



NEWNAN

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City of Newnan Board of Zoning Appeals

Agenda for April 14, 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. March 3, 2026, BZA Minutes
3. Public Hearings
 - a. Variance Requests - 2026-04 - Diego Sierra - 40 Haynie 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
March 3, 2026
10:00 a.m.

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

Board Members Absent: Frank Flournoy, Sally Hensley

Others in Attendance: Tracy Dunnivant, Planning & Zoning Director
Chris Cole, 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 February 3, 2026, meeting minutes. Mr. Lovell motioned to approve the minutes. Mr. Parker seconded the motion.

MOTION CARRIED (5-0)

Public Hearing – Special Exception/Variance 2026-02 – 8 Glenn Street

Public Hearing – Special Exception/Variance 2026-03 – 106 Sunset Lane

Chairman Edge opened a public hearing on both locations and asked Senior Planner, Chris Cole, to give his report. Mr. Cole began by explaining that both public hearings will be presented as one staff report but will be voted on separately. Mr. Cole stated that the applicant would like to operate both 8 Glenn Street and 106 Sunset Lane as personal care/group homes for veterans. The applicant is asking for a special exception and variance to not require the facility to be operated out of the owner’s principal residence and to not require the owner to occupy the residence. Each site is a single-family detached home. He presented maps of the homes, discussed the occupancy, rent, care, visiting hours, parking, ownership, operations, and veterans eligible for this facility. He further discussed plans for staffing, supervision of residents, and projected timelines. Mr. Cole also noted similar cases and their outcomes. Mr.

Cole stated that he received a letter from a community member regarding this case and it has been distributed to board members for consideration. Staff believe the special exception is appropriate in this case, but the variance does not meet 4 of the 7 hardship standards of consideration, therefore, staff does not recommend this variance. Mr. Cole gave the recommended conditions, if the board decides to approve.

1. The applicant must be issued an occupational tax certificate from the city before accepting any residents or operating within the city limits. Before obtaining an occupational tax certificate, the applicant must furnish documentation from the state of Georgia that it meets the standards for personal care homes under state law.
2. The applicant can have no more than four residents at any given time, not including staff.

Chairman Edge asked if anyone had questions for staff. Mr. Parker discussed with staff the differences between the proposed properties and the similar cases highlighted earlier. Mr. Parker and Chairman Edge questioned why the board would approve the special exception but not the variance. Ms. Dunnivant explained that there are multiple group care homes throughout our community, but those homes have an owner in residence at the care facility, as outlined by city ordinance. Chairman Edge asked if the homes before them are currently occupied. Mr. Cole stated that one is a rental and the other is empty. Mr. Parker reconfirmed the occupancy limit, if approved. Mr. Cole stated 3 to 6 in Class 1 with 4 being the proposal. Ms. Dunnivant mentioned that building code would also dictate square footage requirements. Mr. Parker questioned whether the Fire Marshal and City would be required to do an inspection before operation. Ms. Dunnivant explained that occupational tax approval is signed off on by the Building Department, Planning & Zoning, and the Fire Marshal. Chairman Edge asked if a business license has been approved. Ms. Dunnivant further stated that State approval is required, and the State requires City approval first. Mr. Parker requested further discussion regarding parking. Ms. Dunnivant referred this question to the applicant.

Chairman Edge asked the applicant to come forward. Dana Freeman came forward and was sworn in by Brad Sears. Mr. Freeman gave an overview of his interest in this project. Being a long-term resident of Newnan and a veteran, he would like to provide this type of home for outgoing military who may need assistance transitioning into civilian life. He further stated that the veterans would be screened for criminal charges/convictions. Mr. Metts requested information on the screening process. Mr. Freeman stated that it would consist of a criminal background check. Mr. Metts asked if they would all be honorably discharged. Mr. Freeman confirmed. Chairman Edge inquired if they would be local veterans. Mr. Freeman stated that he works with the local, Atlanta, or Carrollton VA clinics. Chairman Edge questioned if Mr. Freeman had prior experience with this type of home. Mr. Freeman stated that his wife is a nurse practitioner and he is a veteran. He felt this would be a good business for them to pursue. He further stated that his wife has experience with group homes.

Chairman Edge asked if anyone would like to come forward in favor of this project. Walter Daniel came forward and was sworn in by Brad Sears. Mr. Daniel stated that his family has been in Newnan for generations, and he is a veteran. He feels that this group home is a needed service in Newnan. He is in favor of this project, and he would like the board to consider approving the proposed project. He added that this is a well-researched proposal that was presented well. He thanked the board for their time.

With no one else coming forward in support, Chairman Edge asked if anyone would like to come forward in opposition. Janna Melson came forward and was sworn in by Brad Sears. Ms. Melson stated that she understood the need for services, but she feels the mental state of the occupants would not be a good fit for the mostly elderly residents and children in the neighborhood. She feels this would change the dynamic. Ms. Melson further added that a business is not what the area needs. Feeling that this could potentially cause a problem and changes, Ms. Melson concluded that she is against this proposal.

Ebony Gibbs and Mary Gibbs came forward and were sworn in by Brad Sears. Speaking on behalf of her mother, Ms. Ebony Gibbs stated that there is concern regarding the mental state of veterans. She explained that not knowing what these veterans have endured, not knowing if they are medicated, redoubling her concern for mental issues, she feels something could happen. Her mother, Ms. Mary Gibbs, spoke up and stated that children play and walk in the community. Ms. Ebony Gibbs also stated concern for unknown visitors in the area.

Cheneria Bailey came forward and was sworn in by Brad Sears. Ms. Baily stated that she would be speaking on behalf of her grandmother. She explained that she understands the purpose and need for this type of home, but she does not agree with it being in this neighborhood. She feels that it disrupts the residential area, although well intentioned. She had concerns regarding the visitors and veterans being in the neighborhood. Ms. Bailey feels like there will be long-term effects. She further stated that the owner not being on site is concerning, and she is opposed to this project.

With no one else coming forward, Chairman Edge closed the public hearing and stated that this project feels well intentioned, but he would like to see it elsewhere. Mr. Parker added that this project is a noble cause that is needed but not in this area. Mr. Walton also added that this project doesn't seem to be a good fit for this neighborhood. Mr. Cole reminded the board that this vote will be for two different sites and the options for this vote. Mr. Parker clarified the options and reasoning behind each option. He further questioned who is responsible for making sure a homeowner is on site. Mr. Sears discussed the owner's homestead exemption and how that information is used to determine the owner's primary residence. Dana Freeman asked to again come forward. Chairman Edge asked if that was acceptable to everyone. With the board in agreement, Mr. Freeman returned and explained that he could sell a house to a veteran, and this is no different. He feels that allowing four veterans to live together, someone without transportation or occupation, should be allowed. Mr. Sears explained the difference between residing in a home or operating a licensed business, such a group home, from that home. He further discussed the option of coming before council to request a text amendment to the zoning ordinance regarding the owner occupancy requirement. He went on to explain what that process would entail. He further discussed with Mr. Freeman the difference between owner occupancy and round-the-clock employees.

With no further questions, Chairman Edge asked if anyone would like to make a motion on 8 Glenn Street.

Mr. Parker made a motion to deny both the special exception and variance. Ms. Dunnivant asked if this denial was based on this request only meeting 2 of the 7 hardship standards. Mr. Parker confirmed this. Mr. Lovell seconded the motion.

MOTION CARRIED (5-0)

Chairman Edge asked if anyone would like to make a motion for 106 Sunset Lane. Mr. Parker made a motion to deny both the special exception and variance, based on meeting only 2 of the 7 hardship standards. Mr. Walton seconded the motion.

MOTION CARRIED (5-0)

New Business

None

ADJOURN

Mr. Lovell made a motion to adjourn the meeting at 10:45 a.m. and Mr. Parker seconded the motion.

MOTION CARRIED (5-0)

Chairman Edge



Memorandum

To: Board of Zoning Appeals

From: Chris Cole, Senior Planner

Date: April 14, 2026

RE: Variance Continuance Request

Please see the attached email from the applicant's representative requesting that the hearing for 40 Haynie Street be continued until the July 7, 2026, Board of Zoning Appeals' meeting date. The application involves variance requests for 40 Haynie Street to allow for a new structure on property zoned Heavy Industrial (IHV).

The July Board meeting is being requested by the applicant due to the need to update the Concept Plan (after further conversations with staff) and to meet the legal advertising requirements (in case a new legal ad is required after the revised Concept Plan is submitted and the current variance requests are modified).

Because the public hearing has been advertised and the neighbors have been notified, the Board will have to meet on April 14 to vote on the continuance request.

April 7, 2026

City of Newnan Planning and Zoning Department

25 LaGrange Street

Newnan, Georgia 30263

Re: Request for Continuance — Variance Application, 40 Haynie Street, Newnan, GA

Parcel ID: N50 0005 003A | Land Lot 8, Coweta County | Zoning: IHV

Currently Scheduled: Board of Zoning Appeals Hearing — April 14, 2026

To Whom It May Concern:

We are writing on behalf of Diego Sierra, applicant, and the Harden Willie Brown Estate c/o Michael H. Hill, property owner, in connection with the above-referenced variance application for the property located at 40 Haynie Street, Newnan, Georgia. We respectfully request a continuance of the currently scheduled April 14, 2026 Board of Zoning Appeals hearing to the July 7, 2026 meeting date.

The reason for this request is that additional time is needed to properly prepare the revised building plans and site design for the proposed 30' x 60' glass installation facility. Specifically, in reviewing the City of Newnan's landscaping and bufferyard requirements as they apply to this IHV-zoned parcel, we have identified adjustments that must be incorporated into the building design and site plan before presenting the full application to the Board. We want to ensure that the plans submitted reflect full compliance with the applicable landscaping standards, as those requirements directly affect the footprint and placement of the proposed structure.

We are committed to bringing a complete and well-prepared application before the Board and believe the additional time will result in a stronger, more thorough presentation. We do not anticipate needing more than one additional meeting cycle.

We appreciate the Board's time and the Planning and Zoning Department's assistance throughout this process. Please do not hesitate to contact us if any additional information is needed to process this continuance request.

Respectfully submitted,





City of Newnan, Georgia – Board of Zoning Appeals

Date: April 14, 2026

Application Number: 2026-04

Agenda Item: Variance Requests – 40 Haynie Street

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Prepared and Presented by: Chris Cole, Senior Planner

Purpose: The purpose of the hearing is to receive public comments on variance requests by Diego Sierra. The subject property is located at 40 Haynie Street (Tax Parcel N50 0005 003A) and is zoned IHV. The applicant is asking for the following variances:

- 1) A request to reduce the front setback to 25 feet, instead of the required 65 feet.
- 2) A request to reduce the rear setback to 20 feet, instead of the required 40 feet.
- 3) A request to reduce the side setback (on each side) to 25 feet, instead of the required 30 feet.

Applicant: Diego Sierra
6629 Fleming Road
Morrow, GA 30260

Property Owner: Willie Harden (Brown) Estate
c/o Michael Hill
10 Brown Street
Newnan, GA 30263

Zoning: Heavy Industrial (IHV)

Present Use: Vacant

Proposed Use: Glass Manufacturing Business in a to-be-constructed building

Pertinent Regulations: The setback requirements are outlined in Section 4-29(a) and Table 4-C of the City of Newnan’s Zoning Ordinance.

Applicant’s Position:

The subject property consists of 0.23+/- acre and is vacant. The applicant plans to construct a building consisting of 1,800 square feet to operate a glass manufacturing business. This type of business is allowed in the Heavy Industrial zoning district. From all indications, the subject property has been vacant for a very long time (with the last sale of the land occurring in 1949 according to tax records). The applicant indicated that the proposed business will have fewer than five parking spaces and fewer than five employees.

The applicant also indicated that no “semi-trucks” will be utilized as part of the business operation and that the largest trucks that will be used are 25-foot box trucks and a 6 x 20 trailer (with a maximum of one box truck every two weeks). Hours of operation will be Monday through Friday from 7 a.m. to 5 p.m. The site will feature chain link fencing, either 5-foot or 6-foot high, around the property. The applicant also indicated the plan is to pave and stripe the parking areas. In addition, gravel will only be used in the trailer storage area (which is allowed).

As seen in the picture below and on the Location Map in the packet, this southernmost portion of Haynie Street might appear as a driveway. However, it is in fact a City street that provides access to the subject property. The portion of Haynie Street shown in the picture below is roughly 11-feet wide and ends at the eastern property line of the subject property. The railroad right-of-way is also immediately to the west of the subject property. In addition, the picture below shows a large tree at 34 Haynie Street that has branches extending over Haynie Street. The applicant contacted the City's Public Works Department about possibly trimming this tree. The applicant was later notified by the Public Works Department that they were going to cut the tree back.



Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of the property, the applicant indicated, “The setback requirements of the City of Newnan Zoning Ordinance for Industrial (I) zoning, when applied to this irregularly shaped parcel situated behind and between surrounding lots, reduce the buildable area to approximately 203.91 square feet. A minimum of 1,800 square feet is required to construct the proposed 30' x 60' building, making the property effectively unbuildable under the current setback standards.”

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 subject property is irregularly shaped and situated between and behind surrounding lots. These physical conditions, inherent to the land itself and not created by the property owner, result in the applicable setbacks reducing the buildable area to only 203.91 square feet.”

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, “Strict application of the current setback requirements would limit the buildable area to 203.91 square feet, making it impossible to construct any functional commercial structure on the property. The owner would be denied all reasonable use of the land despite the intended use being permitted by right within the Industrial zoning district. Anyone looking to purchase this land for this use would need similar adjustments.

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 applicant requests the minimum variance necessary to reduce the applicable setbacks from their current requirements to the following: front setback from 65 feet to 25 feet, rear setback from 40 feet to 20 feet, and side setbacks from 30 feet to 25 feet on each side. These reductions are the minimum necessary to increase the buildable area from 203.91 square feet to approximately 1,825 square feet, allowing for the construction of the proposed 30' x 60' structure. No greater relief than what is requested is sought.

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 – The subject property — Land Lot 8, located at 40 Haynie Street, Newnan, Georgia (Tax Parcel No. N50 0005 003A; 0.31 acres) — presents extraordinary and exceptional physical conditions arising directly from its irregular shape and constrained position within the surrounding block. As depicted on the Survey Plat prepared by Gerald H. Bernhard, Georgia RLS No. 2688 (drawn February 13, 2026), the parcel does not conform to a standard rectangular lot. Its boundaries include an angled northwestern line running N 22°02' at 26.00 feet, a skewed western line running N 00°29'46" W at 37.36 feet along Haynie Street, and a southern boundary of S 88°02'35" W at 136.91 feet — creating an irregular polygon with no orthogonal corners. The parcel is further hemmed in on its eastern side by an existing neighbor's building and concrete area. When the IHV setback requirements (Front: 65', Rear: 40', Side: 30' on each side) are applied simultaneously to this irregular shape, the resulting buildable envelope is reduced to only 203.91 square feet — an extraordinary condition that renders the lot effectively unbuildable for any practical industrial purpose.

Staff believes the size of the subject property is a constraint for any potential industrial development. Out of the 133 total properties zoned Heavy Industrial in the city limits, the subject property is the fifth smallest. Staff also agrees with the applicant’s assertion that the shape of the lot adds to the difficulty of creating an allowable building footprint, especially when the required setbacks are applied. Staff believes that this standard is met.

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

Applicant’s Response – The conditions described above are specific and peculiar to this parcel alone. The irregular polygon shape of Land Lot 8 — with its angled boundary lines, acute corners, and position between established neighboring structures — is not a characteristic shared by other properties in the IHV zoning district. Standard rectangular lots within the same district, when subject to the same Front 65', Rear 40', and Side 30' setbacks, retain a buildable area sufficient for lawful industrial development. It is only the unique geometry of this particular parcel, combined with the proximity of neighboring buildings on its eastern boundary (as shown on the survey plat), that produces a buildable area of merely 203.91 square feet. No other lot in the district shares this confluence of shape, orientation, and surrounding encumbrance.

Staff believes this proposal is peculiar or special for several reasons. The subject property is adjacent to a large Heavy Industrial-zoned site, two residential properties zoned RU-7, and railroad right-of-way. It has effectively served as a buffer between the adjacent residential and industrial properties for many years. As the applicant noted, the shape of the lot is not characteristic of a more traditionally-shaped “rectangular” industrial-zoned property (with its angled boundary lines, acute corners, and position between established neighboring structures). 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 – The irregular shape and constrained position of Land Lot 8 were established through historical platting of the subdivision — entirely prior to and independent of any action by the current owner. The Survey Plat expressly states that it 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 applicant, Diego Sierra, acting on behalf of the Harden Willie Brown Estate c/o Michael H. Hill, did not create the lot, configure its boundaries, or situate the neighboring structures that further constrain the buildable area. The IHV zoning classification and its associated setback requirements were likewise imposed by the City through its Zoning Ordinance — not by the property owner. All physical and regulatory conditions giving rise to the need for this variance were in place before the applicant's involvement with the property.

Staff believes that this standard is met.

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 – The hardship created by literal application of the Zoning Ordinance to this parcel is not merely financial — it is a complete and physical deprivation of the ability to make any reasonable use of the land for its permitted purpose. The IHV setback requirements, when applied to this irregularly shaped 0.31-acre parcel, leave only 203.91 square feet of buildable area. The proposed 30' x 60' glass manufacturing building requires a minimum buildable area of 1,800 square feet. No redesign, repositioning, or architectural modification of the proposed structure can resolve this conflict within the current setback framework — the mathematics of the parcel's geometry simply do not permit it. The property is currently a vacant lot zoned for industrial use. Without variance relief, it will remain permanently vacant and unbuildable, deprived entirely of its permitted industrial use — a hardship that is physical, functional, and regulatory in nature, not merely an economic inconvenience.

Staff agrees with the applicant’s assertion that the very nature of the lot requires some type of variance relief for anyone to be able to utilize it for industrial use with a building. As shown above, when setback requirements are applied, only 203.91 square feet of buildable area is left. The applicant is proposing a building consisting of 1,800 square feet and staff believes the request shows an attempt to have an appropriately sized building on the lot. Staff believes that this standard is met.

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 – The variance requested is the minimum necessary to enable reasonable use of the property. The applicant seeks to reduce the applicable setbacks to: front setback from 65 feet to 25 feet, rear setback from 40 feet to 20 feet, and side setbacks from 30 feet to 25 feet on each side. These reductions would increase the buildable area from 203.91 square feet to approximately 1,825 square feet — sufficient to accommodate the proposed 30' x 60' structure and no more. The Survey Plat confirms that the eastern boundary of the parcel abuts an existing neighbor's building and concrete area, meaning the eastern context is already developed and the reduced side setback on that side does not open new exposure to undeveloped adjacent land. The proposed glass manufacturing use is consistent with the IHV zoning classification. Granting this variance will not impair light or air to adjacent properties, will not increase congestion on Haynie Street, will not create fire or safety hazards, will not diminish surrounding property values, and will not impair the health, safety, comfort, or general welfare of City inhabitants. Developing a presently vacant industrial lot for its permitted use advances, rather than undermines, the purposes of the Zoning Ordinance.

Staff agrees that the applicant could have asked for a larger setback reduction but chose to request the “minimum necessary to enable reasonable use of the property.” In addition, the proposed fencing around the lot will be beneficial to surrounding property owners (particularly shielding the proposed glass manufacturer from the adjacent residential units). 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

Applicant's Response – The hardship is proven with mathematical and physical certainty. The Survey Plat of 40 Haynie Street — prepared by a licensed Georgia land surveyor and certified to comply with the minimum technical standards of the Georgia Board of Registration for Professional Engineers and Land Surveyors — establishes the precise boundaries of this irregularly shaped parcel. Application of the IHV setback requirements (Front: 65', Rear: 40', Side: 30') to those boundaries leaves a buildable area of only 203.91 square feet. The minimum area required to construct the proposed 30' x 60' building is 1,800 square feet. The shortfall is not marginal — the available buildable area under the current Ordinance is approximately 11% of what is needed. No industrial structure of any practical utility, and no use of the land consistent with its IHV zoning classification, can be developed within 203.91 square feet. Literal enforcement of the Ordinance leaves this parcel permanently and completely unusable for its lawful intended purpose. The inability to make reasonable use of the land is established beyond any doubt.

Staff believes that this standard is met.

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 - The combination of circumstances present at 40 Haynie Street — an irregularly shaped parcel with angled, non-orthogonal boundaries (including lines running at N 22°02', N 00°29'46" W, and S 88°02'35" W), situated between established neighboring structures, in an IHV zone with substantial setback requirements, yielding a buildable area of less than 204 square feet — is sufficiently rare and parcel-specific that it cannot and should not be addressed through a broad amendment to the Zoning Ordinance. A district-wide reduction in IHV setback requirements to accommodate this one parcel would be disproportionate and potentially harmful to the broader public interest. Conversely, crafting a narrow ordinance provision targeted at this specific lot would be impractical and contrary to sound planning principles. The variance process is precisely the mechanism the law provides for such rare, fact-specific situations where the rigid application of a general rule produces an unjust result on a particular parcel. This application presents exactly that circumstance.

Staff believes that this standard is met.

Conclusion statement from applicant regarding the above seven variance/hardship conditions or standards:

For the foregoing reasons, the applicant respectfully requests that the Board of Zoning Appeals grant the requested variance to reduce the applicable setbacks to: front setback of 25 feet, rear setback of 20 feet, and side setbacks of 25 feet on each side. This represents the minimum relief necessary to increase the buildable area from 203.91 square feet to approximately 1,825 square feet, thereby permitting construction of the proposed 30' x 60' glass manufacturing facility. The variance would enable reasonable use of a currently vacant, industrially zoned parcel without causing detriment to surrounding properties, the public interest, or the intent of the Zoning Ordinance. The applicant respectfully urges the Board to find that all seven hardship criteria are met and to grant the requested relief.

Planning Department's Review and Findings:

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. This lot is uniquely difficult to build upon without relief from the setback requirements (at a minimum). This holds true not only for the current applicant, but for anyone who might want to construct a reasonably sized building on the subject property in the future.

The City of Newnan Fire Department did have some comments regarding the proposed use and the availability of fire protection. Though not typically included in Variance cases, these comments were included in this case due to the uncovering of issues that were critical in determining whether the subject property could even be developed at all (including the successful determination that there is an available hydrant location for the subject property at the corner of Haynie Street and Kidd Street). These issues also involve:

- This "smaller" portion of Haynie Street that goes to the subject property and specifically its condition leading to the subject property
- The issue of tree "overhang" blocking access to the site

Fire Marshall Rory Hoilman provided the following comments, “The Fire Department has two concerns at this time for 40 Haynie Street: 1) The trees have an overhang that is too low for heavy apparatus to drive under, and 2) The road where it comes into the property has some repair work needed. Regarding the Fire Marshall’s comments, staff has included a proposed staff condition (as seen below). It should also be noted that in this case, the applicant also sought the opinion of the Fire Marshall and the Public Works Director.

Overall, the desire of the applicant to build the proposed building is not unreasonable and should present no impact upon the neighbors. Furthermore, alleviation of the front, side, and rear setbacks will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit front, side, and rear setback reductions.

Proposed Staff Condition:

Staff proposes the following conditions:

- *Before obtaining the Occupational Tax Certificate, the applicant must furnish documentation from the City of Newnan Fire Marshall that the proposed improvements meet all their requirements.*
- *The applicant must meet the requirements set forth in the City of Newnan’s Tree Preservation and Landscape Ordinance.*

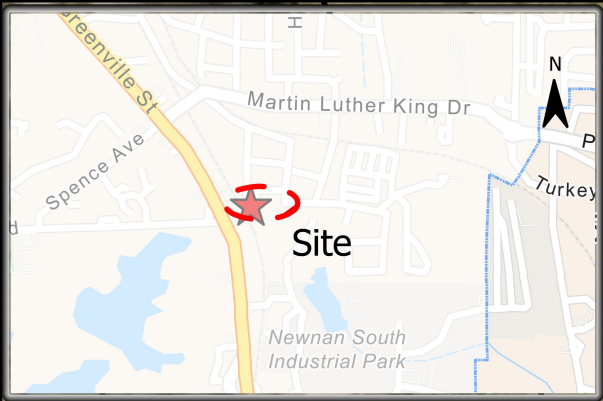
Options:

- 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, 3, 4, 5, 6, & 7.

Attachments:

Application



CITY OF NEWNAN



CITY OF NEWNAN
 PLANNING DEPT.
 25 LAGRANGE STREET
 NEWNAN, GEORGIA 30263
 www.NewnanGa.gov

Project Location

1" = 600 feet

Date: 3/4/2026 12:23 PM

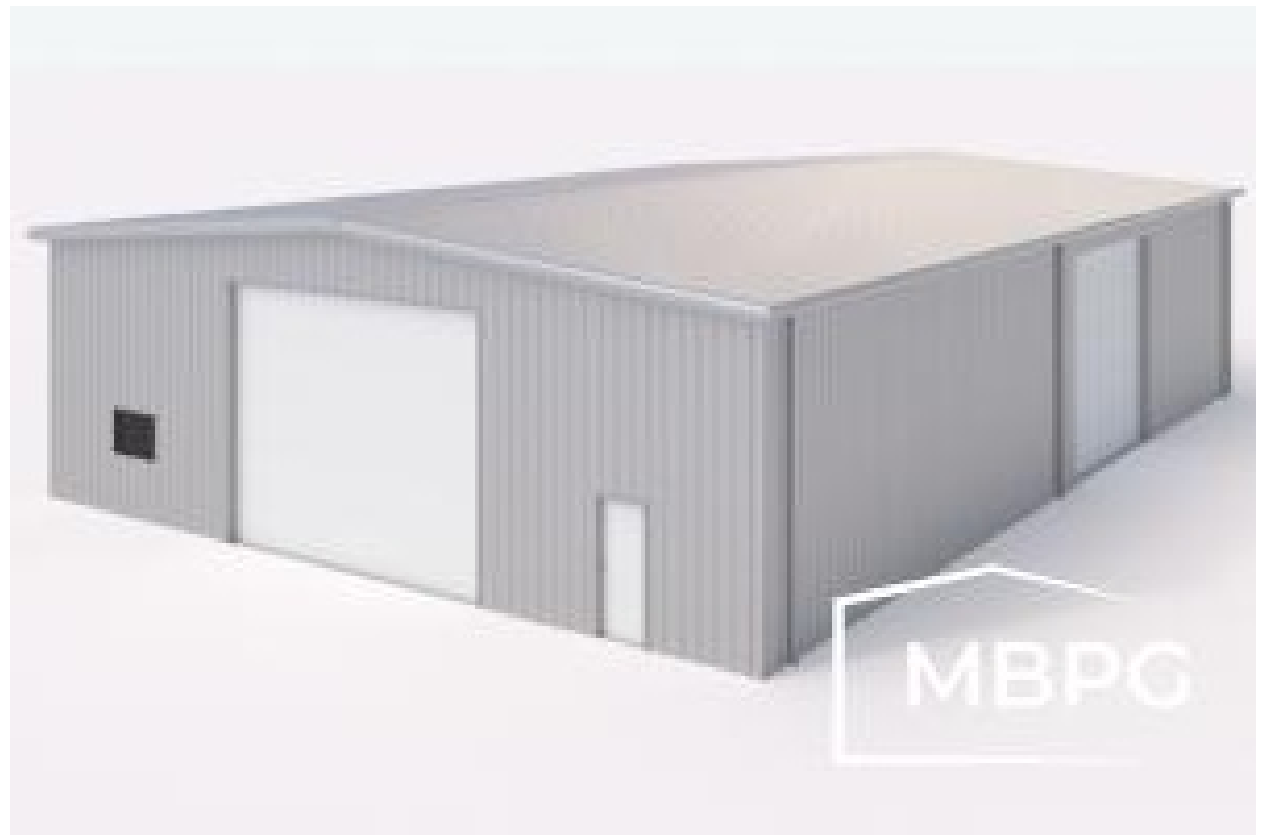
 Project Location

 City Limits

Parcel # N50 0005 003A

ADDRESS
 40 Haynie St
 Newnan, Ga 30263

Proposed
Building
Concept



Variance Request – 40 Haynie Street

View of Haynie Street (with 226 Greenville Street in the background)



View of adjacent property (beige house at 5 Kidd Street)



Variance Request – 40 Haynie Street

View of Subject Property



View of Subject Property (with adjacent property at 3 Milton Avenue in background)



Variance Request – 40 Haynie Street

View of Subject Property



View of Subject Property



Variance Request – 40 Haynie Street

View of Subject Property



View of adjacent residential units at 34 Haynie Street



Variance Request – 40 Haynie Street

View of adjacent residential units at 34 Haynie Street (looking from the Subject Property)



View of Subject Property (to the left) and 34 Haynie Street (to the right)





CITY OF NEWNAN, GEORGIA

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

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APPLICATION FOR VARIANCE

Name of Applicant Diego Sierra

Mailing Address 6629 Fleming Rd Morrow, GA 30260

Telephone 404-721-5242 E-Mail: diego@usglaziers.com

Property Owner (Use back if multiple names) Harden Willie Brown Estate C/O Michael H Hill

Mailing Address 10 Brown St Newnan, GA 30263-2031

Telephone _____

Address/Location of Property 40 Haynie St Newnan, GA

Tax Parcel No: N50 0005 003A

Present Zoning Classification: IHV

Present Land Use VACANT LOT

Intended Use GLASS MANUFACTURING

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) N/A of the Zoning Ordinance/Subdivision Regulations: NO CHANGE

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?
See Attached

Application For Variance

City of Newnan, Georgia

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

See Attached

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?

See Attached

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?

See Attached

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?

See Attached

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 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.**

Application For Variance

City of Newnan, Georgia

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.

Diego Sierra

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

Diego Sierra

dotloop verified
02/19/26 2:12 AM EST
UZEG-ZPGY-HAMK-T140

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY CHRIS COLE

DATE OF FILING 2-20-2026

BZA MEETING DATE 4-14-2026

DATE OF NOTICE PUBLICATION 3-11-2026

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 Estate of Willie Lois Harden Brown

Telephone Number 770-683-6000

Address of Subject Property 40 Hawkie Street, 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.

[Handwritten Signature] Administrator
Signature of Property Owner

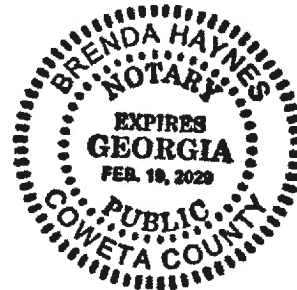
Personally appeared before me

Michael Hill

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

Brenda Haynes
Notary Public

2-19-20
Date



(Affix Raised Seal Here)

Site Plan

FLOOD HAZARD STATEMENT

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PANEL 13077C0231D EFFECTIVE DATE: 02/06/2013
ZONE 'X'

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATES HEREON. RECORDATION OF THIS PLAT DOES NOT APPLY 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 REGULATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67

Gerald H. Bernhardt

GERALD H. BERNHARDT GEORGIA RLS NO. 2688

- * LEGEND *
- NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
- AKA ALSO KNOWN AS
 - APD AS PER DEED
 - APP AS PER PLAT
 - BSL BUILDING (SETBACK) LINE
 - CP COMPUTED POINT
 - CTP CRIMP TOP PIPE FOUND
 - OTP OPEN TOP PIPE FOUND
 - D DEED (BOOK/PAGE)
 - DW DRIVEWAY
 - EP EDGE OF PAVEMENT
 - FFE FINISH FLOOR ELEVATION
 - FKA FORMERLY KNOWN AS
 - IPF IRON PIN FOUND
 - L ARC LENGTH
 - LL LAND LOT
 - LLL LAND LOT LINE
 - N NEIGHBOR'S
 - N/F NOW OR FORMERLY
 - NAIL NAIL FOUND
 - P PLAT (BOOK/PAGE)
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - R RADIUS LENGTH
 - R/W RIGHT-OF-WAY
 - RBF REINFORCING BAR FOUND (1/2" UNO)
 - RBS 1/2" REINFORCING BAR SET
 - SW SIDEWALK
 - SSE SANITARY SEWER EASEMENT
 - SSCO SANITARY SEWER CLEANOUT
 - SSMH SANITARY SEWER MANHOLE
 - X- FENCE LINE
 - CB CATCH BASIN
 - SWCB STORM WATER CATCH BASIN
 - WALL

LINE	LENGTH	BEARING
L1	7.06'	N 44°44'20"W

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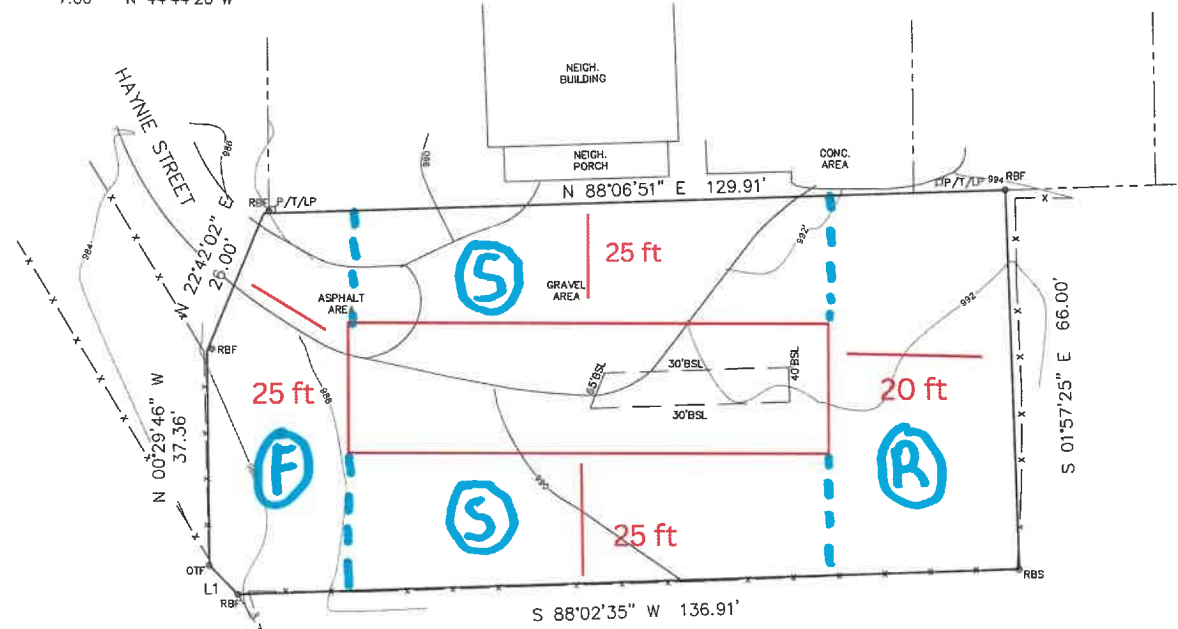
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BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS.

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NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



(F) = Front yard
(S) = Side yard
(R) = Rear yard

ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT.

PROPERTY IS ZONED IHV
 BUILDING SETBACK:
 FRONT 65'
 SIDE 30'
 REAR 40'
 MAX LOT COVERAGE

<p>PROPERTY ADDRESS: 40 HAYNIE ST. MEMPHIS, TN 38263</p> <p>LAND AREA: 8,184 SF 0.17 AC</p> <p>ZONING:</p>	<p>PLAT PREPARED FOR: 40 HAYNIE STREET</p> <p>LOT XX BLOCK C SUBDIVISION</p> <p>LAND LOT 8 2nd DISTRICT PARCEL ID: H50 0605 003A 875</p> <p>GEORGIA COUNTY, GEORGIA</p> <p>FIELD DATE: 02-13-2023 LW</p> <p>DRAWN DATE: 02-13-2023 AE</p> <p>REFERENCE: PLAT BOOK 00000 PLAT 000 THE BIRTH OF THE CITY MEMPHIS DEED BOOK 00000 PAGE 000 (RECORDED BY US RECORDS)</p> <p>THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 4.1 SECONDS PER HOLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 50,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PRODUCTION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 300' OF THIS PROPERTY.</p> <p>THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.</p>	
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IF YOU DO GEORGIA... CALL US FIRST 1-800-282-7411 770-823-4344 (METRO ATLANTA ONLY) UTILITY PROFESSIONAL ENGINEER IT'S THE LAW

FLOOD HAZARD STATEMENT

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PANEL 13077C0231D EFFECTIVE DATE: 02/06/2013
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SURVEYOR'S CERTIFICATION

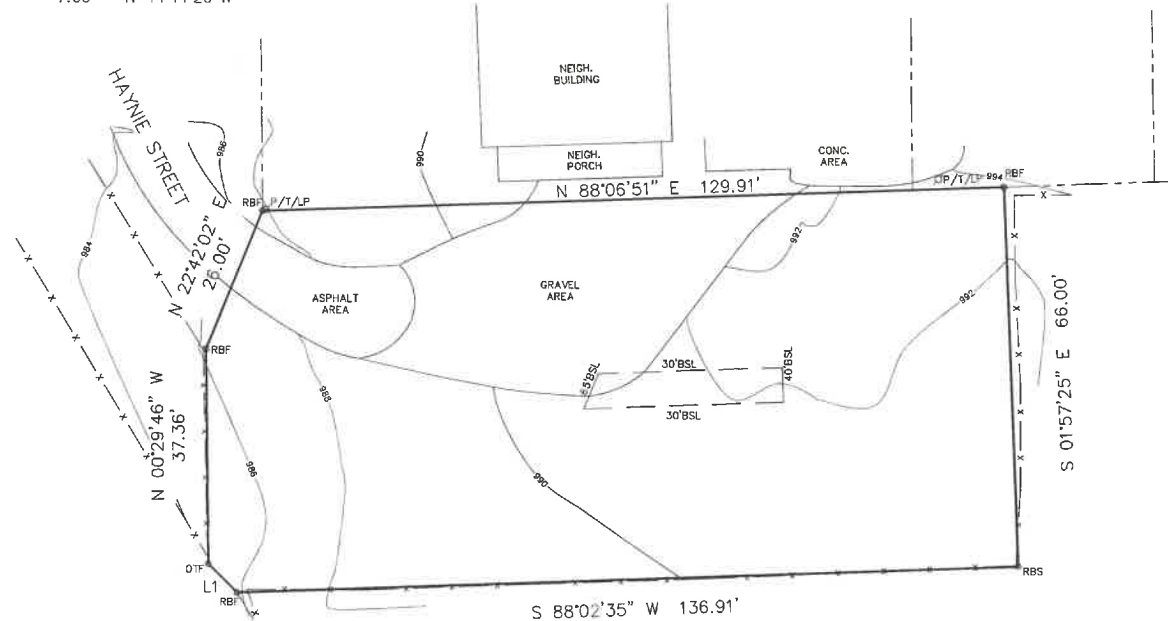
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Gerald H. Bernhard

GERALD H. BERNHARD GEORGIA RLS NO. 2688

LINE LENGTH BEARING
L1 7.06' N 44°44'20"W

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 - FFE FINISH FLOOR ELEVATION SW SIDEWALK
 - FKA FORMERLY KNOWN AS SSE SANITARY SEWER EASEMENT
 - IPF IRON PIN FOUND SSCO SANITARY SEWER CLEANOUT
 - L ARC LENGTH SSMH SANITARY SEWER MANHOLE
 - LL LAND LOT -X- FENCE LINE
 - LLL LAND LOT LINE CB CATCH BASIN
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 - WALL



<p>PROPERTY ADDRESS: 40 HAYNIE ST NEWNAH, GA 30078</p> <p>LAND AREA: 0.184 AC 0.21 AC</p> <p>ZONING: IHV</p>	<p>PLAT PREPARED FOR: 40 HAYNIE STREET</p> <p>LOT ID: BLOCK 0 SUBDIVISION LAND LOT 0 2nd DISTRICT PARCEL ID: NSD 0008 0034 871 COWETA COUNTY, GEORGIA FIELD DATE: 02-13-2023 LW ORIGIN DATE: 02-13-2023 AZ</p> <p>REFERENCE: PLAT BOOK XXXXXX PAGE XXX REFERENCE: DEED BOOK XXXXXX PAGE XXX</p> <p>THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000+ FEET, AN ANGULAR ERROR OF 9+1 SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 30,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE HORIZONTAL CONTROL WITHIN 500' OF THIS PROPERTY.</p> <p>THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.</p>	
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UTILITY PROJECTION CENTER
IT'S THE LAW

ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT.

PROPERTY IS ZONED IHV
BUILDING SETBACK:
FRONT 65'
SIDE 30'
REAR 40'
MAX LOT COVERAGE

VARIANCE APPLICATION

Property: 40 Haynie Street, Newnan, Georgia 30263

Tax Parcel: N50 0005 003A | Land Lot 8, Coweta County

Zoning: IHV (Industrial) | Land Area: 0.31 Acres | Present Use: Vacant Lot

Proposed Use: Glass Manufacturing (30' x 60' Building)

Applicant: Diego Sierra on behalf of Harden Willie Brown Estate c/o Michael H. Hill

Written responses PAGE 1-2

Question 1

What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of the property?

The setback requirements of the City of Newnan Zoning Ordinance for Industrial (I) zoning, when applied to this irregularly shaped parcel situated behind and between surrounding lots, reduce the buildable area to approximately 203.91 square feet. A minimum of 1,800 square feet is required to construct the proposed 30' x 60' building, making the property effectively unbuildable under the current setback standards.

Question 2

What is the existing zoning of the property, including approved modifications, conditions, or proffers?

The property is currently zoned IHV.

Question 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 subject property is irregularly shaped and situated between and behind surrounding lots. These physical conditions, inherent to the land itself and not created by the property owner, result in the applicable setbacks reducing the buildable area to only 203.91 square feet.

Question 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?

Strict application of the current setback requirements would limit the buildable area to 203.91 square feet, making it impossible to construct any functional commercial structure on the property. The owner would be denied all reasonable use of the land despite the intended use being permitted by right within the Industrial zoning district. Anyone looking to purchase this land for this use would need similar adjustments.

Question 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 applicant requests the minimum variance necessary to reduce the applicable setbacks from their current requirements to the following: front setback from 65 feet to 25 feet, rear setback from 40 feet to 20 feet, and side setbacks from 30 feet to 25 feet on each side. These reductions are the minimum necessary to increase the buildable area from 203.91 square feet to approximately 1,825 square feet, allowing for the construction of the proposed 30' x 60' structure. No greater relief than what is requested is sought.

VARIANCE APPLICATION

Written Responses to Hardship Criteria

Property: 40 Haynie Street, Newnan, Georgia 30263

Tax Parcel: N50 0005 003A | Land Lot 8, Coweta County

Zoning: IHV (Industrial) | Land Area: 0.31 Acres | Present Use: Vacant Lot

Proposed Use: Glass Manufacturing (30' x 60' Building)

Applicant: Diego Sierra on behalf of Harden Willie Brown Estate c/o Michael H. Hill

In support of the application for variance, the applicant submits the following written documentation demonstrating that the requested variance satisfies the hardship standards required by the City of Newnan Zoning Ordinance. All references to parcel dimensions, boundary bearings, and setback lines are drawn from the Survey Plat prepared by Gerald H. Bernhard, Georgia RLS No. 2688 (February 13, 2026). The applicant respectfully submits that all seven criteria are satisfied.

Criterion 1

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

The subject property — Land Lot 8, located at 40 Haynie Street, Newnan, Georgia (Tax Parcel No. N50 0005 003A; 0.31 acres) — presents extraordinary and exceptional physical conditions arising directly from its irregular shape and constrained position within the surrounding block. As depicted on the Survey Plat prepared by Gerald H. Bernhard, Georgia RLS No. 2688 (drawn February 13, 2026), the parcel does not conform to a standard rectangular lot. Its boundaries include an angled northwestern line running N 22°02' at 26.00 feet, a skewed western line running N 00°29'46" W at 37.36 feet along Haynie Street, and a southern boundary of S 88°02'35" W at 136.91 feet — creating an irregular polygon with no orthogonal corners. The parcel is further hemmed in on its eastern side by an existing neighbor's building and concrete area. When the IHV setback requirements (Front: 65', Rear: 40', Side: 30' on each side) are applied simultaneously to this irregular shape, the resulting buildable envelope is reduced to only 203.91 square feet — an extraordinary condition that renders the lot effectively unbuildable for any practical industrial purpose.

Criterion 2

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

The conditions described above are specific and peculiar to this parcel alone. The irregular polygon shape of Land Lot 8 — with its angled boundary lines, acute corners, and position between established neighboring structures — is not a characteristic shared by other properties in the IHV zoning district. Standard rectangular lots within the same district, when subject to the same Front 65', Rear 40', and Side 30' setbacks, retain a buildable area sufficient for lawful industrial development. It is only the unique geometry of this particular parcel, combined with the proximity of neighboring buildings on its eastern boundary (as shown on the survey plat), that produces a buildable area of merely 203.91 square feet. No other lot in the district shares this confluence of shape, orientation, and surrounding encumbrance.

Criterion 3

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

The irregular shape and constrained position of Land Lot 8 were established through historical platting of the subdivision — entirely prior to and independent of any action by the current owner. The Survey Plat expressly states that it 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 applicant, Diego Sierra, acting on behalf of the Harden Willie Brown Estate c/o Michael H. Hill, did not create the lot, configure its boundaries, or situate the neighboring structures that further constrain the buildable area. The IHV zoning classification and its associated setback requirements were likewise imposed by the City through its Zoning Ordinance — not by the property owner. All physical and regulatory conditions giving rise to the need for this variance were in place before the applicant's involvement with the property.

Criterion 4

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

The hardship created by literal application of the Zoning Ordinance to this parcel is not merely financial — it is a complete and physical deprivation of the ability to make any reasonable use of the land for its permitted purpose. The IHV setback requirements, when applied to this irregularly shaped 0.31-acre parcel, leave only 203.91 square feet of buildable area. The proposed 30' x 60' glass manufacturing building requires a minimum buildable area of 1,800 square feet. No redesign, repositioning, or architectural modification of the proposed structure can resolve this conflict within the current setback framework — the mathematics of the parcel's geometry simply do not permit it. The property is currently a vacant lot zoned for industrial use. Without variance relief, it will remain permanently vacant and unbuildable, deprived entirely of its permitted industrial use — a hardship that is physical, functional, and regulatory in nature, not merely an economic inconvenience.

Criterion 5

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

The variance requested is the minimum necessary to enable reasonable use of the property. The applicant seeks to reduce the applicable setbacks to: front setback from 65 feet to 25 feet, rear setback from 40 feet to 20 feet, and side setbacks from 30 feet to 25 feet on each side. These reductions would increase the buildable area from 203.91 square feet to approximately 1,825 square feet — sufficient to accommodate the proposed 30' x 60' structure and no more. The Survey Plat confirms that the eastern boundary of the parcel abuts an existing neighbor's building and concrete area, meaning the eastern context is already developed and the reduced side setback on that side does not open new exposure to undeveloped adjacent land. The proposed glass manufacturing use is consistent with the IHV zoning classification. Granting this variance will not impair light or air to adjacent properties, will not increase congestion on Haynie Street, will not create fire or safety hazards, will not diminish surrounding property values, and will not impair the health, safety, comfort, or general welfare of City inhabitants. Developing a presently vacant industrial lot for its permitted use advances, rather than undermines, the purposes of the Zoning Ordinance.

Criterion 6

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

The hardship is proven with mathematical and physical certainty. The Survey Plat of 40 Haynie Street — prepared by a licensed Georgia land surveyor and certified to comply with the minimum technical standards of the Georgia Board of Registration for Professional Engineers and Land Surveyors — establishes the precise boundaries of this irregularly shaped parcel. Application of the IHV setback requirements (Front: 65', Rear: 40', Side: 30') to those boundaries leaves a buildable area of only 203.91 square feet. The minimum area required to construct the proposed 30' x 60' building is 1,800 square feet. The shortfall is not marginal — the available buildable area under the current Ordinance is approximately 11% of what is needed. No industrial structure of any practical utility, and no use of the land consistent with its IHV zoning classification, can be developed within 203.91 square feet. Literal enforcement of the Ordinance leaves this parcel permanently and completely unusable for its lawful intended purpose. The inability to make reasonable use of the land is established beyond any doubt.

Criterion 7

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

The combination of circumstances present at 40 Haynie Street — an irregularly shaped parcel with angled, non-orthogonal boundaries (including lines running at N 22°02', N 00°29'46" W, and S 88°02'35" W), situated between established neighboring structures, in an IHV zone with substantial setback requirements, yielding a buildable area of less than 204 square feet — is sufficiently rare and parcel-specific that it cannot and should not be addressed through a broad amendment to the Zoning Ordinance. A district-wide reduction in IHV setback requirements to accommodate this one parcel would be disproportionate and potentially harmful to the broader public interest. Conversely, crafting a narrow ordinance provision targeted at this specific lot would be impractical and contrary to sound planning principles. The variance process is precisely the mechanism the law provides for such rare, fact-specific situations where the rigid application of a general rule produces an unjust result on a particular parcel. This application presents exactly that circumstance.

Conclusion

For the foregoing reasons, the applicant respectfully requests that the Board of Zoning Appeals grant the requested variance to reduce the applicable setbacks to: front setback of 25 feet, rear setback of 20 feet, and side setbacks of 25 feet on each side. This represents the minimum relief necessary to increase the buildable area from 203.91 square feet to approximately 1,825 square feet, thereby permitting construction of the proposed 30' x 60' glass manufacturing facility. The variance would enable reasonable use of a currently vacant, industrially zoned parcel without causing detriment to surrounding properties, the public interest, or the intent of the Zoning Ordinance. The applicant respectfully urges the Board to find that all seven hardship criteria are met and to grant the requested relief.

Respectfully submitted,

Addison Corbin for Diego Sierra