

City of Newnan Georgia



Board of Zoning Appeals

Agenda Book

October 4, 2022



City of Newnan
Board of Zoning Appeals

Agenda for October 4, 2022 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

TAB NUMBER	AGENDA CATEGORY / ITEM
TAB #1	Minutes of the September 6, 2022 Board of Zoning Appeals Meeting
TAB #2	Variance Request – 24 Elm Street – 2022-13
TAB #3	Variance Request – 32 Franklin Road – 2022-15
	Other Business and Comments by Members of Staff
	Public Comments
	Adjourn

Unless otherwise posted, all Board of Zoning Appeals Meetings
are held in the:

Richard A. Bolin Council Chambers, City Hall
25 LaGrange Street, Newnan, Georgia 30263

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

Phone: 770-254-2354

E-mail: tdunnavant@cityofnewnan.org



CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
September 6, 2022
10:00 a.m.

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

Board Members Absent: NONE

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director
Samantha Wood, Planning & Zoning Administrative Assistant
Chris Cole, Senior Planner
Brad Sears, City Attorney

CALL TO ORDER

Chairman Edge called the meeting to order at 9:58 a.m. in the Richard A. Bolin Council Chambers, City Hall, 25 LaGrange Street.

READING OF THE MINUTES

Chairman Edge asked the Board if they had reviewed the minutes from the August 2, 2022 meeting. After no questions or discussion, Flournoy motioned to approve the minutes. Hensley seconded the motion.

MOTION CARRIED (7-0)

Variance Request – 30 Bryce Creek Drive

Chairman Edge opened the public hearing.

Chris Cole gave the staff report stating that the applicant is looking for a reduced setback from 30 feet to 18 feet. The reason for the variance is to cover the deck which requires it to meet the setbacks for the primary structure. He added that the size of the deck will not change at all.

Applicant Darrell DeLaney was sworn in by Brad Sears. Delaney stated that they needed to do some repairs on the deck because it was rotting and they decided to cover it to help with maintenance and to provide shade during the summer.

Chris Cole let the board know that the HOA had approved the request and that no neighbors had reached out to staff in objection.

With no one else coming forward in favor of or in opposition to the request, Chairman Edge closed the public hearing.

With no discussion, Hensley made a motion to approve the variance request for 30 Bryce Creek Drive for a setback of 18 feet instead of 30 feet. Flournoy seconded.

MOTION CARRIED (7-0)

New Business

Dunnavant advised the Board that there would be an October meeting. Dunnavant also reminded the board of the volunteer appreciation dinner and asked them to please RSVP.

ADJOURN

Hensley motioned to adjourn the meeting at 10:05 a.m. Flournoy seconded.

MOTION CARRIED (7-0)

Chairman Skin Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: October 4, 2022

Application Number: 2022-13

Agenda Item: Variance request – 24 Elm Street

Prepared and Presented by: Dean Smith, Senior Planner

Purpose

The applicant for this Variance request, Alison O'Rourke has requested that this case be continued until further notice, for a time as yet to be determined. Please see the attached email from the applicant.

This variance request was originally scheduled to come before the Board of Zoning Appeals on August 2, 2022.

The applicant requested a continuance on August 1st to continue this hearing until the Board of Zoning Appeals meeting of October 4, 2022.

This the applicant's second request for a continuance.

Options

- A. Take an active vote on the issue either approval or denial based upon what has been submitted.
- B. Vote to accept the continuance request.

Staff does not have a recommendation.



City of Newnan, Georgia – Board of Zoning Appeals

Date: October 4, 2022

Application Number: 2022-15

Agenda Item: Variance Request – 32 Franklin Road

Prepared and Presented by: Dean Smith, Planner

Purpose: To hear a request for a variance to allow for modification on the required building materials in a Building Exterior Quality Design Overlay District

Applicant/Property Owner: James Dwayne Thompson
Dianna Faye Thompson
186 Kee Road
Newnan, GA 30263

Zoning: General Commercial District (CGN)
Building Exterior Quality Design Overlay District (BEQ)

Present Use: Automotive Service/Repair Facility

Proposed Use: Second building for automotive service/repair uses

Pertinent Regulations: Article 5, Section 5-5 (e) of the Zoning Ordinance.

Applicant's Position: The applicant desires add a second building at 32 Franklin Road to support the current operation on site known as Fletcher's Welding & Muffler, LLC. Within the BEQ, there are required building materials for exterior elevations. The current ordinance stipulates that any new structures must use brick, granite, marble, or similar stone products on 67% of all four elevations and stucco, wood, fiber-cement planks on 33% of all four elevations on the exterior.

The applicant desire to construct a building on the property. According to the application, "...Building a brick structure would not be economical, nor would it match the existing building or the other building structures surrounding our location..." The application seeks the "removal of the exterior brick requirement..." The applicant initially desired to use all metal materials for the new building; however, metal is a prohibited in the BEQ overlay district. The applicant has revised their request. The current request seeks permission to construct the new building using a combination of approved secondary materials, such as fiber-cement siding and wood. The applicant is seeking permission to waive the requirement that the structure must be 67% brick or masonry product on all four sides of the proposed structure.

Basis for Granting Variance

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence presented to it in each specific case where the property owner can show all of the following to be true:

- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:

- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,
- ✓ Such conditions are peculiar to the particular piece of such property involved; and,
- ✓ Such conditions were not imposed by the action or will of the owner of the property; and,
- ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship in which the applicant would receive a lower rate of financial return on the use of the property if the variance is denied; and,
- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

B. In addition, the Board of Zoning Appeals shall affirmatively determine that:

- ✓ The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

Planning Department's Review and Findings:

The Board of Zoning Appeals has established a past history of approving similar requests for variations in exterior building materials within certain overlay districts: Home2 Suites Hotel in 2015; Express Oil Change at 1199 Bullsboro Drive in 2015; 27 Bullsboro Drive in 2016 and 931 Lower Fayetteville Road in 2018.

Staff believes that the application does meet certain hardship standards. The strict application of the Ordinance would unreasonably restrict utilization of the property and create an unnecessary hardship. It is not the intent of the ordinance to prohibit additions or renovations on sites that were developed before the BEQ overlay district was enacted. Staff feels that the purpose of the BEQ overlay ordinance is to prohibit large scale use of unfavorable materials that result in less than appealing commercial centers. In this instance, the use of fiber-cement siding and wood siding will bring an improvement to the appearance of the new building and look of the site.

Additionally, the request to not use brick or masonry as a primary material is not so general or recurring in nature as to make it reasonably practical to change the ordinance.

Recommendation:

Options:

- A. Grant the variance requests.
- B. Grant the variance requests with conditions.
- C. Deny the variance request

Staff recommends Option A, based upon the following standards:

- The strict application of the terms of the Ordinance would unreasonably restrict utilization of the property because the application of the Ordinance to the particular piece of property would create a non-financial, unnecessary hardship

- Relief from the Ordinance would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.
- The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

Attachments:

Application



Dean Smith

From: Dianna Thompson <bjclint26@gmail.com>
Sent: Friday, September 23, 2022 9:53 AM
To: Dean Smith; clintbj26@gmail.com; kimbo2692@gmail.com
Subject: Re: 32 Franklin Road Variance
Attachments: image001.png

Mr. Smith, my husband and son, Dwayne and Clint Thompson, spoke with you this morning. We will revise our request to the material being Hardyboard & wood instead of metal siding.

Is this email sufficient? Or, do you need something further from us?

Thank you,

Dianna Thompson

On Thu, Sep 22, 2022, 3:50 PM Dean Smith <DSmith@newnanga.gov> wrote:

I wanted to make you aware that the material you are requesting, metal, is a prohibited material in the BEQ overlay. We cannot support a variance request to go to metal.

You can request another type of material, such as hardie plank or wood. It would be asking for a reduction on the requirement that it has to be 67% masonry, and asking to use more of an approved secondary material, such as hardie-plank siding or wood siding.

But materials like aluminum, steel and vinyl are prohibited.

If you want to change your application to use a different material that would be allowed, let me know.

Thanks,



There is a problem with your connection. Please check your network settings and try again.



NEWMAN
GEORGIA

CITY OF NEWMAN, GEORGIA

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

BEQ Overlay

APPLICATION FOR VARIANCE

Name of Applicant Fletcher's Welding & Muffler, LLC
Mailing Address 32 Franklin Rd., Newnan, GA 30263
Telephone 770-253-2610 E-Mail: bjclint26@gmail.com
Property Owner (Use back if multiple names) James Dwayne Thompson & Dianna Faye Thompson
Mailing Address 186 Kee Rd., Newnan, GA 30263
(Dwayne) (Dianna)
Telephone 770-328-0840; 770-328-0095
Address/Location of Property 32 Franklin Rd. Newnan, GA 30263
Tax Parcel No: 062B115
Present Zoning Classification: C3-Commercial
Present Land Use Muffler & Welding Shop
Intended Use Same

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 in regard to 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 thirty (30) 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) 5-5(e) of the Zoning Ordinance/Subdivision Regulations: Building Design Requirements

In order for the Board to consider the request, it must be claimed "application of the Ordinance to the particular piece of property would create an unnecessary hardship". Please answer the following criteria questions:

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
The primary & secondary exterior surface materials. The use of Brick, stone, Granite, marble, wood, shingle, etc.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
C-3 - Commercial

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?
Matching the existing buildings exterior architecture instead of using brick.
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?
Building a brick structure would not be economical, nor would it match the existing building, or the other building structures surrounding our location.
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?
Removal of the exterior brick requirement. The new and existing structures would be matching in construction.

The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the property owner can show:

A. The strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict utilization of the property because:

- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- ✓ Such conditions are peculiar to the particular piece of such property involved.
- ✓ Such conditions were not imposed by the action or will of the owner of the property.
- ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship. Such hardship does not include financial hardship in that if the variance were granted, the applicant could receive a higher rate of financial return on the use of the property and without the variance, a lesser but still reasonable return could be realized.
- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

B. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

C. The condition or situation of the property, which give rise to the need for such variance, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Included with the application, the following information is required:

- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Check for applicable fees (**\$250.00 Per Variance Requested**).
- ✓ Legal description of property.
- ✓ List of all the names and addresses of all property owners within 250 feet of subject property. This information can be found at the Coweta County Tax Assessors Office.

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.

JAMES DWAYNE THOMPSON + DIANNA FAYE THOMPSON

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

DIANNA FAYE THOMPSON
JAMES DWAYNE THOMPSON

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia
Attachment A

Property Owner's Authorization

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

Name of Property Owner James Dwayne Thompson + Dianna Faye Thompson

Telephone Number (Dwayne) 770-328-0840; (Dianna) 770-328-0095

Address of Subject Property 32 Franklin Rd.
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.

Dianna Faye Thompson
James Dwayne Thompson
Signature of Property Owner

Personally appeared before me

James Dwayne Thompson + Dianna Faye Thompson

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

Angela R Hudson
Notary Public



(Affix Raised Seal Here)

8/30/2022
Date



Proposed Structure

30 x 50 Metal building with 3 roll up doors, one walk door and one window.
Building oriented at 8° to HWY 34
opposite of existing structure to compliment layout.

Existing Structure

30 x 40 Metal building with 2 roll up doors, one walk door oriented at 8° to HWY 34.



DOCH 005466
FILED IN OFFICE
4/15/2015 12:35 PM
BK:4203 PG:800-802
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX
PAID: \$0.00 ✓

PT-15.1653

Prepared by and Return to:

✓ Dianna Thompson
186 Kee Road
Newnan, GA 30263

STATE OF GEORGIA
COUNTY OF COWETA

Cross Reference: ✓

Deed Book 1738, Page 0272
Coweta County Georgia

QUIT-CLAIM DEED

THIS INDENTURE made this 8th day of April, 2015, between THE ESTATE OF FLETCHER CAVENDER, ALSO KNOWN AS FLETCHER EMORY CAVENDER, BY FAYE JANELLE CAVENDER, EXECUTOR OF THE ESTATE, and by FAYE JANELLE CAVENDER, SURVIVING SPOUSE AND LEGAL HEIR AT LAW OF FLETCHER CAVENDER, according to Adjudicated Order of Certificate of Order of Year's Support recorded September 13, 2001, in Deed Book 1738, Page 0272, Superior Court Records for Coweta County, Georgia (herein called "Grantors") and DIANNA FAYE THOMPSON AND HUSBAND, JAMES DWAYNE THOMPSON (herein called "Grantees") ✓

WITNESSETH, Grantors for and in consideration of the sum of TEN DOLLARS (\$10.00) LOVE AND AFFECTION, AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, have bargained, sold, and do by these presents bargain, sell, remise, release, and forever quit-claim to Grantee all the right, title and interest, claim or demand which Grantors have or may have had in and to all that tract of land described on Exhibit A, attached hereto and by this reference made a part hereof.

Together with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging (the "Premises").

3/14 mr
ca (1b)

2.8c.

BK:4203 PG:801

TO HAVE AND TO HOLD the Premises unto Grantees, so that Grantors shall not at any time, claim or demand any right, title or interest to the aforesaid described Premises or its appurtenances.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context permits.)

IN WITNESS WHEREOF, Grantors have signed and sealed this Quit-Claim Deed, the day and year first above written.

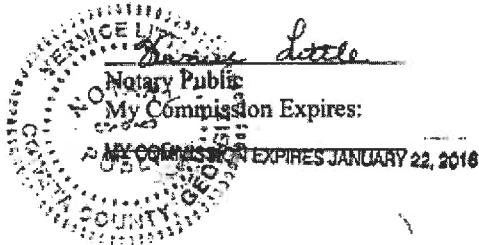
Signed sealed and witnessed
before me this 8th day of
April, 2015

Janelle Little
Unofficial Witness

Grantors:

The Estate of Fletcher Cavender

Faye Janelle Cavender [SEAL]
By: Faye Janelle Cavender, Executor



Faye Janelle Cavender [SEAL]
Faye Janelle Cavender, Surviving Spouse
And Legal Heir at Law of Fletcher
Cavender, deceased, according to Order
Of Year's Support recorded September 13,
2001, Deed Book 1738, Page 0272
Superior Court Records of Coweta County,
Georgia

Exhibit A

✓
All that tract or parcel of land lying and being in Land Lot 37 of the 5th Land District of Coweta County, Georgia, and being identified as the previously owned property of James C. Berry, Jr., and Thomas R. Braden d/b/a A World of Fruits and Vegetables, according to a plat of survey made by John R. Christopher, Registered Surveyor, dated October 20, 1977, recorded in Plat Book 23, Page 21, Superior Court Records of Coweta, Georgia, to which plat reference is hereby made for a more particular description of the property herein conveyed and being more particularly described as follows:

BEGIN at a point on the Southerly Right of Way of Georgia Highway No. 34, which said point is located South 84 deg. 30' West, a distance of 371.8 feet from the point at which the East Land Lot line of Land Lot No. 37 intersects the Southerly Right of Way of Georgia Highway 34, as measured along the Southerly Right of Way of said Highway, and from said point of beginning thus determined, run thence North 84 deg. 45' 0" East 171.8 feet along the Southerly Right of Way of said Highway to an iron pin set; thence South 2 deg. 45' 0" East 209 feet to an iron pin set; thence South 85 deg. 9' 50" West 188.16 feet to an iron pin set; thence North 1 deg. 45' 0" East 209 feet to an iron pin set on the Southerly Right of Way of said Highway, said point being the point of beginning. Said property herein conveyed is bounded on the North by Georgia Highway No. 34, on the East by property now or formerly owned by Hollis Boone; on the South by property now or formerly owned by J.B. Woods, and on the West by property now or formerly owned by Mrs. W. O. Ingram.

D. & C.