

Mr. Flournoy made a motion to approve. Ms. Hensley seconded the motion.

MOTION CARRIED (6-0)

Public Hearing – Variance 2025-04 – 971 Bullsboro Drive, Raising Cane’s

Chairman Edge opened the public hearing on Variance 2025-04.

Senior Planner, Dean Smith, gave the staff report and presented visual representations of the proposed variance. Mr. Smith explained this variance would allow an increase over the maximum allowed number of parking spaces for a proposed fast-food restaurant. This restaurant is permitted to have a maximum number of 18 parking spaces but is requesting 30. Mr. Smith then presented the hardship standards considered for a variance. In addition, Mr. Smith noted that the BZA has approved similar requests in 2020 and 2022 for comparable fast food/quick service restaurants.

Mr. Smith also discussed the applicant’s reason for this request. The applicant has indicated that a large shift, having 20 employees, will make the 18-space maximum insufficient for staff and customers. This would result in off-site parking or off-site stacking of cars.

Ms. Hensley asked if the Applebee’s building will be demolished. Mr. Smith confirmed this to be his understanding. Ms. Hensley inquired if the employees could park in the nearby shopping center. Mr. Sears stated that this would be up to the restrictions and covenants of the of the shopping center. Walmart, Hobby Lobby, and Lowe’s control their own lots. Also, the lots are owned by different entities.

Chairman Edge inquired how many spaces the Applebee's lot had.

The applicant, Harrison Aiken, was sworn in by Mr. Sears. He stated that Applebee's has 90 – 95 parking spaces.

Chairman Edge asked if there will be a drive through. The applicant confirmed. Ms. Hensley asked if the green space depicted would be actual green space. Mike Furbush, City Landscape Architect, stated that the project will have to meet City Ordinances.

Chairman Edge asked if anyone present was in opposition. With no one coming forward, the public hearing was closed.

Mr. Flournoy made a motion to approve the variance request. Mr. Lovell seconded the motion.

MOTION CARRIED (6-0)

New Business

None

ADJOURN

Mr. Flournoy made a motion to adjourn the meeting at 10:22 a.m. and Mr. Lovell seconded the motion.

MOTION CARRIED (6-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: September 2, 2025

Application Number: 2025-06

Agenda Item: Variance Request – 21 Fresh Bru Drive



Prepared and Presented by: Chris Cole, Senior Planner

Purpose: The purpose of the hearing is to receive public comment on variance request by Dan Tucker for a portion of 21 Fresh Bru Drive, which is zoned IHV. The applicant is asking for a variance to allow for outdoor storage without being able to locate the outdoor storage to the side or rear of a building (due to the lack of a building). The outdoor storage requirement is outlined in Section 3-8(e) of the City of Newnan’s Zoning Ordinance.

Staff Note – The storage yard (subject property as shown on the Location Map) is part of the operation for STAline Waterworks, whose Newnan office is located across Fresh Bru Drive from the subject property. The company’s property on the eastern side of Fresh Bru Drive contains an office complex/warehouse and storage areas. The company’s property on the western side of Fresh Bru Drive (the subject property) is for storage only. The items stored on the subject property, as well as the office property across Fresh Bru Drive, are materials used for municipal water systems. The company itself is a wholesale distributor of underground utility solutions. The subject property (on the western side of Fresh Bru Drive) is 2.29+/- acres, leaving a remaining 34.71+/- acres on the office complex property across Fresh Bru Drive from the subject property. There is no building on the subject property. The applicant has also screened the fence along Fresh Bru Drive to help to further block the view from drivers. Staff Note – See attached pictures of screened areas.

Applicant: Dan Tucker
6595 Old White Mill Road
Fairburn, GA 30213

Property Owner: Williams Lake LLC
13 Raintree Court
Newnan, GA 30263

Zoning: Heavy Industrial (IHV)

Present Use: Storage Yard

Proposed Use: Storage Yard

Pertinent Regulations: Section 3-8(e) of the Zoning Ordinance

Applicant’s Position:

According to the applicant, “Our plans were approved with a note and flag stating Storage Yard with asphalt millings. We have completely finished the Storage Yard and have spent over \$900,000.00. It was permitted as a part of the property with the building and not a separate project (see attached site plan). This ordinance compliance issue came up during the Certificate of Completion inspection.

This subject property's storage yard will be used for seasonal overflow needs and future expansion. The main storage yard is located on the east side in the rear and sides of the building. Both storage yards areas have a planted 10-foot Landscape Buffer per ordinances. Fresh Bru Drive is a private road and the subject property's storage yard is not visible from a public ROW. STAline Waterworks is the last business before the cul-de-sac and this area has very little outside traffic.

This was permitted as one contiguous property so the west side of the road is not a standalone storage yard. It is part of the same surveyed property, just located on the opposite side of a private street. The total property is approximately 37 acres and both the east and west storage yards are on the same property (which connects around the cul-de-sac). The properties are not subdivided at this point."

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicant indicated, "All outdoor storage shall be located to the side or rear of the building and be screened from public streets." 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, "There are storm drainage easements and electrical easements on this portion of the property that reduce the usable area to a point that does not allow space for a building and rear storage yard."

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, "We currently have a 15-year lease with the tenant that includes this area for a storage yard as it is called out on our permitted plans. The tenant cannot operate without this overflow storage area and can terminate their lease." 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, "The storage yard area as shown on our permitted/approved plans must be allowed for this use in order for the tenant to operate at this new facility. We did a custom-designed build to suit the facility for the tenant's current and future needs."

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

Staff Note – The applicant combined answers for #1 and #2.

Applicant's Response -

- The east side of the property with the building has a stream and an existing common storm pond that has a 75-foot impervious setback due to the CCWA lake system. This is an unusual stream setback dimension and we were not made aware of this in the design stages until the CCWA responded during plan review. This reduced our usable area so we needed more storage yard; the west side of Fresh Bru was our only option. This was not denied or commented on during our plan review process.
- Both portions of the property had drastic topography change and we were required to utilize cut and fill slopes to create the flat storage yard requirements of the tenant.
- Easements basically restrict the location of a building from being constructed on this part of the property and definitely do not allow storage behind a building due to the shallow depth of usable area between easements (see attached easement exhibit).
 - We have a 100-foot Georgia Power Transmission Easement, plus a fall zone setback which reduces our usable area.
 - We are also encumbered by stormwater easements on the northern and western side of the Storage Yard.

Regarding #1, staff believes this proposal works within the confines of the restrictions of the subject property's size (totaling 2.29 acres +/-), shape, and topography. Regarding the subject property's features (as seen on Exhibit A – title highlighted in yellow), the existing 100-foot Georgia Power transmissions easements play a large role on the use of the property. This includes the associated fall zone setback). As seen on the Water & Sanitary Sewer As-Built (title highlighted in yellow), the subject property also contains stormwater easements (also highlighted in yellow) that affect the use. The applicant indicated in conversation that the stormwater easements are limited primarily to required zoning setback areas.

Regarding #2, staff believes this proposal is peculiar or special in that no construction is being proposed and that the applicant is just dealing with the existing lot constraints.

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

Applicant's Response - These conditions were not imposed by action or will of the property owner.

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 - If relief is not granted, the western part of this property will basically be unusable for its zoned intent.

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 - Relief, if granted, would not cause substantial detriment to the public good.

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 - See the attached easement exhibit that shows the limited usable area that is too small for a standalone business/building.

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 circumstance is very unique and would not create a broad regulation to amend this ordinance.

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 request to allow for outdoor storage without being able to locate the outdoor storage to the side or rear of a building (due to the lack of a building), staff believes the request is appropriate and will present no negative impacts. Staff also believes this proposal works within the restrictions of the lot's size, shape, and topography.

The desire of the applicant to allow for outdoor storage without being able to locate the outdoor storage to the side or rear of a building (due to the lack of a building) is not unreasonable and should present no impact upon the neighbors. Furthermore, alleviation of the outdoor storage placement requirement will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit outdoor storage that is not located to the side or rear of a building.

Proposed Staff Condition:

Staff proposes the following condition:

- *The property owner shall install and maintain a continuous screening buffer along the property boundaries that are visible from a road within ninety (90) days after the adjoining roadway is formally accepted into the City street system. The screening shall be subject to review and approval by the Planning and Zoning Department. The required screening shall be maintained in good condition in perpetuity by the property owner or successor in title.*

Staff Note - The portion of road that fronts 21 Fresh Bru Drive is currently a private road. The applicant has advised staff that the road will be publicly dedicated at some point in the future.

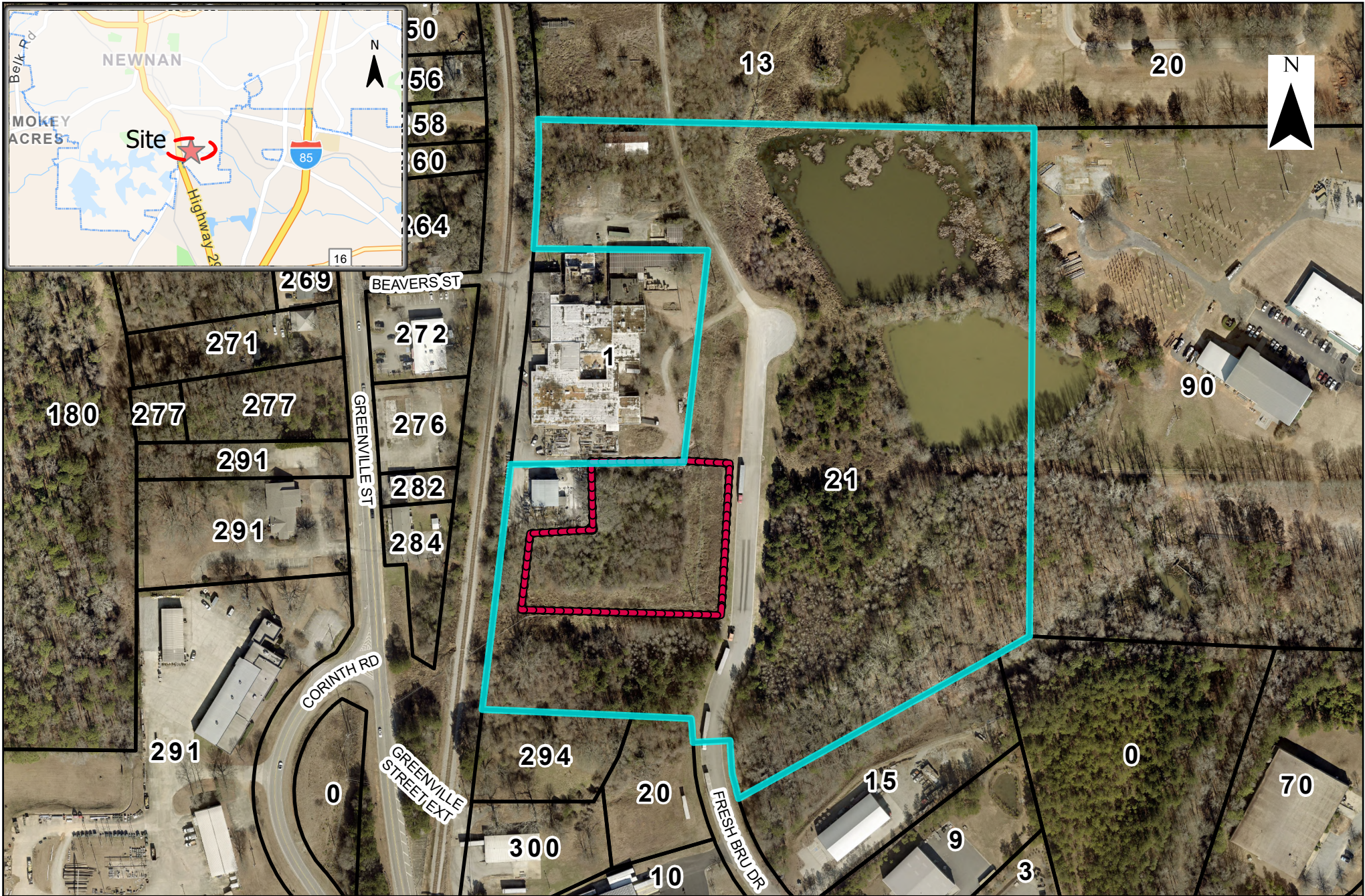
Options:

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

Staff's assessment of the request coincides with Option A, to approve the request. After evaluating the request in regard to the City's variance hardships standards, staff feels that the request meets 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

Project Location

1 = 2,928 feet

Date: 7/17/2025 10:26 AM

 21 Fresh Bru Drive

 Subject Property

 City Limits

Parcel # 075 2025 021

ADDRESS
 21 FRESHBRU DR
 Newnan, Ga 30263

21 Fresh Bru Drive - Variance

View of subject property with screened fencing looking towards the south on Fresh Bru Drive



Alternate view of subject property looking towards the south on Fresh Bru Drive



21 Fresh Bru Drive - Variance

View of subject property looking towards the north on Fresh Bru Drive



View of access driveway off Fresh Bru Drive



21 Fresh Bru Drive - Variance

View of subject property's storage area



View of subject property looking towards the north on Fresh Bru Drive



21 Fresh Bru Drive - Variance

View of property across Fresh Bru Drive



Alternate view across Fresh Bru Drive

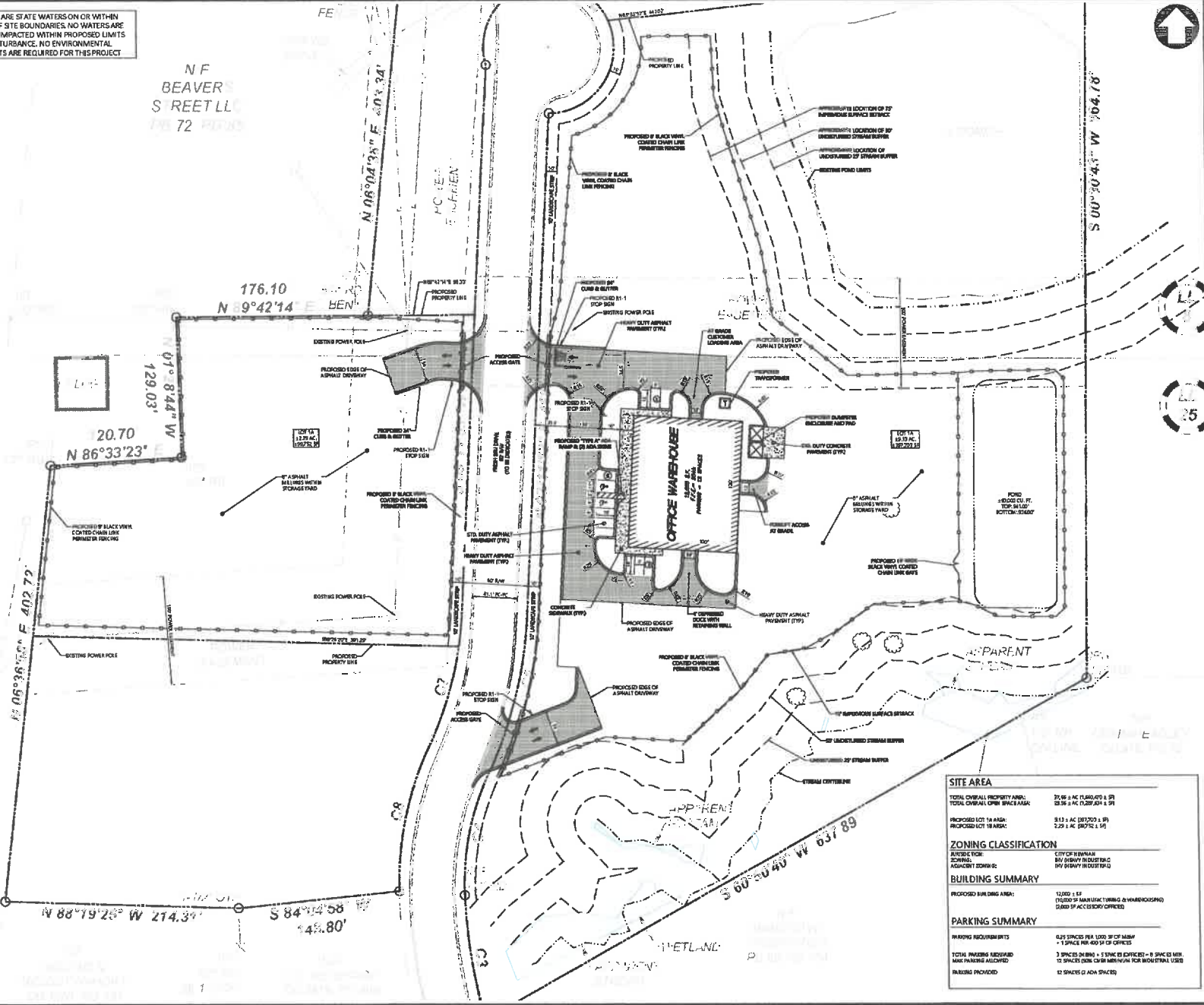


SITE LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING STRICKE LINE
- 30' CORO AND BUFFER
- PROPOSED STRICKE LINE
- CROSS WALK
- STOP & PAYMENT MARKING
- TRAFFIC FLOW ARROW (PAVEMENT MARKING)
- DIRECTIONAL ARROW (PAVEMENT MARKING)
- HANDICAP (PAV)
- CONCRETE WHEEL STOP
- ADA ADA HANDICAP MARK
- PARKING SPACE COURT
- SIGN
- GROUP OF PARKING SPOTS
- DUMPSTER PAD
- TRASH/DEBRIS PAD
- CONCRETE
- STANDARD DUTY PAVING
- HEAVY DUTY PAVING

THERE ARE STATE WATERS ON OR WITHIN 200' OF SITE BOUNDARIES. NO WATERS ARE TO BE IMPACTED WITHIN PROPOSED LIMITS OF DISTURBANCE. NO ENVIRONMENTAL PERMITS ARE REQUIRED FOR THIS PROJECT


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SITE AREA	
TOTAL OVERALL PROPERTY AREA:	37.96 ± AC (PLATS 470 & 91)
TOTAL OVERALL OPEN SPACE AREA:	33.36 ± AC (PLATS 470 & 91)
PROPOSED LOT 18 AREA:	813 ± AC (PLATS 703 & 91)
PROPOSED LOT 19 AREA:	2,291 ± AC (PLATS 1 & 95)
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF NEWMAN
ZONING:	INDUSTRY DEVELOPMENT (IND)
AGENCY ZONING ID:	INDUSTRY DEVELOPMENT (IND)
BUILDING SUMMARY	
PROPOSED BLDG AREA:	12,000 ± SF
	(10,000 SF MAIN FLOOR (OFFICE & WAREHOUSING) & 2,000 SF 2ND FLOOR OFFICE)
PARKING SUMMARY	
MINIMUM REQUIREMENTS:	6.5 SPACES PER 1,000 SF OF BLDG
	1.5 SPACES PER 400 SF OF OFFICE
TOTAL PARKING REQUIRED:	3 SPACES (BLDG) + 5 SPACES (OFFICE) = 8 SPACES MIN.
PROPOSED PARKING:	12 SPACES (20' x 30' MINIMUM FOR INDUSTRIAL USE)




811
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NEWMAN, GA 30567
(706) 526-1100

FORTUNE WATERWORKS 21 FRESH BRU DRIVE CITY OF NEWMAN COWETA COUNTY, GA	FRESH BRU INDUSTRIAL BRENT HOLDINGS, LLC SITE DEVELOPMENT PLANS SITE PLAN
DATE: 02-19-2024	

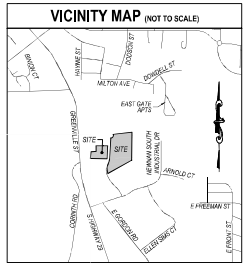


GSWDC No: 21547



DATE: 02-19-2024
SCALE: AS SHOWN
PROJECT: MAIN ASSESS
JOB NO: 21547
E: ECODE: CP

WATER & SANITARY SEWER AS-BUILT FOR:
FRESH BRU INDUSTRIAL
 LAND LOTS 8 & 25 OF THE 2ND DISTRICT
 CITY OF NEWNAN, COWETA COUNTY, GEORGIA

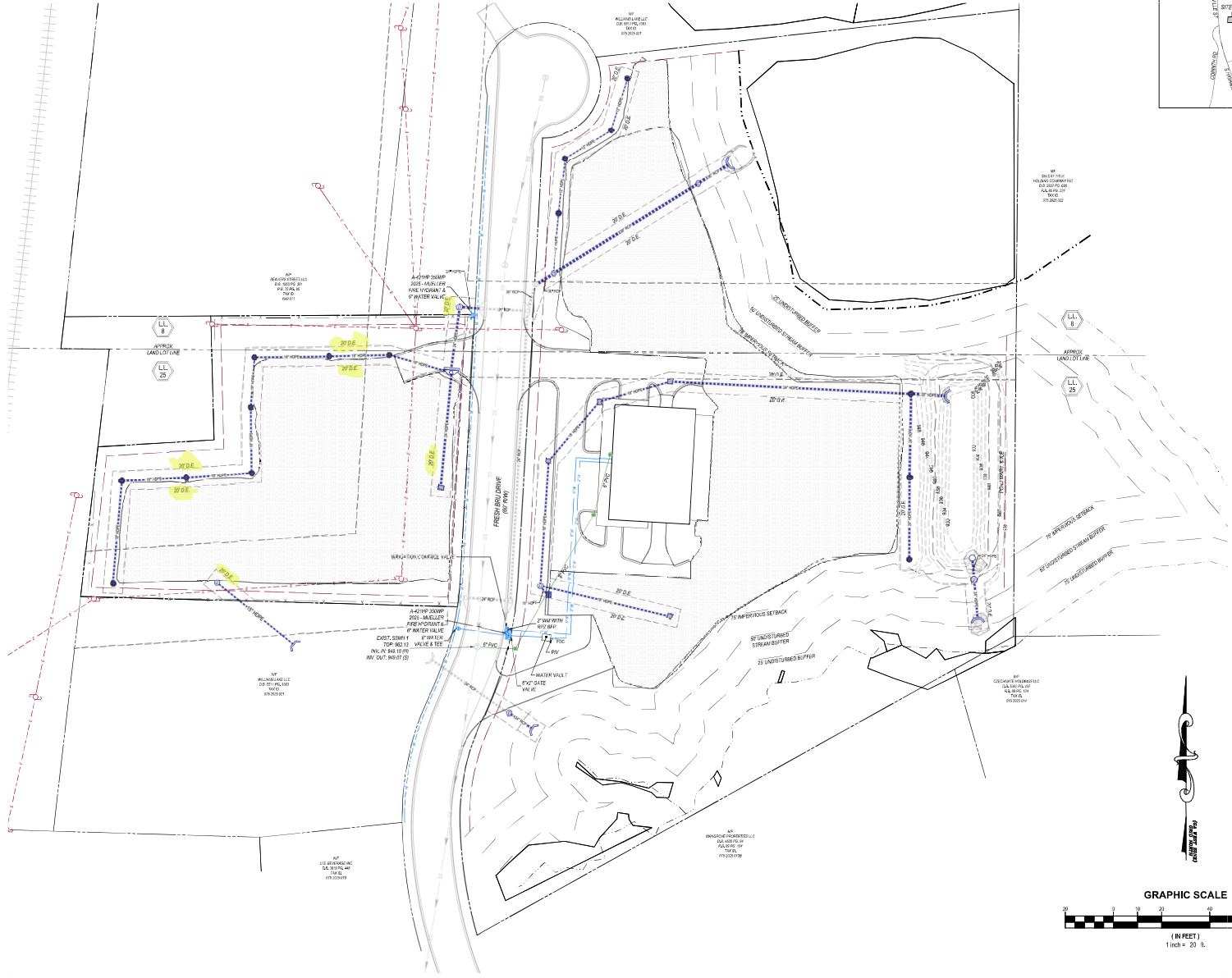


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 McDonough, GA 30253
 770.914.9394

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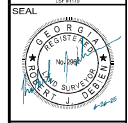


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PLAY	PLUM
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PROJECT NAME	FRESH BRU INDUSTRIAL CITY OF NEWNAN, COWETA COUNTY, GEORGIA
CLIENT NAME	BRETT HOLDINGS, LLC SENGA, GEORGIA 30278

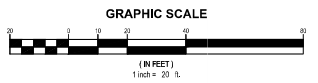
REVISIONS	
A3446.0001-ASB	
DATE	6-26-2021
CONTRACT #	A3446.0001
DRAWN BY	RJD DC

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SHEET TITLE
WATER & SANITARY SEWER AS-BUILT

SHEET
1 OF 1





CITY OF NEWNAN, GEORGIA

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



APPLICATION FOR VARIANCE

Name of Applicant Dan Tucker (Dawn Scarbrough - owner)

Mailing Address 13 Baintree Court Newnan, GA 30265

Telephone 404-290-7924 cell E-Mail: dtucker@brentholdings.net

Property Owner (Use back if multiple names) Williams Lake, LLC

Mailing Address 13 Baintree Court Newnan, GA 30265

Telephone 678-429-2903

Address/Location of Property 21 Fresh Bru Drive Newnan, GA 30263

Tax Parcel No: 075 2025 021

Present Zoning Classification: Industrial

Present Land Use New site development and building construction

Intended Use Commercial/ Industrial Warehouse (STAlone Waterworks, Inc.)

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) Article 3-8(e) of the Zoning Ordinance/Subdivision Regulations: Outdoor Storage location and screening *SA*

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?
All outdoor storage shall be located to the side or rear of the building and be screened from public streets

- 2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Industrial zoning

- 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?
There are storm drainage easements and electrical easements on this portion of the property that reduce the usable area to a point that does not allow space for a building and rear storage yard.

- 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?
We currently have a 15 year lease with the tenant that includes this area for a storage yard as it is called out on our permitted plans. The tenant cannot operate without this overflow storage area and can terminate their lease.

- 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?
The storage yard area as shown on our permitted/approved plans must be allowed for this use in order for the tenant to operate at this new facility. We did a custom designed build to suit facility for the tenant's current and future needs.

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:** EXHIBIT B

- 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 off 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.

Dan Tucker

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

Dan Tucker

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Chris Cole

DATE OF FILING 7-16-2025

BZA MEETING DATE 9-2-2025

DATE OF NOTICE PUBLICATION 7-30-2025

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 WILLIAMS LAKE, LLC
Dawn Scarbrough - Owner. Dan Tucker- Applicant

Telephone Number 678-429-2903

Address of Subject Property 21 Fresh Bru Brive
Newnan, GA 30263

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.

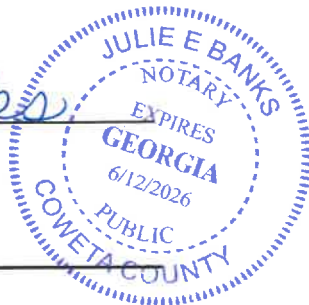
Dawn Denise Scarbrough, Mgr.
Signature of Property Owner

Personally appeared before me

Dawn Denise Scarbrough

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

Julie E. Banks
Notary Public



7/16/25
Date

(Affix Raised Seal Here)

Fresh Bru- STAline Waterworks, Inc
Variance Application Exhibit B

Description of Unique Circumstances and Property Description:

- Our plans were approved with a note and flag stating Storage Yard with asphalt millings. We have completely finished the Storage Yard and have spend over \$900,000.00. It was permitted as a part of the property with the building and not a separate project (see attached site plan). This ordinance compliance issue came up during the CO (certificate of completion) inspection.
- This Storage Yard will be used for seasonal overflow needs and future expansion. Main Storage Yard is located on the east side in the rear and sides of the building. Both Storage Yards areas have a planted 10ft Landscape Buffer per ordinances.
- Private Road- the Storage Yard is not visible from a public ROW (peculiar (hardship item 2))
- Last business before the cul-de-sac- very little outside traffic
- This was permitted as one contiguous property so the west side of the road is not a standalone storage yard. It is part of the same survey property just located on the opposite side of a private street. The total proerty is @37 acres and both the east and west storage yards are on the same proerty which connects around the cul-de-sac. Not subdivided at this point (peculiar (hardship item2))

Hardships (items 1 & 2)(Extraordinary and exceptions conditions that are peculiar to this particular property) These correspond to the items on the variance application:

- The east side of the property with the building has a stream and a existing, common storm pond that has a 75ft impervious setback due to the CCWA lake system. This is a unusual steam setback dimension and we were not made aware of this in the design stages until the CCWA responded during plan review. This reduced our usable area so we needed more storage yard; the west side of Fresh Bru was our only option. This was not denied or commented on during our plan review process.
- Both portions of the property had drastic topography change and we were required to utilize cut and fill slopes to create the flat storage yard requirements of the tenant.
- Easements basically restrict the location of a building from being constructed on this part of the property and definitely don't allow storage behind a building due to the shallow depth of usable area between easements (see attached easement exhibit).
 - We have a 100ft GA Power Transmission Easement plus a fall zone setback which reduces our usable area.
 - We are also encumbered by storm water easements on the northern and western side of the Storage Yard.

(3) These conditions were not imposed by action or will of the property owner.

(4) If relief is not granted the western part of this property will basically be unusable for its zoned intent.

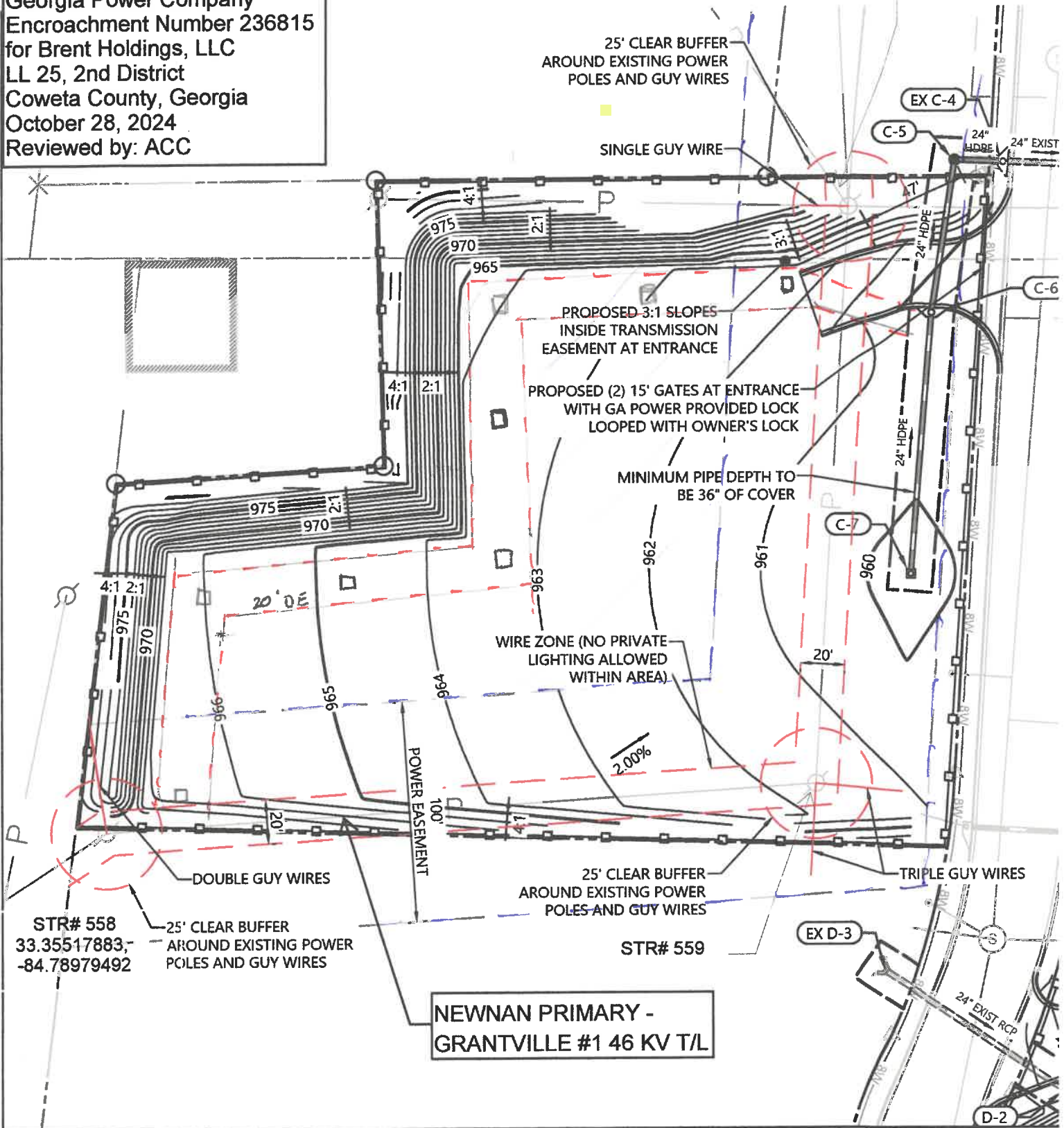
(5) Relief, if granted would not cause substantial detriment to the public good.

(6) See the attached easement exhibit that shows the limited usable area too small for a stand alone business/ building.

(7) This circumstance is very unique and would not create a broad regulation to amend this ordinance.

Note: The numbers above relate to the list on page 2 of the variance application.

Georgia Power Company
Encroachment Number 236815
for Brent Holdings, LLC
LL 25, 2nd District
Coweta County, Georgia
October 28, 2024
Reviewed by: ACC



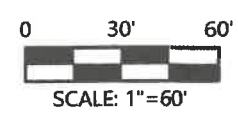
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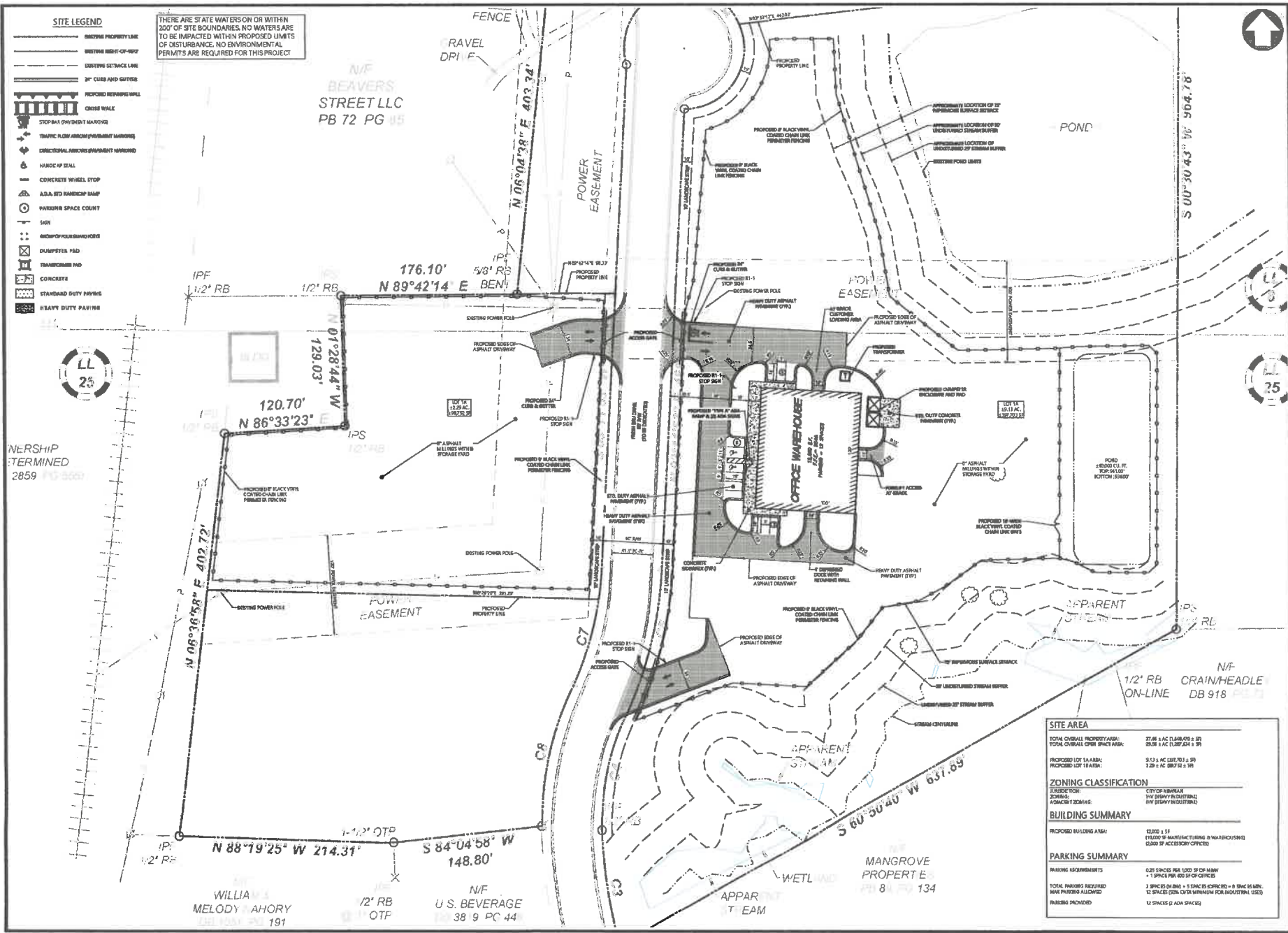
STR# 559

NEWAN PRIMARY -
GRANTVILLE #1 46 KV T/L



FRESH BRU INDUSTRIAL GA POWER PERMISSIBLE EASEMENT ENCROACHMENT





SITE AREA	
TOTAL OVERALL PROPERTY AREA:	27.46 ± AC (1.648.47 ± SQ)
TOTAL OVERALL OPEN SPACE AREA:	23.59 ± AC (1,287,24 ± SQ)
PROPOSED LOT 1A AREA:	9.13 ± AC (397,70 ± SQ)
PROPOSED LOT 1B AREA:	1.29 ± AC (59,72 ± SQ)
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF NEWMAN
ZONING:	INDUSTRIAL (I)
APPLICABLE ZONING:	INDUSTRIAL (I)
BUILDING SUMMARY	
PROPOSED BUILDING AREA:	10,000 ± SF
	17,000 SF MANUFACTURING OR WAREHOUSING
	3,000 SF ACCESSORY OFFICES
PARKING SUMMARY	
PARKING REQUIREMENTS:	0.25 SPACES PER 1,000 SF OF MAIN + 1 SPACE PER 400 SF OF OFFICES
TOTAL PARKING REQUIRED:	3 SPACES (MIN) + 5 SPACES (OFFICES) = 8 SPACES (MIN)
PARKING PROVIDED:	12 SPACES (20% OVER MINIMUM FOR INDUSTRIAL USE)

Know what's below. Call before you dig.

24 HOUR EMERGENCY CONTACT: 800-800-9111

ATWELL ENGINEERING & ARCHITECTURE, INC.

1000 W. MAIN STREET, SUITE 100
NEWMAN, CA 95060
TEL: (925) 255-1100
WWW.ATWELL-ENGINEERING.COM

PORTLAND WATERWORKS	21 FRESH BRU DRIVE	CITY OF NEWMAN	CONTRA COSTA COUNTY, CA
FRESH BRU INDUSTRIAL	BRENT HOLDINGS, LLC	SITE DEVELOPMENT PLANS	
SITE PLAN			
DATE: 02-19-2024			

CONTRA COSTA COUNTY

CONVCC No. 21547

SCALE: 1" = 40'

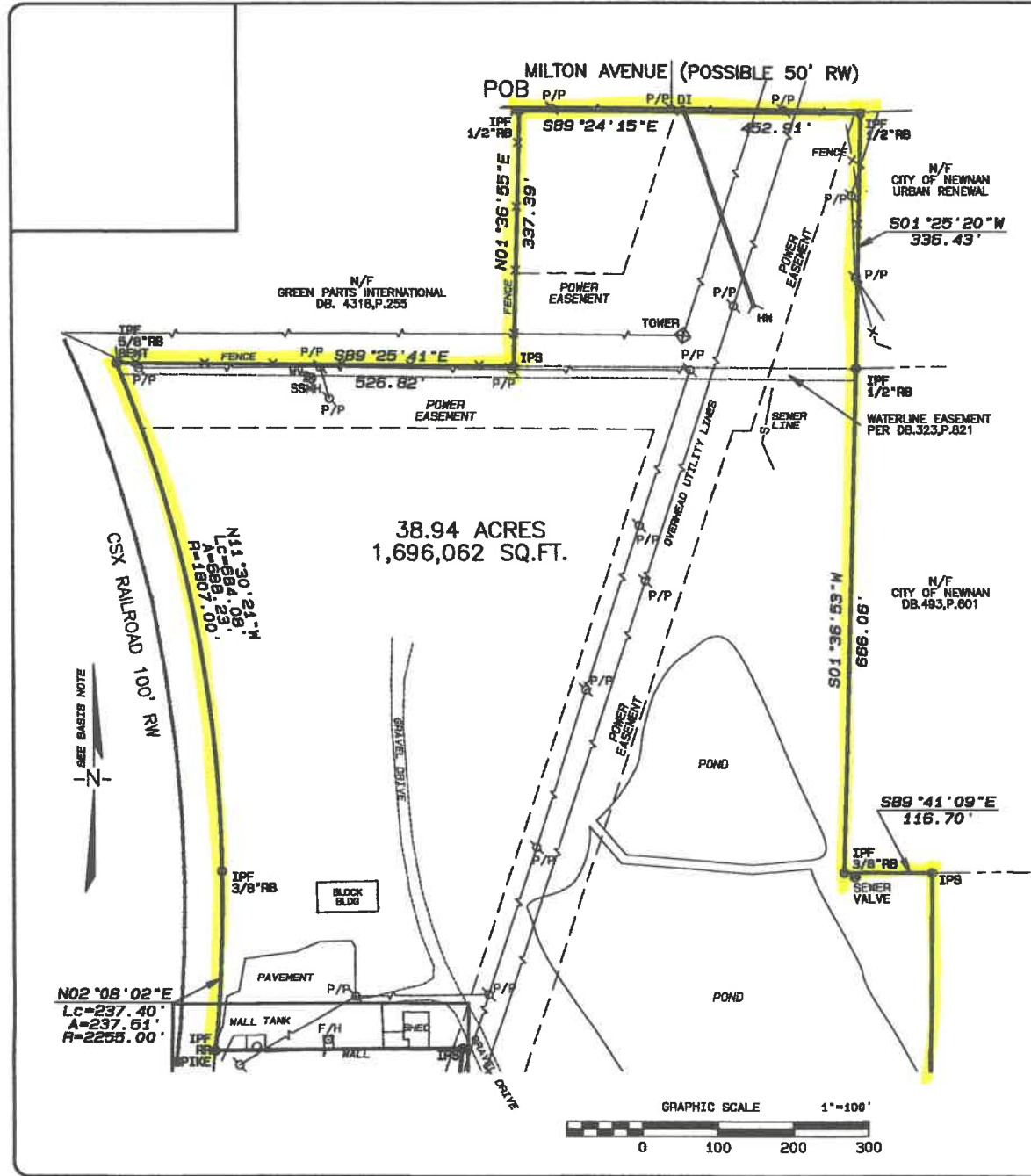
DESIGNED BY: MSA

CHECKED BY: MSA

MANAGER: MSA

DATE: 2/19/24

FILE CODE: CP



THIS SITE MAY ALSO BE BURDENED BY WATER LINE EASEMENTS AS DEPICTED ON AN ENCROACHMENT ADJUSTMENT EXHIBIT DRAFTED BY PARAMOUNT ENGINEERING, JONESBORO, GA., DATED 09/04/08 AND APPEARING IN DB 3364, P. 66.

EVIDENCE WAS FOUND AND REFLECTED HEREON OF A SANITARY SEWER FORCE MAIN, APPARENTLY BELONGING TO NEWMAN UTILITIES, MEANDERING THROUGH THIS SITE. REFERENCE IS MADE TO SAID LINE IN DB 1476, P. 601.

THIS SITE APPEARS TO BE BURDENED WITH A UTILITY EASEMENT IN FAVOR OF SPRINT COMMUNICATIONS AS SPECIFIED IN DB 4007, P. 604. THE LOCATION AND LIMITS OF WHICH COULD NOT BE DETERMINED.

POWER EASEMENTS NOTE:

WHERE POWER LINES ARE SHOWN WITHOUT AN EASEMENT, NO RECORD WAS FOUND TO REPRODUCE ANY EASEMENTS WHICH MAY BE ASSOCIATED WITH SAID LINES. WHERE EASEMENTS ARE SHOWN, THE LIMITS ARE DERIVED FROM THE FOLLOWING DOCUMENTS: DB 3364, P. 64 & DB 57, P. 336 OF THE COMETA COUNTY RECORDS; MAP 1189-11, SUTTLES' FERRY NEWMAN - RE-DEVELOPED PARCELS - 1946, GEORGIA POWER LAND RECORDS; AND NEWMAN ROADNOKE - 1946, GEORGIA POWER LAND RECORDS.

DATE OF FIELD WORK: 02/29/18
APPROXIMATELY 80% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON GTS 313 INSTRUMENT.

APPROXIMATELY 20% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING THE GEOMAX ZENITH 20 DUAL-FREQUENCY GPS SYSTEM IN STANDARD RTK MODE USING A 5-20 EPOCH OBSERVATION MODE WITH POSITIONAL TOLERANCES SET TO 0.10 HORIZONTALLY AND 0.15 VERTICALLY. USING THE GA BEST STATE PLANE COORD. SYSTEM. ALL BOUNDARY CORNERS WERE OBSERVED WITH A MINIMUM OF THREE REDUNDANT OBSERVATIONS.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 2,961,663 FEET.
NO NBS MONUMENT LOCATED WITHIN 600' OF SITE.

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 PARCELS 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 43-6-57.

WILLIAM LUKE SUTTLES, GA. R.L.S. #9137

PREPARED BY:
W. Luke Suttles, R.L.S.
780 RAYMOND SHEDDAN AVE
NEWMAN, GA 30266
(678) 378-5881

FLAT OF SURVEY FOR
PALMETTO PAD READY, LLC
LAND LOTS B & 2A, 2ND DISTRICT, CITY OF NEWMAN, COMETA COUNTY, GA

PROJECT NUMBER NEWMAN INDUSTRIAL	
DRAWN BY APS	CHECKED BY MLS
DATE 3/3/18	
FILE NAME	
DRAWING NUMBER 1 of 3	

NO	REVISION	OKD	DATE



THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON APPROXIMATE STRUCTURES AND RECORD DRAWINGS PROVIDED BY THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

REFERENCE DEEDS:
DB.2866, P.656 &
DB.2824, P.483

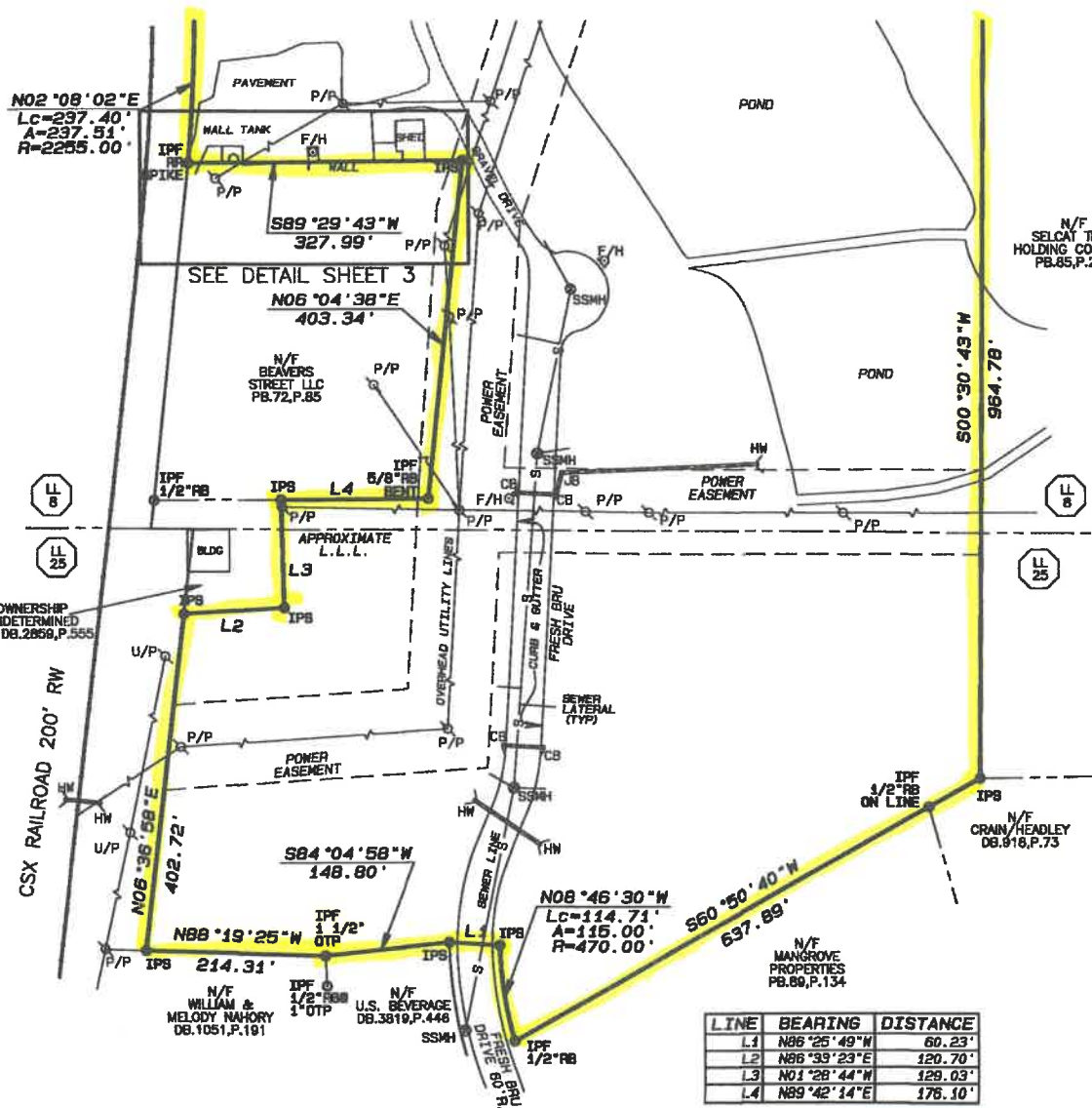
REFERENCE PLAT:
SURVEY BY CHRISTOPHER BROTHER'S LAND SURVEYING FOR NEWMAN SOUTH INDUSTRIAL PARK, DATED 06/24/05.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS GEODETIC NORTH

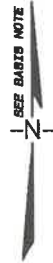
THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. MAP # 13077C02310, DATED 2/6/2013.

LEGEND

- R/W RIGHT OF WAY
- N/F NOW OR FORMERLY
- SQ. FT. SQUARE FEET
- CB CATCH BASIN
- HW HEADWALL
- JS JUNCTION BOX
- DI DROP INLET
- CMP CORRUGATED METAL PIPE
- ACD/CMP ASPHALT-C/CONCRETE CORRUGATED METAL PIPE
- D.E. DRAINAGE EASEMENT
- S/L SANITARY SEWER LINE
- F/H FIRE HYDRANT
- RCF REINFORCED CONCRETE PIPE
- S SANITARY SEWER
- SSMH SANITARY SEWER MANHOLE
- S.S.E. SANITARY SEWER EASEMENT
- L.L.L. LAND LOT LINE
- IPF IRON PIN FOUND
- IPB IRON PIN TO BE SET
- IPB (1/2" RE-BAR)
- NOB NO CORNER SET
- OTD OPEN TOP PIPE
- CTD CROWNED TOP PIPE
- CNE CONCRETE MONUMENT FOUND
- W/D WOOD DECK



LINE	BEARING	DISTANCE
L1	N86°25'49\"W	60.23'
L2	N86°33'23\"E	120.70'
L3	N01°28'44\"W	129.03'
L4	N89°42'14\"E	176.10'

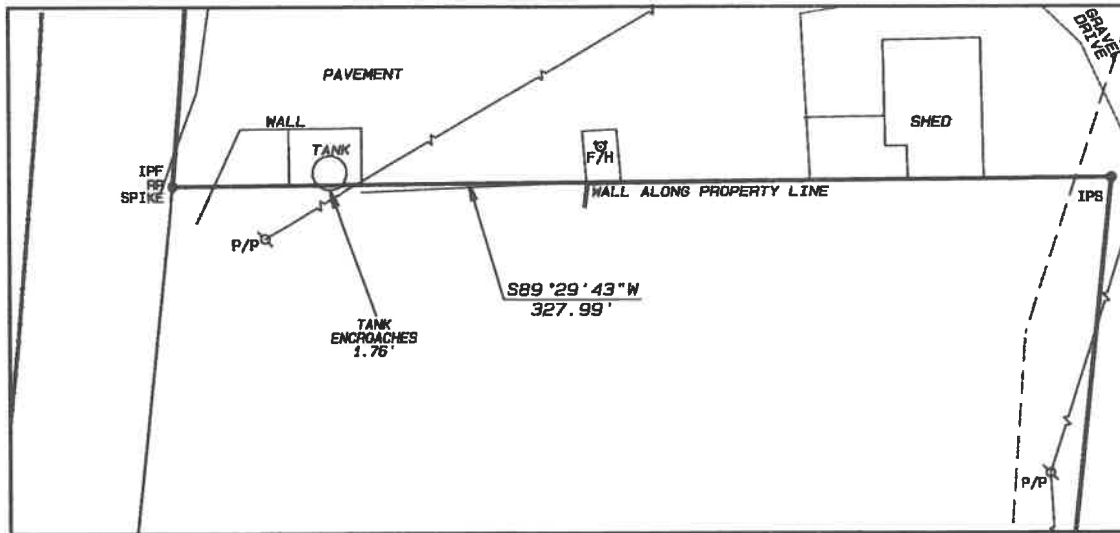
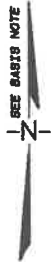


NO	REVISION	CHKD	DATE

PROJECT NUMBER NEWMAN INDUSTRIAL	
DRAWN BY APS	CHECKED BY MLS
ISSUE DATE 3/3/18	
FILE NAME	
DRAWING NUMBER 2 OF 3	

PREPARED BY:
W. Luke Swittles, RLIS
780 RAYMOND SHEDDAN AVE
NEWNAN, GA 30266
(678)378-6881

PLAT OF SURVEY FOR
PALMETTO PAD READY, LLC
LAND LOTS 8 & 25, 2ND DISTRICT, CITY OF NEWMAN, COWETA COUNTY, GA



DETAIL

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

FLAT OF SURVEY
 FOR
PALMETTO PAD READY, LLC
 LAND LOTS B & 25, 2ND DISTRICT, CITY OF NEWNAN, COMETA COUNTY, GA

NO	REVISION	CHKD	DATE

PROJECT NUMBER NEWMAN INDUSTRIAL	
DRAWN BY APS	CHECKED BY MLS
DATE 3/3/18	
FILE NAME	
DRAWING NUMBER 3 of 3	

89 degrees 16 minutes 14 seconds West a distance of 328.00 feet to a point; running thence in a Northeasterly direction, and following along the arc of a curve to the left, an arc distance of 237.24 feet (chord bearing North 01 degree 53 minutes 59 seconds East and a chord length of 237.20 feet) to a point; running thence North 89 degrees 59 minutes 31 seconds East a distance of 942.13 feet to a point; running thence South 00 degree 14 minutes 23 seconds West a distance of 965.85 feet to a point; running thence South 60 degrees 36 minutes 23 seconds West a distance of 638.00 feet to a point and the POINT OF BEGINNING.

Less and except any portion of the abutting railroad right-of-way conveyed through recorded or unrecorded right-of-way deeds.

EXHIBIT B

PERMITTED EXCEPTIONS

1. All taxes and assessments for the calendar year 2022 and subsequent years not yet due and payable. All matters as shown on that certain plat recorded Deed Book 50, Page 473, as recorded in County, Georgia records.
2. All matters as shown on that certain plat recorded in Plat Book 12, Page 205, as recorded in County, Georgia records.
3. Easement and right of way for Georgia Power Company as recorded in Deed Book 50, Page 91, County, Georgia records.
4. Easement and right of way for Georgia Power Company as recorded in Deed Book 71, Page 260, County, Georgia records.
5. Easement and right of way for Georgia Power Company as recorded in Deed Book 86, Page 672, County, Georgia records.
6. All matters as shown on that certain plat recorded in Plat Book 42, Page 66, as recorded in County, Georgia records.
7. All matters as shown on that certain plat recorded in Plat Book 4, Page 115, as recorded in County, Georgia records.
8. Easement in favor of the City of Newnan as recorded in Deed Book 323, Page 821, County, Georgia records.
9. All matters as shown on that certain plat recorded in Plat Book 44, Page 57, as recorded in County, Georgia records.
10. All matters as shown on that certain plat recorded in Plat Book 45, Page 182, as recorded in County, Georgia records.
11. All matters as shown on that certain plat recorded in Plat Book 19, Page 95, as recorded in County, Georgia records.
12. Right of Way Deed as recorded in Deed Book 910, Page 494, County, Georgia records.
13. Encroachment Agreement for Easement recorded at Deed Book 3361, Page 84, aforesaid records.
14. Easement Deed by Court Order recorded at Deed Book 4007, Page 524, aforesaid records.
15. Easement to Bellsouth Telecommunications, Inc. as recorded in Deed Book 965, Page 445, County, Georgia records.
16. Agreement with U.S. Beverage, Inc. recorded at Deed Book 1487, Page 636, aforesaid records.

EXHIBIT A

LEGAL DESCRIPTION

TRACTS LAND 1:

ALL THAT TRACT or parcel of land lying and being in Land Lot 8 of the 2nd District of Coweta County, Georgia, and being 17.626 acres as per plat of survey dated July 17, 2000, as revised July 26, 2000, which plat was prepared by W. D. Gray and Associates, Inc., Registered Land Surveyors, and being more particularly described as follows:

BEGINNING AT A POINT located on the easterly right-of-way of Milton Avenue, said point being located a distance of 216.0 feet easterly, as measured along said right-of-way, from the intersection of said right-of-way with the centerline of Jordan Street; from said POINT OF BEGINNING running thence south 89 degrees 37 minutes 54 seconds east a distance of 453.24 feet to a point; running thence south 02 degrees 11 minutes 41 seconds west a distance of 336.27 feet to a point; running thence south 02 degrees 22 minutes 44 seconds west a distance of 666.27 feet to a point; running thence north 88 degrees 56 minutes 28 seconds west a distance of 823.43 feet to a point, which point is located on the northeasterly right-of-way of C.S.X. Railroad (100 foot right-of-way); running thence in a northwesterly direction, and following along said right-of-way, and along the arc of a curve to the left, an arc distance of 689.62 feet (said chord having a radius of 1864.17 feet) to a point; running thence south 88 degrees 40 minutes 25 seconds east a distance of 529.06 feet to a point; running thence north 02 degrees 12 minutes 48 seconds east a distance of 337.38 feet to a point and the POINT OF BEGINNING.

TRACT 2:

ALL THAT TRACT or parcel of land lying and being in Land Lots 8 and 25 of the 2nd Land District of Coweta County, Georgia, and being Lot 15 containing 21.953 acres of land as per plat of survey prepared November 7, 2000, prepared by John R. Christopher, Registered Land Surveyor, and being more particularly described as follows:

Beginning at a point located on the Northeasterly right-of-way of Fresh Bru Drive (60 foot right-of-way) said point being located a distance of 670.16 feet Northwesterly, as measured along said right-of-way, from the intersection of said right-of-way with the Northerly right-of-way of Newnan South Industrial Drive (60 foot right-of-way); from said POINT OF BEGINNING continuing thence along the Northeasterly right-of-way of Fresh Bru Drive, and following along the arc of a curve to the right, an arc distance of 115.00 feet (chord bearing North 09 degrees 09 minutes 41 seconds West and a chord length of 114.71 feet) to a point; running thence North 86 degrees 40 minutes 10 seconds West a distance of 60.23 feet to a point; running thence South 83 degrees 53 minutes 38 seconds West a distance of 148.84 feet to a point; running thence North 88 degrees 36 minutes 03 seconds West a distance of 214.68 feet to a point, which point is located on the Easterly right-of-way of the CSX Transportation, formerly Atlanta & West Point Railroad (260 foot right-of-way); running thence North 06 degrees 22 minutes 33 seconds East, and following along said right-of-way, a distance of 402.79 feet to a point; running thence North 86 degrees 28 minutes 28 seconds East a distance of 129.70 feet to a point; running thence North 01 degree 41 minutes 46 seconds West a distance of 129.83 feet to a point; running thence North 89 degrees 29 minutes 09 seconds East a distance of 176.17 feet to a point; running thence North 03 degrees 51 minutes 15 seconds East a distance of 403.34 feet to a point; running thence South

Sec. 3-9. - Purpose.

- (3) Be placed according to the setbacks, buffer, and other dimensional requirements of the zoning district in which it is placed.
- (4) Have a specific time limit placed on their permitted siting which shall be established by the Building Official unless otherwise specified in this Ordinance.
- (5) Provide an interim landscaping treatment as approved by the City's Landscape Architect.
- (6) Be clean and in good condition. Such buildings may not contain signs or other extraneous material attached to the side unless specifically approved by the City. Signs shall meet the requirements of the sign requirements of this Ordinance.

(e) Outdoor Storage.

- (1) All outdoor storage shall be located to the side or rear of the building, be located inside of all setback lines, and be screened from public streets and residential districts. No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.
- (2) Gravel is an acceptable surface for outdoor storage areas in industrial districts.
- (3) Outdoor storage is not allowed in OI-1, OI-2, and CUN districts.

(f) Outdoor Retail Sales.

Outdoor retail sales shall be allowed in all-nonresidential zoning districts, with the exception that in the CBD district such sales shall only be allowed by special exception approval.

(g) Screening of Dumpsters.

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts as specified in the City's Solid Waste Ordinance and as specified in the City's Tree Preservation and Landscaping Ordinance.

DIVISION II – ACCESSORY USES AND STRUCTURES

Sec. 3-9. - Purpose.

- (a) Accessory uses or structures are allowed in connection with and incidental to an allowed principal use or structure and in compliance with the restrictions of this section.