



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for October 3, 2023 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

1. Call to Order
2. Approval of Minutes
 - a. September 5, 2023 Minutes
3. Public Hearings
 - a. Variance Request - 189 Cliffhaven Circle - 2023-21
 - b. Variance Request - 10 Cochran Drive - 2023-20
 - c. Variance Request - 19 Perry Street - 2023-22
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
September 5, 2023
10:00 a.m.

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

Board Members Absent:

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

CALL TO ORDER

Chairman Lovell 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 Lovell asked the Board if they had reviewed the August 1, 2023, meeting minutes. Flournoy motioned to approve the minutes. Edge seconded the motion.

MOTION CARRIED (5-0)

Variance Request –157 LaGrange Street – 2023-19

Chairman Lovell opened a public hearing on a front setback variance request for the property located at 157 LaGrange Street.

Dean Smith gave the staff report. He said the applicant is seeking a front building setback from 45 feet from the right-of-way of LaGrange Street to 32 feet. Dean Smith explained that the applicant felt the required front setback would be prohibitive, as a home meeting the minimum living space requirement would not be able to be built within the lot line as it narrows significantly as it moves from front to back. He added that the lot was once the location of a home that had been damaged beyond repair by the March 26, 2021 tornado.

Dean Smith said in terms of rear and side building setbacks, the proposed house location plan illustrates that the new house will comply with the 12-foot side setback and 35-foot rear setback. He added that the building plans indicate that the new house will have a total heated

area of 2,293 square feet, which exceeds the minimum heated square footage required in the RS-15 zoning of 1,800 square feet. Dean Smith mentioned that 155 Lagrange Street is 3,164 heated square feet and 159 Lagrange Street is 1,830 heated square feet.

Dean Smith stated that as of the date of this report, staff has received no objections from any property owners within 250 feet of the subject property. He concluded by stating that staff agrees that the application meets the standards for a variance, as there extraordinary and exception conditions pertaining to the piece of property in question because of its size and shape and would therefore recommend approval. Dean Smith mentioned that because it was a new home in the Historic Residential Overlay District (HRDO), it would require a Certificate of Appropriateness from the Planning Commission.

The applicant, Andrew Villarreal of Mallard Residential, LLC, was sworn in by Sears. Villarreal stated that the lot is non-conforming and if the house is pushed back, the side setbacks would need a variance as well.

Hensley asked if they were going to work around the trees on the property. Villarreal stated that those trees are already gone. He added that they were too damaged to be saved.

Hensley asked if this was being built to be rented or sold. Villarreal stated that it was being built to be sold.

Flournoy asked the applicant what the price point was going to be for the home. Villarreal stated that the price point would be \$500,000 - \$550,000. He stated that he built the same house plan in Senoia and it sold for \$515,000 two years ago.

Chairman Lovell closed the public hearing.

A motion was made by Edge to approve the Variance Request at 157 LaGrange Street. Hensley seconded the motion.

MOTION CARRIED (7-0)

Dunnavant let the Board know that there would be meetings in both October and November.

New Business

None

ADJOURN

Hensley motioned to adjourn the meeting at 10:08 a.m. Parker seconded.

MOTION CARRIED (7-0)

Chairman Kris Lovell



NEWNAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: October 3, 2023

Application Number: 2023-21

Agenda Item: Variance Request – 189 Cliffhaven Circle

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To hear a request to build an addition to the existing house that will be located 13 feet from the rear property line, instead of the required 23 feet. The approximate property size is 0.15 acre +/-.

Applicant/Property Owner: Lichty Building Group – Applicant / Julia Marsh - Property Owner

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

Present Use: Single-Family Residence

Proposed Use: Enlarged Single-Family Residence

Pertinent Regulations: Article 4, Section 4-29, Table 4-A of the Zoning Ordinance

Applicant's Position: The applicant proposes to build an addition to the existing house that will be located 13 feet from the rear property line, instead of the required 23 feet. This building addition, as shown on the attached site plan, comprises of a 19'11" x 16'1" addition. The proposed addition will be in compliance with all other building setbacks. The purpose of the new space is to allow the property owner, Ms. Marsh, to provide a living space for her elderly parent (who Ms. Marsh serves as the primary caregiver for). *Staff Note – Please see the attached proposed elevation and floor plan that the applicant plans to construct. Also, please see the attached site plan showing the location of the proposed addition.*

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicant indicated, "Current requirement is that the entirety of the home sit within the building line."

Regarding the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance, the applicant indicated, "The home is currently sitting too close to the building line to allow the proposed 16 x 20 addition to be built off the rear of the home on the left side. It's not possible to build the addition on the right side of the rear of the home due to an existing accessory building."

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, "The owner's elderly parent would not be able to live on the property with her daughter who serves as her primary caregiver."

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 rear setback would need to be reduced to approximately 13' to accommodate the addition."

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.

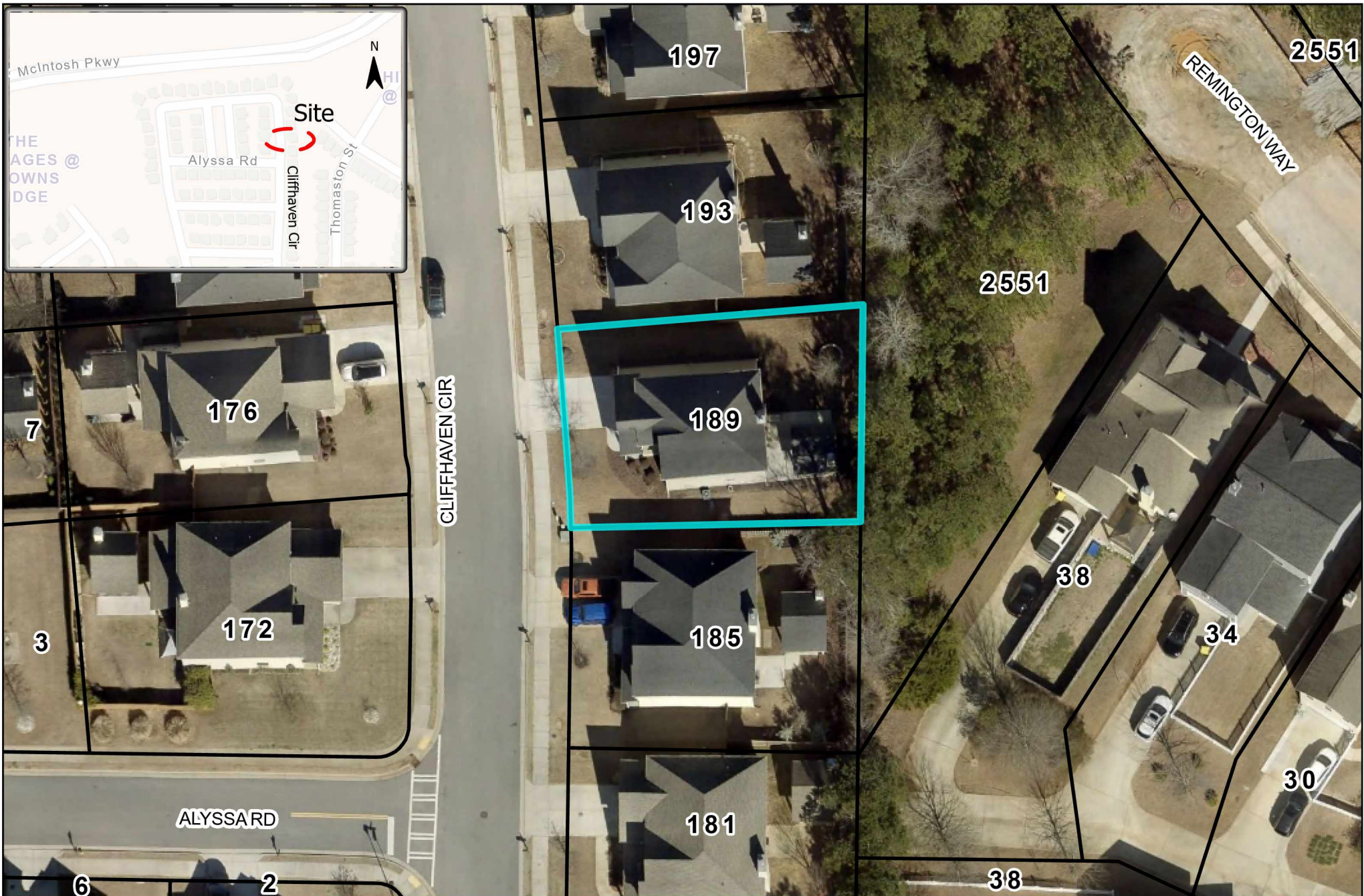
Recommendation:

Regarding the variance request to reduce the distance requirement to the rear property line from 23 feet to 13 feet, staff believes the placement of the proposed house addition is appropriate and will present no negative impacts. Staff also believes this proposal works within the confines of the natural restrictions of the lot's size and shape. As mentioned earlier, the approximate property size is 0.15 acre +/- and this severely limits the ability to do any house addition.

Staff agrees with the applicant that rear expansion is only possible in the proposed area on the rear of the home due to the existing covered porch and patio in the rear yard. These existing features limit expansion on the southern side of the rear facade. It should also be noted that the proposed addition will not be located any further back towards the rear property line than the existing covered porch and patio.

In addition, the sloping areas in the northern (side yard) and eastern (rear yard) areas of the subject property also limit the amount of developable area. *Note – Please see attached pictures of sloping areas on the subject property.* Overall, the factors involving the size, shape, and topography of the subject property provide sound reasons for the applicant to seek the variance. Regarding other variances approved for nearby properties, the Board approved a rear setback variance for a building addition at 23 Cliffhaven Circle on August 2, 2016.

After reviewing the information presented by the applicant 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

Project Location



1" = 480 feet

Date: 8/9/2023 2:51 PM



NEWNAN
GEORGIA

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

Project Location



City Limits

Parcel # 086B 178

ADDRESS
189 Cliffhaven Circle
Newnan, Ga 30263

Variance – 189 Cliffhaven Circle

View of Subject Property



View of addition area in rear yard (actual addition area indicated by arrow)



Variance – 189 Cliffhaven Circle

View of addition area in rear yard (actual addition area indicated by arrow)



View of sloping area on the northern property line (adjacent to the proposed addition area)



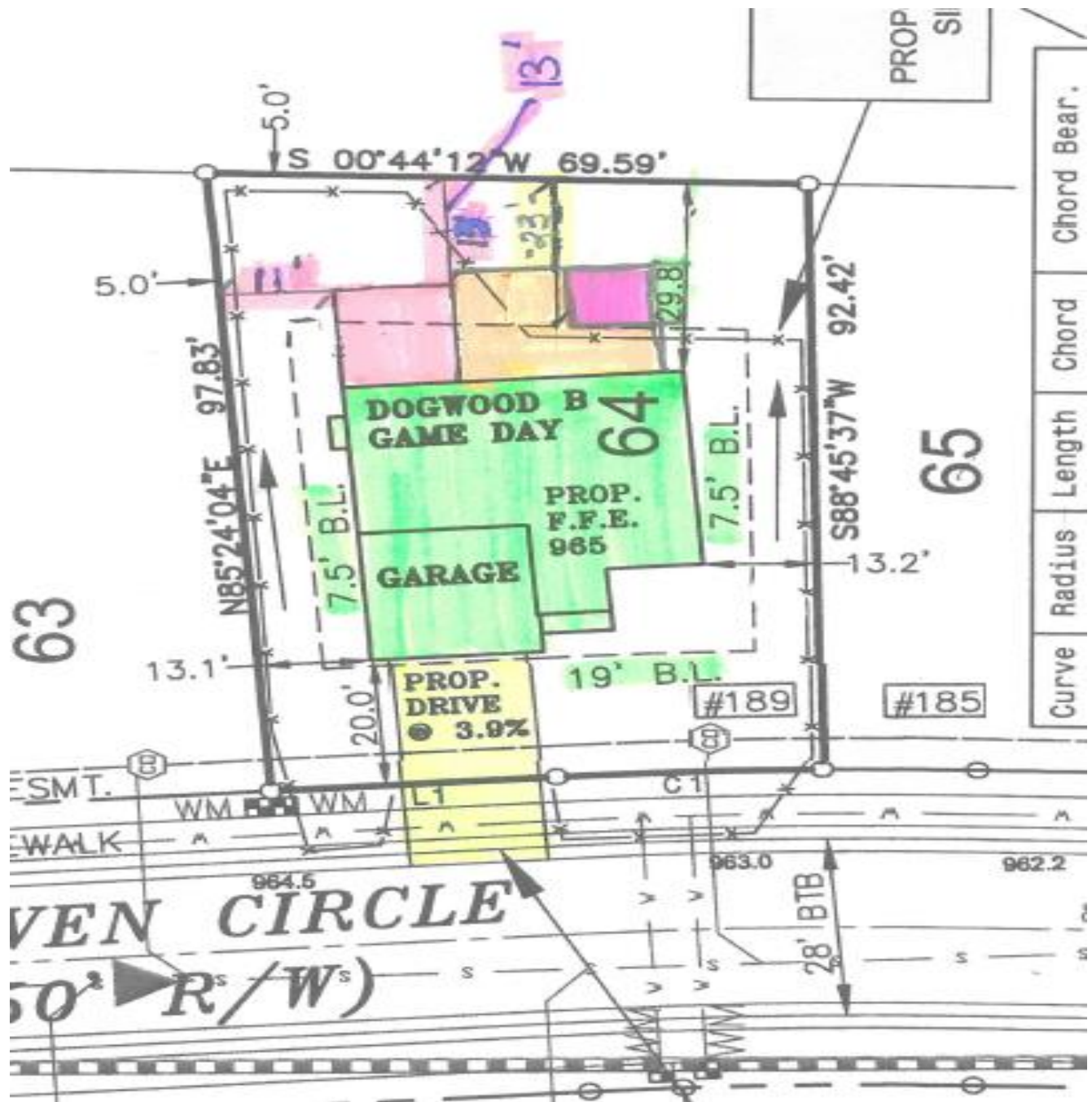
Variance – 189 Cliffhaven Circle

View of existing detached covered porch in rear yard



View of sloping area in rear yard that begins immediately at the rear of the existing detached covered porch





- New 16X20 Addition
- Existing home
- Existing driveway
- Existing patio
- Existing Covered porch

189 Cliffhaven Circle – Site Plan



CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Lichty Building Group

Mailing Address 770 Greison Trail, Suite B, Newnan, GA, 30263

Telephone 770-400-0057 E-Mail: becky@lichtybrothers.com

Property Owner (Use back if multiple names) Julia Marsh

Mailing Address 189 Cliffhaven Circle, Newnan, GA 30263

Telephone 770-363-4653

Address/Location of Property 189 Cliffhaven Circle, Newnan, GA 30263

Tax Parcel No: 086B 178

Present Zoning Classification: RU-7

Present Land Use Single Family Residence

Intended Use Single Family Residence

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 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) 4-29 of the Zoning Ordinance/Subdivision Regulations: Zoning Ordinance 04 Lots and Buildings Adopted 02219 Revised 52323.

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?
Current requirement is that the entirety of the home sit within the building line.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
RU-7

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 home is currently sitting too close to the building line to allow the proposed 16X20 addition to be built off the rear of the home on the left side. It's not possible to build the addition on the right side of the rear of the home due to an existing accessory building.

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?

The owner's elderly parent would not be able to live on the property with her daughter who serves as her primary caregiver.

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 rear setback would need to be reduced to approximately 13' to accommodate the addition.

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 and must also be furnished in digital, pdf format:

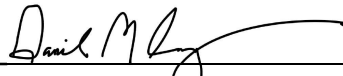
- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ List of all the names and addresses of all property owners within 250 feet of subject property. This information can be found at the Coweta County Tax Assessors Office.

✓ Check for applicable fees (\$250.00).

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.

Daniel M. Lichty

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



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 Julia Marsh

Telephone Number 770-363-4653

Address of Subject Property 189 Cliffhanger Circle
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.

Julia Marsh
Signature of Property Owner

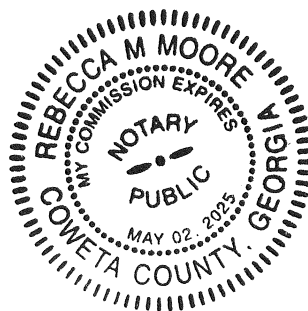
Personally appeared before me

Julia Marsh

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

Rebecca Moore
Notary Public

8/7/23
Date



(Affix Raised Seal Here)

193

GENERAL NOTES:

SURVEY DATA

Lot Area: 6,318 sq. ft.

E.O.C. Plat: 1' in 98,607 FEET

E.O.C. Field: 1' in 12,156 FEET

Angular Error: 5" per angle point

Adjusted By: Compass Rule

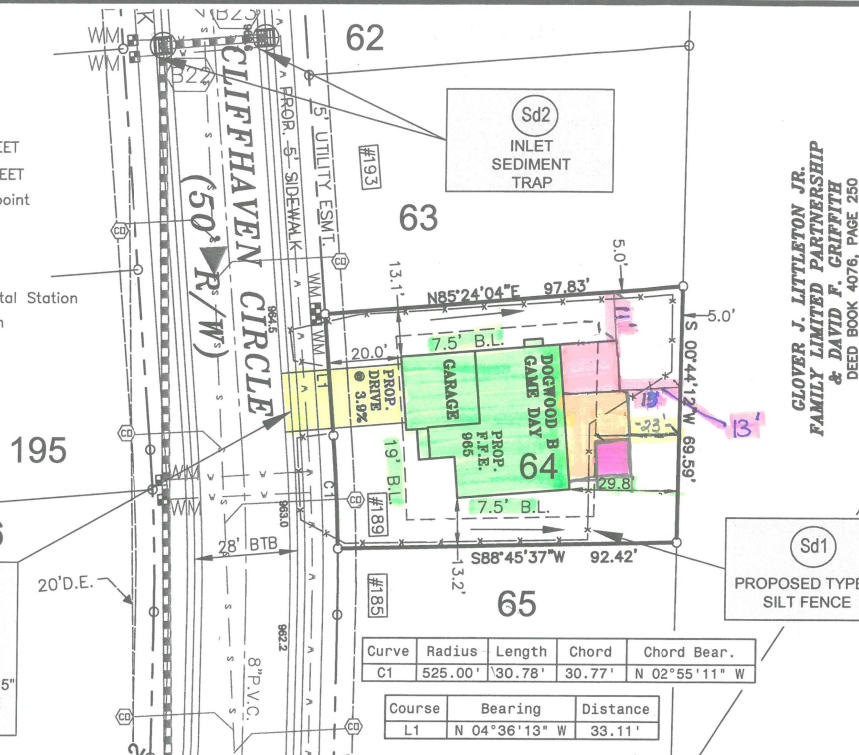
Equipment Used:

Geomax Zoom 80 Robotic Total Station

Topcon GTS-313 Total Station

REFERENCES:

Plat Book XX/Page XX



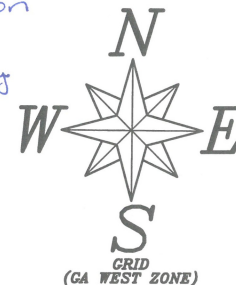
GENERAL NOTES:

1. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED IN THE TITLE BLOCK AND OR THE CERTIFICATION. ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.

2. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL IN CONTRASTING INK.

3. THIS PROPERTY IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM) #13077C0144D, WITH EFFECTIVE DATE OF FEBRUARY 6, 2013.

- New 16x20 Addition
- Existing home
- Existing driveway
- Existing patio
- Existing Covered Porch



LEGEND

- ### = ADDRESS
 L.L. = LAND LOT
 R/W = RIGHT-OF-WAY
 P-P-P = OVERHEAD POWER LINE
 X-X-X = FENCE
 S-S-S = SANITARY SEWER LINE
 W-W-W = WATER LINE
 WM = WATER METER
 WV = WATER VALVE
 FH = FIRE HYDRANT
 CMP = CORRUGATED METAL PIPE
 RCP = REINFORCED CONCRETE PIPE
 D.W.C.B. = DOUBLE WING CATCH BASIN
 D.I. = DROP INLET
 D.E. = DRAINAGE EASEMENT
 U.E. = UTILITY EASEMENT
 B.L. = BUILDING LINE
 sq. ft. = SQUARE FEET
 IPF = IRON PIN FOUND (1/2" RE-BAR)
 IPS = IRON PIN SET (1/2" RE-BAR)
 P.F.E. = PROPOSED FINISHED FLOOR ELEVATION
 S.L. = PROPOSED STREET LIGHT PER PLANS

CONSTRUCTION NOTES:

1. SILT FENCE MUST BE TYPE "S" OR APPROVED ALTERNATIVE.
2. DRIVEWAY NOT TO EXCEED 18 FEET IN WIDTH.
3. DRIVEWAY GRADE SHALL COMPLY WITH GA DOT A1 CONSTRUCTION DETAIL FOR DRIVEWAYS.
4. CROSS SLOPE OF SIDEWALK NOT TO EXCEED 2%.
5. CONCRETE WASHOUT MUST BE IN APPROVED CONTAINERS.



CONSTRUCTION EXIT



SEDIMENT BARRIER



INLET SEDIMENT TRAP



A crushed stone pad located at the construction site exit to provide a place for removing mud from tires thereby protecting public streets.



A barrier to prevent sediment from leaving the construction site. It may be sandbags, bales of straw or hay, brush, logs and poles, gravel, or a silt fence.



An impounding area created by excavating around a storm drain drop inlet. The excavated area will be filled and stabilized on completion of construction activities.

THE PURPOSE OF THIS SITE PLAN IS TO OBTAIN BUILDING PERMITS AND IS NOT TO BE RECORDED



GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 64445



Christopher Brothers
LAND SURVEYING, LLC

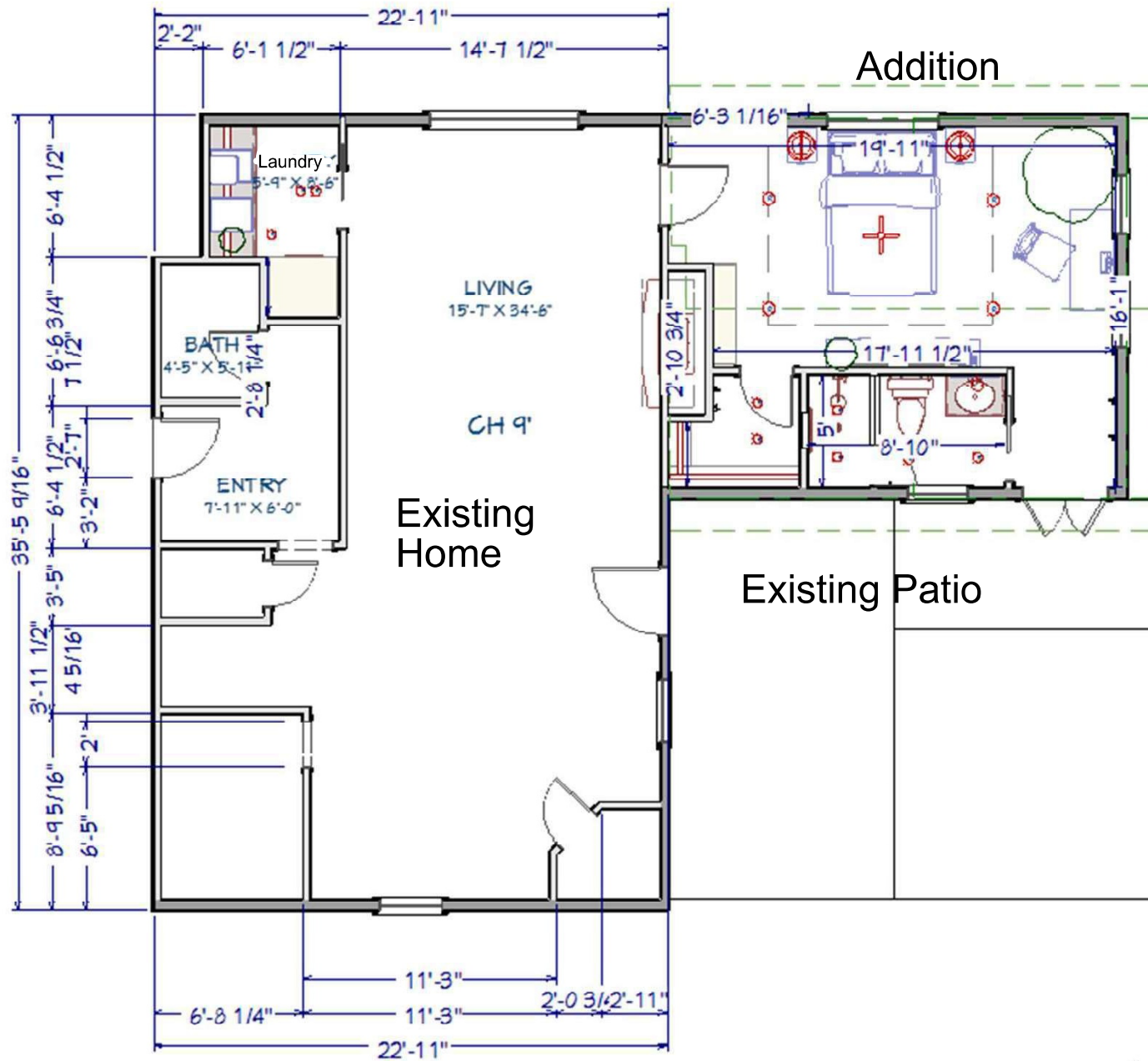
24 JACKSON STREET
NEWNAN, GEORGIA 30263
(770)253-5195
LSF# 32

chrisbros@numail.org
www.christophersurveying.com

PROPOSED HOUSE SITE PLAN:
EDGAR HOUSTON BUILDER, INC.
LOT 64
MADISON PARK UNIT 4 PHASE-3
P.B XX, PG. XX
LOCATED IN LAND LOT 23, 5TH LAND DISTRICT,
CITY OF NEWNAN, COWETA COUNTY, GEORGIA

DRAWING DATE:
02-18-2017
LAST FIELD WORK DATE:
2-13-2015
FILED:
FEBRUARY-2017
#CF=12042-EH
#SF=12042-U4P3-64
SCALE: 1"=30'
DRAWN BY: BLG

Addition and Laundry Proposed Plans



Staff Note - This is a view of the rear elevation of the existing home with the proposed addition in the foreground.



 COPY

**JOINT TENANCY WITH SURVIVORSHIP
LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF COWETA

FILE #: 2023-0289

THIS INDENTURE made this 25th day of July, 2023, between Julia E. Marsh, as party or parties of the first part, hereinafter called Grantor, and Julia E. Marsh and Brenda Wilkes, as Joint Tenants with Survivorship and not as Tenants in Common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee as Joint Tenants and not as Tenants in Common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described Property:

All that certain tract or parcel of land situate lying and being in Land Lot 23 of the 5th Land District of the City of Newnan, Coweta County, Georgia, being Lot 64 of Madison Park Subdivision, Unit #4, Phase 3, as per plat of record at Plat Book 94, Pages 324-326, Coweta County, Georgia Records. Reference to said plat is hereby made for a more complete and accurate description of said Lot 64.

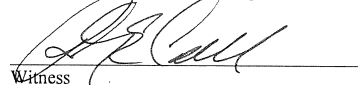
TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, as Joint Tenants and not as Tenants in Common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, forever in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

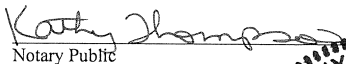
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

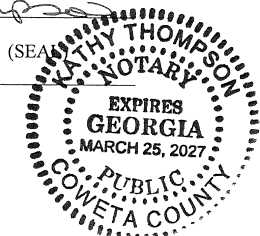
Signed, sealed and delivered in presence of:


Witness

 (SEAL)
Julia E. Marsh


Notary Public

My Commission Expires: _____



GLOVER & DAVIS, P.A. PREPARED THIS DEED, BUT NO TITLE EXAMINATION WAS CONDUCTED.

Exhibit "A"

Legal Description for File No.: 2018-0063

All that certain tract or parcel of land situate lying and being in Land Lot 23 of the 5th Land District of the City of Newnan, Coweta County, Georgia, being Lot 64 of Madison Park Subdivision, Unit #4, Phase 3, as per plat of record at Plat Book 94, Pages 324-326, Coweta County, Georgia Records. Reference to said plat is hereby made for a more complete and accurate description of said Lot 64.

The above-described property is conveyed subject to the following:

- (1) Declaration of Covenants, Conditions and Restrictions for Madison Park recorded at Deed Book 2801, Page 353, Coweta County, Georgia Records, and any amendments thereto.**
- (2) All matters as shown on plat of record at Plat Book 94, Pages 324-326, .Coweta County, Georgia Records.**
- (3) Easement in favor of Georgia Power Company of record at Deed Book 2688, Page 25, Coweta County, Georgia Records.**
- (4) Right of Way in favor of the City of Newnan of record at Deed Book 4507, Page 711, Coweta County, Georgia Records.**
- (5) Easement in favor of Georgia Power Company, of record at Deed Book 4578, Page 42, Coweta County, Georgia Records.**

Homes Located within 250' of 189 Cliffhaven Circle

- Eldeen Davis – 6 Alyssa Road
- Jennifer Dunaway & Titus Collin Smith – 2 Alyssa Road
- Kristy Fischel – 10 Alyssa Road
- HPA II Borrower 2020-2 LLC – 3 Hughston Walk
- Kenneth Estoll & Shannon Estoll – 7 Hughston Walk
- WCP SFR Properties LLC – 11 Hughston Walk
- Nexpoint SFR SPE 3 LLC – 15 Hughston Walk
- Jaron Hall & Rodketa Pless – 184 Cliffhaven Circle
- Pagaya Smartresi F1 Fund Property Owner II LLC – 180 Cliffhaven Circle
- Allan & Christine Whittington – 176 Cliffhaven Circle
- Andrea Verre – 172 Cliffhaven Circle
- Jair & Erica Ann Arango – 217 Cliffhaven Circle
- Sheila Bozeman & Stephan Bozeman Sr. - 213 Cliffhaven Circle
- Gladys Birts – 209 Cliffhaven Circle
- Jack Cranford & Angela Paige Spier Cranford – 205 Cliffhaven Circle
- Angela Sweeney – 201 Cliffhaven Circle
- Keith James & Joshulyn Myers James – 197 Cliffhaven Circle
- Dwayne A. Bennett Estate – 193 Cliffhaven Circle
- MCH SFR Property Owner 1 LLC – 185 Cliffhaven Circle
- Celeste Spencer – 181 Cliffhaven Circle
- Hyun Woo Park – 177 Cliffhaven Circle

- SFR JV-2 2022-1 Borrower LLC – 173 Cliffhaven Circle
- David Griffith & Glover Littleton Jr Family Limited Partnership – McIntosh Parkway (No Street Number Listed)
- LG APT GA Newnan LLC – 2551 McIntosh Parkway
- Kenneth Fairchild & Jena Fairchild – 38 Remington Way
- Adaora & Ephraim Joseph Anamuo – 34 Remington Way
- JNJ Homes LLC – 30 Remington Way
- SHV Homes 4 LLC – 38 Thomaston St.
- Marianne Berdin – 34 Thomaston St.



City of Newnan, Georgia – Board of Zoning Appeals

Date: October 3, 2023

Application Number: 2023-20

Agenda Item: Variance Request- 10 Cochran Drive

Prepared and presented by: Dean Smith, Planner

Purpose: To hear a request for a variance to reduce a front building setback.

Applicant/Property Owner: Timothy R. Knight
30 S. Shore Point
Newnan, GA 30263

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

Present Use: Single Family Residence

Proposed Use: Single Family Residence

Pertinent Regulations: Article 4, Section 4-32, Table 4-A of the Zoning Ordinance.

Applicant's Position: Applicant has initiated a remodeling project, which includes a proposed new front porch addition. During the course of reviewing the drawings for the project, it was determined that a variance would be needed to reduce the front building setback to allow enough room to accommodate the new front porch.



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:

Within the RU-I zoning, building setbacks are determined by the average of adjacent units or the block average if adjacent units are not present.

In this case, the average front building setback averaged to 31.9 feet. 10 Cochran Drive sits approximately 31 feet from the front property line. The plans submitted to the city illustrate a proposed front porch addition with dimensions of 10 feet deep by 19.5 feet wide. The applicant is asking for a reduction in the front setback from 31 feet to 21 feet to allow for the front porch addition.

The BZA has approved similar requests at 94 Lagrange Street and 1 Alpine Drive within the past couple of years.

The subject property is located within an established neighborhood where surrounding properties frequently have varying setbacks. Within the area of influence, or residential block, there are existing homes that are closer than 21 feet from the front of the houses to the street. This is due to several reasons, including smaller lots, no setback requirements at time of construction, and unusual property subdivision. This particular zoning district of the City has had several requests for variances where property owners wish to update their homes. Since the lots were subdivided and the homes were built under previous and different requirements, remodeling often proves difficult under current standards. These requests are not so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance, as the current regulations can be met in most cases. However, in instances where a property owner wishes to create a home to suit their desires and needs a variance from the Ordinance that is not blatantly against its purposes and intents, staff feels that these requests can meet some "Bases for Granting a Variance" as provided in the Ordinance.

Recommendation:

Options:

- A. Grant the variance request.
- B. Deny the variance request

In summary, staff recommends Option A to grant the variance request with the condition that the applicant and their contractor comply with the City's Building Department's requirements.

Attachments:

Application





CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant TIMOTHY R. KNIGHT
Mailing Address 30 S. SHORE PT, NEWNAN, GA 30263
Telephone 678 570 5183 E-Mail: tknight@nwnmail.org
Property Owner (Use back if multiple names) TIMOTHY R. KNIGHT
Mailing Address SAME AS ABOVE
Telephone _____
Address/Location of Property 10 COCHRAN DR., NEWNAN, GA 30263
Tax Parcel No: N05 0005 012
Present Zoning Classification: RU-I
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 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) 4.32 of the Zoning Ordinance/Subdivision Regulations: _____

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?

Average street set back of houses on either side.

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

RU-F

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?

exceeds the average setback

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?

Reduced aesthetics/curb appeal. No shaded area for relaxation.

5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?

Allow 10 foot+ setback encroachment in front of house.

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 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.
- ✓ 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.

✓ Check for applicable fees (\$250.00).

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.

Timothy R. Knight

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

J. Knight

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Dean Smith

DATE OF FILING 7/25/23

BZA MEETING DATE 10/3/23

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 TIMOTHY R. KNIGHT

Telephone Number 678-570-5193

Address of Subject Property 10 COCHRAN DR
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.

T. Knight
Signature of Property Owner

Personally appeared before me

Timothy R. Knight

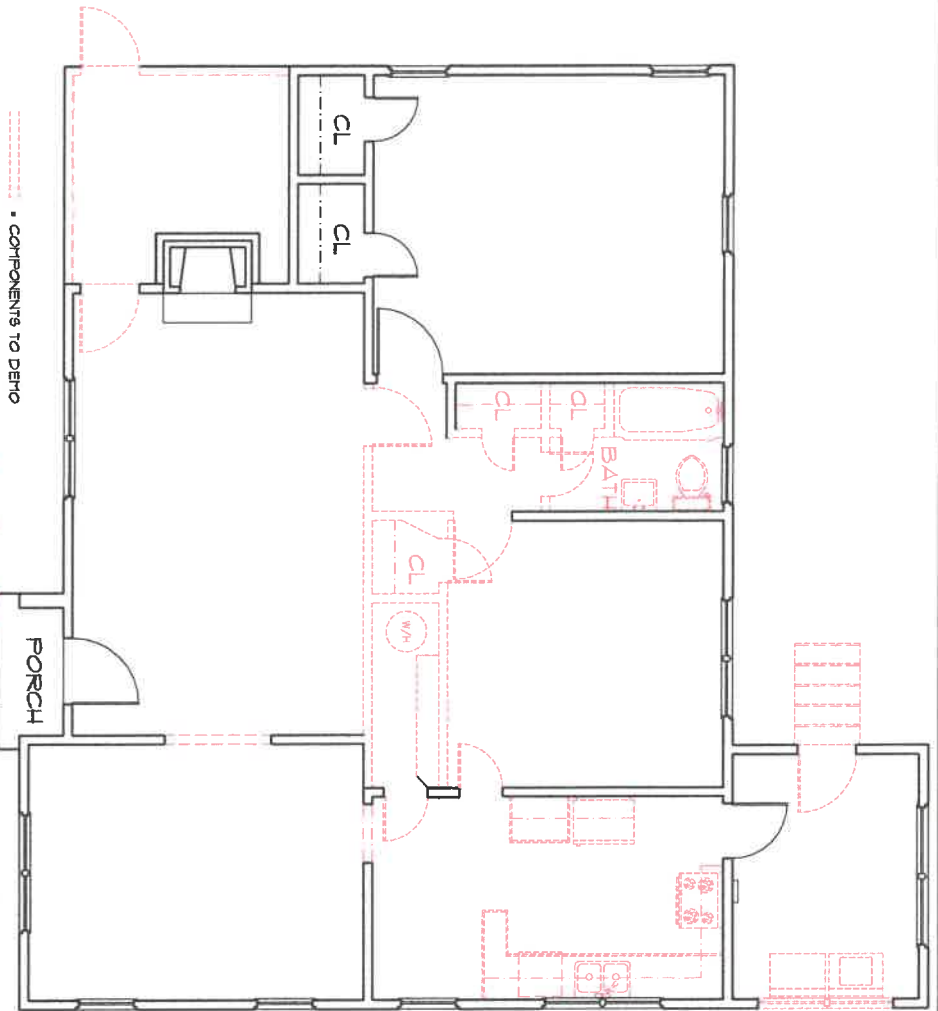
who swears the information contained
in this authorization is true and correct
to the best of his/her knowledge and
belief.

Anita P. Aske
Notary Public

7-25-2023
Date

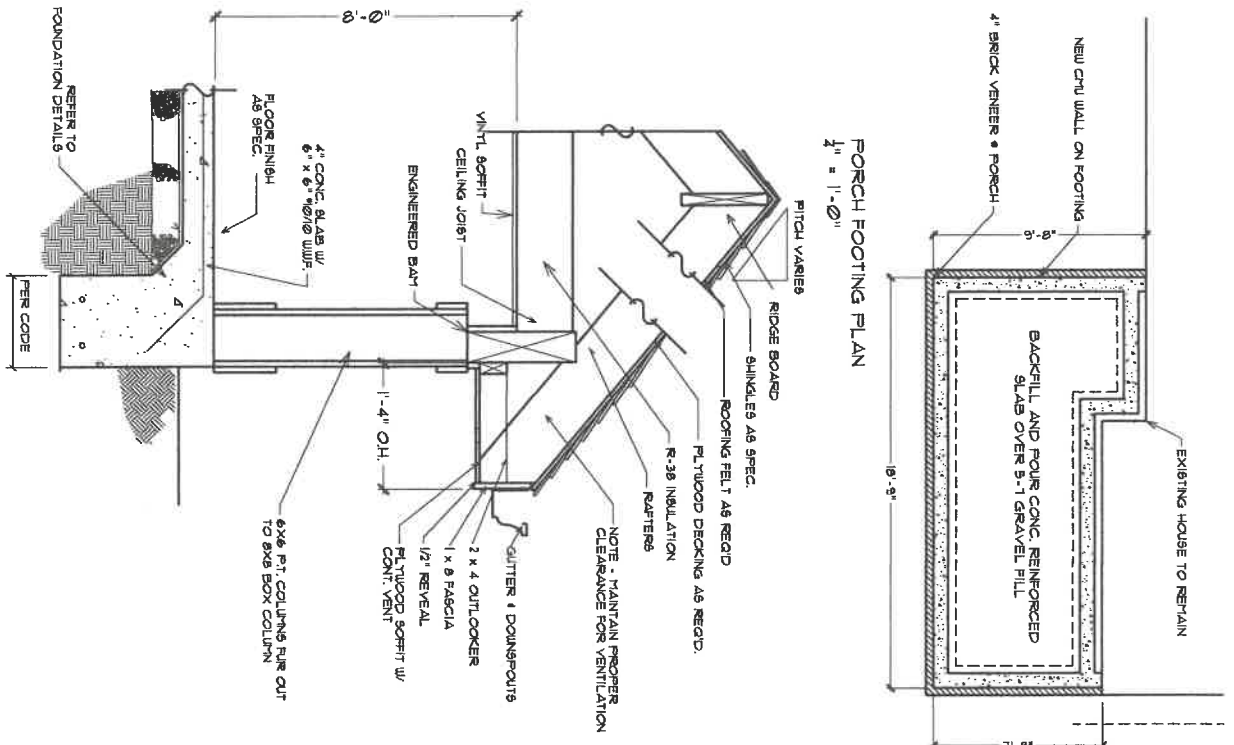
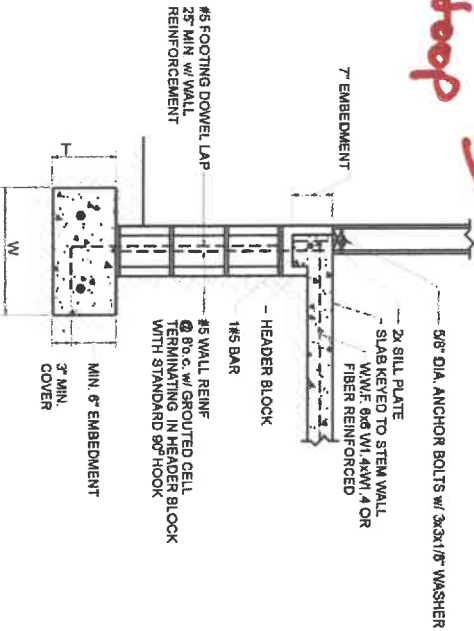


STEM WALL DETAIL @ NEW FRONT PORCH



DEMO PLAN
1/4" = 1'-0"

Current $\rightarrow$
Scoop



TYPICAL WALL DETAIL

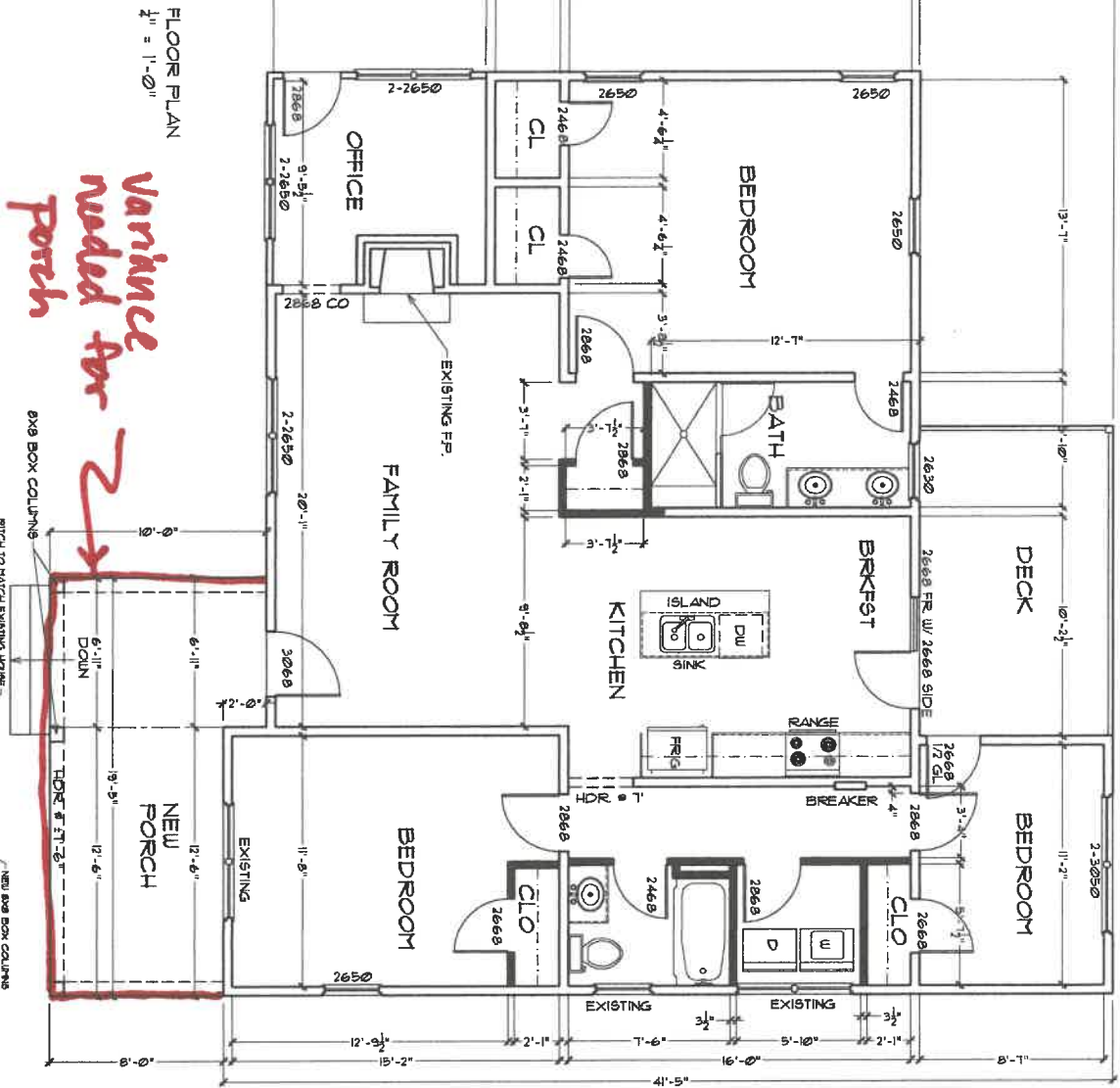
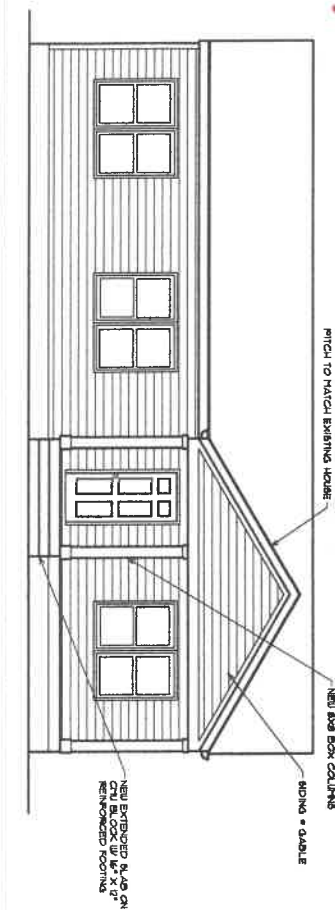
RELEASE DATE:
5/9/2023

PROJECT:	10 COCHRAN STREET NEULAN, GA. 30263
DRAWN BY:	REDE
DRWG. DATE:	5/3/73
SCALE:	1/4" = 1'-0"
PLAN NUMBER:	ERD130045
DRWG. NO.	A-2

Brian Riede Design, Inc.
1241 Smokey Road Newman, GA. 30263
678-361-2356 brriede@yahoo.com

These drawings, for this design, have been developed and issued without structural engineering by Brian Riede Design, Inc. Upon beginning construction, the referenced use of this design's working drawings waives all responsibility from the designer and/or draftspeople of Brian Riede Design, Inc. to be held responsible for inadvertent discrepancies, construction interpretations and/or construction results. Therefore, supplemental to these documents, is the owner, and his builder(s) responsibility for following material and equipment manufacturer's instructions, structural analysis (unless otherwise stipulated), and using recognized standards for each building craft trade, as well as compliance in full with all governing code requirements.

FRONT ELEVATION
1/8" = 1'-0"



WINDOW & DOORS NOTES:
 1. WINDOW EGRESS TO BE 20" X 24" MINIMUM (21 SQ. IN.) CLEAR OPENING.
 2. ALL WINDOW WITHIN 24" RADIUS OF A DOOR OR LESS THAN 18" FROM THE FLOOR MUST HAVE TEMPERED GLASS.
 3. ALL SIDELITES, FRENCH DOORS AND PATIOS DOORS MUST HAVE TEMPERED GLASS.
GENERAL NOTES:
 ALL DETAILS AND CONDITIONS ARE CONTR. RESPONSIBILITY TO VERIFY PRIOR TO CONSTRUCTION.
 ALL SLAB AND FLOOD PLAN DIMENSIONS TO BE VERIFIED BY CONTR. PRIOR TO CONSTRUCTION.

FRAMING NOTES:
 STRUCTURAL SPECIFICATIONS PROVIDED ON THESE PRINTS ARE A SUGGESTION FROM THE DESIGNER AND ARE SUGGESTED MINIMUM REQUIREMENTS ONLY. DUE TO A VARIANCE OF CODES PER REGION, PLEASE REFER AND COMPLY WITH ALL YOUR LOCAL CODES. LOCAL ENGINEERS FOR ALL STRUCTURAL REQUIREMENTS. CONSULT WITH LOCAL ENGINEERS FOR ALL STRUCTURAL REQUIREMENTS. ALL EXTERIOR WALL DIMENSIONS ARE BASED ON 2X STUDS UNLESS OTHERWISE NOTED. WHERE PRE-ENGINEERED FLOOR AND ROOF TRUSSES ARE USED, TRUSS MANUFACTURER MUST PROVIDE SHOP DRAWINGS WHICH BEAR SEAL OF REGISTERED ENGINEER IN STATE IN WHICH WORK IS TO BE PERFORMED.
 ALL FRAMED WALL DIMENSIONS ARE BASED ON 2 X 4 STUDS W/ #2 BVP UNLESS OTHERWISE NOTED.
 ALL BASEMENT WALLS, BEAMS, AND COLUMNS TO BE DESIGNED BY LOCAL STRUCTURAL ENGINEER AND MEET ALL LOCAL CODES.
 ALL SOLID FRAMING, COLUMNS, BEAMS, ETC., TO BE DESIGNED BY LOCAL STRUCTURAL ENGINEER AND MEET ALL LOCAL CODES.
 ALL JOISTS AND RAFTERS SHALL BE ALIGNED W/ WALL STUDS.
 FRAMER TO PROVIDE DOUBLE FLOOR JOISTS UNDER PARTITION WALLS.
 ALL EXTERIOR CORNERS SHALL BE BRACED WITH 2" CDX PL WOOD. NAILING SCHEDULE SHALL BE AS COMMON @ 16" O.C. AT ALL EDGES AND @ 12" O.C. AT ALL INTERMEDIATE STUDS (OPTIONAL). APPROVED CORNER BRACING BOTH DIRECTIONS AT ALL CORNERS.
 ALL COLUMNS AND SOLID FRAMING TO EXTEND DOWN THROUGH ALL LEVELS AND TERMINATE AT THE BASEMENT FLOOR OR BE SUPPORTED BY A THICKENED SLAB OR GRADE BEAM OR FOOTING DESIGN TO CARRY THE LOAD.
 PROVIDE DOUBLE 2X10 STRONG BACKS AT FOR MID SPAN AT CEILING JOISTS WITH SPANS GREATER THAN 10'-0".
 PROVIDE COLLAR TIES AT UPPER 1/3 OF VERTICAL DISTANCE BETWEEN RIDGE BOARD AND CEILING JOISTS @ 16" O.C. MAX. BOARD SHALL BE 2X7 SIZE LARGER THAN RAFTERS.
 ALL CEILING JOISTS AND ROOF RAFTERS TO BEAR ON LOAD BEARING WALLS DESIGNED TO CARRY LOADS THROUGH ALL LEVELS AND TERMINATE AT THE BASEMENT FLOOR AND BE SUPPORTED BY A THICKENED SLAB OR GRADE BEAM, OR FOOTING DESIGN TO CARRY THE LOAD.

CONSTRUCTION CODES:
 International Building Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Residential Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Fire Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Plumbing Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Mechanical Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Fuel Gas Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Energy Conservation Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Existing Building Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments (2020) - (Effective January 1, 2020)
 NFPA 101 Life Safety Code 2018 Edition with State Amendments (2020) - (Effective January 1, 2020)

SQUARE FOOTAGES: 1426
 RELEASE DATE: 5/9/2023

Prepared by and return to:
Theo D. Mann of
Mann & Wooldridge, P.C.
28 Jackson Street
Newnan, Georgia 30263

DOCH 008689
FILED IN OFFICE
03/29/2006 03:40 PM
BK:2937 PG:74-75
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY
Cindy G. Brown
REAL ESTATE TRANSFER TAX
PAID: \$100.00✓

06-2281
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COWETA

THIS INDENTURE, made the 28th day of March, 2006, between

✓ Harriett W. Palmer

of the County of Coweta, and State of Georgia, as party or parties of the first part, hereinafter called Grantor and

✓ Timothy R. Knight

as party or parties of the second part, hereinafter called Grantee, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in CONSIDERATION OF OTHER GOOD AND VALUABLE CONSIDERATION AND THE SUM OF TEN (\$10.00) DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land situate, lying and being in the City of Newnan, Coweta County, Georgia, and being a portion of Lot 10 of Block "B" of the Jones Subdivision as shown by plat of survey of said subdivision recorded in Deed Book 40, Page 355, Office of the Clerk of Superior Court of Coweta County, Georgia, and more particularly described as follows:

BEGIN at a pipe found on the north side of Cochran Drive which point is 64.00 feet west of the northwest intersection of Cochran Drive and Casey Place and from said point run North 03 degrees 38 minutes 17 seconds East a distance of 138.80 feet to a pipe; thence run North 88 degrees 14 minutes 38 seconds West a distance of 57.07 feet to a pipe; thence run South 03 degrees 51 minutes 57 seconds West a distance of 143.58 feet to an iron pin found at a pipe on the north right of way of Cochran Drive; thence run North 87 degrees 03 minutes 02 seconds East along the right of way line of Cochran Drive a distance of 58.00 feet to a pipe found at the beginning point as shown by plat of survey for Harriett W. Palmer made by John R. Christopher, Registered Land Surveyor, on April 3, 1987, of record in Plat Book 42, Page 136, in the Office of the Clerk of Superior Court of Coweta County, Georgia, to which plat reference is hereby made for a more accurate description of the property herein conveyed.

This is the same property as that conveyed to Geraldine S. Wilcoxon a/k/a Mrs. Jerry Willcoxon under the Will of Theo Wilkes Willcoxon, said will being recorded in Will Book N, Page 109, Office of the Probate Court of Coweta County, Georgia.

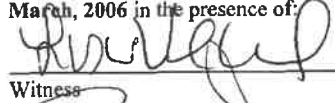
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

HWD

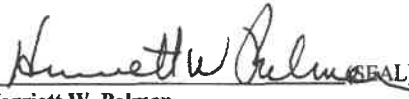
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered this 28th day of
March, 2006 in the presence of:



Witness



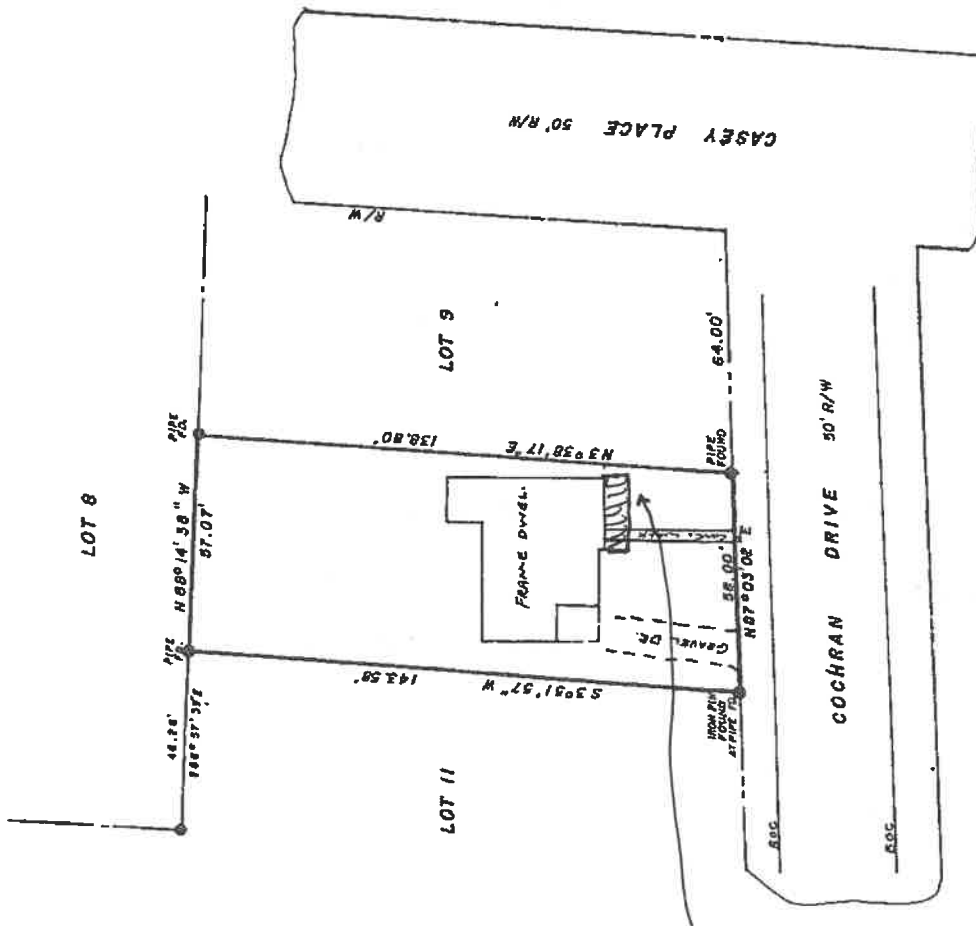
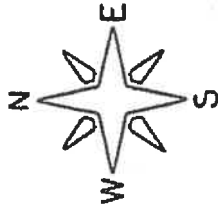
Harriett W. Palmer

(SEAL)

Notary Public, Coweta County
State of Georgia
My Commission Expires:

File #9755





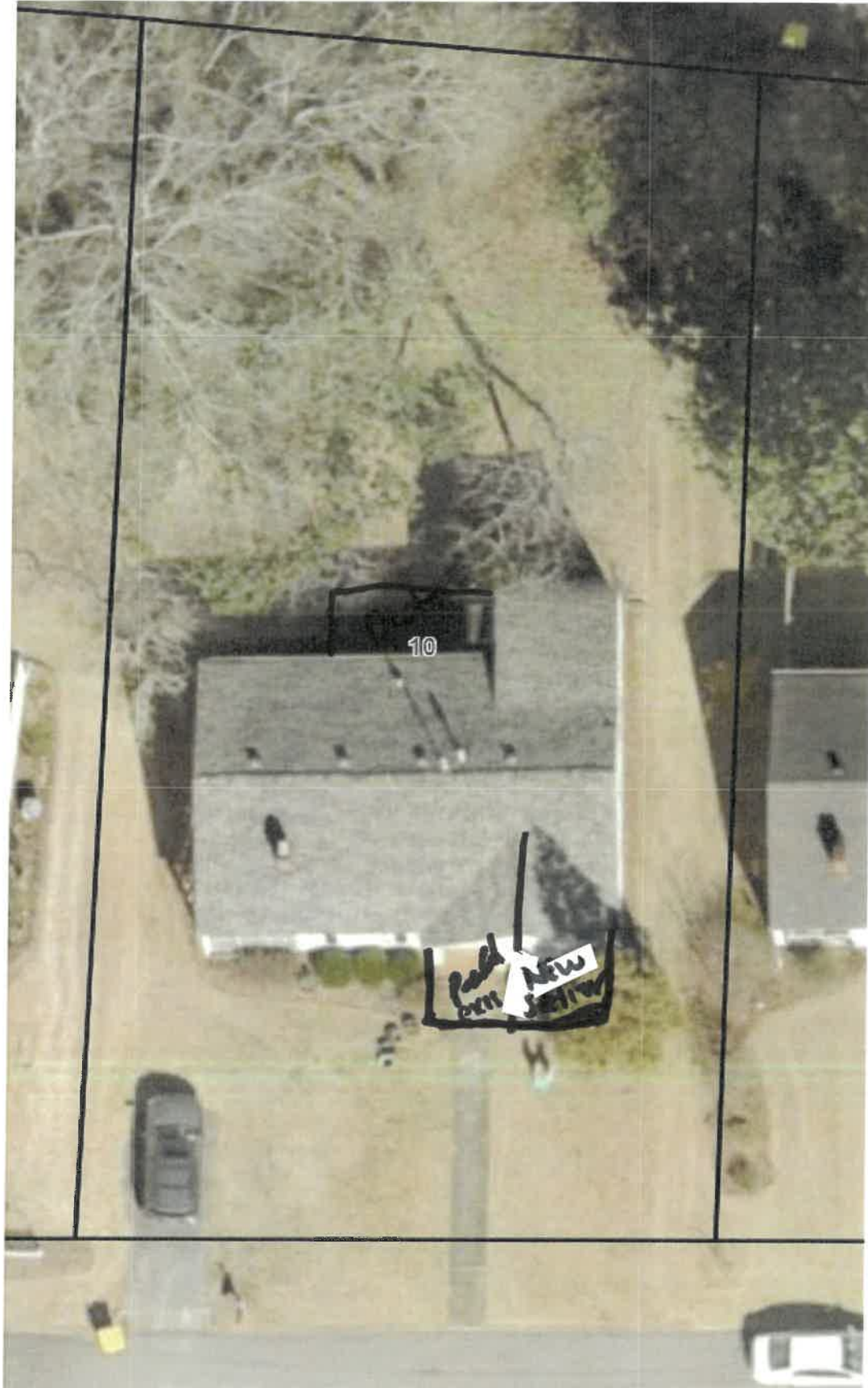
Addition of
front porch
8-10 ft. deep

CLERK
Saw
1987 AT 11:20 AM RECORDED IN BOOK 192
PAGE 136 THIS 27 DAY OF April 1987

Walter D. Dyer
Saw
CLERK

SURVEY FOR
HARRIETT W. PALMER

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY
DATE: 4/3/87		REVISED
PORTION OF LOT 10 BLOCK 8 JONES S/D D.B. NUMBER LL 25 LD 5 CITY OF NEWMAN, COWETA CO., GA. 31719		
PLAT BY John R. Christoph		





City of Newnan, Georgia – Board of Zoning Appeals

Date: October 3, 2023

Application Number: 2023-22

Agenda Item: Variance request – 19 Perry Street

Prepared and presented by: Dean Smith, Planner

Purpose: To hear a variance request for 19 Perry Street to increase the height of a proposed new building from 45 feet to 58 feet.

Applicant: Kip Oldham - K.A. Oldham Design, Inc.
57 Perry Street
Newnan, GA 30263

Property Owner: 390 Group
14 E. Gordon Road
Newnan, GA 30263

Zoning: Central Business District and within Downtown Design Overlay District

Proposed Uses: Ground Floor – Office/Future Lease Space
Second Floor – Residential
Third Floor - Residential

Pertinent Zoning Regulation: Article 4, Section 4-30, height requirements; principal building. Building Height in the Central Business District (CBD) is limited to a maximum of 45 feet.

Applicant's Position: The following are excerpts from the Variance Application: "...The proposed building is 58 feet along Perry Street, which is 13' higher than the 45' height...the land also slopes significantly into the site creating an additional 10' difference opposite Perry Street...The height [restriction] to build to the property's full potential..."

Additional information is contained in the elevation and building plan drawings furnished by the applicant and provided as an attachment to this application.

Bases for Granting Variance

The Board of 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.

Planning Department's Review and Findings

In 2019, the BZA granted a height variance for 6 & 8 East Court Square from 45 feet to 53 feet, as a part of that building's renovation project which, at that time, proposed a rooftop restaurant. The restaurant idea had to be abandoned due to structural issues with the building. In that case, as in this one, there was no demonstrable hardship as outlined in the City's regulations; however, the applicant was able to persuade the BZA to grant the height variance. In examining the applicant's request in terms of the Standards for Granting a Variance that pertain to demonstrating a hardship, staff was unable to validate that this request is based upon a hardship as defined in our regulations.

It should be noted that on the west elevation of the proposed development (the side closest to the former Brown Steel site), there is an additional height for roof access stairs, which is approximately 5 feet taller than the 58-foot height measurement. Staff did consult with the city's Chief Building Official and verified that this additional structure height was not considered a part of the roof and therefore, not a part of the building height measurement as defined by the building code as well as the city's zoning regulations.

As of the date of this report's preparation, the city has not received any negative comments or objections to the variance request.

Although, there isn't a parking requirement for the Central Business District, staff is aware that several nearby businesses utilize what is now a parking lot for their businesses and employees. The applicant is proposing an underground garage parking area for the future residents that would live in this building, but the building itself would supplant the existing parking lot area.

As a reminder, this application just focuses on the building height variance request. The architectural style and elements for the structure will require approval by the City of Newnan's Planning Commission, because this property is within the Downtown Design Overlay District.

Staff does not have a recommendation on the request. Should the Board of Zoning Appeals make a determination to approve the request, staff would suggest considering adding a condition that the building be consistent with the elevations and renderings provided, subject to final approval the Planning Commission and that the project will provide a minimum of 17 off street parking spaces as shown on their parking diagrams.

Attachments

Application







CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant Kip Oldham

Mailing Address 57 Perry St Newnan, GA 30263

Telephone (770) 683-9170 E-Mail: koldham@kaod.com

Property Owner (Use back if multiple names) 390 group (refer to back)

Mailing Address 57 Perry St Newnan, GA 30263

Telephone (770) 683-9170

Address/Location of Property 19 Perry St. Newnan, GA 30263

Tax Parcel No: N04 0010 003

Present Zoning Classification: CBD

Present Land Use Commercial

Intended Use Mixed Use (Commercial, Residential, Garage)

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 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) 4-30 of the Zoning Ordinance/Subdivision Regulations: Building and Structure Heights.

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?
Principal Building Height - 45'
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
CBD with overlays: DDO, HRDO

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 proposed building is 58'-0" along Perry St which is 13' higher than the 45' height variance. The land also slopes significantly into the site creating an additional 10' difference opposite Perry St.
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?
The height variance for this area does not allow the owner of the property to build to the property's full potential.
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?
13'-0" along Perry St

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 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.
- ✓ 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.

✓ Check for applicable fees (\$250.00).

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.

KIP OLDHAM

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

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____

CLOSURE NOTE

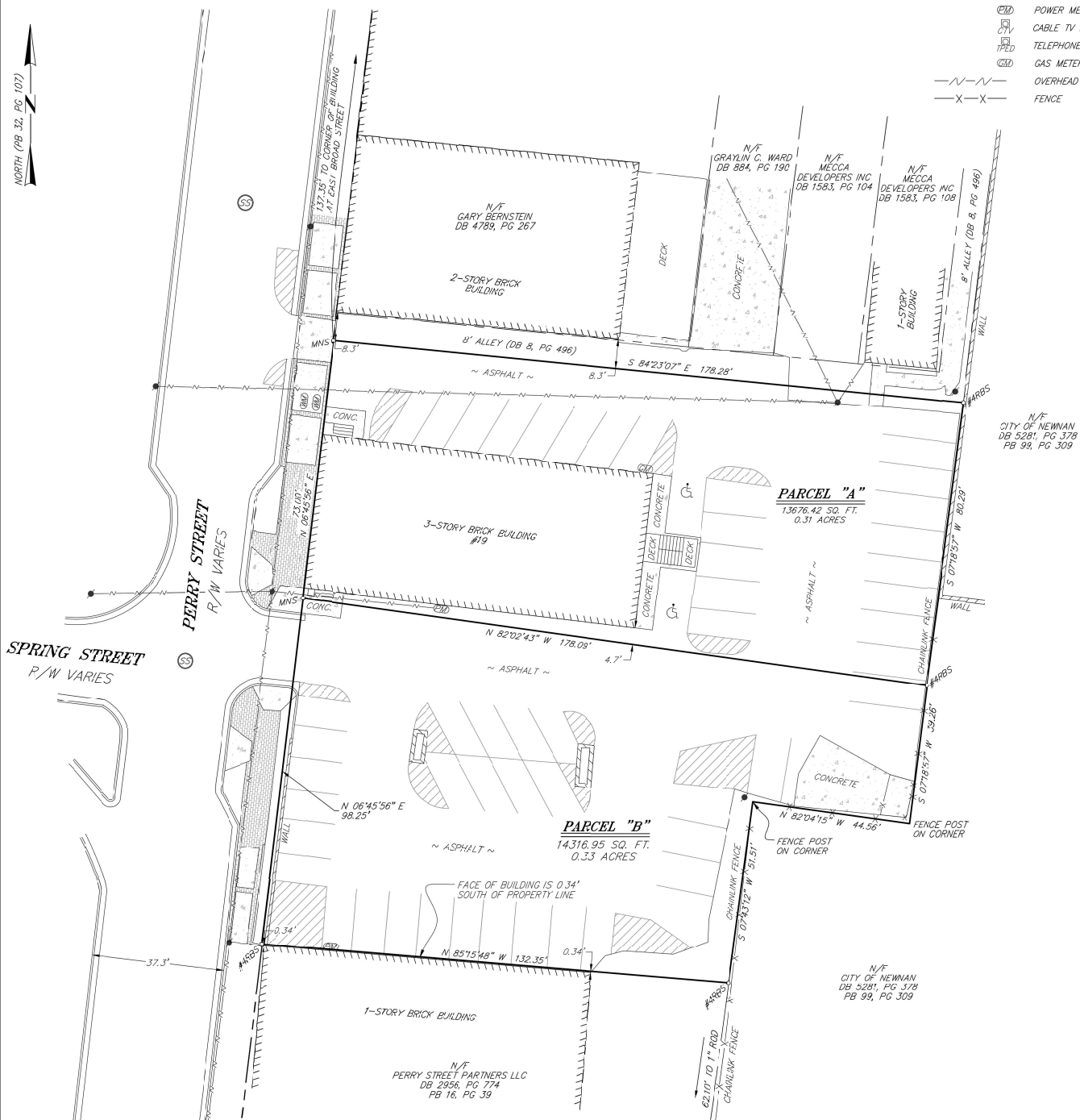
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 22,825 FEET. AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 232,772 FEET. A TRIMBLE TOTAL STATION AND RECON DATA COLLECTOR WERE USED TO GATHER THE INFORMATION USED TO PREPARE THIS PLAT.

FLOOD NOTE

I HAVE EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT AN ELEVATION CERTIFICATE, SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO SAID OPINION.
MAP NUMBER: 13077002310 REVISED DATE: 02/06/13

LEGEND

#4RBF	1/2" REBAR FOUND
#4RBS	1/2" REBAR SET
1" ROD	1" SOLID ROD FOUND
MNS	MAG NAIL SET
	FIRE HYDRANT
	POWER POLE
	SANITARY SEWER MANHOLE
	LIGHT POLE
	WATER METER
PBX	POWER BOX
PM	POWER METER
CTV	CABLE TV PEDESTAL
TPED	TELEPHONE PEDESTAL
GM	GAS METER
	OVERHEAD POWER
-X-X-	FENCE



NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES OF RECORD MAY EXIST BUT MAY NOT BE SHOWN BY THIS SURVEY. THIS PLAT IS SUBJECT TO ANY FINDINGS THAT A TITLE REPORT MAY DISCLOSE.
2. ONLY VISIBLE UTILITIES SHOWN.

BOUNDARY SURVEY FOR:
19 PERRY STREET

19 PERRY, LLC

PARCEL "A" & "B" ON PLAT OF PROPERTY ENTITLED "SURVEY FOR WILLIAM V. HEADLEY" BY W.W. FLOWERS, JR.
DB 5436, PG 775; PB 32, PG 107

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 STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



DATE: 3/17/22
DIGITALLY SIGNED ON 3/17/22
JEREMY D. SHIREY, GA REG #3156



52 CURETON LANE
MORELAND, GA 30259
678-633-5685
WWW.WIDEOPENLANDSURVEYING.COM
JOB #2571

FIELD DATE: 3/14/22
PLAT DATE: 3/17/22
SCALE: 1"=20'
COUNTY: COWETA
DISTRICT: 5TH
LAND LOT: 25
CITY: NEWNAN



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 390 group

Telephone Number (770) 683-9170

Address of Subject Property 19 Perry St 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.


Signature of Property Owner

Personally appeared before me

Ryan Brooks

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


Notary Public

(Affix Raised Seal Here)

8/14/2023
Date

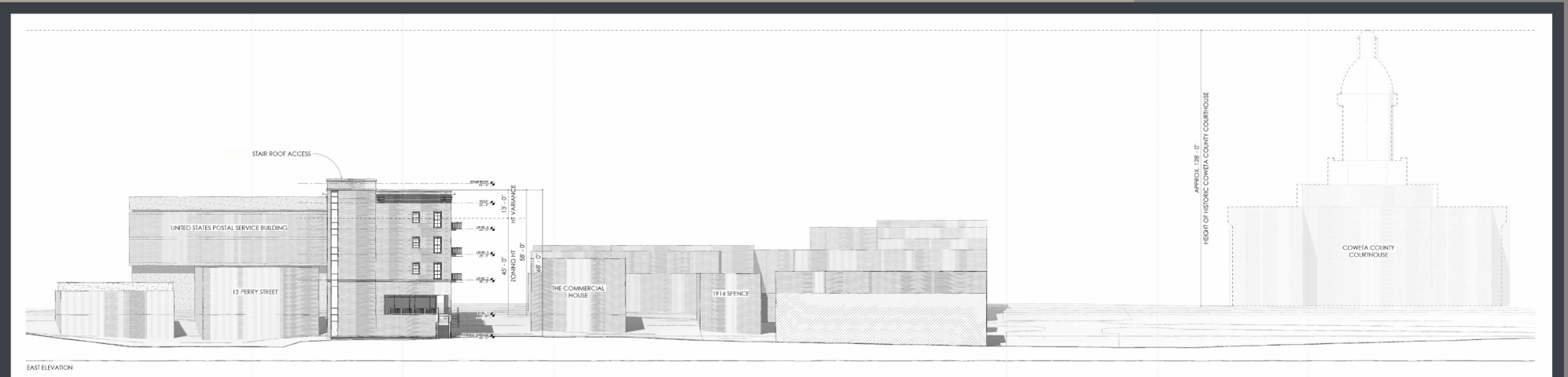
Mary Bajalcaliev
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 05/12/2027



Per the City of Newnan's Zoning Ordinance Section 4, the Principal Building Height for Zone CBD is 45'. We are requesting a variance for 13' of additional height to allow a 58' building height along Perry Street. The land slopes significantly into the site creating an additional 10' difference opposite Perry Street. The highest point of the entire building would be a roof access stair at the back most corner of the building.



West & Perry St Elevation



East Elevation from Cladwell Tanks Site



North Elevation

- Building Materials:
- Grey/Biege Standard Brick above level 2
 - White Queen Brick below level 2 and at center elevator shaft
 - Aluminum Storefront
 - Standard Windows



South Elevation

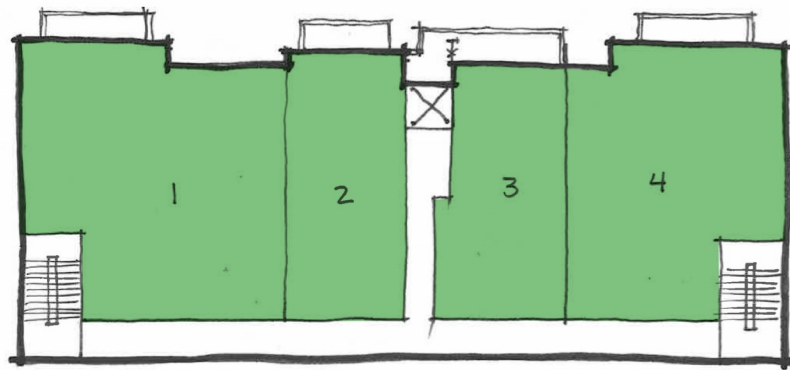


- Building Materials:
- Grey/Beige Standard Brick above level 2
 - White Queen Brick below level 2 and at center elevator shaft
 - Aluminum Storefront
 - Standard Windows



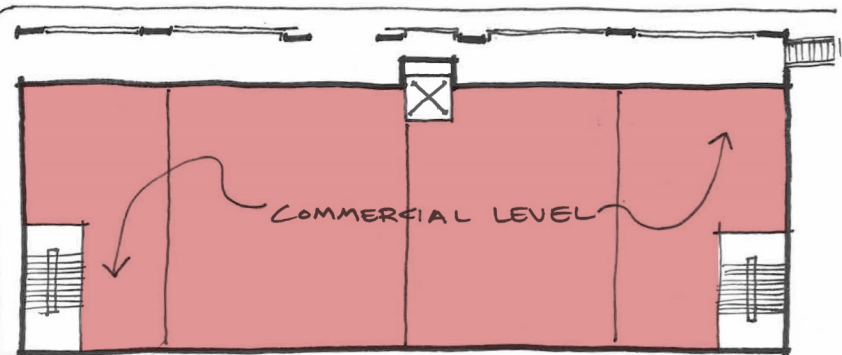
- Building Materials:
- Grey/Biege Standard Brick above level 2
 - White Queen Brick below level 2 and at center elevator shaft
 - Aluminum Storefront
 - Standard Windows

East & West Elevations



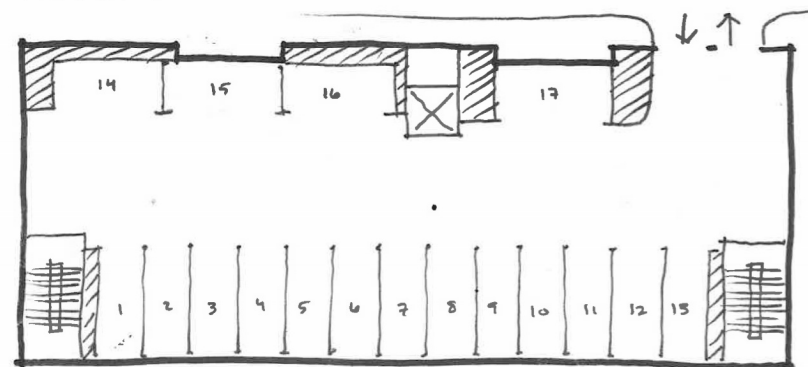
Levels 2-4

Residential Levels 2-4:
approx. 6,650 SF per level
total of 19,950 SF



Level 1

Commerical Level:
approx. 6,000 SF



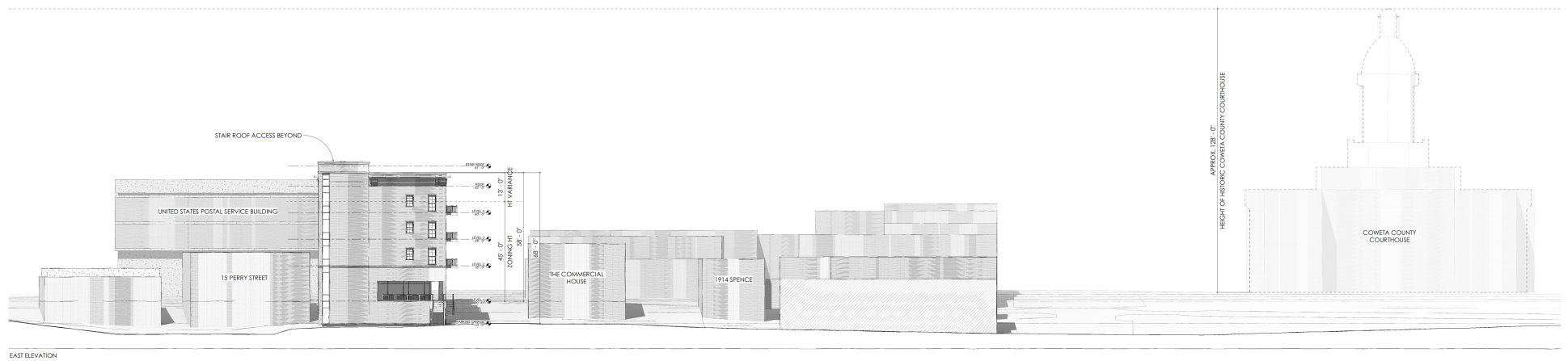
Parking Level

Parking Level:
approx. 6,650 SF
approx. 15-17 parking spaces



The lowest level of the building would be a Parking Garage that is partial buried due to the slope on the site. Level 1 would be at the the same elevation as Perry St and would contain approx. 6,000 sf of leaseable commercial space. Levels 2-4 would be leaseable residential space with approx. 4 units per floor for a total protential of 12 residential units.

Total Building: approx. 27,200 SF





DOC#: 2021-029301
FILED IN OFFICE
10/15/2021 3:41:00 PM
BK: 5436 PG: 775-775
CINDY G BROWN
CLERK, SUPERIOR COURT
COWETA COUNTY, GA

Cindy G Brown

REAL ESTATE TRANSFER TAX
PAID: \$1011.70 ✓

PT-61 038-2021-007395 /

Return to:
✓ Walter W. Arnall, LLC
75 Jackson Street
Building 500
Newnan, GA 30263
File #210907

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COWETA

THIS INDENTURE, Made this 6th day of October, 2021 between **NORTH 390, LLC, a Georgia Limited Liability Company**, of the first part, and **19 PERRY, LLC, a Georgia Limited Liability Company**, of the State of Georgia and of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10,00) Dollars, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, the following property to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF NEWNAN, COWETA COUNTY, GEORGIA, AND BEING THAT TRACT DESIGNATED AS PARCEL A AND PARCEL B ON PLAT OF PROPERTY ENTITLED "SURVEY FOR WILLIAM V. HEADLEY" DATED FEBRUARY 26, 1983, BY W.W. FLOWERS, JR., REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT BOOK 32, PAGE 107, COWETA COUNTY, GEORGIA RECORDS. REFERENCE TO WHICH PLAT IS HEREBY MADE FOR A MORE ACCURATE DESCRIPTION OF THE PROPERTY HEREIN CONVEYED.

SUBJECT TO ALL RESTRICTIONS AND EASEMENTS OF RECORD.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns, forever, in Fee Simple.

AND THE SAID party of the first part warrants the title to same against the lawful claims of all persons claiming by, through or under grantor, but not otherwise,

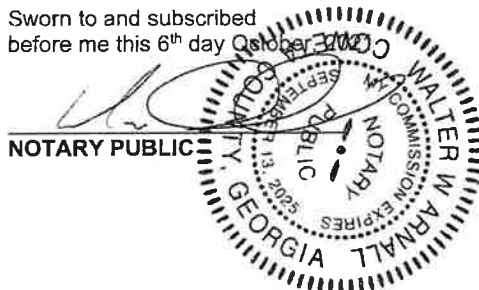
Whenever there is a reference to said party of first part and said party of the second part, the singular includes plural and the masculine include the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year above written.

Signed, sealed and delivered in presence of:

[Signature]
WITNESS

Sworn to and subscribed
before me this 6th day October 2021



**NORTH 390, LLC, a
Georgia limited liability company**

By: *[Signature]*
Kimbel Scott Stokes, Member

By: *[Signature]*
Ryan S. Brooks, Member

By: *[Signature]*
Charles D. Beck, Jr., Member

By: *[Signature]*
John Strickland, Member