



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan Board of Zoning Appeals

Agenda for November 7, 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. October 3, 2023 meeting minutes
3. Public Hearings
 - a. Special Exception - 31 Fairhaven Drive - 2023-23
 - b. Variance Request - 50 Robers Road - 2023-24
 - c. Multiple Variance Requests - Rowe Street - 2023-25
 - d. Special Exception - 4 Mink Hollow Court, 19 Georgian Drive, 27 Georgian Drive and 29 Georgian Drive - 2023-26
 - e. Variance Request - 9 Smith Street - 2023-27
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
October 3, 2023
10:00 a.m.

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

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

CALL TO ORDER

Vice-Chairman Edge called the meeting to order at 10:00 a.m. in the Richard A. Bolin Council Chambers, City Hall, 25 LaGrange Street.

READING OF THE MINUTES

Vice-Chairman Edge asked the Board if they had reviewed the September 5, 2023 meeting minutes. Walton motioned to approve the minutes. Hensley seconded the motion.

MOTION CARRIED (4-0)

Variance Request –189 Cliffhaven Circle – 2023-21

Vice-Chairman Edge opened a public hearing on a rear setback variance request for the property located at 189 Cliffhaven Circle.

Chris Cole gave the staff report. He stated 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. He added the purpose of the new space is to allow the property owner, Ms. Marsh, to provide a living space for her elderly parents. Cole reviewed the particulars of the request and added that staff believes the placement of the proposed house addition is appropriate and will present no negative impacts. He stated staff agrees 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. Cole also noted that the proposed addition will not be located any further back towards the rear property line than the existing covered porch and patio and mentioned that the sloping areas in the northern (side yard) and eastern (rear yard) areas of the subject property also limit

the amount of developable area. Cole cited other variances approved for nearby properties. He concluded by recommending approval of the variance request.

The applicant, Julia Marsh, was sworn in by Sears. Marsh stated that the variance would allow them to build a bedroom on the ground floor for her elderly mother. She added that her mother is having to climb the stairs to access her bedroom and a room on the ground floor would be safer for her mother.

Vice-Chairman Edge asked if there was anyone here to speak in favor or opposition of the variance application.

With no one coming forward, Vice-Chairman Edge closed the public hearing.

Hensley made a motion to approve the variance request at 189 Cliffhaven Circle. Parker seconded the motion.

MOTION CARRIED (4-0)

Variance Request – 10 Cochran Drive – 2023-20

Vice-Chairman Edge opened a public hearing on a variance request to reduce the front building setback from 31 feet to 21 feet to allow for a porch addition.

Dean Smith gave the staff report. He stated the applicant has initiated a remodeling project, which includes a proposed new front porch addition. Dean Smith explained that within the RU-1 zoning, building setbacks are determined by the average of adjacent units or the block average if adjacent units are not present. He stated the applicant is asking for a reduction in the front setback from 31 feet to 21 feet to allow for the front porch addition.

Dean Smith mentioned that the BZA has approved similar requests at 94 Lagrange Street and 1 Alpine Drive within the past couple of years. He added the subject property is located within an established neighborhood where surrounding properties frequently have varying setbacks. Dean Smith said 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. He explained that since the lots were subdivided and the homes were built under previous and different requirements, remodeling often proves difficult under current standards. Dean Smith concluded by stating staff recommends to grant the variance request with the condition that the applicant and their contractor comply with the City's Building Department's requirements.

The applicant, Timothy Knight, was sworn in by Brad Sears. Knight stated that he has owned the property since 2006 as an investment property and is wanting to bring it up to code and make it a 3 bedroom/2 bath unit.

Hensley asked when was the house built. Knight stated sometime in the 1950's.

Vice-Chairman Edge asked if there was anyone there to speak in favor or opposition of the variance request.

With no one coming forward, Vice-Chairman Edge closed the public hearing.

Hensley made a motion to grant the variance request. Parker seconded the motion.

MOTION CARRIED (4-0)

Variance Request – 19 Perry Street – 2023-22

Vice-Chairman Edge opened a public hearing on a height variance request at 19 Perry Street from 45' to 58' to allow for the construction of a new mixed-use building.

Dean Smith gave the staff report. He discussed the slope on the rear of the property and gave the applicant's reasons for seeking the variance. Dean Smith mentioned other height variances that have been granted in the downtown area. He added that in examining the applicant's request in terms of demonstrating a hardship, staff was unable to validate that this request is based upon a hardship as defined in the City's regulations.

Dean Smith mentioned that on the west elevation of the proposed development, there is an additional height for roof access stairs, which is approximately 5 feet taller than the 58-foot height measurement. He added 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.

Dean Smith stated as of the date of the report's preparation, the city had not received any negative comments or objections to the variance request. He mentioned 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. Dean Smith stated the applicant is proposing an underground garage parking area for the building's future residential tenants, but the building itself would supplant the existing parking lot area.

Dean Smith explained that the Board should only be considering the variance as the architectural style and elements for the structure will require approval by the City of Newnan's Planning Commission.

Dean Smith concluded by stating that staff does not have a recommendation on the request; however, 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 by the Planning Commission and that the project will provide a minimum of 17 off street parking spaces as shown on their parking diagrams.

Brad Sears stated that for the record he is an adjacent property owner and will not speak for or against this variance.

Ken Parker stated that he owns property across the street and has no financial interest in this project.

Kip Oldham, applicant's representative, was sworn in by Brad Sears.

Oldham stated that there are a number of things going on in downtown Newnan and the driver behind this property's value is people wanting to be downtown.

A question was asked about the units being for sale or lease. Oldham stated that they would be for sale. He added there will be 3 stories with 4 units per story.

Oldham stated that the parking on this site will be adequate for the planned development. Hensley asked about the parking for the people who currently rent spaces in the lot that will be replaced by the building. Brad Sears stated that it is a private parking lot.

Parker asked for clarification regarding the parking spots being assigned to people in the Commercial House. Oldham stated that these are two separate parcels of land. Parker stated the tax assessor's website lists it as one parcel. Dean Smith stated that the tax assessor will sometimes combine parcels for tax purposes only. Parker asked if the owners bought two separate parcels of land. Oldham stated that there were two separate parcels bought.

Edge asked if the units will be condos or apartments. Oldham stated he does not know the answer to that question.

There was discussion about the building height and how the front is not as tall as the back. Tracy Dunnivant explained that the measurement is taken from the curb to the flat roof of the building. She added that it would be measured from street level.

Edge asked if there was any idea about the rental prices for the commercial part of the project. Oldham stated that he does not know the answer to that question.

Hensley asked how many square feet per unit. Parker stated that there is 6,600 square feet per floor so it comes out to be about 1,700 square foot per unit if there are four units per floor. Oldham stated that the units would be about 1,500 square feet.

Vice-Chairman Edge asked if there was anyone there to speak in opposition to this project.

Jeannette Jackson was sworn in by Brad Sears. She stated she has a business, Footpaths Reflexology, in the Commercial House and stated that there are approximately 20 people in the Commercial House that rely on that parking lot for parking for their customers. Jackson added that most have elderly customers that won't be able to make a long walk to the Commercial House for services.

Jimmie Olmstead was sworn in by Brad Sears. She informed the Board that she has a business at 15 East Broad Street called Jimmie Dee's. Olmstead stated that for 17 years she has seen downtown grow for both the good and the bad. She added that she understands that business is business, but everyone is fighting for parking all of the time. Olmstead asked where the new tenants/workers would park and if there would only be one spot per unit. She added that she is not opposed to something being built there, but her building is 143 years old and she would like to see this new building keep the overall look of the downtown.

Oldham responded to Olmstead stating that he hears everything she is saying and he is sensitive to the scale of downtown. He went on to say that he does not want to do anything that impacts the courthouse. Oldham stated that he wants the scale, materials, and elements that make the courthouse look historic to be preserved. Olmstead stated that she understands

this is a height variance, but if approved it will present a parking problem. Oldham stated that one property should not be responsible for providing parking for another property.

Beverly Bauer was sworn in by Brad Sears. She stated that she has been in the Commercial House for 23 years. She said parking is hard to come by and if this is approved, then the parking will be gone. Bauer stated that 17 parking spots is not enough for the Commercial House.

Hensley asked Oldham if the project would still be built with one less floor if the Board denies the height request. Oldham stated that he was sure that it would.

Parker stated that he agrees that the property owner does not need to solve parking for another property. Dean Smith said parking is a factor with the Planning Commission and they want to make sure parking is being addressed.

Vice-Chairman Edge stated that he understands it is all connected.

Hensley stated that she knows that lot will be developed, but her request is that they stay within the height limits

Parker asked if it was one parcel, could they build this and there would be no parking requirement. Dean Smith stated that there is not a parking requirement in the CBD and it is very difficult.

Hensley stated that the parking they are proposing is still not enough for 8 units.

Tim Knight was sworn in by Brad Sears. Knight stated that he loves the design and the units will add a great dimension to Newnan. He added that at some point, the City is going to have to build a parking garage. Knight said with the amount of growth in Newnan, it is overdue and the City needs to step up and fix the problem.

Vice-Chairman Edge closed the public hearing.

Parker stated that he would love to see it delivered as is, but he cannot support the request without a solution for parking.

Dean Smith mentioned that there is no hardship to grant the height variance.

Hensley stated that she knows they are going to build it, but added they should just comply with the height limit.

Hensley made a motion to deny the variance request at 19 Perry Street based on no hardship. Parker seconded the motion.

MOTION CARRIED (3-1) {Skin Edge}

Dean Smith let the board know that on the calendar for November there are 5 cases so far and one case has 4 properties.

New Business

None

ADJOURN

Parker motioned to adjourn the meeting at 11:04 a.m. Hensley seconded.

MOTION CARRIED (4-0)

Vice-Chairman Edge



NEWMAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: November 7, 2023

Application Number: 2023-23

Agenda Item: Special Exception Request – 31 Fairhaven Drive

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: The purpose is to hear a request for a special exception to operate a Child day care center (Class I) out of their existing home.

Applicants/Property Owners: Tammie Allen & Anthony Allen
31 Fairhaven Drive
Newnan, GA 30263

Zoning: Suburban Residential Single-Family Dwelling District – Medium Density (RS-15)

Present Use: Single-Family Detached Home

Proposed Use: Child day care center (Class I) out of existing home

Pertinent Regulations: Article 2, Section 2-19, Table 2-B of the City of Newnan’s Zoning Ordinance

Applicants’ Position:

Regarding the **special exception request**, the applicants’ intention is to operate a Class I Child Day Care Center out of their home. According to the applicants’ Letter of Intent, “With Childcare being in such high demand, I’m wanting to operate a family home childcare licensed by the State of Georgia to offer childcare to 6 children out of my home. The rules and regulations of Bright from the Start will always be followed and will include but are not limited to:

- A full-time staff member will always be present.
- The space that children will be cared for in is a total of 400 square feet.
- I, as the owner of the house, will always be present when children are in care, unless an approved substitute who has been cleared by the State and has all required trainings is covering for appointments.
- The play area is a total of 3,200 square feet with proper 4-foot fencing around the whole yard. I will also have to properly put in fall zones that are required by the state licensing and make sure that the fall zones are maintained at all times.
- In order to obtain a license by the State, I must first have approval letters from zoning as well as the Fire Marshall, obtain a business license, and complete training that is required by the State.
- The hours of operation will be from 7 a.m. until 5:30 p.m., with drop-off times being from 7 a.m. until roughly 8:15 a.m., and pick-up times ranging from roughly 4 p.m. until 5:30 p.m.
- All parents will drop off while being parked in my driveway so that there is not any disruption to cars being able to properly drive up and down the roadway.”

In terms of why the use proposed as a special exception is appropriate for the district and area, the applicants indicated, “The need for childcare to help the community.” In terms of how the proposed special exception is a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner, the applicants stated, “The need for childcare is in high demand.”

In terms of how the existing zoning district regulations prevent the establishment of the proposed special exception use, and why such conditions are appropriate generally but an exception should be made in this individual circumstance, the applicants indicated, “The zoning ordinance doesn’t allow without special exception.”

In terms of the proposed period of time the special exception is requested for, the applicants indicated the intention is to be there with no end date in mind. In terms of the additional criteria the applicants will proffer to minimize the impact of the special exception on surrounding properties, the applicants indicated there are no additional criteria to proffer.

Issues for Consideration for a Special Exception

In considering a special exception application, the following factors shall be given reasonable consideration by the Board of Zoning Appeals. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

- a. Whether the proposed special exception is consistent with the Comprehensive Plan.
- b. Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
- c. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
- d. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
- e. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
- f. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
- g. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
- h. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
- i. The timing and phasing of the proposed development and the duration of the proposed use.
- j. Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
- k. Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.
- l. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
- m. Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of the City of Newnan.

- n. Whether the proposed special exception will be served adequately by essential public facilities and services.
- o. The effect of the proposed special exception on groundwater supply.
- p. The effect of the proposed special exception on the structural capacity of the soils.
- q. Whether the proposed use will facilitate orderly and safe road development and transportation.
- r. The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
- s. Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- t. Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- u. The effect of the proposed special exception use in enhancing affordable shelter opportunities for residents of the City.
- v. The location, character, and size of any outdoor storage.
- w. The proposed use of open space.
- x. The location of any major floodplain and steep slopes.
- y. The location and use of any existing nonconforming uses and structures.
- z. The location and type of any fuel and fuel storage.
- aa. The location and use of any anticipated accessory uses and structures.
- bb. The area of each use; if appropriate.
- cc. The proposed days/hours of operation.
- dd. The location and screening of parking and loading spaces and/or areas.
- ee. The location and nature of any proposed security features and provisions.
- ff. A description of any features above the roof line of any structures.
- gg. The number of employees.
- hh. The location of any existing and/or proposed adequate on and off-site infrastructure.
- ii. Any anticipated odors which may be generated by the uses on site.
- jj. Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Options:

- A. Approve the special exception.
- B. Deny the special exception.
- C. Other direction as determined by the Board of Zoning Appeals.

Planning Department's Review and Findings:

Below are requirements for Class I Special Care Residential Accommodations from Section 3-78 of the Zoning Ordinance (which all Child Day Cares must adhere to). All Class I Child Day Care Centers must meet the following requirements:

Class I: A low impact facility permitting from three to six residents per facility. Class I facilities are permitted only by special exception approval in residential zoning districts. In addition to the requirements imposed by the underlying zoning, Class I facilities must also meet the following requirements: No facility shall be closer than 1,000 feet, as measured from the property line in all directions, from any other facility regulated in this Division; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.

Below are standards for a Class I Child Day Care Center per Section 3-80 of the Zoning Ordinance. In bold are the applicants' (or staff's) response to each requirement.

(1) Class I.

A Class I Child Day Care Center is a facility operated out of one's home.

- a. The facility shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for family day care homes Chapter 290-2-3 inclusive. **Staff Note – The applicants have indicated that they intend to obtain all necessary approvals from the State of Georgia.**
- b. There shall be a minimum of one full-time staff person present for supervision of participants at all times that participants are in attendance at the center. **Applicants' Response - I, as the owner of the house, will always be present when children are in care, unless an approved substitute who has been cleared by the State and has all required trainings is covering for appointments.**
- c. Total designated participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to 35 square feet of useable space per participant. **Applicants' Response - The space that children will be cared for in is a total of 400 square feet. Staff Note – Regarding the 400 square feet, this equates to 66.6 square feet per child at the maximum of six children.**
- d. The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building. **Staff Note - The Class I Child Day Care Center will be operated out of the applicants' home.**
- e. A play area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum 4-foot fence and screened with a buffer, as specified in the City's Tree Preservation and Landscaping Ordinance. **Applicants' Response - The play area is a total of 3,200 square feet. Staff Note – Regarding the 3,200 square feet, this equates to 533 square feet per child at the maximum of six children. In addition, there is an existing natural buffer between the applicants' home and the neighbor at 15 Natalia Court (along the entire distance on the rear of the applicants' fence). There is also a partial existing natural buffer between the applicants' home and the neighbor at 23 Fairhaven Drive (along the applicants' northern fence line).**
- f. No person, partnership, association, corporation, or entity shall operate a child day care home in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations. **Staff Note – The applicants have indicated that they intend to obtain all necessary approvals from the State of Georgia.**

Staff believes that the location of the proposed Class I Child Day Care Center is appropriate as it promotes needed child day care services that will not negatively impact others. Staff believes that the provision of child day care services is critical for our community. One of the issues listed earlier in the *Issues for Consideration for a Special Exception* is, "Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public." Staff believes the applicant's request to open a Class I Child Day Care Center is an effort to provide a needed service to the public in Newnan and Coweta County and will certainly contribute to and promote the welfare or convenience of the public.

The City received no public comments regarding this application as of the date of this report. Staff believes the applicants have addressed issues that are commonly discussed in these types of cases. The applicants addressed the issue of noise adequately as there are certain designated hours of “outside time” for the children (as shown on the attached Daily Schedule). The applicants are also mindful of not creating in traffic issues, as children drop off and pick up will occur only in the driveway at staggered times.

Staff does not feel that granting this request will cause any detriment to the surrounding neighborhood in terms of noise or any other issues such as traffic, compatibility of use, and other relevant factors.

Staff recommends approving the special exception request for the initial 12-month timeframe stipulated in the Zoning Ordinance. Barring any complaints or any other regulatory infractions or issues, the special exception use will automatically renew itself after the initial 12 months if the facility’s operation is satisfactory and not injurious to the public safety or welfare of the citizens of the City of Newnan, or runs afoul of any City of Newnan regulations.

Attachments: Application, Photographs



CITY OF NEWNAN

Project Location

1 = 360 feet

Date: 9/5/2023 4:06 PM



Project Location

City Limits

Parcel # 063 5005 020

ADDRESS

31 Fairhaven Drive
Newnan, Ga 30263



NEWMAN
GEORGIA

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

Special Exception – 31 Fairhaven Drive

View of subject property



View of subject property and applicants' existing fence in rear yard



Special Exception – 31 Fairhaven Drive

Alternate view of subject property



View of wooded area between subject property (see yellow arrow) and 15 Natalia Court (see blue arrow)



Special Exception – 31 Fairhaven Drive

Close-up view of applicants' rear-yard fence (that surrounds the rear yard) and the wooded area at the rear of applicants' yard



View of adjacent property to the north at 23 Fairhaven Drive



Special Exception – 31 Fairhaven Drive

View of wooded area between subject property (see blue arrow pointing to applicants' driveway) and 23 Fairhaven Drive (see yellow arrow)



View to the north on Fairhaven Drive



Special Exception – 31 Fairhaven Drive

View of 26 Fairhaven Drive across from subject property



View of 34 Fairhaven Drive across from subject property



Special Exception – 31 Fairhaven Drive

View to the west on Natalia Court



View of fenced area of subject property



Special Exception – 31 Fairhaven Drive

View of rear yard of subject property and the adjoining wooded area



View of adjacent neighbor to the west at 15 Natalia Court



Special Exception – 31 Fairhaven Drive

View to the south on Fairhaven Drive



View of 42 Fairhaven Drive across from subject property





CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR SPECIAL EXCEPTION

Date Received 9-6-2023

Name of Applicant

Tammie Allen & Anthony Allen

Mailing Address

31 Fairhaven Dr Newnan Ga 30263

Telephone

470-686-9357

E-Mail:

TammieWhitehurst@yahoo

Property Owner (Use back if multiple names)

Anthony & Tammie Allen

Mailing Address

31 Fairhaven Dr Newnan Ga 30263

Telephone

470-686-9357

Address of Property

31 Fairhaven Drive Newnan Ga 30263

Tax Parcel No.:

0635005020

Present Zoning Classification

Proposed Special Exception Use

Family Child Care Learning Home(class1)

The special exception procedure is designed to provide an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public or where the impact of the use on the immediate area or the city in general related to traffic, utilities, or other factor requires additional review criteria; and, in the event such uses or structures are approved, the authority to impose such conditions that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

Applicants applying for special exceptions must provide a completed application. Please answer the following criteria questions:

1. Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?

The need for childcare to help the community

2. How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?

The need for childcare is in high demand.

3. How do the existing zoning district regulations prevent the establishment of the proposed special exception use, and why are such conditions appropriate generally but an exception should be made in this individual circumstance?

The zoning ordinance doesn't allow without special exception.

4. What is the proposed period of time the special exception is requested for?

going forward with no end date in mind

5. What additional criteria will you proffer to minimize the impact of the special exception on surrounding properties?

none

The following information must be attached to the completed application and must also be furnished in digital, pdf format:

a) A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:

- ✓ What the property is to be used for
- ✓ The size (in acres if one acre or more and in square feet if less than one acre) of the parcel or tract
- ✓ The zoning classification which exists at the time of the filing of this application
- ✓ The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed
- ✓ Dwelling unit size (if applicable)
- ✓ For non-residential projects, provide the density of development in terms of gross square footage per acre
- ✓ The number of parking spaces to be provided
- ✓ The height of buildings
- ✓ Any proposed buffers and modification to existing buffers
- ✓ Availability of water and sewer facilities including existing distance to property

b) Names and mailing addresses of all owners of all property within 250 feet of the subject property. This information can be obtained from the County Tax Assessor records, and this information is encouraged to be submitted in a MS Word mail merge data file format.

c) Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property, which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.

d) A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect registered in the State of Georgia, that includes the following information:

- Boundary survey showing property lines with lengths and bearings
- Adjoining streets, existing and proposed, showing right-of-way
- Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other improvements on the property

- North arrow and scale
- Adjacent land ownership, zoning and current land use
- Total and net acreage of property
- Proposed building locations
- Existing and proposed driveways
- Lakes, ponds, streams, and other watercourses
- Floodplain, wetlands, and slopes equal to or great than 20 percent
- Cemeteries, burial grounds, and other historic or culturally significant features
- Required and/or proposed setbacks and buffers
- Other elements as may be requested by the Planning Department Staff to explain application

Submit one (1) copy if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- e) Completed Disclosure of Campaign Contributions and Gifts form.
- f) If the applicant and the property owner are not the same, complete a Property Owner's Authorization form and/or Authorization of Attorney form.
- g) For multiple owners, an attached sheet with signatures duly notarized may be attached.
- h) A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 2000,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-family proposals in excess of 150 units

Note: This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.

- i) A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment. To determine whether the proposed use is a DRI, call the Planning Department at 770-254-2354.
- j) Filing fee payable to the *City of Newnan* (\$250.00)

FOR OFFICIAL USE ONLY

RECEIVED BY Chris Cole

DATE OF FILING 9-6-2023

BZA MEETING DATE 11-7-2023

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____

REVIEW OF APPLICATION

An application for a special exception shall be filed with the Zoning Administrator to be considered by the Board of Zoning Appeals and shall contain such material and be processed pursuant as described below.

If you have any questions concerning this process, you may call The Planning 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.

1. Pre-Application Conference

Prior to filing an application, an applicant shall meet with the Planning Department and discuss his/her intentions with regard to a given application and questions regarding the procedures. A request for a pre-application conference shall be made in writing to the Planning Department and shall be accompanied by a sketch map of the site, a description of the proposed project or use, and a list of the issues to be discussed at the conference. No matters discussed at meeting shall be binding on either the applicant or the City. The Planning Department shall respond to each written request for a pre-application conference within fifteen (15) calendar days.

2. Review of Application for Completeness

No application shall be accepted and reviewed unless determined by the Planning Department to be complete.

3. Acceptance of Completed Application

Within seven (7) calendar day of receipt of an application, the Planning Department shall either accept the application if it is complete and forward to the applicant a notice of acceptance or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying those areas of additional information necessary for review.

- a) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of the Ordinance twenty-one (21) calendar days after the filing of the application.
- b) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required.
- c) If the application is not resubmitted, the Planning Department shall notify the applicant that the original application has been rejected as incomplete.

NOTE: The applicant may withdraw an application any time prior to the action on the request by the Board of Zoning Appeals.

After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

September 5, 2023

To whom it may concern:

With Childcare being in such high demand, I'm wanting to operate a family home childcare licensed by the state of Georgia to offer childcare to 6 children out of my home. The rules and regulations of Bright from the start will always be followed and will include but are not limited to....

- A full-time staff member will always be present
- The space that children will be cared for in is a total of 400 square feet
- I, as the owner of the house, will always be present when children are in care, unless an approved substitute who has been cleared by the state and has all required trainings is covering for appointments
- The play area is a total of 3,200 square feet with proper 4 foot fence around the whole yard, I will also have to properly put in fall zones that are required by the state licensing and make sure that the fall zones are maintained at all times
- In order to obtain a license by the state, I must first have approval letters from zoning as well as the fire Marshall, obtain a business license and complete training that is required by the state
- The hours of operation will be from 7am until 5:30pm, with drop off times being from 7am until roughly 8:15, and pick up times ranging from roughly 4pm until 5:30pm
- All parents will drop off while being parked in my driveway so that there is not any disruption to cars being able to properly drive up and down the roadway

DAILY SCHEDULE

7:00 – 8:30 Arrival/ Routine Care*/Child Initiated Activities

8:30 9:00 Breakfast /Handwashing/ Clean – up

9:00 – 9:10 Planned Activities (Music & Movement/Circle time/ Story Time)

9:15 – 10:00 Self-selected Activities/**45 minutes Outside Time**/Gross Motor Play

10:00-10:15 Morning snack

10:15-11:00 Center Play/ Routine Care*

11:00 – 11:25 Small-group Activities (i.e. art, story times, etc.)/Planned Activities

11:25 – 11:35 Clean-up/Prep for Lunch (handwashing, etc)

11:35 – 12:05 Lunch

12:05 – 2:00 Nap Time

2:00 – 2:20 Routine Care*/prepare for snack

2:20-2:45 Snack

2:45 – 3:45 Self-selected Activities/**60 minutes Outside Time**/Gross Motor Play

3:45-4:00 Routine Care*

4:00-5:30 Free Play/Prepare to go home

Note: Routine care happens throughout the day as needed and includes diapering and toileting. Toileting is based on individual child's needs/schedules

** Outside time is weather permitting**



City of Newnan, Georgia

Attachment B

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 special exception of the property.

Name of Property Owner Anthony & Tammie Allen

Telephone Number 470-686-9357

Address of Subject Property 31 Fairhaven Dr
Newnan Ga 30243

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.

Tammie Allen / [Signature]
Signature of Property Owner

Personally appeared before me

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

Megan Walley
Notary Public



(Affix Raised Seal Here)

9-1-2023
Date



City of Newnan, Georgia

Attachment A

Disclosure of Campaign Contributions & Gifts

Application filed on _____, 20____ for action by the Board of Zoning Appeals on a special exception requiring a public hearing on property described as follows:

31 Fairhaven Dr Newnan Ga 30263

The undersigned below, making application for the BZA action, has complied with the Official Code of Georgia Section 36-67A-1, et seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided

All individuals, business entities, or other organizations¹ having a property or other interest in said property subject of this application are as follows:

Anthony & Tammie Allen

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Newnan City Council or a member of the Newnan Board of Zoning Appeals? ☐ Yes ☒ No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

Tammie Allen
Signature of Applicant

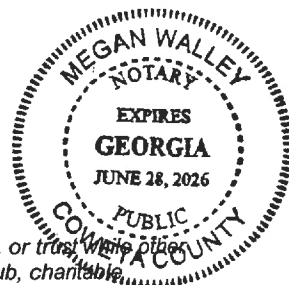
Tammie Allen
Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

Megan Walley 9-5-2023
Signature of Notary Public Date

(Affix Raised Seal Here)



¹Business entity may be a corporation, partnership, limited partnership, firm, enterprise, franchise, association, trade organization, or trust. While other organization means non-profit organization, labor union, lobbyist or other industry or casual representative, church, foundation, club, charitable organization, or educational organization.

BK:5398 PG:366-368

D2021024339

RECORD AND RETURN TO:

Amrock LLC
662 Woodward Avenue
Detroit, MI 48226

FILED IN OFFICE
CLERK OF COURT
08/26/2021 07:11 AM
CINDY BROWN, CLERK
SUPERIOR COURT
COWETA COUNTY, GA

Prepared by:

Cook & James, LLC
295 W Crossville Road
Building 400, Suite 430
Roswell, GA 30075

When Recorded Return To:
Indecomm Global Services
1427 Energy Park Drive
St. Paul, MN 55108

Cindy B. Brown

8081434826
PARTICIPANT ID

PT-61 038-2021-005722

REAL ESTATE
TRANSFER TAX
PAID: \$0.00 ✓

Order Number: 70312817-- 74 2537

Tax Parcel ID: 063 5005 020

Record 1st

Space Above for Recorder's Use

820434

State of Georgia

County of Coweta

QUITCLAIM DEED

THIS INDENTURE, made this 10 day of July, 2021, between Anthony Allen, a married man, (hereinafter called "Grantor"), whose address is 31 Fairhaven Dr., Newnan, GA 30263 -6512, and Anthony Allen and Tammie Allen, husband and wife, as joint tenants with the right of survivorship, (hereinafter called "Grantee"), whose address is 31 Fairhaven Dr., Newnan, GA 30263 -6512

(The words "Grantor" and "Grantee" shall include their respective heirs, successors, and assigns, where the context requires or permits, and shall include the singular and plural, and the masculine, feminine, and neuter as the context requires.)

WITNESSETH that Grantor, for and in consideration of the sum of Ten (10.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents, bargain, sell, remise, release, and forever quitclaim to Grantee all the right, title, interest, claim or demand which the Grantor has or may have in and to the following described Property, to wit:

SEE EXHIBIT A ATTACHED HERETO,



Being the same property conveyed from Robert Badger and Mark Gordan to Anthony Allen, by deed dated February 15, 2018, recorded February 21, 2018 in Liber/Book 4665, Page/Folio 484, Coweta County, Georgia Records.

TOGETHER WITH all the rights, members, and appurtenances to the said described Property in anywise appertaining or belonging.

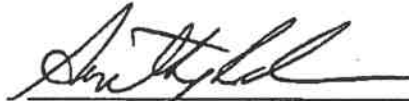
TO HAVE AND TO HOLD the said Property unto the said Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said Property or its appurtenances.

This instrument prepared from information provided by the parties. Cook & James, LLC makes no representation as to title or accuracy.

IN WITNESS WHEREOF the said Grantor has signed and sealed this Deed the day and year above written.

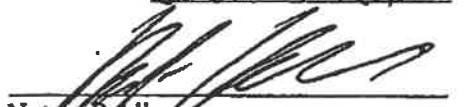
(Attached to and becoming a part of Quitclaim Deed dated: July 10, 2021 between Anthony Allen, a married man, as grantor and Anthony Allen and Tammie Allen, husband and wife, as joint tenants with the right of survivorship, as grantee.)

BY GRANTOR

 (Seal)
Anthony Allen

Signed, sealed and delivered in the presence of:


Unofficial witness
Print Name: Joren Whitehurst


Notary Public
Print Name: April Williams
Expiration date: 3-25-2024

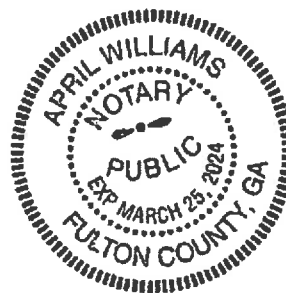


EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 063 5005 020

Land situated in the County of Coweta in the State of GA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 6 OF THE 5TH DISTRICT OF COWETA COUNTY, GEORGIA, BEING ALL OF LOT 5, FAIRHAVEN SUBDIVISION, PHASE LAS PER PLAT RECORDED IN PLAT BOOK 65, PAGES 175-177, COWETA COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

Commonly known as: 31 Fairhaven Dr, Newnan, GA 30263-6512

THE PROPERTY ADDRESS AND TAX PARCEL IDENTIFICATION NUMBER LISTED ARE PROVIDED SOLELY FOR INFORMATIONAL PURPOSES.



•U07881558•

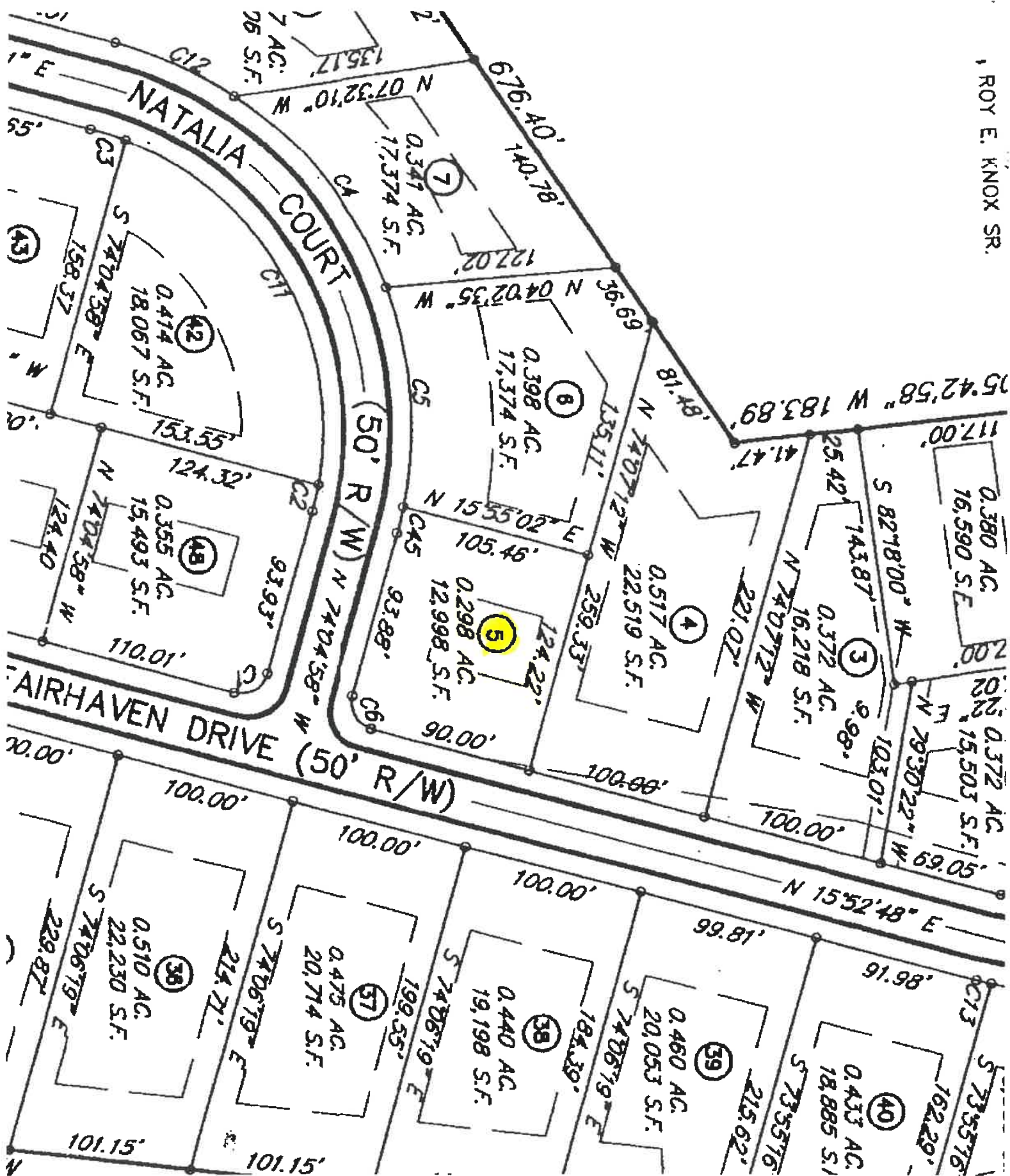
1632 7/23/2021 82048316/1

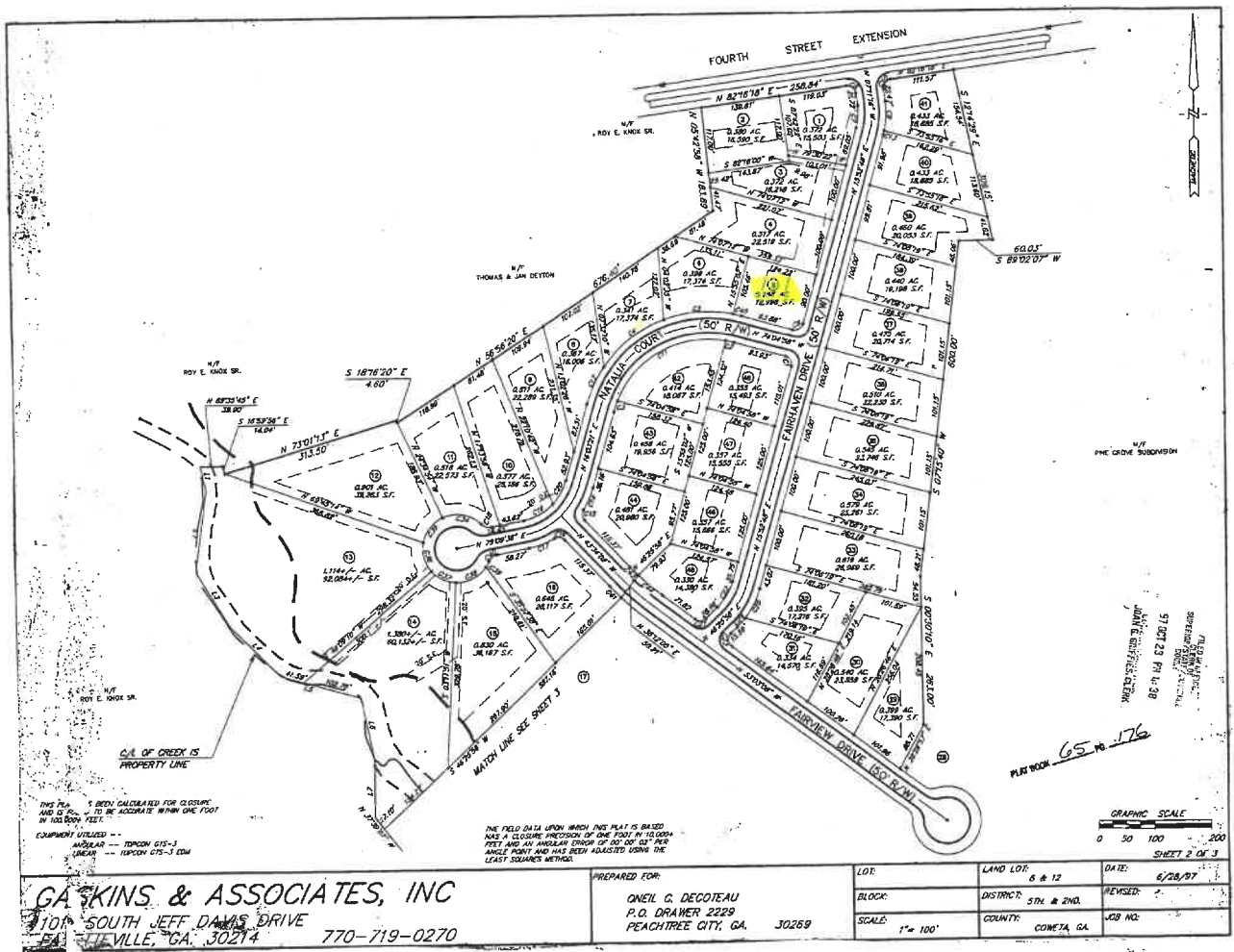


401

7821281701181558

ROY E. KNOX SR.







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 November 7, 2023 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: Tammie Allen
(Please Print)

Applicant's Signature: Tammie Allen

Date: 8/6/23

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



City of Newnan, Georgia – Board of Zoning Appeals

Date: November 7, 2023

Application Number: 2023-24

Agenda Item: Variance request – 50 Roberts Road (Tax Parcel N55-018) and 59 McIntosh Parkway (A portion of Tax Parcel N55-009)

Prepared and presented by: Dean Smith, Planner

Purpose: To hear a variance request to reduce the rear building setbacks from 30 feet to 15 feet for the purpose of building 12 townhouses.

Applicant: Angler Investments, LLC
45 Little Road
Sharpsburg, GA 30277

Property Owner: Carey Jackson
60 Fox Hollow Run
Newnan, GA 30263

Zoning: N55-018 – RU-7 (Urban Residential Single Family-High Density)
N55-009 – RMH (Residential Multiple Family-High Density)

Proposed Use: Townhouse neighborhood

Pertinent Zoning Regulation: Article 4, Section 4-29, Minimum setbacks; Principal buildings. The minimum rear building setback in the RU-7 zoning (which is the principal zoning of the area designated for construction) is 30 feet.

Applicant's Position: The following are excerpts from the Variance Application: "...the standard 30 feet rear setback does not allow for adequate buildable area for each lot to construct the proposed residential development...the size and shape of the adjacent stream create a very narrow buildable area...the minimum variance necessary for construction of the proposed residential development is to reduce the rear setback from 30 feet to 15 feet...."

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

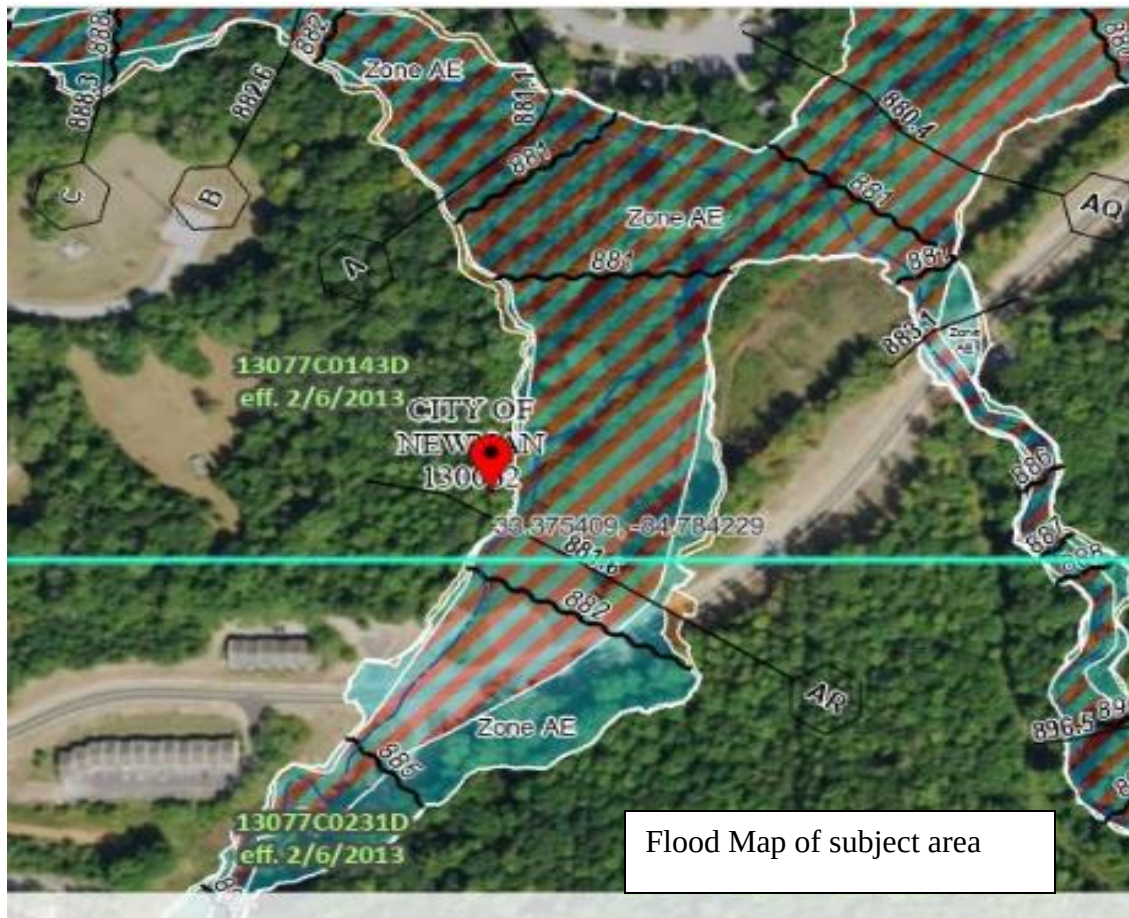
The Board of Appeals shall base its required findings upon the particular evidence presented in each specific case where the property owner can show:

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:

The applicant previously filed an administrative variance, seeking relief from the City's Stream Buffer requirements. The administrative variance is an option for properties platted and recorded prior to May, 2008 (the date the City's stream buffer ordinance went into effect). The administrative variance allows prescribed city personnel to adjust the City's stream buffer requirements, provided that the applicant can satisfy the City's engineering requirements and provide mitigation to reduce runoff from a proposed project into the stream. On October 12, 2023, the Director of Engineering for the City of Newnan, Michael Klahr and the Planning and Zoning Director for the City of Newnan, Tracy Dunnivant, granted an administrative buffer to reduce the City's stream buffers in areas shown on the attached proposed site plan, illustrated in this report.

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

Staff is in favor of granting relief to the applicant on the rear building setbacks as noted in the application and supporting exhibits provided by the applicant. The conditions are peculiar to this piece of property given the flood plain area and stream area, combined with a sewer easement. Granting a variance to reduce the rear building setbacks for the proposed townhouses would alleviate a hardship of not having available buildable area, thereby allow more area to complete the residential development. 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

Attachments

Application

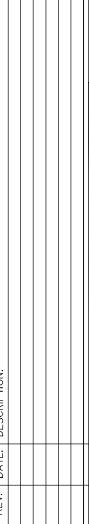




STREAM BUFFER MITIGATION AREA = 0.77 ACRES
PRESERVE EXISTING TREES AND PLANT ADDITIONAL NATIVE SPECIES TO RESTORE AND ENHANCE THE STREAM BUFFER.



CAPSTONE
Engineering Inc.
45 Little Road
Sharpsburg, GA
678-859-0514
neal@ceplans.com



CONCEPTUAL BUILDING IMAGES		
DATE: 8/30/23	DRAWN BY: MWS	SCALE: 1" = 30'





CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Angler Investments, LLC

Mailing Address 45 Little Rd., Sharpsburg, GA 30277

Telephone 678-859-0514 E-Mail: neal@ceiplans.com

Property Owner (Use back if multiple names) Cary Jackson

Mailing Address 60 Fox Hollow Run, Newnan, GA 30263

Telephone 678-378-0469

Address/Location of Property McIntosh Pkwy.

Tax Parcel No: N55 018 and portion of N55 009

Present Zoning Classification: RU-7 and RML

Present Land Use Wooded/undeveloped

Intended Use Single Family Residential (attached)

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) 4-22 Min. Building Line Width of the Zoning Ordinance/Subdivision Regulations: Request to reduce the rear setback from 30 feet to 15 feet.

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
The standard 30 foot rear setback does not allow for adequate buildable area on each lot to construct the proposed residential development.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Existing zoning of this property is RU-7 and RML.

-
-
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 size and shape of the property in relation to the adjacent stream create a very narrow buildable area.
-
-
-
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 width of the property does not allow for adequate lot depth to accommodate the normal 30' rear setback.
-
-
-
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 minimum variance necessary for construction of the proposed residential development is to reduce the rear setback from 30 feet to 15 feet.
-
-
-

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.

Neal Spadlin

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 Cary Jackson

Telephone Number 678-378-0469

Address of Subject Property McIntosh Pkwy. (Tax Parcel #N55 018 and portion of N55 009)

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

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

Rachel Bishop
Notary Public



(Affix Raised Seal Here)

8/31/23
Date



City of Newnan, Georgia – Board of Zoning Appeals

Date: November 7, 2023

Application Number: 2023-25

Agenda Item: Multiple variance requests – Rowe Street – (Tax Parcel #N09-0002-048)

Prepared and presented by: Dean Smith, Planner

Purpose: To hear variance requests for reducing rear building setbacks from 30 feet to 15 feet; reducing front building setback from 25 feet to 19 feet; reducing street side building setbacks from 30 feet to 15 feet; and to eliminate the impervious surface and reduce the undisturbed stream buffer for the development and construction of 12 townhouses.

Applicant/Property Owner: Five Chickens, LLC
P.O. Box 72177
Newnan, GA 30271

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

Proposed Use: Townhouse neighborhood

Pertinent Zoning Regulation: Article 4, Section 4-29, Minimum setbacks; Principal buildings. The minimum building setbacks in the RU-7 zoning are 30 feet for rear setback; 25 feet for front setback and 25 feet for street side setbacks. Section 10-114 of the City’s Code of Ordinances sets forth stream buffer requirements, which consist of a 25-foot undisturbed buffer and a 25-foot no impervious surface buffer. The City’s 25-foot undisturbed buffer is an additional buffer on top of the 25-foot undisturbed stream buffer required by the State of Georgia, resulting in a 50-foot undisturbed stream buffer.

Applicant’s Position: The following are excerpts from the Variance Application: “...the standard 30 feet rear setback does not allow for adequate buildable area for each lot to construct the proposed residential development...the size and shape of the adjacent stream create a very narrow buildable area...the minimum variance necessary for construction of the proposed residential development is to reduce the building setbacks and reduce or eliminate the stream buffers in areas noted....”

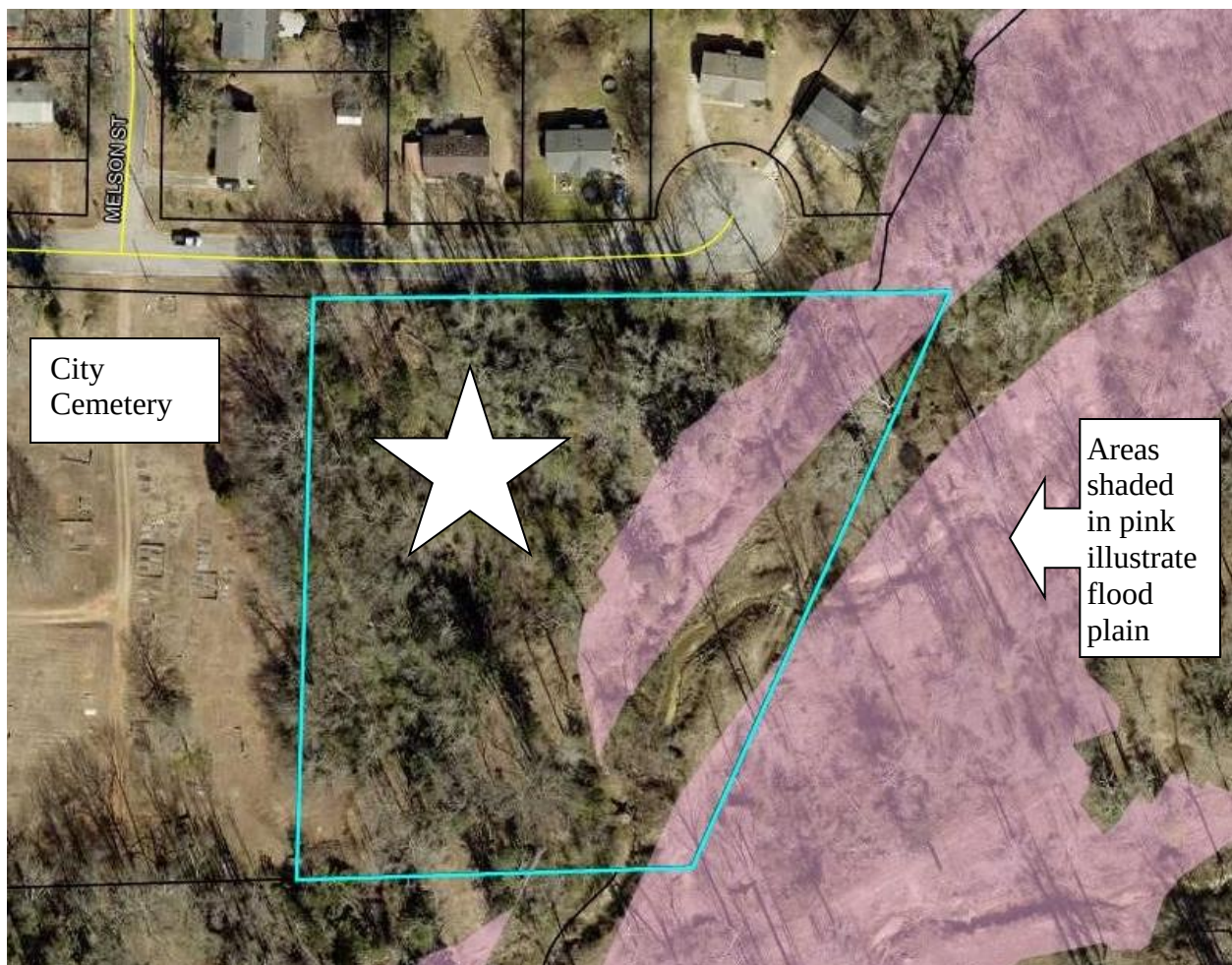
Additional information is contained in the elevation and building plan drawings furnished by the applicant and provided as an attachment to this application.

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:

The subject property was subdivided and re-platted in 2018, making it ineligible for an administrative variance option. The Director of Engineering for the City of Newnan, Michael Klahr has had the opportunity to review the proposed development and the stream buffer variance requests. Mr. Klahr stated, "...I can support this (concept drawing), with mitigation...In designing the pond, try to configure shape/depth etc., again to stay out of the 50-foot stream buffer...."

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

The Board of Zoning Appeals has previously granted stream buffer relief for the development of residential communities, notably:

- 2014 & 2017 – Fox Ridge Subdivision
- 2014 – Parkside Village, Phase 2 Subdivision
- 2015 – North Hills Subdivision
- 2016 – Belmont Park Phase 2 Subdivision
- 2021 – Mc Bride Street development (Kettyville Village Subdivision currently under construction)

Staff is in favor to granting relief to the applicant on both the building setback requests and stream buffer reductions as noted in the application and supporting exhibits provided by the applicant. The conditions are peculiar to this piece of property given the flood plain area and stream area, combined with a sewer easement. Granting a variance to reduce the rear building setbacks for the proposed townhouses would alleviate a hardship of not having available buildable area, thereby allow more area to complete the residential development. 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

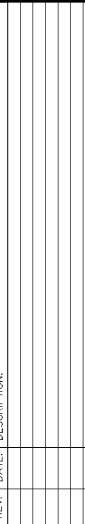
substantial detriment to the public good or impair the purposes and intent of the Ordinance

Attachments

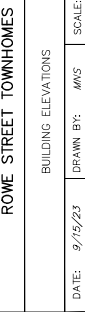
Application



Neal Spradlin, P.E.
45 Little Road
Sharpsburg, GA. 30277
phone/fax: 770.502.9748
mobile: 678.859.0514



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SHEET
2
OF
TWO



CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Five Chickens, LLC

Mailing Address PO Box 72177, Newnan, GA 30271

Telephone 714-417-6337 E-Mail: kevin@relaxsales.com

Property Owner (Use back if multiple names) Five Chickens, LLC

Mailing Address PO Box 72177, Newnan, GA 30271

Telephone 714-417-6337

Address/Location of Property Rowe Street

Tax Parcel No: N09 0002 048

Present Zoning Classification: RU-7

Present Land Use Wooded/undeveloped

Intended Use Single Family Residential (attached)

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) 4-22 Min. Building Line Width of the Zoning Ordinance/Subdivision Regulations: Request to reduce the rear setback from 30 feet to 15 feet.

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
The standard 30 foot rear setback does not allow for adequate buildable area on each lot to construct the proposed residential development.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Existing zoning of this property is 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 size and shape of the property in relation to the adjacent stream create a very narrow buildable area.
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 width of the property does not allow for adequate lot depth to accommodate the normal 30' rear setback.
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 minimum variance necessary for construction of the proposed residential development is to reduce the rear setback from 30 feet to 15 feet.

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.

KEVIN WENDEBURG

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

for

Signature of Applicant(s)

FIVE CHICKENS, LLC

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Five Chickens, LLC

Mailing Address PO Box 72177, Newnan, GA 30271

Telephone 714-417-6337 E-Mail: kevin@relaxsales.com

Property Owner (Use back if multiple names) Five Chickens, LLC

Mailing Address PO Box 72177, Newnan, GA 30271

Telephone 714-417-6337

Address/Location of Property Rowe Street

Tax Parcel No: N09 0002 048

Present Zoning Classification: RU-7

Present Land Use Wooded/undeveloped

Intended Use Single Family Residential (attached)

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) 9-11 Watershed Protection Dist. of the Zoning Ordinance/Subdivision Regulations: Request to reduce the stream buffer from 50 feet to 25 feet and the impervious setback from 75 feet to 50 feet.

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
The standard stream buffers do not allow for adequate buildable area on to construct the proposed residential development and provide a turn-around area for emergency vehicles.

2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Existing zoning of this property is 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 size and shape of the property in relation to the adjacent stream create a very narrow buildable area.
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 width of the property does not allow for adequate lot depth to accommodate the minimum lot sizes required within the RU-7 zoning district.
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 minimum variance necessary for construction of the proposed residential development is to reduce the stream buffer from 50 feet to 25 feet.

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.

KEVIN WENDEBURG

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

for

Signature of Applicant(s)

FIVE CHICKENS, LLC

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

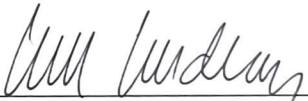
The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for property.

Name of Property Owner FIVE CHICKENS, LLC / KEVIN WENDELBURG

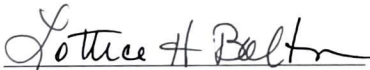
Telephone Number 714-417-6337

Address of Subject Property LOT 2 - Plat Book 38, page Z31
Rowe ST., Newnan GA 30263

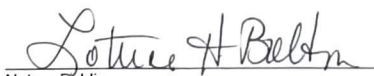
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.


Signature of Property Owner

Personally appeared before me



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)

9-18-2023
Date

Lot 2 – Rowe Street, Newnan GA

ALL that tract or parcel of land lying and being in Land Lots 8 and 25 of the 2nd District, City of Newnan, Coweta County, Georgia, and being more particularly described as follows:

Begin at a 3/8" iron rebar set on the of the south 50' right-of-way of Rowe Street, being located S78°30'39"E a distance of 126.38' from the centerline intersection point formed by the centerline of Melson Street and the centerline of Rowe Street; said point being the TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED;

Thence North 89 degrees 55 minutes 40 seconds East 58.22 feet along the south, 50' right-of-way of Rowe Street to a 3/8" iron rebar set;

Thence North 86 degrees 07 minutes 26 seconds East 314.76 feet along the south, 50' right-of-way of Rowe Street to a point;

Thence North 86 degrees 30 minutes 42 seconds East 37.04 feet leaving said right-of-way of Rowe Street to a 3/8" iron rebar set;

Thence North 88 degrees 16 minutes 32 seconds East 24.77 feet to a 3/8" iron rebar set;

Thence South 21 degrees 54 minutes 09 seconds West 431.01 feet to a 3/8" iron rebar set;

Thence South 86 degrees 49 minutes 15 seconds West 248.84 feet to a 3/8" iron rebar set;

Thence North 03 degrees 38 minutes 21 seconds West 390.13 feet to a 3/8" iron rebar set on the south 50' right-of-way of Rowe Street, said point being the TRUE POINT OF BEGINNING.

Said tract or parcel contains 3.05 Acres more or less.



City of Newnan, Georgia – Board of Zoning Appeals

Date: November 7, 2023

Application Number: 2023-26

Agenda Item: Special Exception Request – 4 Mink Hollow Court, 19 Georgian Drive, 27 Georgian Drive and 29 Georgian Drive

Prepared and Presented by: Dean Smith, Planner

Purpose: To hear a request for special exception approval to build new quadplex residential dwellings on four separate properties: 4 Mink Hollow Court, 19 Georgian Drive, 27 Georgian Drive and 29 Georgian Drive

Applicant/Property Owner: Innovative Ventures, Inc.
Kevin Dumas
P.O. Box 71744
Newnan, GA 30271

Zoning: Townhouse Residential Dwelling District (RU-2) – Residual Zoning District

Present Use: Residential -Prior duplex destroyed in 2021 Tornado

Proposed Use: Quadplex Residential Dwelling

Pertinent Regulations: Article 2, Sec. 2-24, Table 2-B

Note: RU-2 is a residual zoning district, which are lands already zoned that may carry out their approved development plan or modify their project based on the provision of the zoning ordinance. No new land may be designated as RU-2. In the RU-2 zoning district, quadplex structures are allowed via Special Exception approval.

Applicant's Position: "...The property is currently zoned for duplexes, but the duplexes were destroyed in the 2021 tornado...we are proposing a special exception to change the zoning from duplexes to quadplexes for reasons listed....the address is located in the area hardest hit by the 2021 tornado impacting 1,744 local homes and destroying many...the duplex that was located at these addresses were complete destroyed....the proposed [quadplex] will help build back new and affordable housing in the impacted area which is still struggling to recover from the tornado....district zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public...the current zoning is for duplexes, but the proposed quadplexes will help accommodate the lack of housing in this area...the proposal should have a positive impact on the surrounding properties as it will help 'clean up' and improve property values by providing nice, new housing to the area while providing increase revenue to the city through additional property tax...."



Issues for Consideration for a Special Exception

In considering a special exception application, the following factors shall be given reasonable consideration by the Board of Zoning Appeals. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

- a. Whether the proposed special exception is consistent with the Comprehensive Plan.
- b. Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
- c. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
- d. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
- e. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
- f. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
- g. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
- h. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
- i. The timing and phasing of the proposed development and the duration of the proposed use.

- j. Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
- k. Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.
- l. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
- m. Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of the City of Newnan.
- n. Whether the proposed special exception will be served adequately by essential public facilities and services.
- o. The effect of the proposed special exception on groundwater supply.
- p. The effect of the proposed special exception on the structural capacity of the soils.
- q. Whether the proposed use will facilitate orderly and safe road development and transportation.
- r. The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
- s. Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- t. Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- u. The effect of the proposed special exception use in enhancing affordable shelter opportunities for residents of the City.
- v. The location, character, and size of any outdoor storage.
- w. The proposed use of open space.
- x. The location of any major floodplain and steep slopes.
- y. The location and use of any existing nonconforming uses and structures.
- z. The location and type of any fuel and fuel storage.
- aa. The location and use of any anticipated accessory use and structures.
- bb. The area of each use; if appropriate.
- cc. The proposed days/hours of operation.
- dd. The location and screening of parking and loading spaces and/or areas.
- ee. The location and nature of any proposed security features and provisions.
- ff. A description of any features above the roof line of any structures.
- gg. The number of employees.
- hh. The location of any existing and/or proposed adequate on and off-site infrastructure.
- ii. Any anticipated odors which may be generated by the uses on site.
- jj. Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Planning Department's Review and Findings:

Prior to the tornado in 2021, these properties were the site of existing duplex structures. The surrounding properties on Mink Hollow Court and on the nearby street of Georgian Drive are multifamily structures, some duplexes, and others quadplexes.

The existing structures have been demolished.

As of the date of this report's preparation, the City has received no objections from any nearby property owners to the proposed special exception application. The structure and use being proposed does conform to the uses along the same street frontage. This community already has established multifamily structures in the area.

Options:

- A. Approve the special exception.
- B. Approve the special exception with conditions
- C. Deny the special exception.

Recommendation:

Staff recommends Option B, approving the special exception request with conditions. In looking at the aerial tax map of the properties, there appears to be the possibility of some flood plain and stream buffer issues that may impact site development. The condition suggested by staff would be to approve the uses for quadplexes, with the understanding that each quadplex will need to meet all of the site development requirements of the City of Newnan, including, but not limited to: building setbacks; minimum parking requirements; flood plain areas and stream buffers, etc.

The intent of the zoning ordinance requiring quadplexes to be special exception uses is to ensure that such a structure is an appropriate fit and use within the fabric of an existing community. Such is the case with this request. Mink Hollow Court, Georgian Drive and the nearby community are a composite of several house types and different occupancies, i.e., owner occupied versus investment properties, and as such, the proposed new quadplex structure will co-exist within this community as component of the overall housing stock within the neighborhood and the comprehensive future land use plan.

Attachments:

Application

CITY OF NEWNAN, GEORGIA



Application Form

For

Special Exception

July, 2000
Revised June, 2003
Application revised July, 2007



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR SPECIAL EXCEPTION

Date Received

9/13/2023

Name of Applicant Innovative Ventures, Inc.
Mailing Address P.O. Box 71744, Newnan, GA 30271
Telephone 678-877-1217 E-Mail: ckd88@me.com
Property Owner (Use back if multiple names) _____
Mailing Address _____
Telephone 678-877-1217
Address of Property 4 Mink Hollow Court, Newnan, GA 30263
Tax Parcel No.: N44074 Present Zoning Classification Duplex
Proposed Special Exception Use Quadruplex

The special exception procedure is designed to provide an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public or where the impact of the use on the immediate area or the city in general related to traffic, utilities, or other factor requires additional review criteria; and, in the event such uses or structures are approved, the authority to impose such conditions that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

Applicants applying for special exceptions must provide a completed application. Please answer the following criteria questions:

1. Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?
The proposed is appropriate for this district because this area was the hardest hit from the 2021 tornado impacting 1744 local homes and completely destroying many.
2. How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?
The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado. It will also bring in more revenue to the city through taxes.
3. How do the existing zoning district regulations prevent the establishment of the proposed special exception use, and why are such conditions appropriate generally but an exception should be made in this individual circumstance?
District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed is for Quadruplexes and will help accommodate for the lack of housing in this area. It will also be of benefit as Newnan/Coweta County continues to grow.

4. What is the proposed period of time the special exception is requested for?

The proposal is for a permanent change to the existing zoning from duplexes to quadruplexes.

5. What additional criteria will you proffer to minimize the impact of the special exception on surrounding properties?

The proposal will have zero negative impact on the surrounding properties. It will actually help "clean up" and improve property values by providing nice, new housing to the area.

The following information must be attached to the completed application and must also be furnished in digital, pdf format:

- a) A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:

- ✓ What the property is to be used for
- ✓ The size (in acres if one acre or more and in square feet if less than one acre) of the parcel or tract
- ✓ The zoning classification which exists at the time of the filing of this application
- ✓ The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed
- ✓ Dwelling unit size (if applicable)
- ✓ For non-residential projects, provide the density of development in terms of gross square footage per acre
- ✓ The number of parking spaces to be provided
- ✓ The height of buildings
- ✓ Any proposed buffers and modification to existing buffers
- ✓ Availability of water and sewer facilities including existing distance to property

- b) Names and mailing addresses of all owners of all property within 250 feet of the subject property. This information can be obtained from the County Tax Assessor records, and this information is encouraged to be submitted in a MS Word mail merge data file format.

- c) Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property, which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.

- d) A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect registered in the State of Georgia, that includes the following information:

- Boundary survey showing property lines with lengths and bearings
- Adjoining streets, existing and proposed, showing right-of-way
- Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other improvements on the property

- North arrow and scale
- Adjacent land ownership, zoning and current land use
- Total and net acreage of property
- Proposed building locations
- Existing and proposed driveways
- Lakes, ponds, streams, and other watercourses
- Floodplain, wetlands, and slopes equal to or greater than 20 percent
- Cemeteries, burial grounds, and other historic or culturally significant features
- Required and/or proposed setbacks and buffers
- Other elements as may be requested by the Planning Department Staff to explain application

Submit one (1) copy if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- e) Completed Disclosure of Campaign Contributions and Gifts form.
 - f) If the applicant and the property owner are not the same, complete a Property Owner's Authorization form and/or Authorization of Attorney form.
 - g) For multiple owners, an attached sheet with signatures duly notarized may be attached.
 - h) A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 2000,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-family proposals in excess of 150 units
- Note:** This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.
- i) A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment. To determine whether the proposed use is a DRI, call the Planning Department at 770-254-2354.
 - j) Filing fee payable to the *City of Newnan* (\$250.00)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE November 7, 2023

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia

Attachment B

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 special exception of the property.

Name of Property Owner

Innovative Ventures, LLC

Telephone Number

678-877-1217

Address of Subject Property

4 Mink Hollow Court

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

Charles Dumas

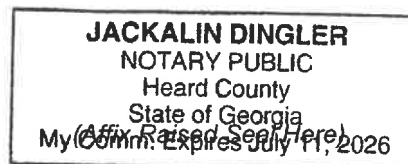
who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Jackalin Dangler

Notary Public

09-13-2023

Date



September 5, 2023

City of Newnan
Attn: Planning Department
25 Lagrange Street
Newnan, GA 30263

Letter of Intent

Innovative Ventures, Inc.
P.O. Box 71744
Newnan, GA 30271
ckd88@me.com

Letter of Intent for Special Exception For:
4 Mink Hollow Court
Land Lot #14
Newnan, GA 30263

Dear Planning & Zoning Members:

We are requesting rezoning for 4 Mink Hollow Court, Newnan, GA 30263. The property is currently zoned for duplexes, but the duplexes were destroyed in the 2021 tornado that hit Newnan, GA. We are proposing a special exception to change the zoning from duplexes to quadruplexes for the reasons listed below:

- 1.) The address is located in the area hardest hit by the 2021 tornado impacting 1744 local homes and destroying many. The duplex that was located at this address was completely destroyed along with many others in the surrounding neighborhood.
- 2.) The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado.
- 3.) District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed quadruplexes will help accommodate for the lack of housing in this area. It will also be of benefit as the community continues to grow.
- 4.) The proposal should have a positive impact on the surrounding properties as it will help "clean up" and improve property values by providing nice, new housing to the area while providing increased revenue to the city through additional property tax.

Additional Information:

Current lot size: 0.514 Acres

Current zoning: duplexes

Dwelling unit size if approved: 1363 Sq. Ft. Per unit / 5452 Sq. Ft. Total Per Building

Total # of parking spaces to be provided: 2 per dwelling / 8 per building

Building height: 27'5"

No proposed buffers or modification to existing buffers

Water and sewer facilities: Newnan Utilities

Legal description of property: See attached Warranty Deed. The property is land lot #14.

Thank you for your consideration!!!

Sincerely,
Innovative Ventures, Inc.

Charles Kevin Dumas
President
678-877-1217

FILED IN OFFICE

03/31/2014 02:20 PM

BK:4070 PG:567-569

CINDY G BROWN

CLERK OF SUPERIOR COURT

COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX

PAID: \$600.00

Record and Return to:

WOOD, ODOM & EDGE, P.A.

P.O. DRAWER 1608

NEWNAN, GA 30264

T-14251

TT - 14-1273

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO:

Bank of the Ozarks

17901 Chenal Parkway

Little Rock, Arkansas 72223

LIMITED WARRANTY DEED**STATE OF ARKANSAS
COUNTY OF PULASKI**

THIS INDENTURE is made effective this 28th day of March, 2014, between **BANK OF THE OZARKS** (hereinafter referred to as "**Grantor**") and **INNOVATIVE VENTURES, INCORPORATED** (hereinafter referred to as "**Grantee**") to include their respective successors, legal representatives and assigns where the context required or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargain, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grant, bargain, sell and convey to Grantee the following described property (the "**Property**"):

See Exhibit "A" attached hereto and incorporated herein.

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

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warranty and defend the title to the Property against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

3/14 BL

GRANTEE has fully examined and inspected the Property and Grantor is conveying the Property in its existing condition with no representations or warranties of any kind with regard to its condition. Grantor is conveying the Property "as is, where is, and with all faults," and Grantee assumes all responsibility for the Property.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, including, but not limited to, all easements, covenants and restrictions of record, judgments of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Property by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered
in the presence of

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 8/2/2017

[NOTARY SEAL]



BANK OF THE OZARKS

By: Greg L. McKinney
Title: CFO

[BANK SEAL]



EXHIBIT "A"

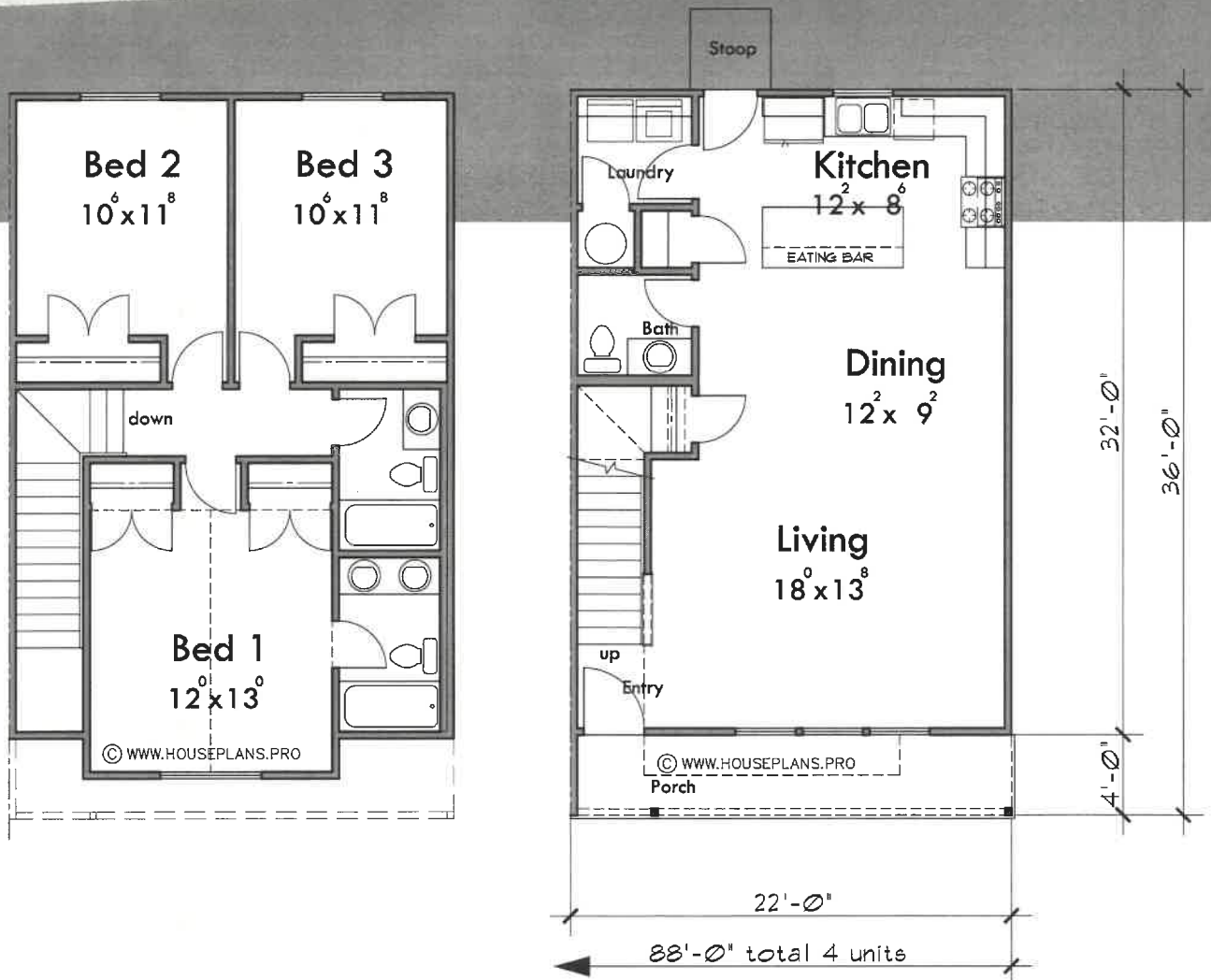
All that tract or parcel of land lying and being in Land Lot 6 of the 5th Land District of Coweta County, Georgia, and being located in the City of Newnan, and being identified as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15 and 17 of Smokerise Subdivision as shown by plat of survey of said subdivision recorded in Plat Book 31, Page 149, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

PLAN #F-634

MAIN FLR. 704 SQ. FT.

UPPER FLR. 659 SQ. FT.

TOTAL 1363 SQ. FT.



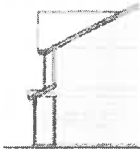
www.houseplans.pro by Bruinier & associates, inc. building designers®

1304 SW Bertha Blvd. Portland, Oregon 97219 (503-246-3022)

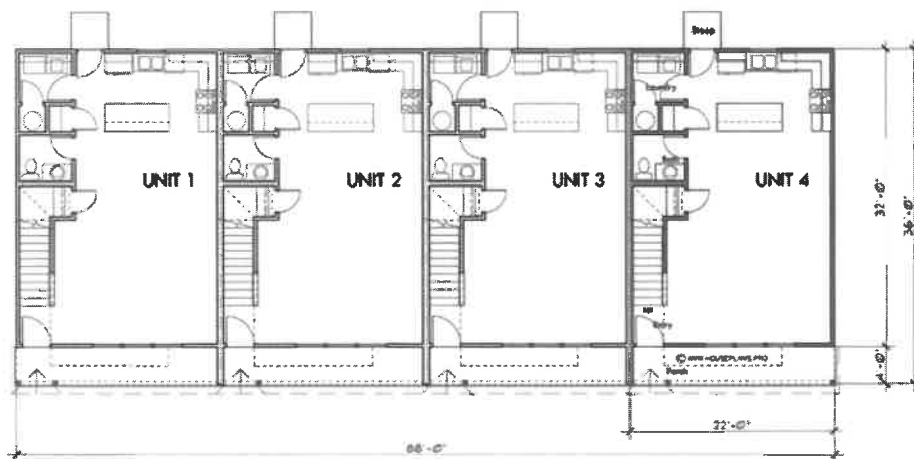
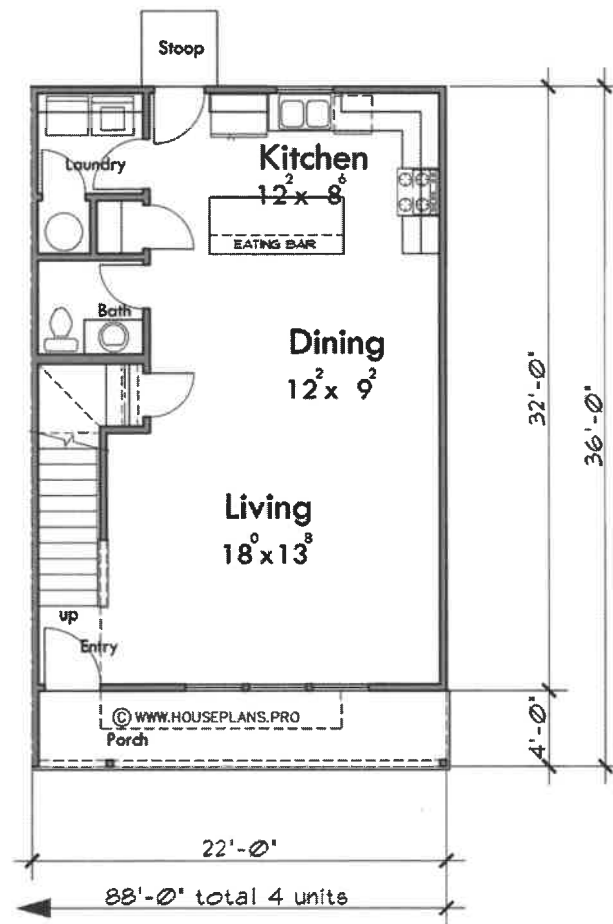
GO

Duplex Plans (/plans/type/3)	
3 & 4 Plex (/plans/type/12)	
5+ Units (/plans/type/13)	
House Plans (/plans/type/1)	
Garage Plans (/plans/type/5)	
About Us (/company/)	
Sample Plan (/plans/plan/bid/)	

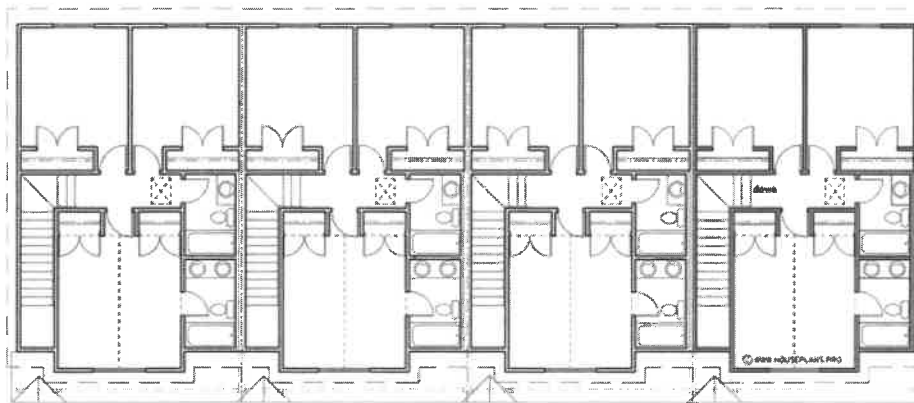
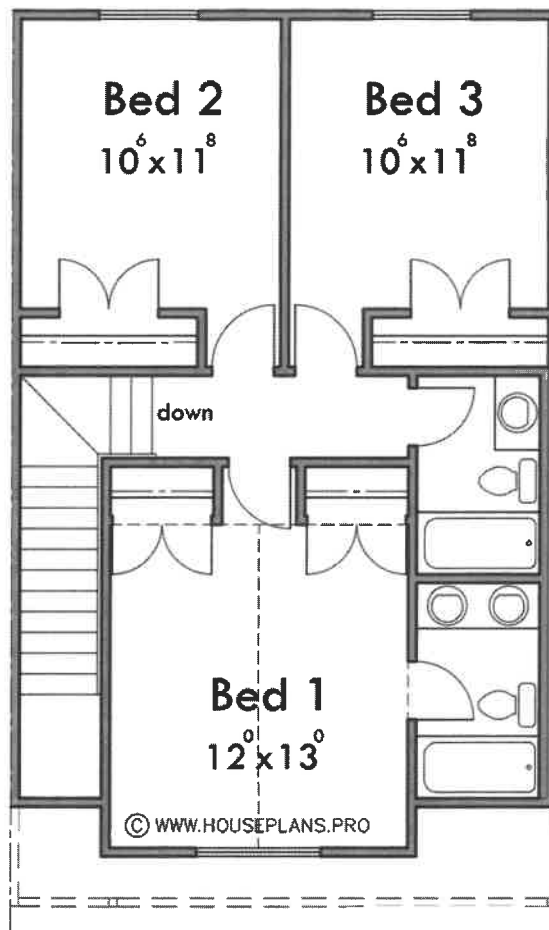
4 plex, 3 bedroom, no garage, F-634



Main Floor Plan



Upper Floor Plan



Plan F-634 [Printable Flyer](https://assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf) ([//assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf](https://assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf))

Total sq. ft.:	1,363
Upper Floor sq. ft:	659
Main Floor sq. ft:	704
Bedrooms:	3
Bathrooms:	2.5
Garage Stalls:	0
Width:	88' 0"
Depth:	36' 0"

CITY OF NEWNAN, GEORGIA



Application Form

For

Special Exception

July, 2000
Revised June, 2003
Application revised July, 2007



CITY OF NEWNAN, GEORGIA

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

9/13/2023

APPLICATION FOR SPECIAL EXCEPTION

Date Received _____

Name of Applicant Innovative Ventures, Inc.
Mailing Address P.O. Box 71744, Newnan, GA 30271
Telephone 678-877-1217 E-Mail: ckd88@me.com
Property Owner (Use back if multiple names) _____
Mailing Address _____
Telephone 678-877-1217
Address of Property 19 Georgian Drive, Newnan, GA 30263
Tax Parcel No.: N44086 Present Zoning Classification Duplex
Proposed Special Exception Use Quadruplex

The special exception procedure is designed to provide an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public or where the impact of the use on the immediate area or the city in general related to traffic, utilities, or other factor requires additional review criteria; and, in the event such uses or structures are approved, the authority to impose such conditions that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

Applicants applying for special exceptions must provide a completed application. Please answer the following criteria questions:

1. Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?
The proposed is appropriate for this district because this area was the hardest hit from the 2021 tornado impacting 1744 local homes and completely destroying many.
2. How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?
The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado. It will also bring in more revenue to the city through taxes
3. How do the existing zoning district regulations prevent the establishment of the proposed special exception use, and why are such conditions appropriate generally but an exception should be made in this individual circumstance?
District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed is for quadruplexes and will help accommodate for the lack of housing in this area. It will also be of benefit as Newnan/Coweta County continues to grow.

4. What is the proposed period of time the special exception is requested for?

The proposal is for a permanent change to the existing zoning from duplexes to quadruplexes.

5. What additional criteria will you proffer to minimize the impact of the special exception on surrounding properties?

The proposal will have zero negative impact on the surrounding properties. It will actually help "clean up" and improve property values by providing nice, new housing to the area.

The following information must be attached to the completed application and must also be furnished in digital, pdf format:

a) A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:

- ✓ What the property is to be used for
- ✓ The size (in acres if one acre or more and in square feet if less than one acre) of the parcel or tract
- ✓ The zoning classification which exists at the time of the filing of this application
- ✓ The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed
- ✓ Dwelling unit size (if applicable)
- ✓ For non-residential projects, provide the density of development in terms of gross square footage per acre
- ✓ The number of parking spaces to be provided
- ✓ The height of buildings
- ✓ Any proposed buffers and modification to existing buffers
- ✓ Availability of water and sewer facilities including existing distance to property

b) Names and mailing addresses of all owners of all property within 250 feet of the subject property. This information can be obtained from the County Tax Assessor records, and this information is encouraged to be submitted in a MS Word mail merge data file format.

c) Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property, which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.

d) A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect registered in the State of Georgia, that includes the following information:

- Boundary survey showing property lines with lengths and bearings
- Adjoining streets, existing and proposed, showing right-of-way
- Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other improvements on the property

- North arrow and scale
- Adjacent land ownership, zoning and current land use
- Total and net acreage of property
- Proposed building locations
- Existing and proposed driveways
- Lakes, ponds, streams, and other watercourses
- Floodplain, wetlands, and slopes equal to or great than 20 percent
- Cemeteries, burial grounds, and other historic or culturally significant features
- Required and/or proposed setbacks and buffers
- Other elements as may be requested by the Planning Department Staff to explain application

Submit one (1) copy if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- e) Completed Disclosure of Campaign Contributions and Gifts form.
 - f) If the applicant and the property owner are not the same, complete a Property Owner's Authorization form and/or Authorization of Attorney form.
 - g) For multiple owners, an attached sheet with signatures duly notarized may be attached.
 - h) A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 2000,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-family proposals in excess of 150 units
- Note:** This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.
- i) A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment. To determine whether the proposed use is a DRI, call the Planning Department at 770-254-2354.
 - j) Filing fee payable to the *City of Newnan* (**\$250.00 Per Each Request**)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE November 7, 2023

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia

Attachment B

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 special exception of the property.

Name of Property Owner Innovative Ventures, LLC

Telephone Number 678-877-1217

Address of Subject Property 19 Georgian Drive
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

Charles Dumas

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

Jackalin Dinger
Notary Public

JACKALIN DINGLER
NOTARY PUBLIC
Heard County
State of Georgia
My Comm. Expires July 11, 2026

(Affix Raised Seal Here)

09-13-2023
Date

September 5, 2023

City of Newnan
Attn: Planning Department
25 Lagrange Street
Newnan, GA 30263

Letter of Intent

Innovative Ventures, Inc.
P.O. Box 71744
Newnan, GA 30271
ckd88@me.com

Letter of Intent for Special Exception For:
19 Georgian Drive
Land Lot #2
Newnan, GA 30263

Dear Planning & Zoning Members:

We are requesting rezoning for 19 Georgian Drive, Newnan, GA 30263. The property is currently zoned for duplexes, but the duplexes were destroyed in the 2021 tornado that hit Newnan, GA. We are proposing a special exception to change the zoning from duplexes to quadruplexes for the reasons listed below:

- 1.) The address is located in the area hardest hit by the 2021 tornado impacting 1744 local homes and destroying many. The duplex that was located at this address was completely destroyed along with many others in the surrounding neighborhood.
- 2.) The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado.
- 3.) District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed quadruplexes will help accommodate for the lack of housing in this area. It will also be of benefit as the community continues to grow.
- 4.) The proposal should have a positive impact on the surrounding properties as it will help "clean up" and improve property values by providing nice, new housing to the area while providing increased revenue to the city through additional property tax.

Additional Information:

Current lot size: 0.817 Acres

Current zoning: duplexes

Dwelling unit size if approved: 1363 Sq. Ft. Per unit / 5452 Sq. Ft. Total Per Building

Total # of parking spaces to be provided: 2 per dwelling / 8 per building

Building height: 27'5"

No proposed buffers or modification to existing buffers

Water and sewer facilities: Newnan Utilities

Legal description of property: See attached Warranty Deed. The property is land lot #2.

Thank you for your consideration!!!

Sincerely,
Innovative Ventures, Inc.

Charles Kevin Dumas
President
678-877-1217

FILED IN OFFICE
03/31/2014 02:20 PM
BK=4070 PG=567-569
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX
PAID: \$600.00

Record and Return to:
WOOD, ODOM & EDGE, P.A.
P.O. DRAWER 1608
NEWNAN, GA 30264
T-14251

TT - 14-1273

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO:

Bank of the Ozarks
17901 Chenal Parkway
Little Rock, Arkansas 72223

LIMITED WARRANTY DEED

**STATE OF ARKANSAS
COUNTY OF PULASKI**

THIS INDENTURE is made effective this 28th day of March, 2014, between **BANK OF THE OZARKS** (hereinafter referred to as "Grantor") and **INNOVATIVE VENTURES, INCORPORATED** (hereinafter referred to as "Grantee") to include their respective successors, legal representatives and assigns where the context required or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargain, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grant, bargain, sell and convey to Grantee the following described property (the "Property"):

See Exhibit "A" attached hereto and incorporated herein.

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

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warranty and defend the title to the Property against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

3/14 BL

GRANTEE has fully examined and inspected the Property and Grantor is conveying the Property in its existing condition with no representations or warranties of any kind with regard to its condition. Grantor is conveying the Property "as is, where is, and with all faults," and Grantee assumes all responsibility for the Property.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, including, but not limited to, all easements, covenants and restrictions of record, judgments of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Property by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered
in the presence of

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 8/2/2017

[NOTARY SEAL]



BANK OF THE OZARKS

By: Greg L. McKinney
Title: CFO

[BANK SEAL]



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 6 of the 5th Land District of Coweta County, Georgia, and being located in the City of Newnan, and being identified as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15 and 17 of Smokerise Subdivision as shown by plat of survey of said subdivision recorded in Plat Book 31, Page 149, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.



CLARE	POUNDS	LENGTH	CHORD	CHORDS PER MINUTE
C1	28.17	16.84	106.30	1.79
C2	28.17	16.84	106.30	1.79
C3	28.17	16.84	106.30	1.79
C4	28.17	16.84	106.30	1.79
C5	28.17	16.84	106.30	1.79
C6	28.17	16.84	106.30	1.79
C7	28.17	16.84	106.30	1.79
C8	28.17	16.84	106.30	1.79
C9	28.17	16.84	106.30	1.79
C10	28.17	16.84	106.30	1.79
C11	28.17	16.84	106.30	1.79
C12	28.17	16.84	106.30	1.79
C13	28.17	16.84	106.30	1.79
C14	28.17	16.84	106.30	1.79
C15	28.17	16.84	106.30	1.79
C16	28.17	16.84	106.30	1.79
C17	28.17	16.84	106.30	1.79

[illegible]

All survey were prepared in accordance with National Standards for Property Surveys by the Surveyors Association of the State of Florida as set forth in Chapter 100-7 of the Rules and Regulations of the State Board of Registration for Professional Engineers and Land Surveyors and on 441 for the Georgia Plot Act (C.R.A. 15-4-87).

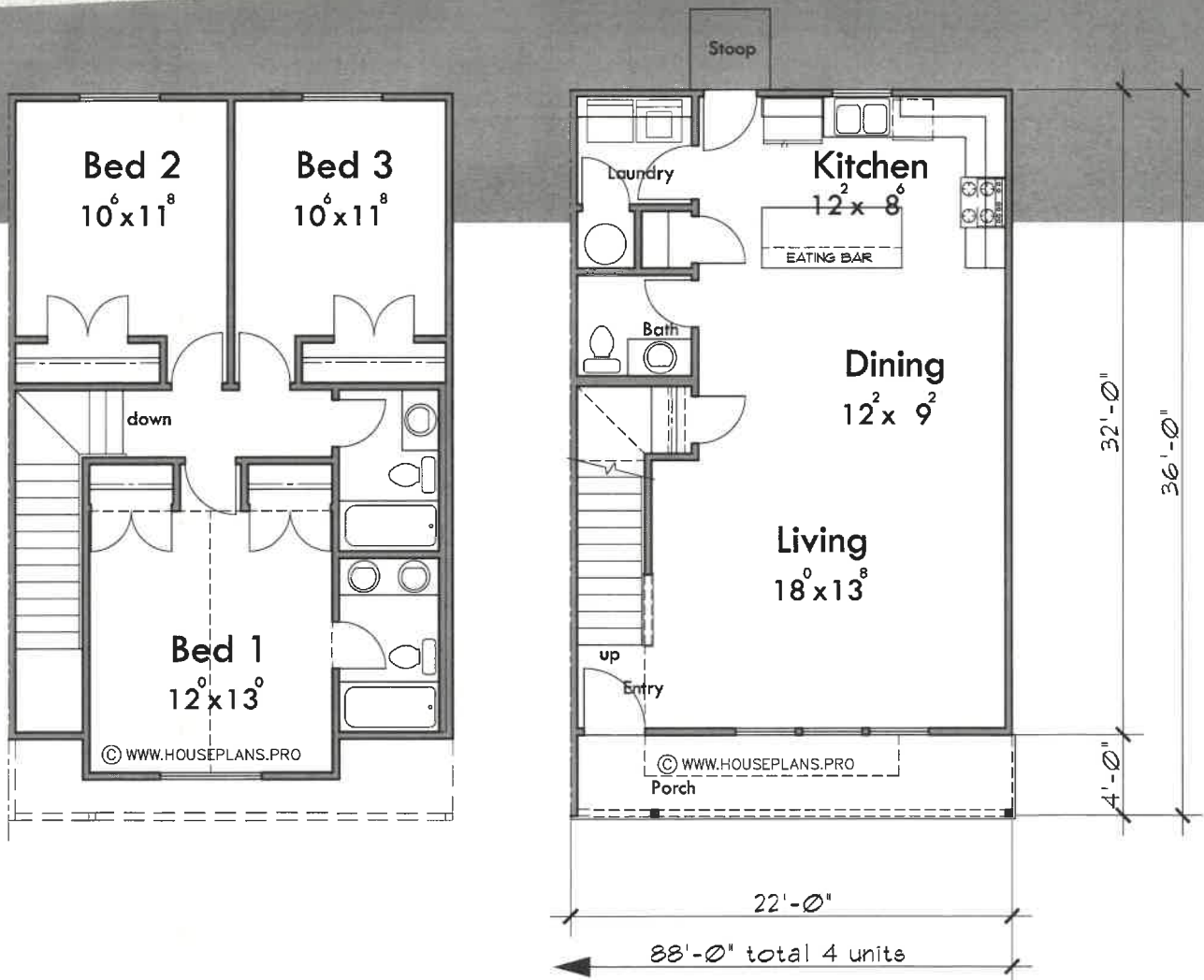
PLAT OF BOUNDARY REINFORCEMENT & 40-FOOT SETBACK FOR:
INNOVATIVE VENTURES, INCORPORATED
 DATE: 03-28-2014
 DRAWING BY: POF
 LAND LOT 6
 COUNTY: 5TH DISTRICT
 GEORGIA
 P. C. FLYNN LAND SURVEYING CO.
 414 HUNTER STREET, SUITE 200
 ATLANTA, GEORGIA 30303
 PHONE: (404) 724-1188
 FAX: (404) 724-1189
 SCALE: 1" = 40'
 GRAPHIC SCALE IN FEET
 0 40 80 160
 CITY OF KENNESAW
 FILE: PG-51219
 DRAWING NO. 14-0

PLAN #F-634

MAIN FLR. 704 SQ. FT.

UPPER FLR. 659 SQ. FT.

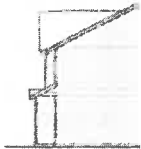
TOTAL 1363 SQ. FT.



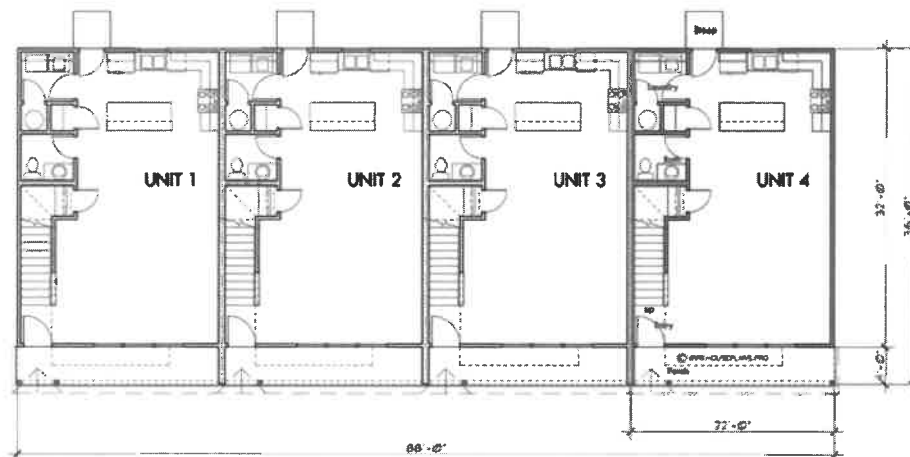
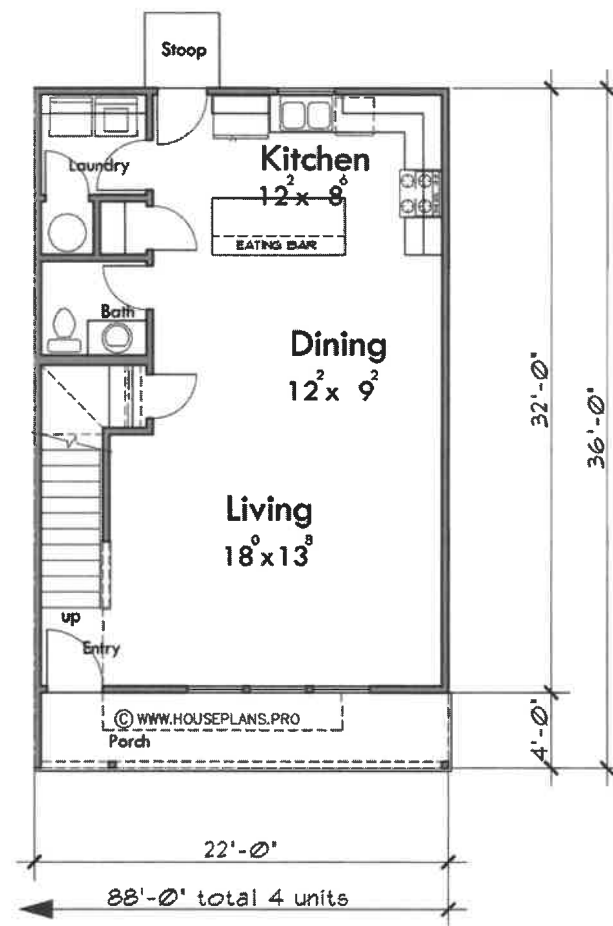
GO

Duplex Plans (/plans/type/3)	
3 & 4 Plex (/plans/type/12)	
5+ Units (/plans/type/13)	
House Plans (/plans/type/1)	
Garage Plans (/plans/type/5)	
About Us (/company)	
Sample Plan (/plans/plan/bid)	

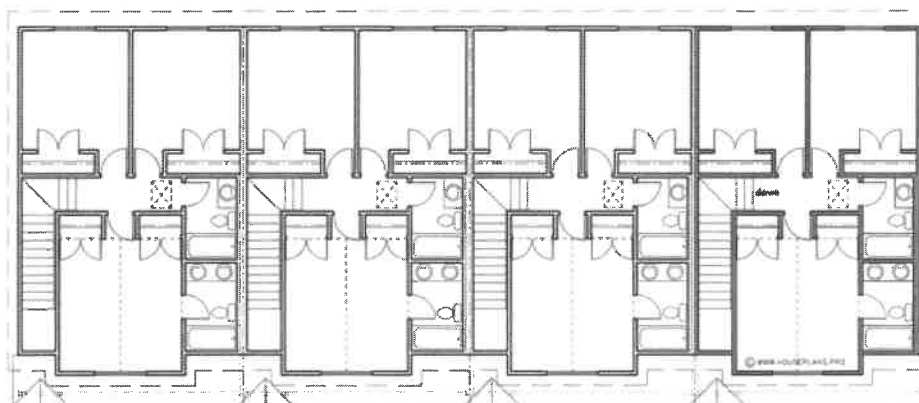
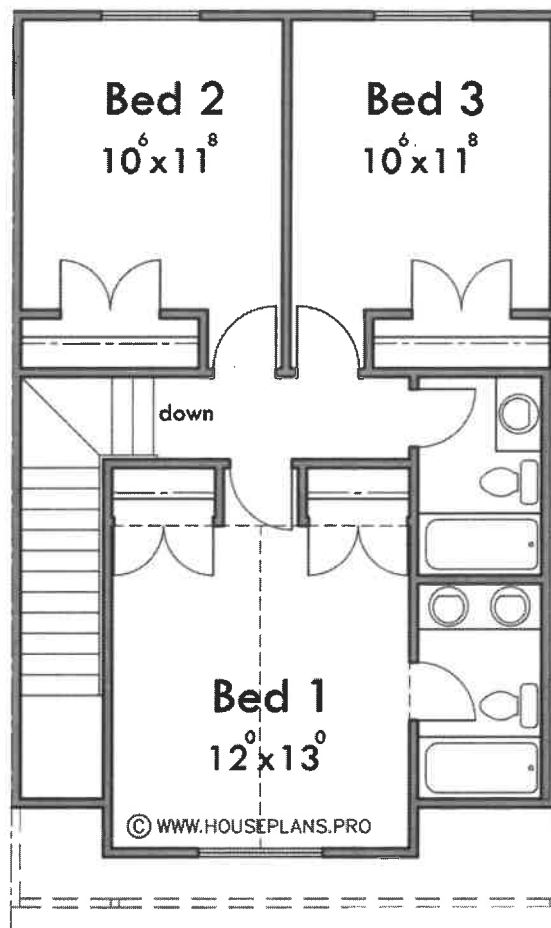
4 plex, 3 bedroom, no garage, F-634



Main Floor Plan



Upper Floor Plan



Plan F-634 **Printable Flyer** ([//assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf](https://assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf))

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Main Floor sq. ft:	704
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Width:	88' 0"
Depth:	36' 0"

CITY OF NEWNAN, GEORGIA



Application Form

For

Special Exception

July, 2000
Revised June, 2003
Application revised July, 2007



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR SPECIAL EXCEPTION

Date Received

9/13/2023

Name of Applicant Innovative Ventures, Inc.
Mailing Address P.O. Box 71744, Newnan, GA 30271
Telephone 678-877-1217 E-Mail: ckd88@me.com
Property Owner (Use back if multiple names) _____
Mailing Address _____
Telephone 678-877-1217
Address of Property 27 Georgian Drive, Newnan, GA 30263
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Proposed Special Exception Use Quadruplex

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 - ✓ Dwelling unit size (if applicable)
 - ✓ For non-residential projects, provide the density of development in terms of gross square footage per acre
 - ✓ The number of parking spaces to be provided
 - ✓ The height of buildings
 - ✓ Any proposed buffers and modification to existing buffers
 - ✓ Availability of water and sewer facilities including existing distance to property
- b) Names and mailing addresses of all owners of all property within 250 feet of the subject property. This information can be obtained from the County Tax Assessor records, and this information is encouraged to be submitted in a MS Word mail merge data file format.
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- d) A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect registered in the State of Georgia, that includes the following information:
- Boundary survey showing property lines with lengths and bearings
 - Adjoining streets, existing and proposed, showing right-of-way
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- Cemeteries, burial grounds, and other historic or culturally significant features
- Required and/or proposed setbacks and buffers
- Other elements as may be requested by the Planning Department Staff to explain application

Submit one (1) copy if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- e) Completed Disclosure of Campaign Contributions and Gifts form.
- f) If the applicant and the property owner are not the same, complete a Property Owner's Authorization form and/or Authorization of Attorney form.
- g) For multiple owners, an attached sheet with signatures duly notarized may be attached.
- h) A community impact study must be submitted if the development meets any of the following criteria:
 - Office proposals in excess of 2000,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-family proposals in excess of 150 units

Note: This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.

- i) A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment. To determine whether the proposed use is a DRI, call the Planning Department at 770-254-2354.
- j) Filing fee payable to the *City of Newnan* (**\$250.00 Per Each Request**)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE November 7, 2023

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia

Attachment B

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 special exception of the property.

Name of Property Owner Innovative Ventures, LLC

Telephone Number 678-877-1217

Address of Subject Property 27 Georgian Drive
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.



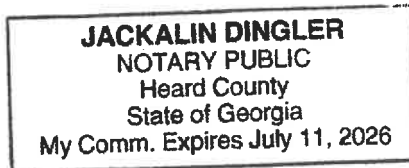
Signature of Property Owner

Personally appeared before me

Charles Dumas

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

Jackalin Dingler
Notary Public



(Affix Raised Seal Here)

09-13-2023
Date

September 5, 2023

City of Newnan
Attn: Planning Department
25 Lagrange Street
Newnan, GA 30263

Letter of Intent

Innovative Ventures, Inc.
P.O. Box 71744
Newnan, GA 30271
ckd88@me.com

Letter of Intent for Special Exception For:
27 Georgian Drive
Land Lot #6
Newnan, GA 30263

Dear Planning & Zoning Members:

We are requesting rezoning for 27 Georgian Drive, Newnan, GA 30263. The property is currently zoned for duplexes, but the duplexes were destroyed in the 2021 tornado that hit Newnan, GA. We are proposing a special exception to change the zoning from duplexes to quadruplexes for the reasons listed below:

- 1.) The address is located in the area hardest hit by the 2021 tornado impacting 1744 local homes and destroying many. The duplex that was located at this address was completely destroyed along with many others in the surrounding neighborhood.
- 2.) The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado.
- 3.) District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed quadruplexes will help accommodate for the lack of housing in this area. It will also be of benefit as the community continues to grow.
- 4.) The proposal should have a positive impact on the surrounding properties as it will help "clean up" and improve property values by providing nice, new housing to the area while providing increased revenue to the city through additional property tax.

Additional Information:

Current lot size: 0.882 Acres

Current zoning: duplexes

Dwelling unit size if approved: 1363 Sq. Ft. Per unit / 5452 Sq. Ft. Total Per Building

Total # of parking spaces to be provided: 2 per dwelling / 8 per building

Building height: 27'5"

No proposed buffers or modification to existing buffers

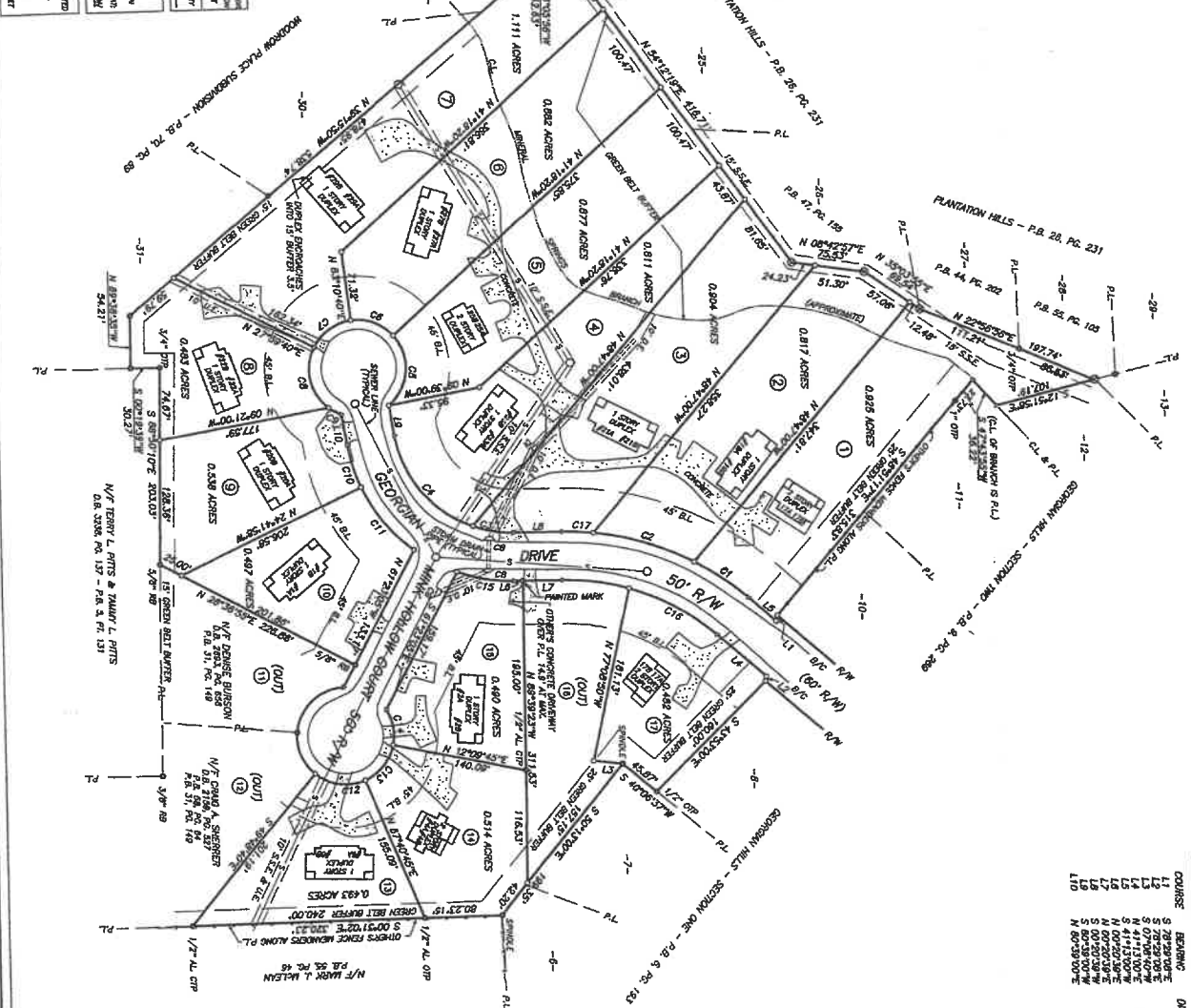
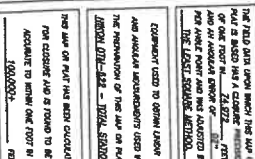
Water and sewer facilities: Newnan Utilities

Legal description of property: See attached Warranty Deed. The property is land lot #6.

Thank you for your consideration!!!

Sincerely,
Innovative Ventures, Inc.

Charles Kevin Dumas
President
678-877-1217



NUMBERED LINE DATA														
CROSS		BEARING		DISTANCE		CURVE		LENGTH		CHORD		CALCULATING		
L1	5.79	S 79°23'00"E	5.79	5.79		C1	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L2	5.79	S 79°23'00"E	5.79	5.79		C2	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L3	5.79	S 79°23'00"E	5.79	5.79		C3	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L4	5.79	S 79°23'00"E	5.79	5.79		C4	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L5	5.79	S 79°23'00"E	5.79	5.79		C5	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L6	5.79	S 79°23'00"E	5.79	5.79		C6	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L7	5.79	S 79°23'00"E	5.79	5.79		C7	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L8	5.79	S 79°23'00"E	5.79	5.79		C8	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L9	5.79	S 79°23'00"E	5.79	5.79		C9	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
L10	5.79	S 79°23'00"E	5.79	5.79		C10	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C11	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C12	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C13	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C14	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C15	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C16	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C17	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C18	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C19	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C20	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C21	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C22	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C23	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C24	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	
						C25	283.37	123.17	160.30	17.73	N 17°24'15"E	10.61	10.61	

[illegible]

PLAT OF BOUNDARY ATTESTMENT & AS-BUILT SURVEY FOR:
INNOVATIVE VENTURES, INCORPORATED
 DATE: 03-26-2014
 DRAWN BY: PCS
 LAND LOT 6
 CONTESSA COUNTY GEORGIA
 0TH DISTRICT
 CITY OF MARIETTA
 SCALE: 1" = 80'
 0 20 40 60 80 100
 BEARING & DISTANCE
 P.C. R.C. PLANNING LAND SURVEYING CO.
 4000 CUMMINGS DRIVE, SUITE 200
 KENNESAW, GEORGIA 30144
 PHONE: 770.426.1232
 FAX: 770.426.1233
 DRAWING NO. 14-014

FILED IN OFFICE

03/31/2014 02:20 PM

BK:4070 PG:567-569

CINDY G BROWN

CLERK OF SUPERIOR COURT

COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX

PAID: \$600.00

Record and Return to:

WOOD, ODOM & EDGE, P.A.

P.O. DRAWER 1608

NEWNAN, GA 30264

T-14251

TT - 14-1273

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO:

Bank of the Ozarks

17901 Chenal Parkway

Little Rock, Arkansas 72223

LIMITED WARRANTY DEED**STATE OF ARKANSAS
COUNTY OF PULASKI**

THIS INDENTURE is made effective this 28th day of March, 2014, between **BANK OF THE OZARKS** (hereinafter referred to as "Grantor") and **INNOVATIVE VENTURES, INCORPORATED** (hereinafter referred to as "Grantee") to include their respective successors, legal representatives and assigns where the context required or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargain, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grant, bargain, sell and convey to Grantee the following described property (the "Property"):

See Exhibit "A" attached hereto and incorporated herein.

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

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warranty and defend the title to the Property against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

3/14 BL

GRANTEE has fully examined and inspected the Property and Grantor is conveying the Property in its existing condition with no representations or warranties of any kind with regard to its condition. Grantor is conveying the Property "as is, where is, and with all faults," and Grantee assumes all responsibility for the Property.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, including, but not limited to, all easements, covenants and restrictions of record, judgments of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Property by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered
in the presence of

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 8/2/2017

[NOTARY SEAL]



BANK OF THE OZARKS

By: Greg L. McKinney
Title: CFO

[BANK SEAL]

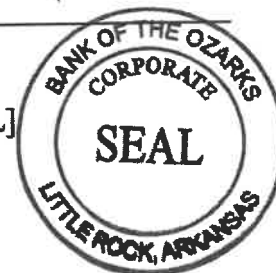


EXHIBIT "A"

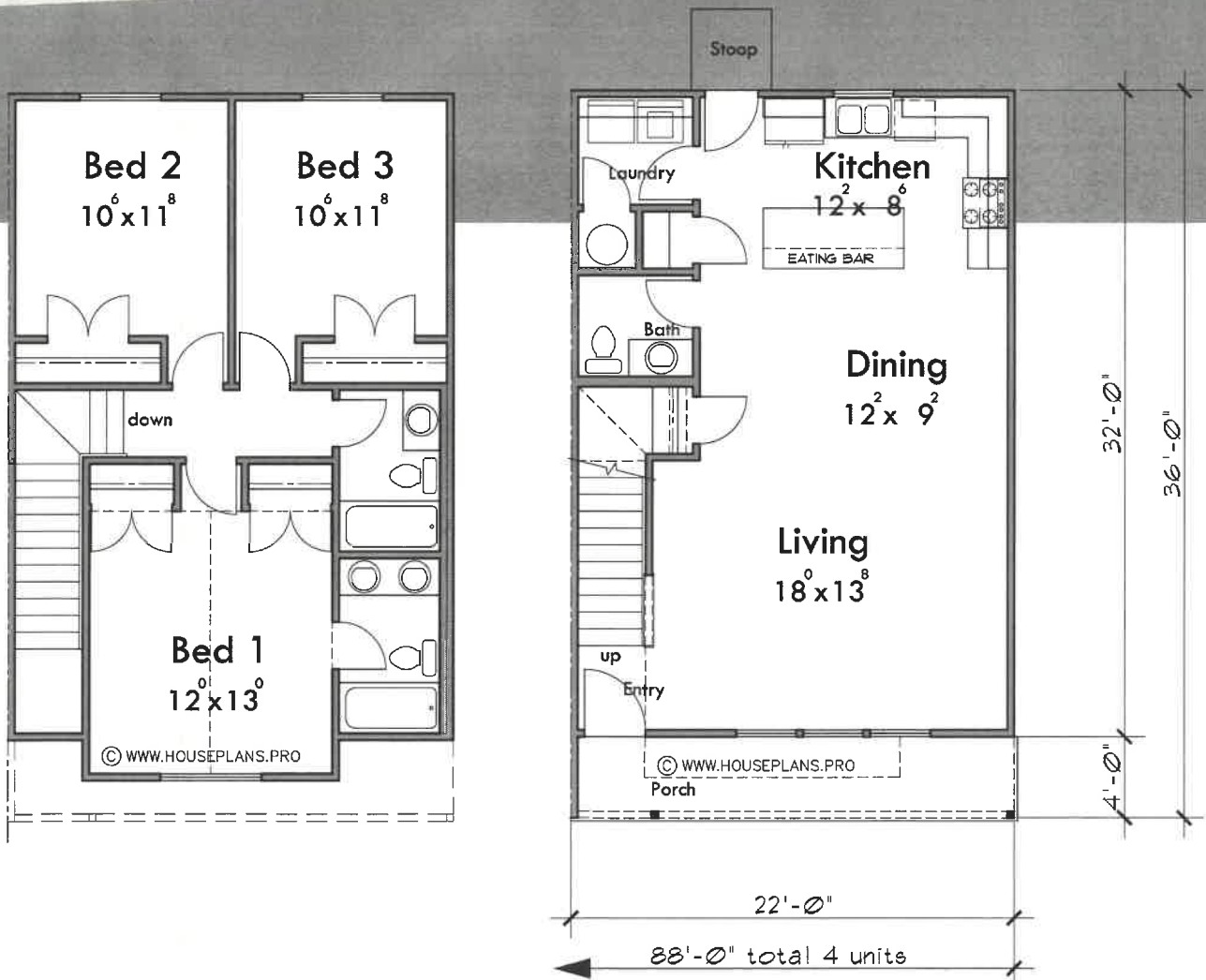
All that tract or parcel of land lying and being in Land Lot 6 of the 5th Land District of Coweta County, Georgia, and being located in the City of Newnan, and being identified as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15 and 17 of Smokerise Subdivision as shown by plat of survey of said subdivision recorded in Plat Book 31, Page 149, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.

PLAN #F-634

MAIN FLR. 704 SQ. FT.

UPPER FLR. 659 SQ. FT.

TOTAL 1363 SQ. FT.



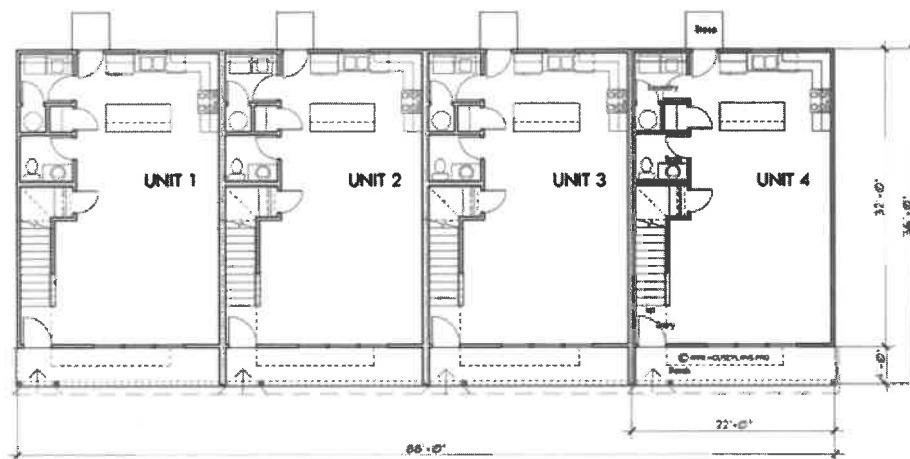
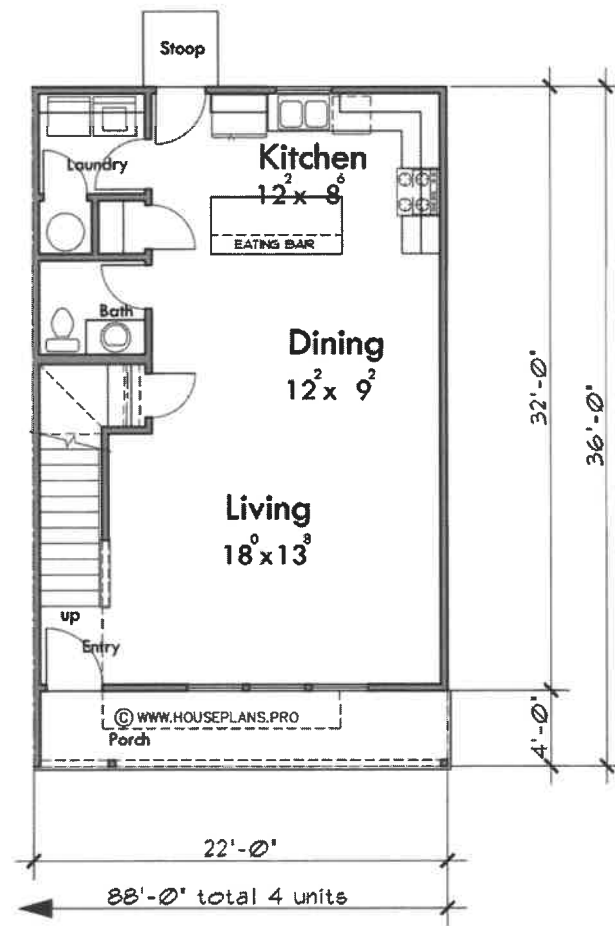
GO

Duplex Plans (/plans/type/3)	
3 & 4 Plex (/plans/type/12)	
5+ Units (/plans/type/13)	
House Plans (/plans/type/1)	
Garage Plans (/plans/type/5)	
About Us (/company)	
Sample Plan (/plans/plan/bid)	

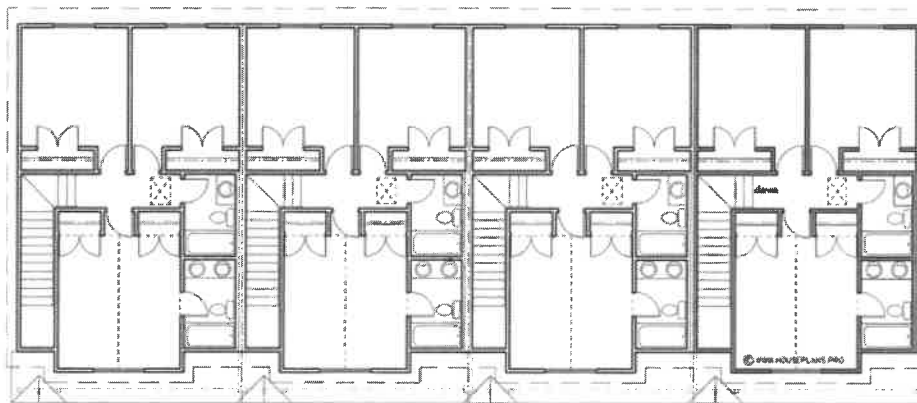
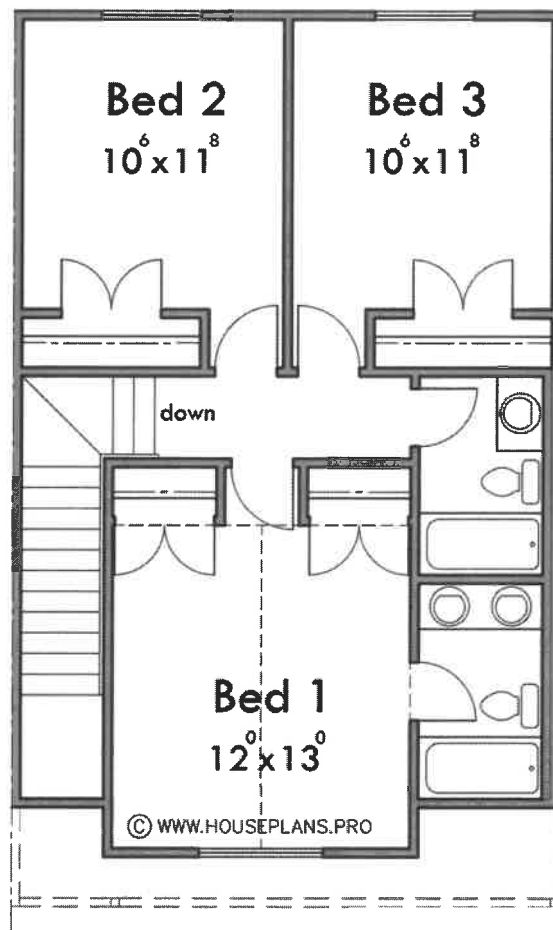
4 plex, 3 bedroom, no garage, F-634



Main Floor Plan



Upper Floor Plan



Plan F-634



Printable Flyer

[/assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf](https://assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf)

Total sq. ft.:	1,363
Upper Floor sq. ft:	659
Main Floor sq. ft:	704
Bedrooms:	3
Bathrooms:	2.5
Garage Stalls:	0
Width:	88' 0"
Depth:	36' 0"

CITY OF NEWNAN, GEORGIA



Application Form

For

Special Exception

July, 2000
Revised June, 2003
Application revised July, 2007



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR SPECIAL EXCEPTION

Date Received

9/13/2023

Name of Applicant Innovative Ventures, Inc.
Mailing Address P.O. Box 71744, Newnan, GA 30271
Telephone 678-877-1217 E-Mail: ckd88@me.com
Property Owner (Use back if multiple names) _____
Mailing Address _____
Telephone 678-877-1217
Address of Property 29 Georgian Drive, Newnan, GA 30263
Tax Parcel No.: N44081 Present Zoning Classification Duplex
Proposed Special Exception Use Quadruplex

The special exception procedure is designed to provide an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public or where the impact of the use on the immediate area or the city in general related to traffic, utilities, or other factor requires additional review criteria; and, in the event such uses or structures are approved, the authority to impose such conditions that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

Applicants applying for special exceptions must provide a completed application. Please answer the following criteria questions:

1. Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?
The proposed is appropriate for this district because this area was the hardest hit from the 2021 tornado impacting 1744 local homes and completely destroying many.
2. How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?
The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado. It will also bring in more revenue to the city through taxes
3. How do the existing zoning district regulations prevent the establishment of the proposed special exception use, and why are such conditions appropriate generally but an exception should be made in this individual circumstance?
District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed is for quadruplexes and will help accommodate for the lack of housing in this area. It will also be of benefit as Newnan/Coweta County continues to grow.

4. What is the proposed period of time the special exception is requested for?

The proposal is for a permanent change to the existing zoning from duplexes to quadruplexes.

5. What additional criteria will you proffer to minimize the impact of the special exception on surrounding properties?

The proposal will have zero negative impact on the surrounding properties. It will actually help "clean up" and improve property values by providing nice, new housing to the area.

The following information must be attached to the completed application and must also be furnished in digital, pdf format:

a) A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:

- ✓ What the property is to be used for
- ✓ The size (in acres if one acre or more and in square feet if less than one acre) of the parcel or tract
- ✓ The zoning classification which exists at the time of the filing of this application
- ✓ The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed
- ✓ Dwelling unit size (if applicable)
- ✓ For non-residential projects, provide the density of development in terms of gross square footage per acre
- ✓ The number of parking spaces to be provided
- ✓ The height of buildings
- ✓ Any proposed buffers and modification to existing buffers
- ✓ Availability of water and sewer facilities including existing distance to property

b) Names and mailing addresses of all owners of all property within 250 feet of the subject property. This information can be obtained from the County Tax Assessor records, and this information is encouraged to be submitted in a MS Word mail merge data file format.

c) Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property, which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.

d) A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect registered in the State of Georgia, that includes the following information:

- Boundary survey showing property lines with lengths and bearings
- Adjoining streets, existing and proposed, showing right-of-way
- Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other improvements on the property

- North arrow and scale
- Adjacent land ownership, zoning and current land use
- Total and net acreage of property
- Proposed building locations
- Existing and proposed driveways
- Lakes, ponds, streams, and other watercourses
- Floodplain, wetlands, and slopes equal to or great than 20 percent
- Cemeteries, burial grounds, and other historic or culturally significant features
- Required and/or proposed setbacks and buffers
- Other elements as may be requested by the Planning Department Staff to explain application

Submit one (1) copy if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- e) Completed Disclosure of Campaign Contributions and Gifts form.
- f) If the applicant and the property owner are not the same, complete a Property Owner's Authorization form and/or Authorization of Attorney form.
- g) For multiple owners, an attached sheet with signatures duly notarized may be attached.
- h) A community impact study must be submitted if the development meets any of the following criteria:
- Office proposals in excess of 2000,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-family proposals in excess of 150 units
- Note:** This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.
- i) A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment. To determine whether the proposed use is a DRI, call the Planning Department at 770-254-2354.
- j) Filing fee payable to the *City of Newnan (\$250.00 Per Each Request)*

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE November 7, 2023

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia

Attachment B

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 special exception of the property.

Name of Property Owner

Innovative Ventures, LLC

Telephone Number

678-877-1217

Address of Subject Property

29 Georgian Drive

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

Charles Dumas

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

Jackali Dingler

Notary Public

JACKALIN DINGLER
NOTARY PUBLIC
Heard County
State of Georgia
My Comm. Expires July 11, 2026

(Affix Raised Seal Here)

09-13-2023

Date

September 5, 2023

City of Newnan
Attn: Planning Department
25 Lagrange Street
Newnan, GA 30263

Letter of Intent

Innovative Ventures, Inc.
P.O. Box 71744
Newnan, GA 30271
ckd88@me.com

Letter of Intent for Special Exception For:
29 Georgian Drive
Land Lot #29
Newnan, GA 30263

Dear Planning & Zoning Members:

We are requesting rezoning for 29 Georgian Drive, Newnan, GA 30263. The property is currently zoned for duplexes, but the duplexes were destroyed in the 2021 tornado that hit Newnan, GA. We are proposing a special exception to change the zoning from duplexes to quadruplexes for the reasons listed below:

- 1.) The address is located in the area hardest hit by the 2021 tornado impacting 1744 local homes and destroying many. The duplex that was located at this address was completely destroyed along with many others in the surrounding neighborhood.
- 2.) The proposed will help build back new and affordable housing to the impacted neighborhood which is still struggling to recover from the 2021 tornado.
- 3.) District zoning regulations are needed to provide balance to the public, but over time and with constant change, need occasional re-evaluation to meet the current need of the public. The current zoning is for duplexes, but the proposed quadruplexes will help accommodate for the lack of housing in this area. It will also be of benefit as the community continues to grow.
- 4.) The proposal should have a positive impact on the surrounding properties as it will help "clean up" and improve property values by providing nice, new housing to the area while providing increased revenue to the city through additional property tax.

Additional Information:

Current lot size 1.111 Acres

Current zoning: duplexes

Dwelling unit size if approved: 1363 Sq. Ft. Per unit / 5452 Sq. Ft. Total Per Building

Total # of parking spaces to be provided: 2 per dwelling / 8 per building

Building height: 27'5"

No proposed buffers or modification to existing buffers

Water and sewer facilities: Newnan Utilities

Legal description of property: See attached Warranty Deed. The property is land lot #7.

Thank you for your consideration!!!

Sincerely,
Innovative Ventures, Inc.

Charles Kevin Dumas
President
678-877-1217

FILED IN OFFICE

03/31/2014 02:20 PM

BK:4070 PG:567-569

CINDY G BROWN

CLERK OF SUPERIOR COURT

COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX

PAID: \$600.00

Record and Return to:

WOOD, ODOM & EDGE, P.A.

P.O. DRAWER 1608

NEWNAN, GA 30264

T-14251

TT - 14-1273

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO:

Bank of the Ozarks
 17901 Chenal Parkway
 Little Rock, Arkansas 72223

LIMITED WARRANTY DEED

STATE OF ARKANSAS
COUNTY OF PULASKI

THIS INDENTURE is made effective this 28th day of March, 2014, between **BANK OF THE OZARKS** (hereinafter referred to as "**Grantor**") and **INNOVATIVE VENTURES, INCORPORATED** (hereinafter referred to as "**Grantee**") to include their respective successors, legal representatives and assigns where the context required or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargain, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grant, bargain, sell and convey to Grantee the following described property (the "**Property**"):

See Exhibit "A" attached hereto and incorporated herein.

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

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warranty and defend the title to the Property against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

3/14 BL

GRANTEE has fully examined and inspected the Property and Grantor is conveying the Property in its existing condition with no representations or warranties of any kind with regard to its condition. Grantor is conveying the Property "as is, where is, with all faults," and Grantee assumes all responsibility for the Property.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, including, but not limited to, all easements, covenants and restrictions of record, judgments of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Property by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered
in the presence of

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 8/2/2017

[NOTARY SEAL]



BANK OF THE OZARKS

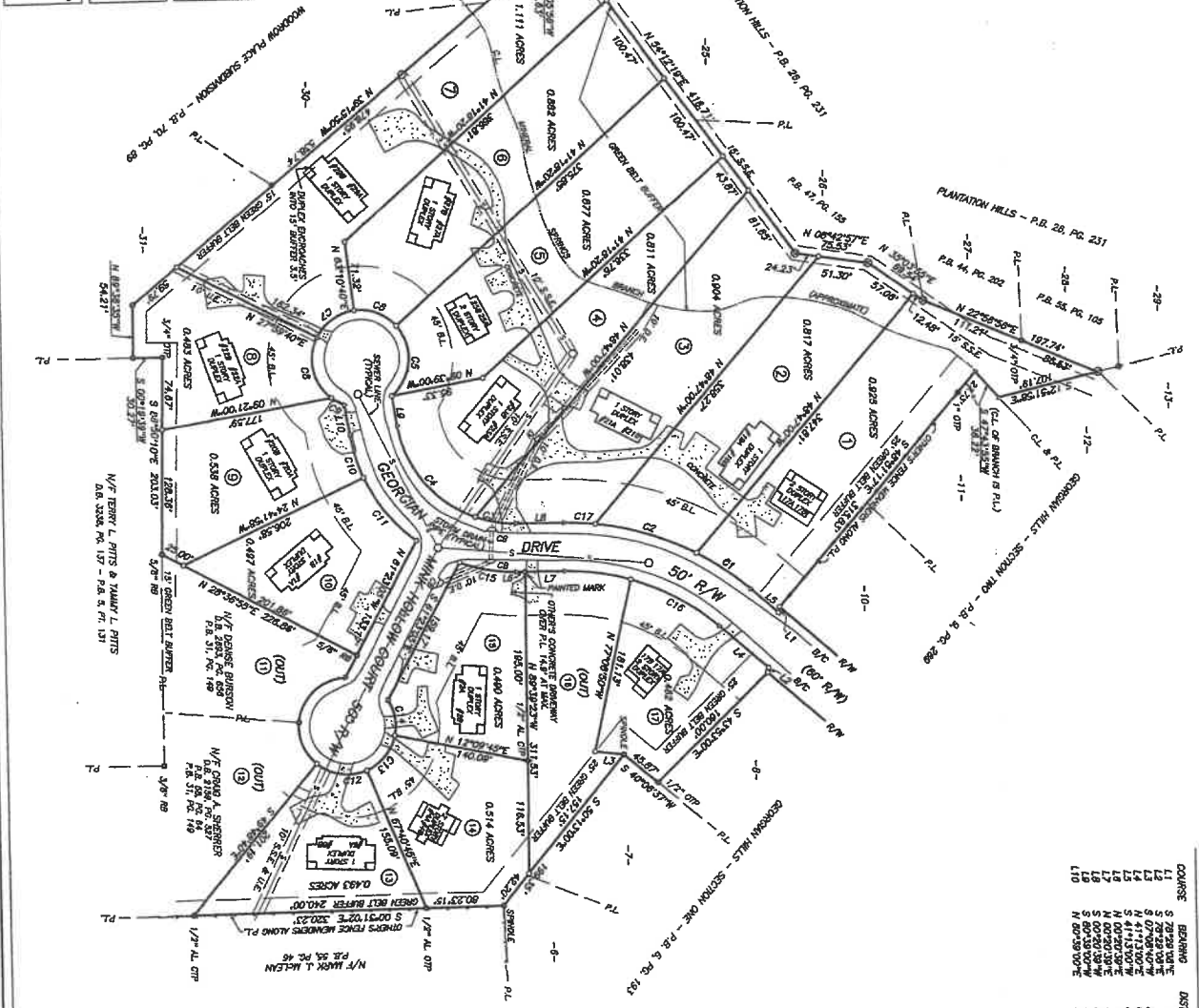
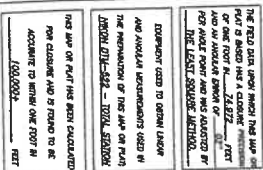
By: Greg L. McKinney
Title: CFO

[BANK SEAL]



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 6 of the 5th Land District of Coweta County, Georgia, and being located in the City of Newnan, and being identified as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15 and 17 of Smokerise Subdivision as shown by plat of survey of said subdivision recorded in Plat Book 31, Page 149, in the Office of the Clerk of the Superior Court of Coweta County, Georgia to which plat reference is hereby made for a more particular and accurate description of the property conveyed herein.



COURSE	BEARING	DISTANCE
L1	S 79°29'04"E	5.7
L2	S 76°22'04"E	4.9
L3	S 07°08'40"W	66.7
L4	N 41°12'00"E	60.0
L5	S 41°13'00"W	38.2
L6	N 00°20'39"E	9.0
L7	N 00°20'39"E	41.0
L8	S 00°20'39"W	50.0
L9	S 60°33'00"W	31.7
L10	N 60°39'00"E	31.7

	CARVE	ROCKS	LIBERTY	CHOCOL	CHOCOLING
C1	253.17	68.84	109.20	N 34.40/32E	
C2	253.17	109.84	42.60	N 17.24/1E	
C3	123.15	42.62	42.60	N 10.10/20E	
C4	123.15	72.70	123.88	N 06.37/30E	
C5	30.00	48.45	44.57	N 30.05/19E	
C6	30.00	48.45	34.53/10E	N 34.53/10E	
C7	50.00	13.60	64.11	S 7.74/70W	
C8	50.00	13.60	18.00	N 34.40/32E	
C9	50.00	54.87	54.87	N 51.00/0E	
C10	123.17	54.87	51.86	N 06.37/30E	
C11	50.00	54.87	51.86	N 06.37/30E	

[illegible]

FILED BY: ROBERTA W. RETZGER, JR. - AS-DEED, SURVEY FORM INNOVATIVE VENTURES, INCORPORATED	
DATE: 03-28-2014 DRAWING BY: PCF	SCALE: 1" = 80'
LAND LOT: 6 COUNTY: GEORGIA CITY OF: MARIETTA	P-3, FLYING LAND SURVING, INC. CO. P-341519 DRAWING NO.: 14-011

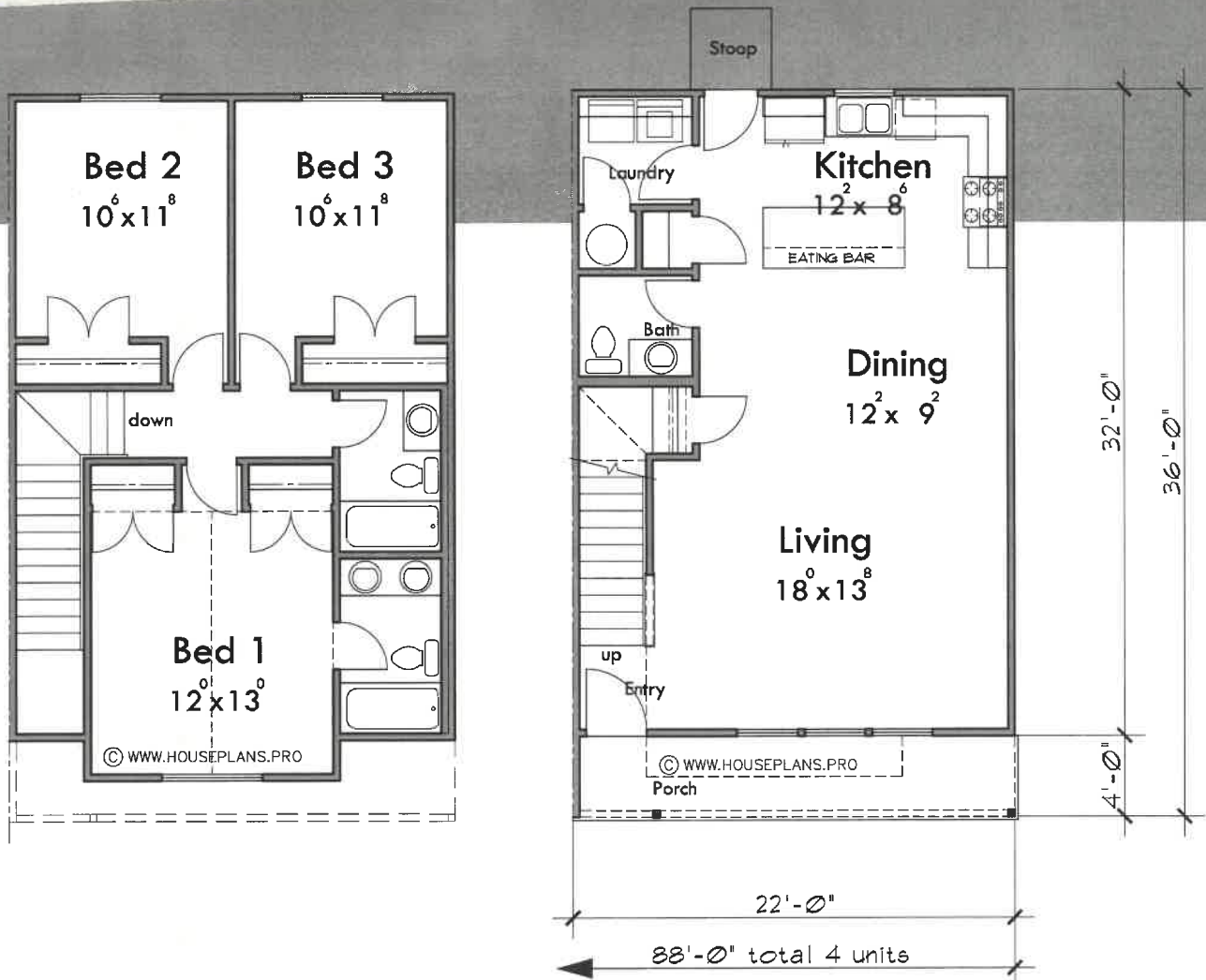


PLAN #F-634

MAIN FLR. 704 SQ. FT.

UPPER FLR. 659 SQ. FT.

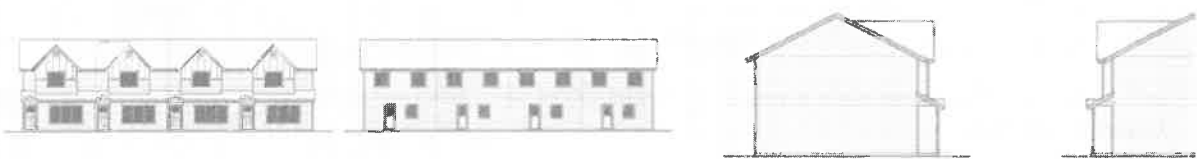
TOTAL 1363 SQ. FT.



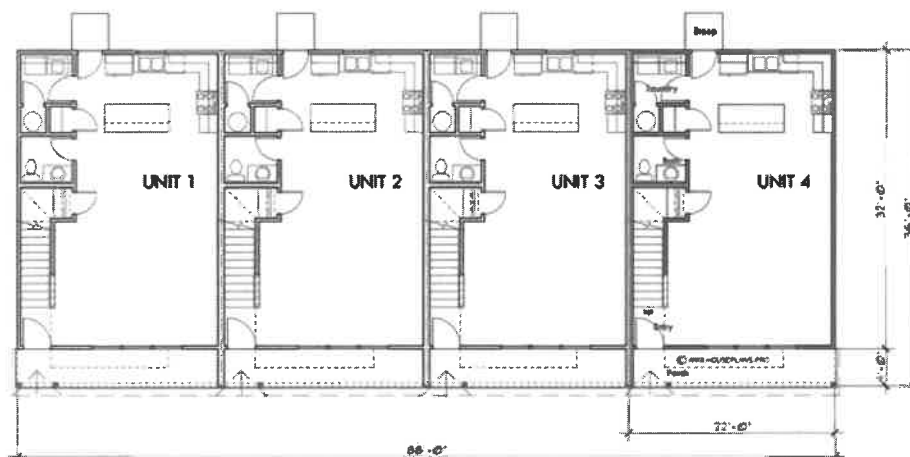
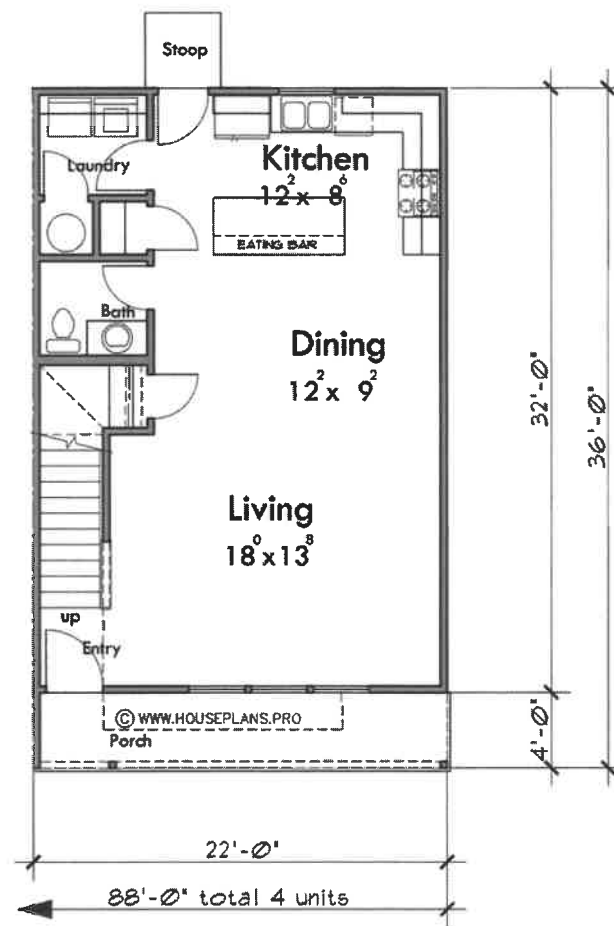
GO

Duplex Plans (/plans/type/3)	
3 & 4 Plex (/plans/type/12)	
5+ Units (/plans/type/13)	
House Plans (/plans/type/1)	
Garage Plans (/plans/type/5)	
About Us (/company)	
Sample Plan (/plans/plan/bid)	

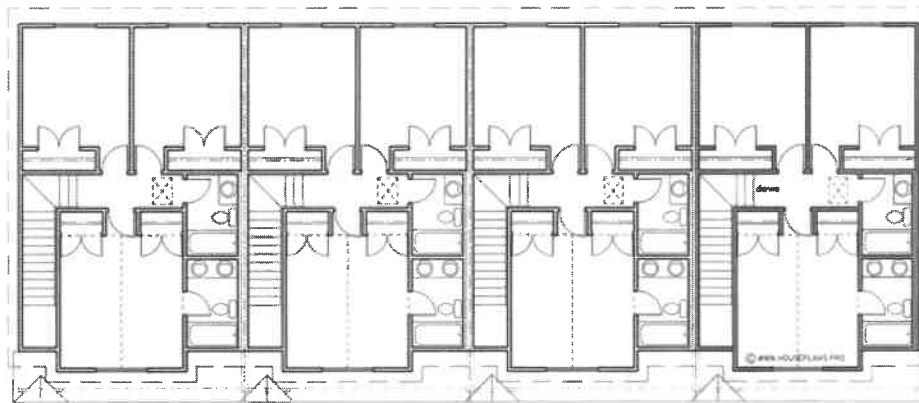
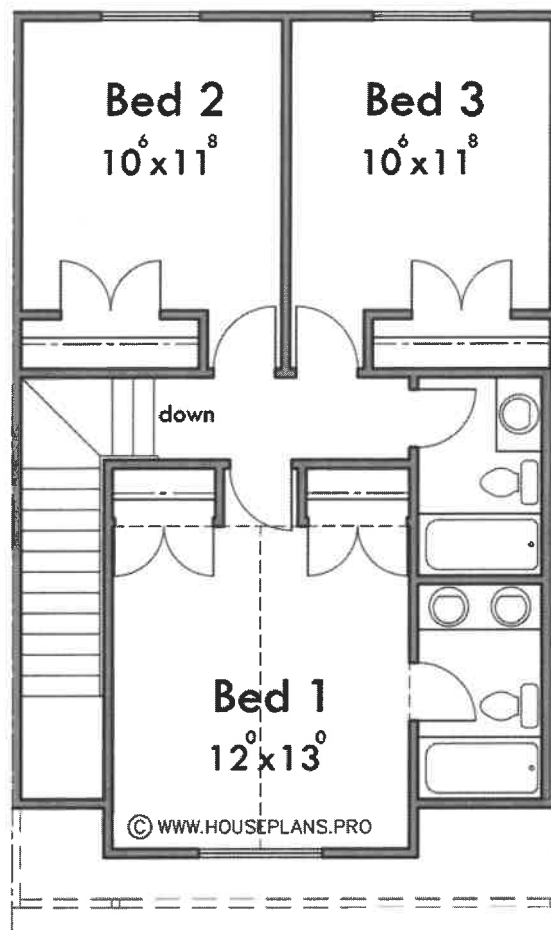
4 plex, 3 bedroom, no garage, F-634



Main Floor Plan



Upper Floor Plan



Plan F-634



Printable Flyer

<//assets/plans/793/4-plex-3-bedroom-no-garage-page-F-634.pdf>

Total sq. ft.:	1,363
Upper Floor sq. ft:	659
Main Floor sq. ft:	704
Bedrooms:	3
Bathrooms:	2.5
Garage Stalls:	0
Width:	88' 0"
Depth:	36' 0"



NEWNAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: November 7, 2023

Application Number: 2023-27

Agenda Item: Variance Requests – 9 Smith Street

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To hear requests for a new house construction: 1) A variance to locate the new house 5 feet from the western side property line, instead of the required 12.73 feet; 2) A variance to locate the new house 8 feet from the eastern side property line, instead of the required 19.27 feet; 3) A variance to locate the new house 142.35 feet from the rear property line, instead of the required 157.35 feet. The approximate property size is 0.22 acre +/-.

Applicant/Property Owner: Gary Adams – Applicant/Property Owner

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

Present Use: Vacant

Proposed Use: New 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 a new house that will require setback variances as shown in the Purpose section above. The new house (including the garage and porches that are not included in the Minimum Principal Living Space calculation) is proposed to be 2,275 square feet. A demolition permit was issued by the City for the previous house on the subject property on December 8, 2021 due to fire damage. The applicant indicated in an email, "It slopes downward from front to back, so we will most likely have to bring in dirt to elevate but we are also asking for a variance on the back of the lot to accommodate a garage." *Staff Note – For properties with an RU-I zoning classification, setbacks are determined by showing the proposal is in keeping with the "Average of adjacent units or block average." Also, please see the attached proposed elevations and floor plan that the applicant plans to construct. In addition, please see the attached site plan showing the location of the proposed house.*

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicant indicated, "Current side setback requirements prevent building on this vacant lot at 9 Smith Street, which previously had a home on it. If the side setback variances are granted, we also request a rear setback variance to provide for a two-car garage at the rear of the home. If side setback relief is not granted, construction will not be possible. If side setback variances are granted and the back is not, the garage would not be built with the home."

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 in part, "Site conditions preventing compliance with current setbacks required by ordinance are that the lot is the narrowest of the five adjacent contiguous lots having houses on them and used as comparators (comps) for the purposes of this variance request. Comp addresses are 5,7,11,13, and 17 Smith Street. The subject lot is one of the narrowest, if not the narrowest, in the block on both sides of the boundary streets."

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 subject lot street frontage is 43.5 feet as measured on the web site. It is 29% narrower than the narrowest of the comparators, and 47% narrower than the widest of its comparators. The average left-side setback for the comps is 12.73 feet. The average setback for the right sides of comps is 19.27 feet. If these setbacks were maintained with this lot per ordinance, the remaining lot width available for building would be 11.5 feet. This is obviously insufficient to build an acceptable home, making the lot unbuildable. See attached setback study and area map for reference.”

The applicant added, “Not building on the subject lot presents several unfortunate outcomes:

- Loss of investment in the quality of life in the neighborhood
- Loss of available low-income housing in a neighborhood that desperately needs it
- Continued lot vacancy, encouraging illegal dumping, littering, loitering, and blight
- Missed opportunity for meaningful and appropriate redevelopment after recent tornado devastation to the neighborhood
- Lost potential tax revenues”

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, “We propose the attached home design for this location. It is a narrow design, yet very attractive and livable. It integrates architecturally well with the Craftsman-style homes that were first built in the area, and many still exist there. The proposed home is 25 feet wide and 91 feet deep. The requested setbacks are shown in the attached site graphic, with the proposed home superimposed and requested setbacks shown (including how much they vary from the respective average setbacks in the comps).”

Basis for Granting Variances:

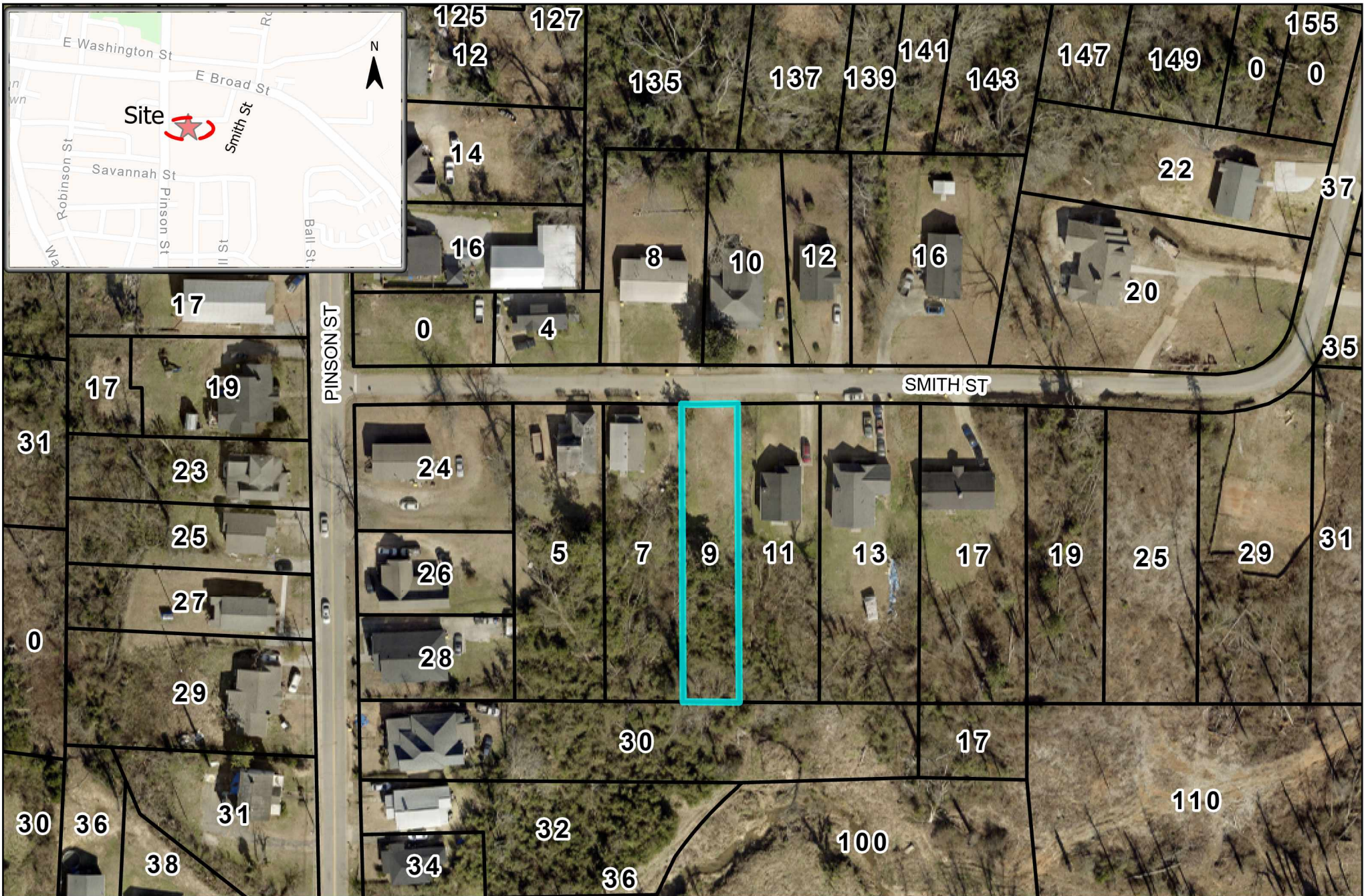
The Board of Zoning Appeals shall base its required findings of fact upon particular evidence presented to it in each specific case where the property owner can show all of the following to be true:

- 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 requests as presented in the application, staff believes the placement of the proposed house is appropriate and will present no negative impacts. Staff agrees with the applicant that numerous issues affect the placement of the proposed home on the subject property. In particular, these issues include the small size of the lot, the narrowness of the lot, and how the property slopes downward from front to back. These existing features limit the amount of developable area. Overall, the factors involving the size, shape, and topography of the subject property provide sound reasons for the applicant to seek the variance requests. Regarding other recent variances approved for nearby properties, the Board approved setback variances for duplex construction at 28 Johnson Avenue and 31 Johnson Avenue on March 7, 2023.

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 requests 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 = 1,200 feet

Date: 9/15/2023 12:20 PM

N



NEWNAN
GEORGIA

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

Project Location



City Limits

Parcel # N54 029

ADDRESS
9 PINSON STREET
NEWNAN, GA 30263

Variance – 9 Smith Street

View of subject property



Alternate view of subject property



Variance – 9 Smith Street

View of adjacent property to the east at 11 Smith Street



View to the east on Smith Street



Variance – 9 Smith Street

View of 10 Smith Street across from subject property



View of 8 Smith Street across from subject property



Variance – 9 Smith Street

View to the west on Smith Street



View of adjacent property to the west at 7 Smith Street





NEWMAN
GEORGIA

CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant GARY ADAMS

Mailing Address 4471 TOMMY LEE COOK RD, NEWMAN, GA 30263

Telephone 678.326.9447 E-Mail: GARYKADAMS@GMAIL.COM

Property Owner (Use back if multiple names) GARY ADAMS

Mailing Address 4471 TOMMY LEE COOK RD, NEWMAN, GA 30263

Telephone 678.326.9447

Address/Location of Property 9 SMITH ST, NEWMAN, GA 30263

Tax Parcel No: NS4 029

Present Zoning Classification: RU-1

Present Land Use VACANT LOT

Intended Use BUILD A HOME ON A VACANT LOT

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.

Article 4, section 4-29, Table 4-A

I (We) hereby request the following variance from the provisions of section(s) _____ of the Zoning Ordinance/Subdivision Regulations: _____.

In order for the Board to consider the request, 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?
SEE ATTACHED
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
SEE ATTACHED

3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?

SEE ATTACHED

4. What is the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property?

SEE ATTACHED

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

SEE ATTACHED

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

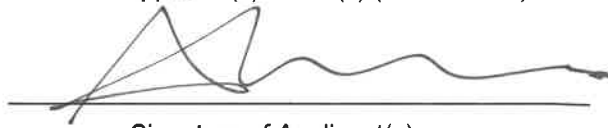
- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ ~~List of all the names and addresses of all property owners within 250 feet of subject property. This information 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.

Gary Adams

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Chris Cole

DATE OF FILING 9-15-2023

BZA MEETING DATE 11-7-2023

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____

VARIANCE REQUEST
9 SMITH STREET, NEWNAN, GA

1. Current side setback requirements prevent building on this vacant lot at 9 Smith Street, which previously had a home on it. If the side setback variances are granted, we also request a rear setback variance to provide for a two-car garage at the rear of the home. If side setback relief is not granted, construction will not be possible. If side setback variances are granted and the back is not, the garage would not be built with the home.
2. RU-I
3. Site conditions preventing compliance with current setbacks required by ordinance are that the lot is the narrowest of the five adjacent contiguous lots having houses on them and used as comparators (comps) for the purposes of this variance request. Comp addresses are 5,7,11,13, and 17 Smith Street. The subject lot is one of, if not the narrowest, in the block on both sides of the boundary streets. Lots on the entire block are not used as comps due to the wide variation in lot sizes, lot dimensions, architectural character, topography, and lines of sight.

The method for determining setbacks for 9 Smith in the attached setback study according to City ordinance is to measure existing setbacks and lot lines for each lot containing a home in the block (see area map provided) using Newnan's online parcel viewer at <https://experience.arcgis.com/experience/fac0c84b789c40cd8a5c8fddf8d2d852/>, compiling them in an Excel workbook, a PDF of which is attached. Setbacks measured for each address are front, rear, left side, and right side. Left side setbacks are to the left of the house from the perspective of facing the street from the front of the house. Right side setbacks are to the right of the house from the perspective of facing the street from the front of the house.

Measurements for each setback recorded are performed with the measuring tool built into the website. Measurements are taken from the points in the structures on the lots producing the shortest distance to the nearest point of the respective lot line. Measurements in the table are provided in metric and imperial units. No measurements are provided for 9 Smith, as no structure exists, there. Rather, in setback measurement cells for 9 Smith, a formula is inserted to average comps selected in the column which are the same setback measurement for the address named in each row. Addresses for rows chosen as comps are given in the paragraph above for reasons given. Not all addresses in the area provided in the table are used as comparators.

4. The subject lot street frontage is 43.5 feet as measured in the web site. It is 29% narrower than the narrowest of the comparators, and 47% narrower than the widest of its comparators. The average left-side setback for the comps is 12.73 feet. The average setback for the right sides of comps is 19.27 feet. If these setbacks were maintained with this lot per ordinance, the remaining lot width available for building would be 11.5 feet. This is obviously insufficient to build an acceptable home, making the lot unbuildable. (See attached setback study and area map for reference.)

Not building on the subject lot presents several unfortunate outcomes:

- Loss of investment in the quality of life in the neighborhood
- Loss of available low-income housing in a neighborhood that desperately needs it
- Continued lot vacancy, encouraging illegal dumping, littering, loitering, and blight
- Missed opportunity for meaningful and appropriate redevelopment after recent tornado devastation to the neighborhood

VARIANCE REQUEST
9 SMITH STREET, NEWNAN, GA

- Lost potential tax revenues
5. We propose the attached home design for this location. It is a narrow design, yet very attractive and livable. It integrates architecturally well with the Craftsman style homes that were first built in the area, and many still exist there. The proposed home is 25 feet wide and 91 feet deep. The requested setbacks are shown in the attached site graphic with the proposed home superimposed, requested setbacks shown, and how much they vary from the respective average setbacks in the comps.

We request three variances:

LEFT SIDE: We request a variance from the left-side required setback of 12.73 feet (using comps noted in the attached) to be reduced to 5 feet, minimum. This is based on adding the lateral length gained from the combined variances requested for both sides, 13.5 feet, to the 11.5 feet available for building under the rules of the ordinance per the comps (see yellow highlights above) to provide for a 25-foot-wide home to be built (see attached plan). This left side variance is requested to position the home closer to the left side of the lot because the home to the left is setback further from its right lot line than the home on the right is set back from its left lot line. The intent is to allow the proposed home to be built at all while providing more space between the proposed home and the home on the right than if the entire variance was taken from the right setback, which is the only one of the two side setbacks from which the total of the side variance needed for construction could be taken. The result is a better average distance between the three homes for more privacy and comfort for occupants of all three, and it is more aesthetically pleasing from the curb.

RIGHT SIDE: To accomplish the objectives noted above, we necessarily request a variance from the right-side required setback of 19.27 feet (using comps noted in the attached) to be reduced to 8 feet, minimum. Both side variance requests work together to: (a) make the lot buildable, and (b) to better center this new home between the two existing homes.

SUMMARY: The 5 ft. left-side setback variance requested plus the 25 ft. new home width plus the 12 ft. right side setback variance requested, if granted together, = 42 ft., the width of the lot being 43.5 ft allows for 1.5 ft margin for liberties, making the project buildable. Any small differences between the preceding calculations and the minimum setbacks requested in the variances is for a safety factor to allow compliance within minor variations in actual lot measurements and construction tolerances. To vary as little possible from the right-side setback required by ordinance, we commit to make every effort to keep both side setbacks as wide as possible within constraints of the site and the project.

BACK: The lot is deep at 233.35 feet. However, it is not possible to build the chosen plan and include a garage without a 15 ft. variance from the 157.35 ft. average of rear setbacks of the comparators. If not granted, the home will be built without a garage to accommodate the setback according to the ordinance.



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 Gary Adams

Telephone Number (678) 326-9447

Address of Subject Property 9 Smith 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

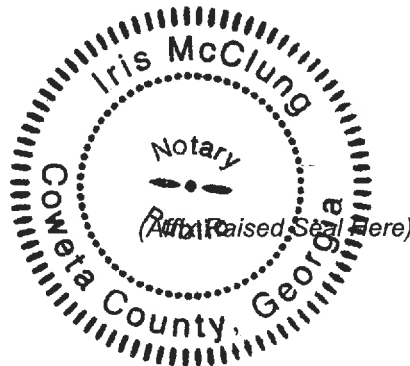
Personally appeared before me

Gary Keith Adams

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

Notary Public June 8, 2027

9/15/23
Date



Record and Return to:
Lueder, Larkin & Hunter, LLC
1933 Highway 34 E
Newnan, GA 30265
File No.: GA-NW-23-0514-CAS

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COWETA
APN/Parcel ID: N54 029

THIS INDENTURE, made this 5th day of September, 2023, between

Reyna I Pardellas

as party or parties of the first part, hereinafter called Grantor, and

Gary Adams

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).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration 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, the following described property, to wit:

All that tract or parcel of land lying and being in the City of Newnan, Coweta County, Georgia on the South side of Smith Street on which tract of land known as Lot No. 9, Smith Street, Lot conveyed fronts forty-nine (49) feet, more or less on Smith Street and runs back two hundred and thirty (230) feet more or less, and is bound as follows: North by Smith Street; East by Lot No. 2 of the Ned H. Reese Estate; South by property of the James Reid Estate and West by property formerly belonging to Ike Reese. Plat of Ned H. Reese property made by T.Y. Mattox, County Surveyor, October 1944, is recorded in the Office of the Clerk, Coweta County Superior Court, Deed Book 45, Page 403, and the tract hereby conveyed is designated on said plat as Lot No. 1 and reference is had to such plat for further description of these lands. Situs Address: 9 Smith St, Newnan, GA 30263 Map/Parcel #: N54 029 Subject to all easements and restrictions of record. Parcel ID Number: N54 029. Subject to any Easements or Restrictions of Record.

Subject to all easements and restrictions of record.

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

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property against the claims of all persons owning, holding, or claiming by, through and under the said Grantor.

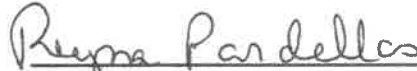
IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:



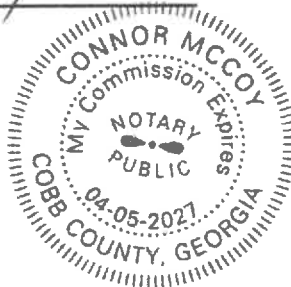
Unofficial Witness



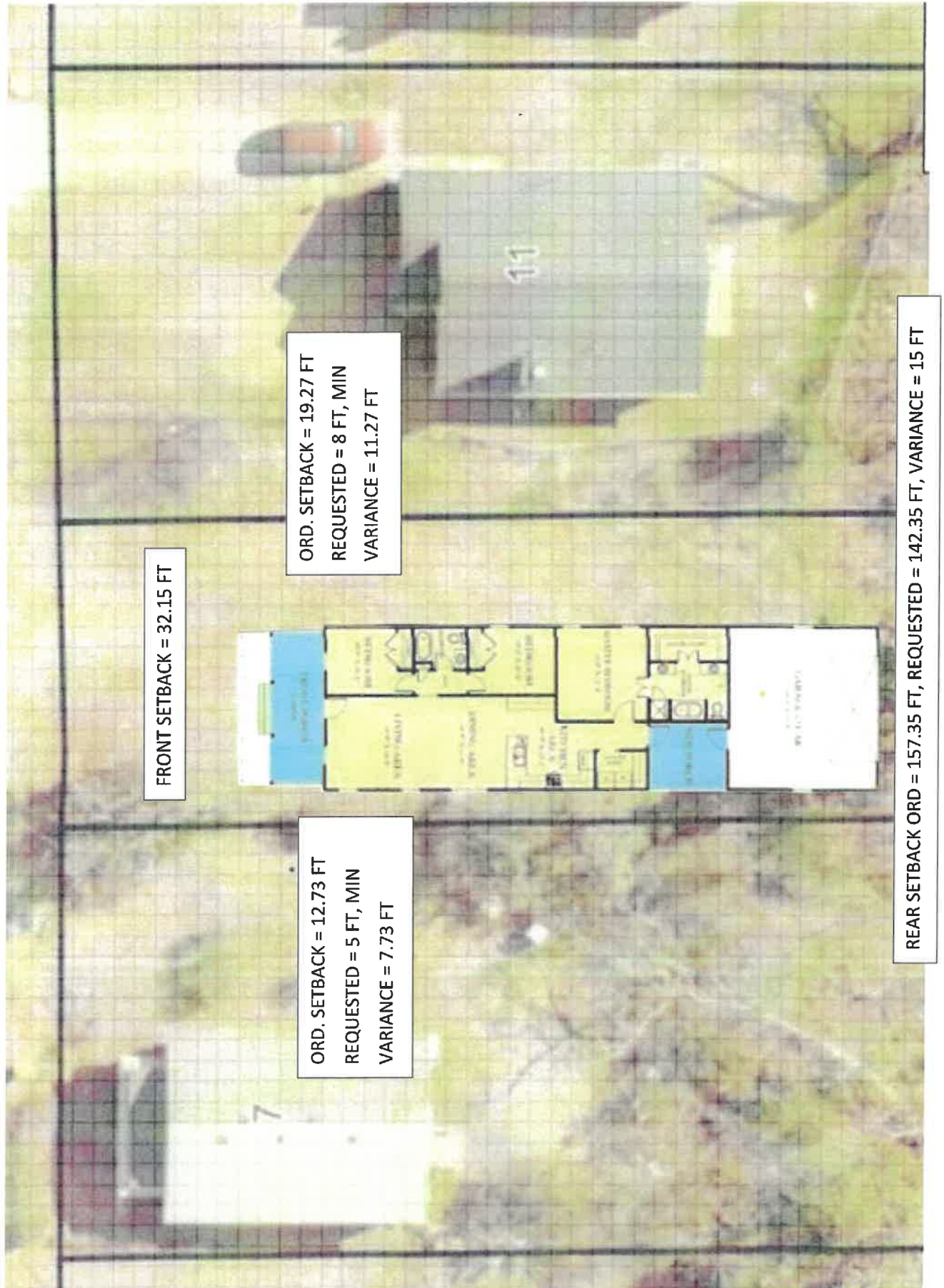
Reyna I. Pardellas (SEAL)



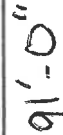
Notary Public
My Commission Expires: _____
[Notary Seal]

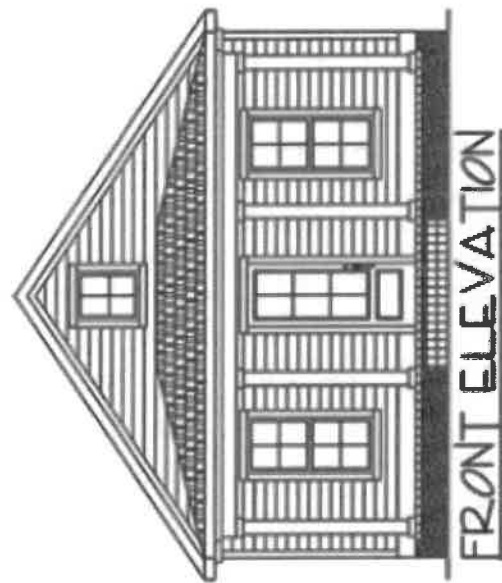


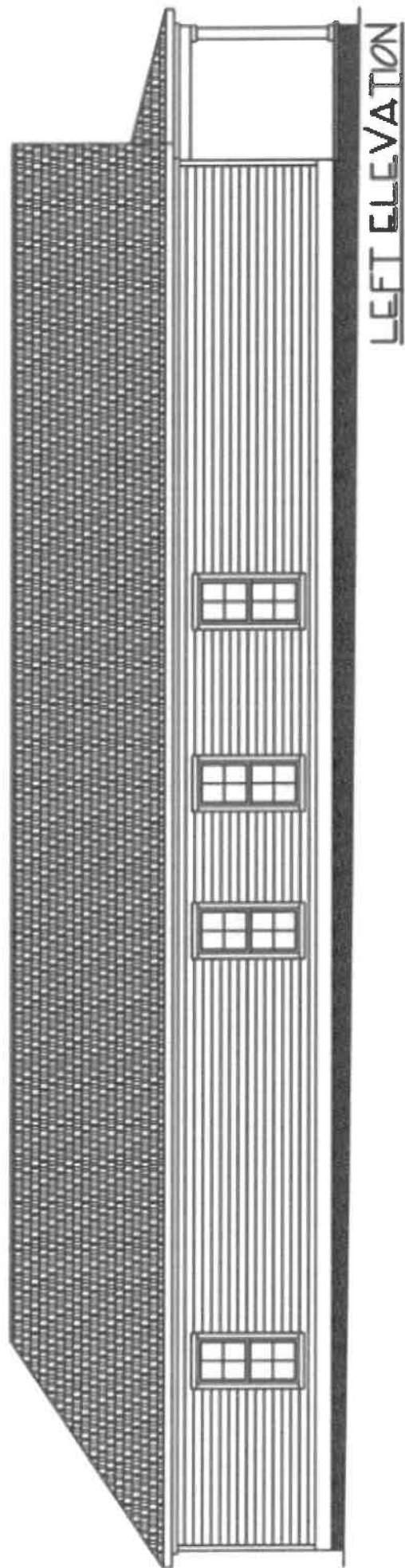
Site Plan @



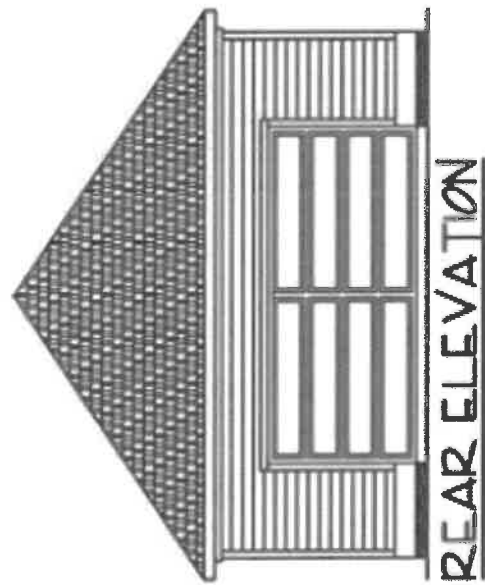
# Same Side	# Opposite Side	Street	Front m	Front ft	Back m	Back ft	L Side m	L Side ft	R Side m	R Side ft	Lot Area	F line	B Line	L Side Line	R Side Line	Tl side s/b as % of width	% of Adjacent Frontage
5		Smith	2.13	6.99	54.08	177.43	10.2	33.46	1.75	5.74		70.72				0.554384021	0.614677602
7		Smith	2.49	8.17	54.95	180.28	1.15	3.77	8.58	28.15		61.05				0.522892272	0.712039312
9		Smith	9.798	32.15	47.962	157.3556	3.88	12.72966	5.872	19.26509	10119	43.47	43.54	231.92	233.35	0.736019132	1
11		Smith	14.51	47.60	43.3	142.06	5.2	17.06	4.46	14.63		64.67				0.490071353	0.672181846
13		Smith	14.14	46.39	41.5	136.15	2.75	9.02	6.97	22.87		78.22				0.407693234	0.55574022
17		Smith	15.72	51.57	45.98	150.85	0.1	0.33	7.6	24.93		82.12				0.30762869	0.529347297
35		Smith	51.57	169.19	57.86	189.83	13.29	43.60	3.32	10.89							
37		Smith	15.92	52.23	58.1	190.62	3.39	11.12	5.28	17.32							
39		Smith	14.62	47.97	59.54	195.34	6.69	21.95	4.69	15.39							
	4	Smith	8.26	27.10	1.09	3.58	4.06	13.32	8.02	26.31							
	8	Smith	14.54	47.70	25.7	84.32	4.15	13.62	4	13.12							
	10	Smith	8.65	28.38	23	75.46	1.03	3.38	5.73	18.80							
	12	Smith	15.61	51.21	21.75	71.36	2.4	7.87	4.12	13.52							
	16	Smith	15.85	52.00	18.69	61.32	17.58	57.68	9.65	31.66							
	20	Smith	39.26	128.81	12.25	40.19	4.5	14.76	15.16	49.74							
	22	Smith	15.86	52.03	45.85	150.43	1.6	5.25	7.1	23.29							
24		Pinson	3.7	12.14	19.4	63.65	12.4	40.68	9.11	29.89							
26		Pinson	4.88	16.01	15.43	50.62	1	3.28	6.43	21.10							
28		Pinson	2.82	9.25	15.8	51.84	3.9	12.80	3.43	11.25							
30		Pinson	6.01	19.72	105.37	345.70	2.2	7.22	2.65	8.69							
32		Pinson	5.6	18.37	52.92	173.62	0.84	2.76	1	3.28							
34		Pinson	4.34	14.24	8.97	29.43	3.32	10.89	2.04	6.69							
44		Pinson	4.41	14.47	0.01	0.03	5.58	18.31	7.95	26.08							
	15	Pinson	4.25	13.94	13.2	43.31	2.42	7.94	1.1	3.61							
	17	Pinson	7.87	25.82	27.01	88.62	1.45	4.76	3.28	10.76							
	19	Pinson	8.62	28.28	17.68	58.01	5.96	19.55	1.24	4.07							
	23	Pinson	4.75	15.58	37.55	123.20	3.66	12.01	1.7	5.58							
	25	Pinson	8.36	27.43	36.6	120.08	1.53	5.02	4.16	13.65							
	27	Pinson	8.71	28.58	33.87	111.12	6	19.69	1.36	4.46							
	29	Pinson	7.7	25.26	37.67	123.59	6.26	20.54	3.85	12.63							
	31	Pinson	8.45	27.72	20.03	65.72	4.07	13.35	17.7	58.07							
90		Savannah	8.05	26.41	10.18	33.40	5.48	17.98	2.3	7.55							
102		Savannah	0.69	2.26	27.48	90.16	0.71	2.33	7.87	25.82							

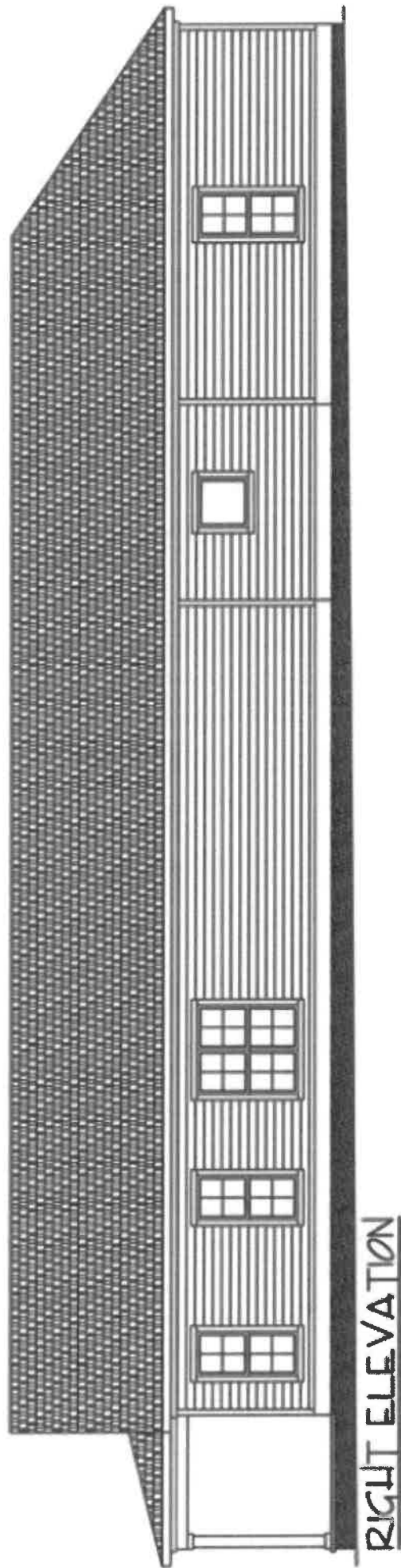




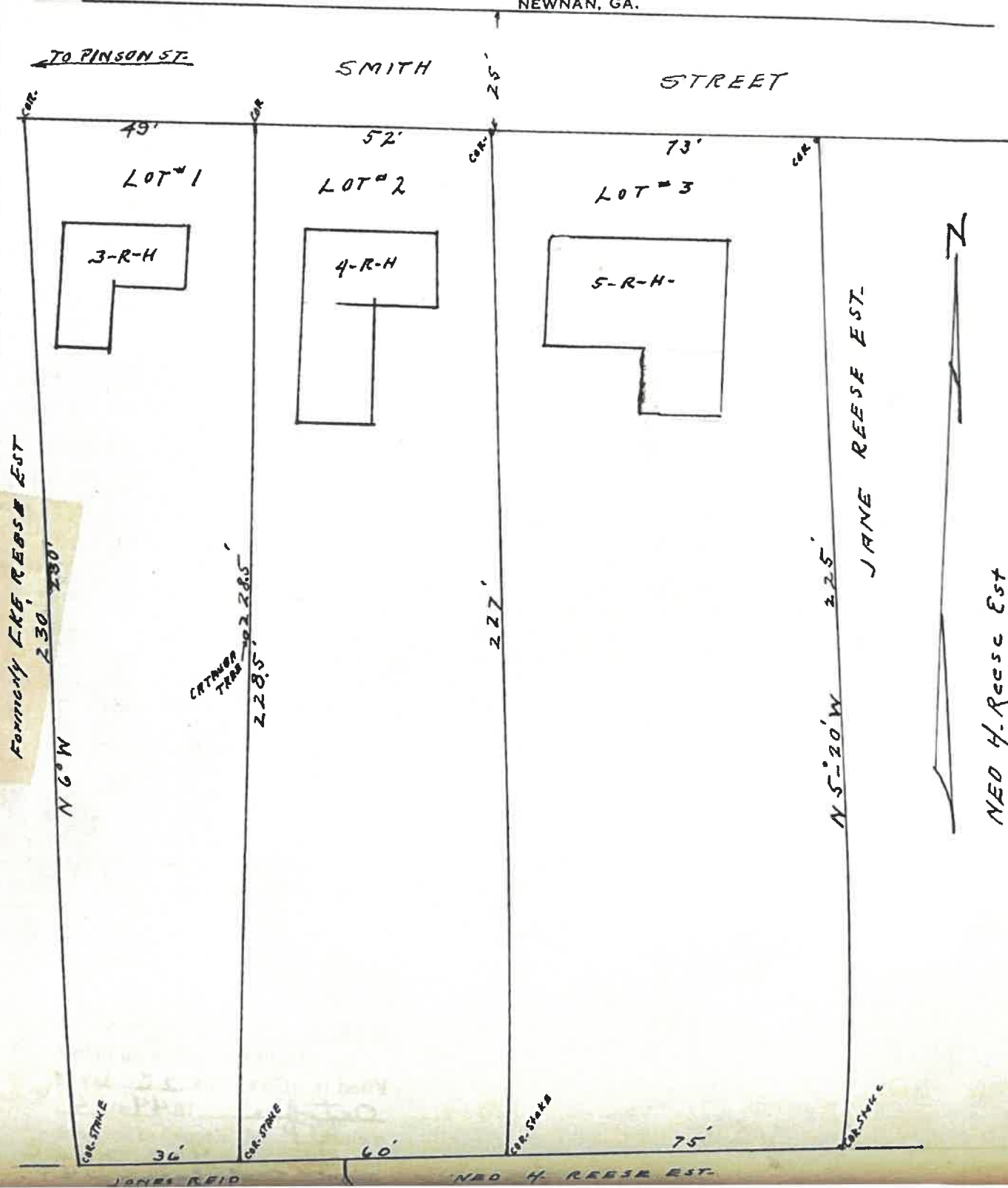


LEFT ELEVATION





T. Y. MATTOX
COUNTY SURVEYOR COWETA COUNTY
NEWNAN, GA.



NEO H. Reese Est
Newnan, Coweta Co. GA
Resurveyed Oct. 30-44
T. Y. Mattox Sur Reg-90-10









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 11-7-2023 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: GARY ADAMS
(Please Print)

Applicant's Signature: _____

Date: 9/15/23

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