



NEWNAN

GEORGIA • CITY OF HOMES

City of Newnan Board of Zoning Appeals

Agenda for February 3, 2026 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

1. Call to Order
2. Approval of Minutes
 - a. December 2025 BZA Minutes
3. Public Hearings
 - a. Variance Requests – 159 East Broad Street
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
December 2, 2025
10:00 a.m.

Board Members in Attendance: Skin Edge, Kris Lovell, Ken Parker, Willie Walton

Board Members Absent: Frank Flournoy, Sally Hensley, Nathan Metts

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

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 reviewed the September 2, 2025, meeting minutes. Mr. Lovell motioned to approve the minutes with the amendment to remove Cliff Smith from attendance. Mr. Parker seconded the motion.

MOTION CARRIED (4-0)

Public Hearing – Variance 2025-07 1025 Bullsboro Drive

Chairman Edge opened the public hearing on Variance 2025-07.

Senior Planner, Dean Smith, gave the staff report. This variance is in regard to an increased fence height from 6 ft to 8 ft. This request is for the purpose of developing a drone delivery service deployment area in a portion of the parking lot at the subject property. Mr. Smith discussed the 7 standards of consideration. He presented visual representations of the property and proposal. He also provided instances of the BZA approving similar requests. Mr. Smith concluded that 4 of the 7 standards have been met and staff recommend approval.

Mr. Parker inquired about the size of the area. Mr. Smith stated that information was not in the site analysis. Mr. Parker asked if the images are to scale. Mr. Smith replied that they should be. Mr. Parker requested clarification on whether this variance is for fence height only, not for the use of drones or the location and/or width of the fence. Ms. Dunnavant confirmed this.

The applicant, Brian Pelham, was sworn in by Brad Sears. Mr. Pelham stated that Mr. Smith gave a good presentation. He further discussed the project and gave visual representations. He asked if there were any questions. Chairman Edge inquired about projected start time. Mr. Pelham stated that he didn't know the particular date, but it should be after the first of the year. Mr. Parker asked for further explanation of the area's layout. Mr. Pelham discussed the autoloader, how the drone delivery will work, and the fenced area. He added that this will be an active FAA flight area. Zenobia Haynes came forward to share a drone delivery video with the board. Ms. Haynes discussed the weight capabilities, delivery radius, and speed.

Chairman Edge asked if there was anyone for or against this item. With none coming forward, he closed the public hearing and opened discussion to the board.

Mr. Parker asked where the variance signs were posted. Mr. Smith explained that they were posted on a landscape island at the terminus of the parking lot and Diplomat Parkway Extension.

With no further questions, Chairman Edge asked if anyone would like to make a motion.

Mr. Lovell made a motion to approve. Mr. Walton seconded the motion.

MOTION CARRIED (4-0)

New Business

Electing a new chairman was postponed until the first meeting of the year.

ADJOURN

Mr. Parker made a motion to adjourn the meeting at 10:23 a.m. and Mr. Lovell seconded the motion.

MOTION CARRIED (4-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: February 3, 2026

Application Number: 2026-01

Agenda Item: Variance Requests – 159 East Broad Street

NEWNAN
GEORGIA

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: The purpose of the hearing is to receive public comment on variance requests by Shaina Gilmore. The subject property is located at 159 East Broad Street (Tax Parcel N54 019) and is zoned RU-I. The applicant is asking for the following variances:

- 1) A request to reduce the minimum lot size to 0.23 acre from the required 0.40 acre to build a new house on the lot to be split from the existing lot at 159 East Broad Street.
- 2) A request to reduce the minimum lot size to 0.21 acre from the required 0.26 acre for the portion of 159 East Broad Street that will remain after the lot split that contains an existing house.
- 3) A request to reduce the rear setback to 30 feet, instead of the required 163 feet, for the construction of a new home on the lot to be split from the existing lot at 159 East Broad Street.
- 4) A request to reduce the front setback from the existing house to the front property line along East Broad Street to 26 feet, instead of required 31 feet, for the portion of 159 East Broad Street that will remain after the lot split that contains an existing house.

Applicant: Shaina Gilmore
159 East Broad Street
Newnan, GA 30263

Property Owner: Sky's The Limit Living Trust
7724 Pence Pond Lane
Charlotte, NC 28227

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

Present Use: Single-Family Residence

Proposed Use: Single-Family Residence to remain; New residence to be built on property to be split

Pertinent Regulations: The minimum lot size requirement is outlined in Section 4-32 and Table 4-A of the City of Newnan's Zoning Ordinance. The setback requirement is outlined in Section 4-29(a) and Table 4-A of the City of Newnan's Zoning Ordinance.

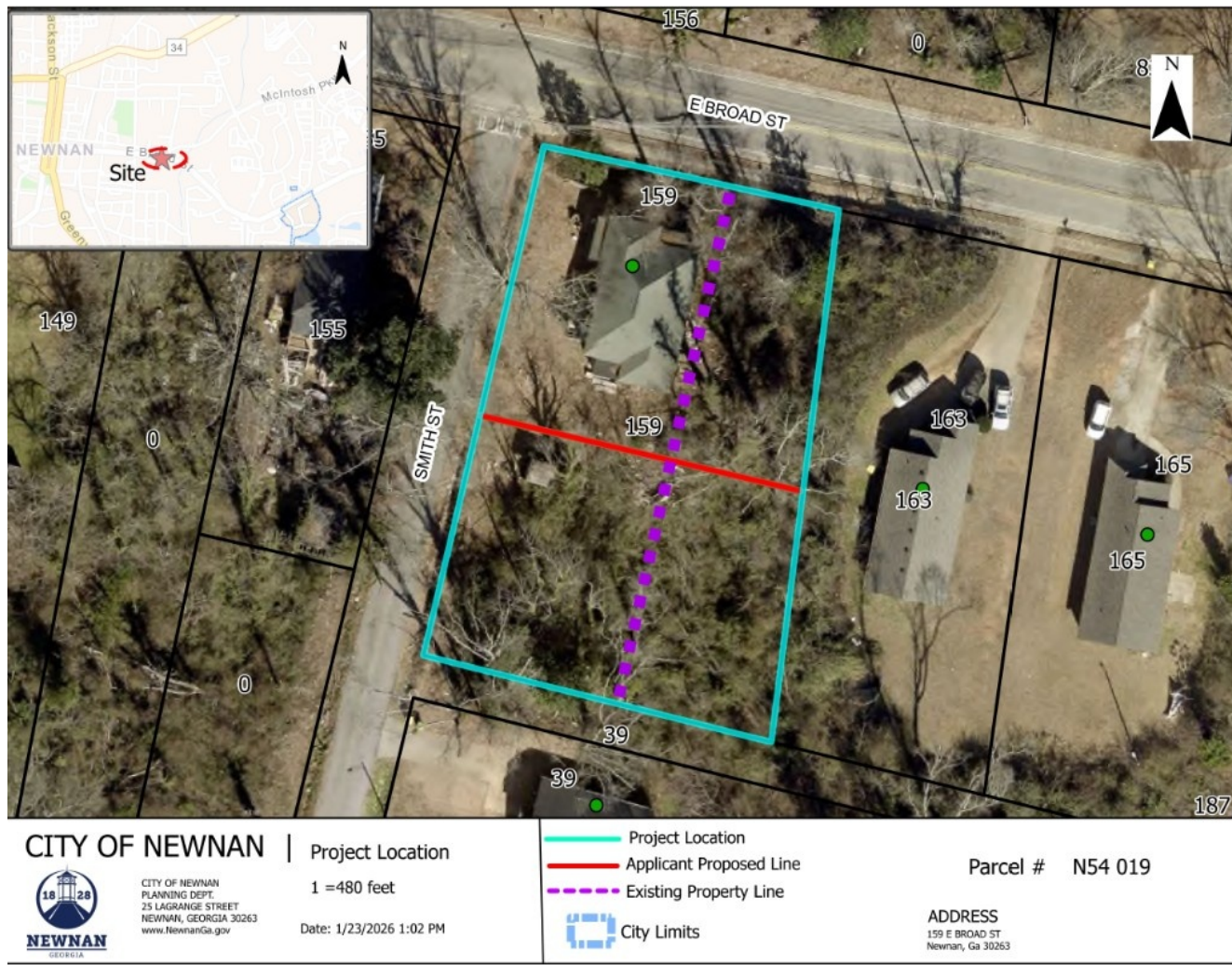
Applicant's Position:

The subject property consists of 0.44+/- acre and contains a single-family home that will remain (where the applicant resides). The subject property is zoned RU-I, which dictates lot size by the block average. The RU-I zoning category also requires that setbacks meet the average of adjacent units or block average. Because the applicant is splitting the lot that contains an existing home, not only does the new lot have to meet the dimensional standards, but so does the remaining lot with the existing home. In short, if approved by the Board of Zoning Appeals and if the subsequent lot split is approved by staff, the existing lot will “go away” and two new lots will be created. Accordingly, each of the two new lots will have to meet the RU-I dimensional standards. These “average” calculations are shown as the “required” figures in numbers 1 through 4 on page one of this report.

Staff Note - The image below is a portion of the recorded final plat for the subject property that shows the subject property containing two lots. The current configuration per the tax records shows one lot (as shown on the Location Map in this packet). In cases like this we check with the Coweta County Tax Assessors office in regards to whether lots were combined just for tax purposes (but otherwise remain as separate lots). Regarding the subject property, the Tax Assessors office told us that if the lots were combined for tax purposes, it was done before 1978 and because of that they cannot ascertain whether this was the reason for the combination. Accordingly, staff agrees with the applicant that the subject property does consist of two lots. In this case, due to hardships in building a new home next to the existing home along East Broad Street, the applicant has proposed an alternate lot layout as described further below.



The applicant intends to do a lot split in order to build a new home behind her existing home. The new home will be approximately 1,200 square feet. As described above, the subject property contains two lots. Though these lots have been combined over time, the applicant would now rather build a new home (to be split off from the subject property) than try to “squeeze” an additional home next to her home on East Broad Street. As shown in the applicant’s comments below, the applicant believes the proposal provides for a better outcome and reduces harm to the neighbors and the general public.



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 stated, “The front of the property exists on a 15-foot slope. Directly under the slope are the city water lines and the city sidewalks that Newnan citizens use every day. There is a neighboring home on this existing slope already that could be compromised if the slope is removed.”

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, “I would not have access to the front of my property. The city water line would have to be removed. A 15-foot slope would have to be removed. A neighboring home built in 1900 would be endangered to access my property.”

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 the stated requests represent the minimum extent.

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 – Because of the topography slope of this property, the owners have no access to the front of their lot. Because of the size it leaves an enormous amount of unused land (in RU-I zoning) which promotes development. Because of the shape it allows access, utilization, and development of this land with these variances and accordingly the problem can easily be resolved.

The applicant's proposed layout does account for existing issues found on the subject property. As seen in the photos found in this report, the front yard along East Broad Street does contain a severe slope. The terrain of the subject property along a portion of Smith Street is also elevated. Staff believes that this standard is met.

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

Applicant's Response – Having no access to the front of the property makes this peculiar to this property. Frontal access is very important and a legal obligation. Also, lot is located on top of a 15-foot slope.

Staff believes this proposal is peculiar or special in that it contains unique features such as no direct access from East Broad Street. The existing home only has access from Smith Street and this will remain. It is also an example of something that staff sees from time to time where there were once two platted lots, but now there is one lot per tax records. In this case, the recorded plat does show two lots and staff believes the applicant has the right to develop each of the two lots.

There is also an alley at the rear of the existing subject property (as seen on the Location Map). Regarding potential access to the vacant platted lot from the alley, the City's Director of Engineering Michael Klahr stated this alley is not City-maintained and could not possibly be used for an access point until research is done on the ownership of the alley. Staff believes that this standard is met.

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

Applicant's Response – None of these conditions were created by the owner. They are part of the unique qualities 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;

Applicant's Response – This is not a financial hardship but rather an owner's right hardship (by not having frontal access). It is an RU-I hardship because it does not allow development and reasonable use of land. It is a city hardship because in order to build, the city water and sewerage, and sidewalks, would be destroyed.

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 – If relief is granted, we can easily resolve all current hardships. Sidewalks and city water/sewerage could remain. Owners would have access to their properties without easements, encroachments, and infringement on others. Also, owners could make reasonable use of land.

It should be noted that the proposed layout is more beneficial to the adjacent homeowner to the east at 163 East Broad Street in terms of setbacks because the proposed lot split would allow the new house to be further away from the neighboring home. In addition, the proposed lot split would not significantly impact the neighbor to the south at 39 Smith Street because the adjacent alley already provides a "built-in" buffer between them and the new house. Staff believes that this standard is met.

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 – If zoning were applied literally the owners would not have access to their property. There would be major hardships. It would be a disaster to the community, the City of Newnan, and property owners.

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 is a unique property with unique circumstances. There are two lots on one deed. There is no frontal access on either lot because of conditions not created by the owners. This is the only lot with no frontal access on East Broad Street.

Staff believes that this standard is met.

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 listed on the first page, staff believes the requests are appropriate and will present no negative impacts. Staff also believes this proposal works within the restrictions of the subject property's size, shape, and topography.

In particular, the steep slope along East Broad Street, along with other factors such as existing utilities along the front of the subject property, are unique hardships that discourage access off East Broad Street (see picture of the applicant's driveway access off Smith Street). These restrictions practically force any new development potential to the rear of the subject property. It should also be noted that one of the two new lots to be created (the one that contains the existing home) has an existing front setback of 26 feet that the applicant just cannot meet after applying the average calculations.

Overall, the desire of the applicant to subdivide the property in order to build a new home is not unreasonable and should present no impact upon the neighbors. Furthermore, alleviation of the rear and front setbacks, as well as minimum lot sizes, will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit rear and front setback reductions, as well as minimum lot size reductions.

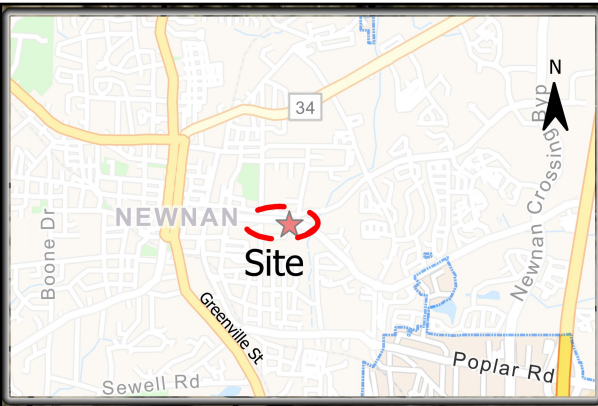
Options:

- 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

Project Location

1 = 720 feet

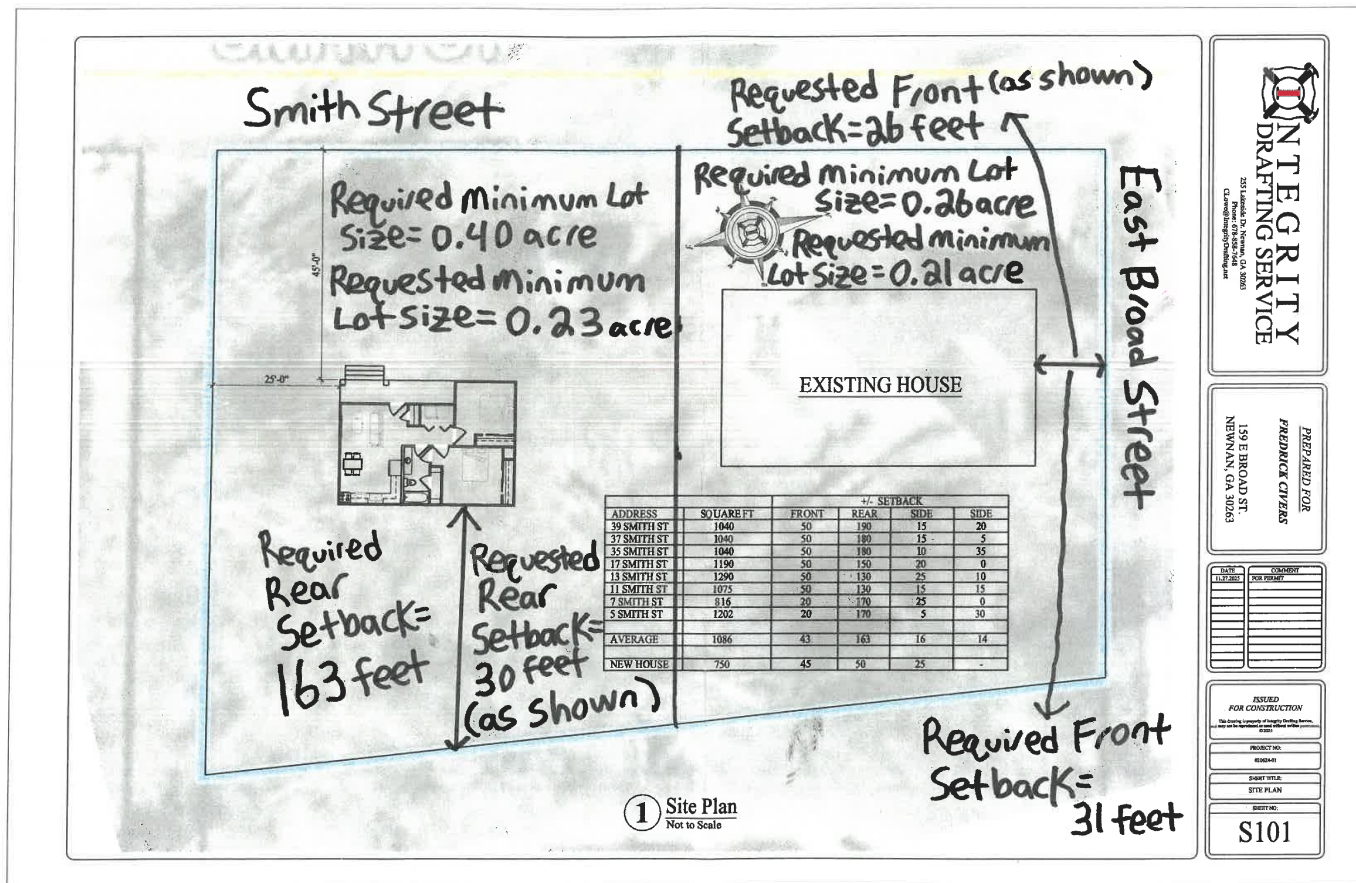
Date: 12/15/2025 12:36 PM

 Project Location

 City Limits

Parcel # N54 019

ADDRESS
 159 East Broad Street
 Newnan, Ga 30263



INTEGRITY
DRAFTING SERVICE
201 Lakeside Dr., Newnan, GA 30855
Columbus, GA 31906

PREPARED FOR
PREDRICK CIVIL
159 E BROAD ST.
NEWNAN, GA 30823

DATE	REVISION

ISSUED FOR CONSTRUCTION
This drawing is subject to change without notice and is not to be used for any other purpose without the written consent of the drafter.

PROJECT NO:
DRAWING NO:
SHEET NO:
SITE PLAN
SHEET NO:
S101

Note - The proposed shown parcel split line is approximate.



PLANS

EXTERIOR

INTERIOR

REVERSE

Images copyrighted by the designer.
 Photographs may reflect a homeowner modification.



SQ FT

1,200



BEDS

3



BATH

2



1/2 BATHS

0

159 East Broad Street – Variance Requests

View of existing home on subject property



View of sidewalk and steep slope along the front of subject property on East Broad Street



159 East Broad Street – Variance Requests

**View of driveway access to existing home off
Smith Street**



**View of side façade of existing home looking
towards East Broad Street**



159 East Broad Street – Variance Requests

View to the east on East Broad Street



View of neighbor's home at 156 East Broad Street (also containing a steep slope in front yard) - directly across from applicant's home



159 East Broad Street – Variance Requests

View to the west on East Broad Street



Alternate view of steep slope in front of subject property along East Broad Street



159 East Broad Street – Variance Requests

Alternate view of steep slope in front of subject property along East Broad Street (note the water meter's location – see arrow)



View of neighbor at 155 East Broad Street - across Smith Street from subject property



159 East Broad Street – Variance Requests

View to the south on Smith Street



View of rear portion of subject property (see arrow) where new home is to be built on a new lot (with existing natural vegetative buffer shown)



159 East Broad Street – Variance Requests

View of neighbor at 39 Smith Street - directly behind the subject property



View of a portion of the area (see arrow) that will become a new lot – for the new home - if approved



159 East Broad Street – Variance Requests

View of rear façade of existing home on subject property



Alternate view of natural vegetative buffer between subject property and neighbor at 39 Smith Street



159 East Broad Street – Variance Requests

View of portion of subject property to be split in the rear of subject property – see arrow



View of eastern side property line showing natural vegetative buffer between subject property and neighbor at 163 East Broad Street





CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant Shaina Gilmore

Mailing Address 159 E. Broad st. Newnan, GA 30263 28227

Telephone (323) 903-2115 E-Mail: Capital.Surplus@Aol.com

Property Owner (Use back if multiple names) Skys the limit living trust

Mailing Address 7724 Pence Pond Ln. Charlotte, NC 28227

Telephone (323) 903-2115

Address/Location of Property 159 E. Broad st. Newnan, G.A 30263

Tax Parcel No: N54019

Present Zoning Classification: RU-1 z

Present Land Use Residential

Intended Use Residential

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.

4-32; 4-29(a); Table 4-A

I (We) hereby request the following variance from the provisions of section(s) _____ 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:

- What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
 - On existing lot (with existing house) front setback variance from avg. 34 feet to 26 feet*
 - Minimum lot size reduction for existing lot w/ existing house from avg. .26 acre to .21 acre*
 - On new lot where new house will be built, Rear setback reduction from avg. 163 feet to 30 feet.*
 - A minimum lot size reduction for new lot where new house will be built. from avg. 40 acre to .23 acre*

31 feet

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

RU-1 Zoned.

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 front of the property exist on a 15 feet slope. Directly on the slope is the city water lines and underneath of that is city sidewalk that newnan citizens use everyday. There is a neighboring home on this existing slope already that can be compromised if the slope is removed.

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?

That I would not have access to the front of my property. City water line will have to be removed to access it. Sidewalks that city citizens enjoy daily would have to be removed. A 20 feet slope will have to be removed. A neighboring home built in 1900 would be endangered in order to access my property.

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?

Allow front setback on existing lot from 34 feet to 26 feet. ^{31 feet @}
 Allow minimum lot size reduction on existing lot from .26 acre to 0.21 acre
 on new lot where new house will be built Allow rear setback from 163 feet to 30 feet
 Allow a minimum lot size reduction for new lot from .40 acre to .23 acre

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.

Shaina Gilmore

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY CHRIS COLE

DATE OF FILING 12-12-2025

BZA MEETING DATE 2-3-2026

DATE OF NOTICE PUBLICATION 12-31-2025

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 SKys the limit living Trust
Telephone Number (323) 903-2115
Address of Subject Property 159. E. Broad st.
Newnan, G.A 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.

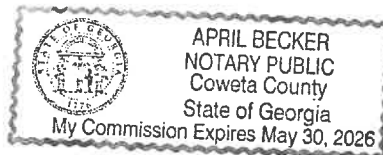
Signature of Property Owner

Personally appeared before me

Shaina Gilmore

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

Notary Public



(Affix Raised Seal Here)

12-22-2025
Date

DOC#:2023-010362
FILED IN OFFICE
7/20/2023 1:04:00 PM
BK:5639 PG:275-276
NIKI SEWELL
CLERK, SUPERIOR COURT
COWETA COUNTY, GA

~~Niki Sewell~~

REAL ESTATE TRANSFER TAX
PAID: \$6.00

PT-61 038-2023-003361

EXECUTOR'S DEED

STATE OF TENNESSEE
COUNTY OF KNOX

After recording, please return to:

Carson B. Sears, Esq.
Sanders, Haugen & Sears, P.C.
11 Perry Street, P.O. Box 1177
Newnan, Georgia 30264-1177

THIS INDENTURE is made the 14th day of July, 2023, between David Nathan Cook as Co-Executor of the Last Will and Testament of David Lee Cook, deceased (hereinafter referred to as the "Deceased"), late of Coweta County, Georgia (hereinafter referred to as "Grantor") and Shaina Elyse Gilmore as Trustee of The Sky's the Limit Living Trust, dated December 22, 2015, and any amendments thereto (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR acting under and by virtue of the power and authority contained in the Letters of Testamentary of the Last Will and Testament of the Deceased, said Will having been duly probated on March 26, 2004, in the Probate Court of Coweta County, Georgia, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land situate, lying and being:

A certain house and lot on the South side of East Broad Street in Newnan, Coweta County, Georgia, and being more particularly described as **Lot No. 9** according to plat of property of F. B. Cole as recorded in Superior Court clerk, Coweta County, Georgia in Book 48, Page 499. Said lot facing East Broad Street 72 feet, the West line being 175.5 feet. The East line being 175 feet, more or less, The South line being 85 feet. Being the same property deeded to grantor by F. B. Cole Jr. and the First National Bank of Atlanta as executors under the Will of F. B. Cole, deceased, Said deed being recorded with the Clerk of Coweta Superior Court and said deed being executed on Oct. 31, 1947.

ALSO

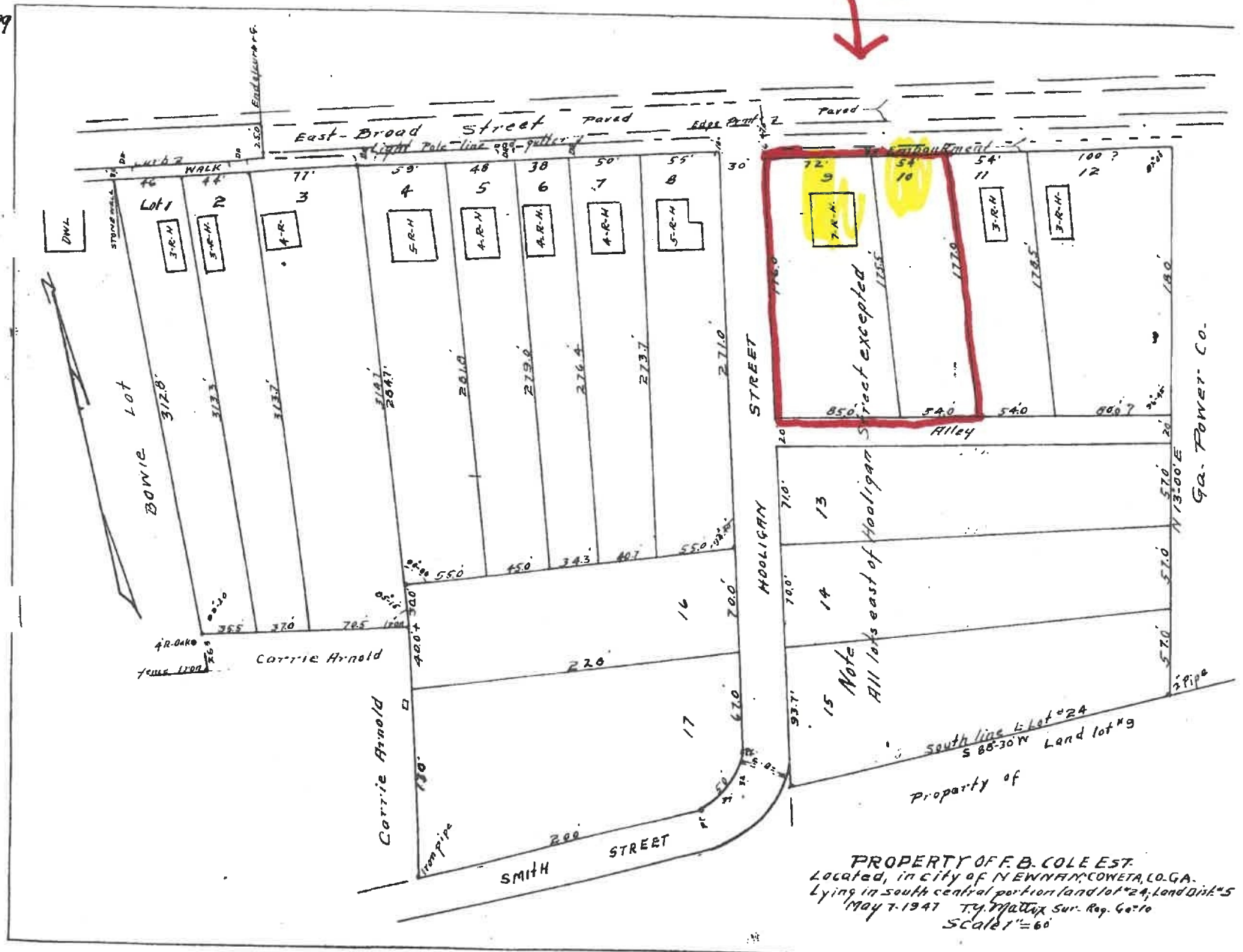
A certain lot on the South side of East Broad Street, Newnan, Coweta County, Georgia, and being more particularly described as the West half of **Lot No. 10** according to plat of property of F. B. Cole, as recorded in Office of Clerk Coweta Superior Court in Book 48, Page 499, The West half of said Lot No. 10 facing East Broad Street twenty seven feet, The West line of property being conveyed being 175.5 feet, the East line of property being conveyed being 176 feet, more or less, the South line of property being conveyed being 27 feet, more or less, Being the same property deeded to F. B. Cole, Jr., by Ed Pope, which deed is recorded in the Office of the Clerk Coweta Superior Court.

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

2/20
cm

ODB 48 pg 499

Lot 9 Lot 10
existing Lot



ODB 48 pg 499

Summary

① Because of the topography slope of this property the owners has no access to the front of their lot. Because of the size it leaves an enormous amount of unused land in an RU-1 zoning, which promotes development. Because of the shape it allows access, and utilization, and development of this land with these variances. Because of the shape the problem can easily be resolved.

② Having no access to the front of the property, makes this peculiar to this property. Frontal access is very important and a legal obligation. Also lot is located on top of a 15 feet slope,

③ None of these conditions were created by the owner. Its part of the unique qualities of the property.
 15 feet high slope with front setback 15 feet average

④ This is not a financial hardship but rather an owners right hardship, by not having frontal access. Its an RU-1 hardship because it doesn't allow development and reasonable use of land. Its a city hardship because in order to build, city water sewage would be destroyed, and sidewalks would have to be destroyed.

⑤ If relief is granted we can easily resolve all current hardships. Sidewalks could remain, city water sewage can remain. Owners would have access to their properties without easements, encroachments, and infringement on others. Also owners could make reasonable use of land.

⑥ If zoning were applied literally owners wouldn't have access to their property. There would be major hardships. It would be a disaster to the community, the city of newnan, and property owners.

⑦ This is a unique property with unique circumstances. There are 2 lots on 1 deed. There is no frontal access on either lot because of conditions not created by the owner. This is the only lot with no frontal access on the entire broad street.

Street, giving it two distinct public frontages. This natural geometry allows a safe subdivision that supports housing growth while eliminating the hazards caused by forcing all activity to the Broad Street side.

My goal is to create one safe, code-compliant home on Smith Street without imposing on the existing home on Broad Street, while ensuring both lots remain consistent with the Newnan community and Coweta County planning standards.

1. Extraordinary and Exceptional Conditions

My property has a rare, exceptional shape that is not typical for this neighborhood. It stretches the full depth between E Broad Street (north) and Smith Street (south)—two entirely separate public roads. This natural dual-frontage configuration is uncommon and creates a unique opportunity for a safe, functional subdivision without the need for any easements.

This is not a standard interior lot; it is a 0.44-acre through-lot historically platted long before modern zoning existed.

Because the parcel already connects to both streets, it naturally divides into:

- Existing Broad Street Lot — 0.21 acres
- Proposed Smith Street Lot — 0.23 acres

Both sides can serve as fully independent residential parcels, each with its own driveway, utilities, mail, and trash services.

This is an extraordinary condition directly tied to the land's physical shape and history. Based on the satellite view smith

Street has previously had usage. (see exhibit 1)

2. Peculiar Conditions Specific to This Property

My property is uniquely aligned with the goals of RU-T zoning, which promotes infill and supports walkable, small-lot neighborhood design. Even though my parcel predates zoning regulations, my subdivision would fulfill zoning intent by responsibly infilling the Smith Street side with a normal-sized home.

Smith Street already contains multiple lots smaller than or equal to my proposed lot:

- 9 Smith: 0.22 acres
- 12 Smith: 0.18 acres
- 4 Smith: 0.14 acres

The average local lot size on Smith Street is 0.37 acres, and many are smaller than the new lot I'm proposing.

On Broad Street, the existing homes also sit on small lots:

- 159 E Broad: 0.33 acres
- 165 E Broad: 0.38 acres

Average: 0.35 acres

My existing lot is 0.21 acres, fitting the character of the street.

These comparisons show that my subdivision is not unusual—it is consistent with surrounding development patterns and respects the neighborhood's established density.

3. Conditions Not Created by My Actions

The hardships I face were not created by me.

My parcel was platted historically and inherited its shape, depth, and dual access long before I owned it.

I did not design the:

- unusual 387-foot lot depth
- irregular GIS-verified boundaries
- dual frontage
- utility placements
- lack of sidewalks on Smith Street

These conditions existed long before Coweta County adopted its modern zoning standards.

I am simply trying to use the land as it was naturally formed.

4. Hardships Created by Literal Application of the Ordinance

If the ordinance is applied literally, it creates severe and unreasonable hardships for me and for any future resident.

A. Mechanical + Utility Hardships

Without subdivision:

- A new home would be forced to connect utilities from Broad Street, hundreds of feet uphill.
- Electrical lines would need to pass dangerously close to or even over the roof of the existing home—a fire, storm, and safety hazard.
- Sewer connections would require long uphill runs, which is mechanically inefficient, costly, and prone to failure.
- Meanwhile, Smith Street has sewer, water, and electric directly at the frontage—safe, simple, and immediately available.

B. Safety & Accessibility Hardship — No Sidewalks

If subdivision is denied, residents would be required to:

- Walk hundreds of feet uphill
- In the vehicular roadway
- With no sidewalks, no shoulders, no ADA route
- To access trash pickup, mailboxes, and utilities

This creates a daily safety hazard, especially for:

- Elderly residents
- Disabled individuals
- Parents with young children
- Anyone with mobility or balance limitations

C. Violation of Fair Housing Act Accessibility Protections

Under the Fair Housing Act, 42 U.S.C. §3604(f)(2), it is unlawful for a municipality to enforce zoning in a way that:

“denies or makes housing unavailable to individuals with disabilities or imposes discriminatory burdens on accessibility.”

Denying subdivision would create a situation where simple tasks like:

- taking trash out,
- getting mail,
- accessing utilities

would require walking substantial unsafe distances in the roadway.

This disproportionately harms anyone with mobility limitations, creating a functional accessibility barrier.

This zoning outcome would therefore constitute a disparate impact on disabled residents under federal law.

D. Public Safety Hardship

Forcing residents to walk against traffic on a narrow road is a direct threat to:

- Pedestrian safety
- ADA accessibility
- Reasonable enjoyment of property

Subdivision eliminates all of these risks by placing the home on the road where utilities and services already exist.

5. Relief Will NOT Harm Public Good or Zoning Intent

Granting these variances will:

✓ Preserve neighborhood character

My lot sizes align with those on both Smith and Broad Streets.

✓ Increase housing availability

Newnan is experiencing strong growth in the 30263 area.

✓ Improve safety

Residents will have direct access to utilities, trash pickup, and mail at Smith Street.

✓ Reduce infrastructure strain

Utility connections will occur where they already exist.

✓ Maintain light, air, traffic safety, and fire access

Both homes will be safely spaced and independently accessed.

No shared access, no increased congestion, no negative impacts.

6. Hardship Proven — Reasonable Use Is Denied Without Variance

If the ordinance is applied strictly, I cannot reasonably use my property:

- The rear lot is more than large enough (0.23 acres) to support a home, yet becomes unusable.
- The front lot (0.21 acres) remains functional, but zoning blocks use of the back portion even though utilities are right there.
- The only way to use the land is to allow subdivision where each home fronts the correct street.

Without this relief, a significant portion of my parcel would remain undevelopable, inaccessible, and unsafe to use.

This defeats the purpose of RU-1 zoning, which encourages small-lot infill and walkability.

7. Circumstances Are Unique and Not Suitable for General Ordinance Change

My parcel is one of the few in Newnan that:

- spans two complete public streets,
- has full utilities on both ends,
- is shaped to naturally support subdivision,
- creates significant hardship if forced to operate as one lot.

Because this configuration is extremely rare, it is not appropriate to modify the ordinance citywide to address my scenario.

A variance is the correct tool to apply here.

CONCLUSION

For all of these reasons—mechanical hardship, safety hardship, accessibility hardship, zoning intent, neighborhood consistency, and the unique geometry of my land—I respectfully request approval of the following variances:

. Variance Request

- On the existing lot (with the existing house), a front setback variance reduction along East Broad Street from the required (based on averages) 31 feet to 26 feet.
- On the new lot where the new house will be built, a rear setback reduction from the required (based on averages) 163 feet to 30 feet.
- A minimum lot size reduction (for the new lot where the new house will be built) to 0.23 acre from the required 0.40 acre.
- A minimum lot size reduction (for the existing lot with the existing house) to 0.21 acre from the required 0.26 acre.

Existing Lot No Frontal Access

