

City of Newnan Georgia



Board of Zoning Appeals

Agenda Book

September 6, 2022



City of Newnan
Board of Zoning Appeals

Agenda for September 6, 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 August 2, 2022 Board of Zoning Appeals Meeting
TAB #2	Variance Request – 30 Bryce Creek Drive
	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
August 2, 2022
10:00 a.m.

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

Board Members Absent: Ken Parker (showed up at the conclusion of the meeting)

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director
Samantha Wood, Planning & Zoning Administrative Assistant

CALL TO ORDER

Chairman Edge called the meeting to order at 9:57 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 July 12, 2022 meeting. After no questions or discussion, Lovell motioned to approve the minutes. Flournoy seconded the motion.

MOTION CARRIED (6-0)

Variance Request for 24 Elm Street

Dunnavant stated that the applicant requested a continuance of the item until the October 4, 2022 meeting. A motion was made by Hensley to continue the variance request until the October 4, 2022 meeting. Flournoy seconded the motion.

MOTION CARRIED (6-0)

New Business

Dunnavant advised the Board that there would be a September meeting.

ADJOURN

Hensley motioned to adjourn the meeting at 9:58 a.m. Smith seconded.

MOTION CARRIED (6-0)

Chairman Skin Edge



NEWNAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: September 6, 2022

Application Number: 2022-14

Agenda Item: Variance Request –30 Bryce Creek Drive

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To hear a request to reduce the minimum rear setback from the required 30 feet to 18 feet to allow for the construction of the renovated deck.

Applicant/Property Owner: Darrell and Erin DeLaney – Applicants/Owners
30 Bryce Creek Drive
Newnan, GA 30265

Zoning: Urban Residential Single-Family Dwelling District – High Density (RU-7)

Present Use: Single-Family Residence

Proposed Use: The applicants wish to renovate the existing deck and cover it with a roof.

Pertinent Regulations: Section 4-29(a)(b), Table 4-A of the Zoning Ordinance

Applicants' Position: The applicants plan to renovate their existing rear deck (that measures 216 square feet) on the subject property, which is 0.27 acre +/- . The applicants are asking for a variance to reduce the minimum rear setback from the required 30 feet to 18 feet to allow for the construction of the renovated deck on the same footprint. The existing deck is in compliance with the minimum setback requirement (from the rear and side property lines) because the deck is uncovered and meets the 5-foot minimum setback required for uncovered decks. Once a deck is covered with a roof, as is being proposed, the deck becomes part of the primary structure and thus has to meet the minimum setback requirements for principal buildings.

The applicants added, “With regards to the variance, our plan is to keep the deck in its current configuration. We are replacing most of the floor and railings of the deck because they have been rotting and falling apart, and are unsafe to walk on. If the variance is approved, we would like to install a cover over the deck with screens filling the area along the sides under the cover. Our hope is that would keep the deck cooler so we could make use of it more, as well as reduce wear and tear from exposure to sun and weather.”

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicants indicated, “We want to put a roof on the deck which is 18 feet to the property line. This puts it in the 30-foot setback on the back of the property for building expansion.”

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 applicants indicated, "The deck is in compliance but adding a cover changes the relevant setback. The reason we want the cover is for shade and protection of the deck from the elements. The size of the back yard is a limiting factor. The existing drainage easements are also a limiting factor to development on the site."

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 applicants indicated the deck is too hot to use and increased wear on the wood has resulted in the need to replace the wood.

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 applicants indicated, "Adjust the setback 12 feet from 30 feet to 18 feet to be able to cover the deck."

Basis for Granting Variances:

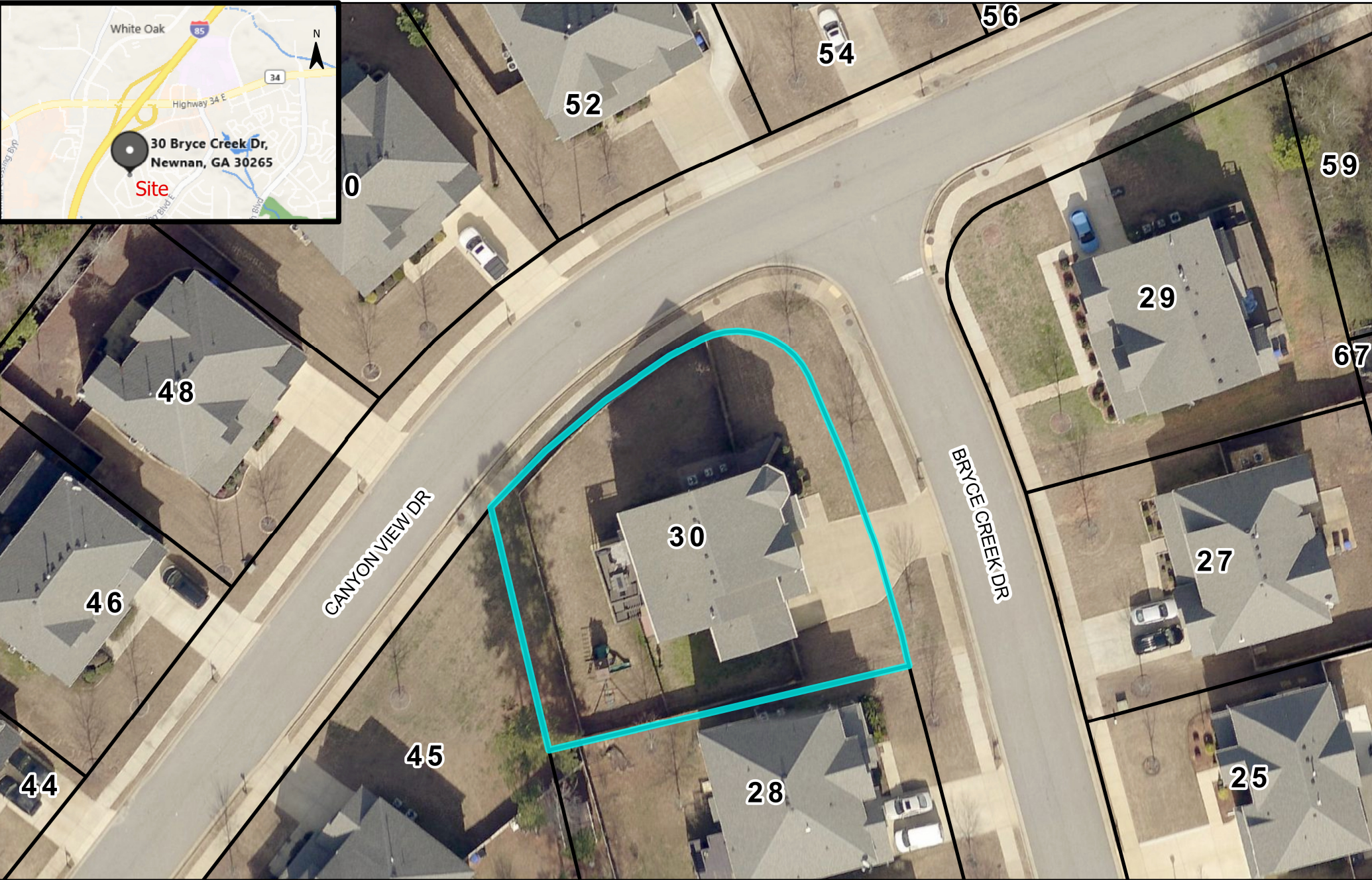
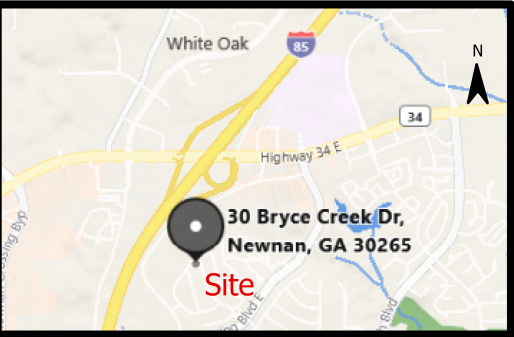
The Board of Zoning Appeals shall base its required findings of fact upon particular evidence presented to it in each specific case where the property owner can show all of the following to be true:

- 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.

Recommendation:

Regarding the variance request to reduce the minimum rear setback from the required 30 feet to 18 feet to allow for the construction of a renovated deck, staff believes the request is appropriate and will present no negative impacts. It should be noted that the actual footprint of the existing deck is not being expanded during the renovation process. Related to this, there will be no encroachment at all towards any side property line or the rear property line. The applicants are just having to deal with the fact that their deck's existing 18-foot setback from the rear property line will not meet the 30-foot minimum rear setback requirement once the deck is covered. Staff believes this proposal works within the restrictions of the lot's size, shape, and topography.

After reviewing the information presented by the applicants and comparing it to the basis for granting variances, as outlined in the Zoning Ordinance, staff recommends approval of the variance request based on the following reasons. 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. Also, relief from the Ordinance would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.



CITY OF NEWNAN



CITY OF NEWNAN
PLANNING DEPT.
25 LAGRANGE STREET
NEWMAN, GEORGIA 30263
www.cityofnewnan.org

Project Location

1" = 480 feet

Date: 8/3/2022 12:29 PM



 Project Location
 City Limits

Parcel # 098 5052 048

ADDRESS

30 Bryce Creek Dr,
Newnan, GA 30265

30 Bryce Creek Drive - Variance

View of existing patio and rear yard showing the current 18-foot distance between existing patio (to be renovated) and the rear property line. Note – The patio will not be extended past its current position.



Alternate view of existing patio and rear yard



30 Bryce Creek Drive - Variance

View of backyard area



View of existing patio and side yard (looking towards Bryce Creek Drive)



30 Bryce Creek Drive - Variance

Alternate view of backyard area



View of side yard and the adjacent home at 28 Bryce Creek Drive



30 Bryce Creek Drive – Variance

This is a picture of a deck/roofing project the applicants' contractor provided to them as an example of what the proposed renovation would be similar to.





CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant Darrell & Erin Delaney
Mailing Address 30 Bryce Creek Dr. Newnan, GA 30265
Telephone 404-680-4396 E-Mail: roonwit@hotmail.com
Property Owner (Use back if multiple names) Darrell & Erin Delaney
Mailing Address 30 Bryce Creek Dr. Newnan, GA 30265
Telephone 404-680-4396
Address/Location of Property 30 Bryce Creek Dr. Newnan, GA 30265 Highlands
Tax Parcel No: 098 5052 048 Subdivision
Present Zoning Classification: RU-7
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 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) 4-29 of the Zoning Ordinance/Subdivision Regulations: Rear Setback

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?
We want to put a roof on the deck which is 18 feet to the property line. This puts it in the 30 foot setback on the back of the property for building expansion.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Existing zoning is RU-7 and there are no modifications.

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 deck is in compliance but adding a cover changes the relevant setback. The reason we want the cover is for shade and protection of the deck from the elements.

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?

Deck is too hot to use and increased wear on the wood resulting in needing to be replaced. ^{are also a limiting factor to development on the site}

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?

Adjust the setback 12 feet from 30 feet to 18 feet to be able to cover the deck.

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.

Darrell Delaney & Erin Delaney

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

Darrell S. Delaney / Erin B. Delaney

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Chris Cole

DATE OF FILING 8-3-2022

BZA MEETING DATE 9-6-2022

DATE OF NOTICE PUBLICATION 8-17-2022

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 Darrell & Erin Delaney

Telephone Number 404-680-4396

Address of Subject Property 30 Bryce Creek Dr.
Newnan, GA 30265

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

Darrell S. Delaney Erin B. Delaney
Signature of Property Owner

Personally appeared before me

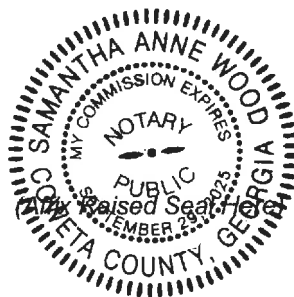
Darrell Delaney

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

Notary Public

Date

8/3/2020



GENERAL NOTES:

1. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
2. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON.
4. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESSED RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.
5. LOT AND BOUNDARY INFORMATION TAKEN FROM A FINAL PLAT PREPARED BY POINT TO POINT LAND SURVEYS DATED 09/21/07, AND IN P.B. 88, PG. 331.
6. TOPOGRAPHY SHOWN IS FIELD RUN BY SEI.
7. BUILDER TO VERIFY ALL HOUSE DIMENSIONS PRIOR TO CONSTRUCTION.
8. BUILDER TO DIRECT ALL SURFACE RUNOFF AWAY FROM HOUSE.
9. NO LOT TO BE SERVICED BY SEPTIC.
10. DRIVEWAY WIDTH SHALL BE 18' UNLESS OTHERWISE NOTED.
11. LIMITS OF CONSTRUCTION DISTURBANCE LIE WITHIN THE PROPOSED SILT FENCE LOCATION.

FLOOD STATEMENT:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 13077C0144 D, WHICH BEARS A DATE OF FEBRUARY 6, 2013 AND COMMUNITY PANEL NO. 13077C0163 D, WHICH BEARS A DATE OF FEBRUARY 6, 2013.

NOTE:

THE PURPOSE OF THIS DRAWING IS TO SHOW HOUSE PLACEMENT AND GRADING. THIS IS NOT A LEGAL SURVEY.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S14°49'35"E	7.08'

CURVE TABLE				
CURVE	BEARING	CHORD	ARC	RADIUS
C1	N51°02'33"E	84.04'	84.54'	225.00'
C2	S71°41'51"E	36.27'	40.58'	25.00'
C3	S20°00'50"E	87.70'	87.82'	485.00'

EROSION CONTROL LEGEND

- Ds1** DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)
- Ds2** DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)
- Ds3** DISTURBED AREA STABILIZATION (WITH PERMANENT SEEDING)
- Ds4** DISTURBED AREA STABILIZATION (WITH PERMANENT SOD)
- Sd1** TYPE A SILT FENCE
- CO** CONSTRUCTION ENTRANCE

CONTOUR LEGEND

- 838 — DENOTES EXISTING CONTOURS
- 838 — DENOTES PROPOSED CONTOURS
- X 983.3 DENOTES PROPOSED SPOT ELEVATIONS

SETBACKS: FRONT = 25'
REAR = 30'
SIDE = 10'
STREET SIDES = 25'

Sd2-P Curb inlet protection to be installed at downstream curb inlets

CONCRETE WASHOUT BAGS OR APPROVED ALTERNATIVE MUST BE USED



LEGEND:

BSL	BUILDING SETBACK LINE	R/W	RIGHT-OF-WAY
LL	LAND LOT	MH	SEWER MAN HOLE
IPS	IRON PIN SET	HW	HEADWALL
JB	JUNCTION BOX	SSE	SANITARY SEWER EASEMENT
IP	IRON PIN FOUND	RB	REINFORCING BAR
R	RADIUS	CB	CATCH BASIN
OT	OPEN TOP PIN	POB	POINT-OF-BEGINNING
DE	DRAINAGE EASEMENT	FH	FIRE HYDRANT



PREPARED FOR:
PEACHTREE COMMUNITIES, LLC
P.O. BOX 660368
ATLANTA, GA 30341
(678) 328-2082

LOT SUMMARY:

ADDRESS 30 BRYCE CREEK DRIVE
SQUARE-FOOTAGE 11,550 - 0.27 ACRE
HOUSE TYPE JAMESTOWN "E"
24 HR. CONTACT: FOWLER (678) 328-2082

SITE PLAN FOR:

LOT: 57 BLOCK: PHASE: UNIT:
SUBMISSION: THE HIGHLANDS AT NEWMAN CROSSING
LAND LOT(S): 52 DISTRICT: 5TH
SECTION: DESGNNR: BTE CITY OF NEWMAN COWETA COUNTY, GEORGIA

REVISION
1. 11-25-2013: REVISED PLAN PER CLIENT REQUEST.

SCALE: 1"=30'
DATE: 04/09/2013
JOB No.
039-04-049

New Roof

Attachment 3

← 6"x6" Posts
Current
Concrete
Patio

Modification of Deck for:
30 Bryce Creek Drive, Newnan, GA
Page 1

Revise current deck of 12' deep x 18' wide to include a new roof and 4' x 5' extension attached to first staircase platform.

1. Framing to consist of 6"x6" posts versus current 4" x 6" posts.
2. Current concrete patio to be assessed for load bearing capability for new roof.
3. Roof type to be shed design type with appropriate coded slant.
4. Siding on sides and front fascia to match existing house siding.
5. New gutter across front of roof.
6. Roofing to match existing house 30-year asphalt shingle.
7. New deck flooring to match current deck wood design and color; only change to include the wood to be pressure treated.
8. Railing to be ~~white PVC vertical design~~ **pressure treated wood & black metal balusters**.
9. Deck level to be screened in with black nylon see-through material attached with sleek black metal framing attached to main posts.
10. Inside ceiling to be finished with flat ceiling design on slant.
12. Ceiling to have 2 ceiling fans with lighting packages.

EXHIBIT "A"

✓
All that tract or parcel of land lying and being in Land Lot 52 of the 5th District, Coweta County, Georgia, being Lot 57, The Highlands at Newnan Crossing Subdivision, as per plat recorded in Plat Book 88, Pages 331-338, Coweta County, Georgia Records, which plat is incorporated herein by reference and made a part of this description.

Parcel ID Number: 098 5052 048.
Subject to any Easements or Restrictions of Record.



APPEARANCE STATEMENT

Public Hearing Attendance Requirements

To process an application for an item requiring a Public Hearing, the applicant or applicant's designated representative must be present and in attendance at said hearing. This includes any items to be presented to the Board of Zoning Appeals; Mayor and City Council; and the Planning Commission.

Failure to appear at a Public Hearing may result in denial of the request, or an extended waiting period before the next available meeting. Certain requests, i.e. variances or special exceptions, if denied cannot be re-submitted for consideration for a term not less than one (1) year from the date of denial by that particular governing body.

The Board of Zoning Appeals will hear your request on September 6th at 10:00 AM

The Mayor and City Council will hear your request on _____ at _____ PM

The Planning Commission will hear your request on _____ at 7:00 PM

IMPORTANT

A zoning sign will be affixed and posted on the property in question. Owner/applicant shall notify the Planning & Zoning Department immediately if the sign is removed, defaced, incorrect, etc. After the Public Hearing date, City personnel will remove the zoning sign.

Applicant's Name: Darrell S. DeLaney
(Please Print)

Applicant's Signature: Darrell S. DeLaney

Date: August 3, 2022

All meetings are held in the Richard A. Bolin Council Chambers located at 25 Lagrange Street, Newnan, GA 30263, unless otherwise stated.