

City of Newnan Georgia



Board of Zoning Appeals

Agenda Book

May 3, 2022



City of Newnan
Board of Zoning Appeals

Agenda for May 3, 2022 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

TAB NUMBER	AGENDA CATEGORY / ITEM
TAB #1	Minutes of the April 5, 2022 Board of Zoning Appeals Meeting
TAB #2	Variance Request – 29 LaGrange Street – 2022-07
	Other Business and Comments by Members of Staff
	Public Comments
	Adjourn

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

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

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

Phone: 770-254-2354

E-mail: tdunnavant@cityofnewnan.org



CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
April 5, 2022
10:00 a.m.

Board Members in Attendance: Cliff Smith, Sally Hensley, Willie Walton, Kris Lovell

Board Members Absent: Skin Edge, Ken Parker, Frank Flournoy

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

CALL TO ORDER

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

READING OF THE MINUTES

Vice Chairman Lovell asked the Board if they had reviewed the minutes from the March 1, 2022 meeting. After no questions or discussion, Flournoy motioned to accept the minutes. Lovell seconded the motion.

MOTION CARRIED (4-0)

Variance Request – 84 Wall Street – 2022-04

Vice Chairman Lovell opened a public hearing on several variance requests for property located at 84 Wall Street owned by David Morris. The variances being sought included 1) reducing the front building setback from 40 feet to 10 feet; 2) increasing the size of non-residential temporary storage buildings from 200 square feet to 700 square feet; 3) allowing non-residential temporary storage buildings to be located in the front yard; and 4) reducing the distance between buildings on the same parcel from 25 feet to 2 feet.

Dean Smith stated the applicant claims the size of the property is highly restrictive and the variances are necessary to utilize the property. He added the property is only 100 feet deep and with all setbacks, the useable area is only 10,000 square feet. Dean Smith said the

property is locked between two railroads and all structures on the property are necessary for everyday business activities. He added that all structures were previously located at 85 Wall Street before the tornado destroyed it. Dean Smith stated that staff does not have any objection to granting the request, should the Board members deem it appropriate to do so. He added that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance and the hardship would be due to the topography of the property and its lot configuration. Dean Smith stated that staff would recommend the variances be approved with the condition that the request to reduce the distance between buildings be subject and contingent upon receiving approval from the City of Newnan's Building Department.

Vice Chairman Lovell asked if the Board had any questions for staff. Hearing none, the applicant David Morris was sworn in by Brad Sears.

Morris stated that he is just trying to run his business.

Vice Chairman Lovell asked if anyone wanted to speak in opposition to the request. Seeing no one come forward, Vice Chairman Lovell closed the public hearing and asked for a motion.

A motion was made by Hensley to approve the variance requests with the condition recommended by Staff and that variances 2 and 3 be granted for this business (Mr. Carpet) only.

Walton seconded the motion.

MOTION CARRIED (4-0)

Special Exception Request for a Duplex– 44 Pinson Street 2022-05

Vice Chairman Lovell opened a public hearing on a special exception request for a duplex to be located at 44 Pinson Street. Dean Smith stated the applicant plans to provide affordable housing in the community by constructing a duplex. He added the applicant indicated this unit will increase property values and enhance the community. Dean Smith stated staff recommends approving the special exception request for the duplex as the intent of the zoning ordinance requiring duplexes 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. He said such is the case with this request as Pinson Street and the nearby community is a composite of several house types and different occupancies.

Vice Chairman Lovell asked if there were any questions for staff. Hearing none, the applicant Kevin McCormick was sworn in by Brad Sears. McCormick stated that Hope Global and Square Foot Ministries want to build affordable housing for the victims of the tornado.

Walton asked where the home would be located. Dean Smith stated it would be located at 44 Pinson Street.

Cliff Smith asked about elevations. Dean Smith pulled up the elevations on the computer and showed them to the Board. Dean Smith said the materials would consist of cement board and brick on the outside.

A motion was made by Cliff Smith to approve the Special Exception Request. Walton seconded.

MOTION CARRIED (4-0)

Tracy Dunnavant informed the Board that 8 East Broad Lane variance request had been withdrawn.

New Business

None

ADJOURN

Hensley motioned to adjourn the meeting at 10:14 a.m. Smith seconded.

MOTION CARRIED (4-0)

Chairman Skin Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: May 3, 2022

Application Number: 2022-07

Agenda Item: Variance Request-29 Lagrange Street

Prepared and Presented by: Dean Smith, Planner

Purpose: To hear a request for a variance to locate a nonresidential accessory storage building in a street side yard and for an increase in the size of the storage building.

Applicant: Lucas Bundy
CBRE
29 Lagrange Street
Newnan, GA 30263

Property Owner: Barron Pope Family Holdings, LLC
14 Jackson Street
Newnan, GA 30263

Zoning: Central Business District (CBD)

Present Use: Automotive Service/Repair Facility

Proposed Use: Storage building for automotive service/repair facility

Pertinent Regulations: Article 3, Section 3-15 (i) of the Zoning Ordinance.

Applicant's Position: "...Storage is only allowed in the rear and side yards not facing a street...We have no rear or side yard to our property that does not face a street and we have run out of room within the facility to store inventory...[We seek permission] to allow for a 20 X 80 [1,600 square feet] container to be kept outside for storage of inventory facing Long Place...."





Basis for Granting Variance

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

- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:
 - ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,
 - ✓ Such conditions are peculiar to the particular piece of such property involved; and,
 - ✓ Such conditions were not imposed by the action or will of the owner of the property; and,
 - ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship in which the applicant would receive a lower rate of financial return on the use of the property if the variance is denied; and,
 - ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
- B. In addition, the Board of Zoning Appeals shall affirmatively determine that:
 - ✓ The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

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

Planning Department's Review and Findings:

Article 3, Section 3-15 (i) – sets 3 restrictions for a commercial storage shed/building.

1. Such structures shall be located in rear or non-street side yards only.
2. Such structures shall not exceed 200 square feet
3. Such structures shall not be located at least 5 feet from any adjacent non-residentially zoned property and at least 30 feet from any residentially zoned property.

The property's lot size is existing, and the building was built prior to the adoption of the current zoning ordinance. The lot has limited area for storage and any additions. If the variance is approved by the Board of Zoning Appeals, the applicant has agreed to screen the storage shed from view with an approved enclosure which would include privacy fencing as a means to shield the storage shed from public view.

As to the size of the storage shed, even though the ordinance specifies a maximum of 200 square feet for the size of a single storage shed, it does not restrict the number of storage sheds that a business may have. With the applicant limiting this request to one storage shed, staff is not opposed to allowing the structure to be larger than 200 square feet, provided that the storage shed is adequately screened from view by a privacy fence/enclosure.

As of the date of this report, staff has received no objections to the proposed variance request.



Recommendation:

Options:

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

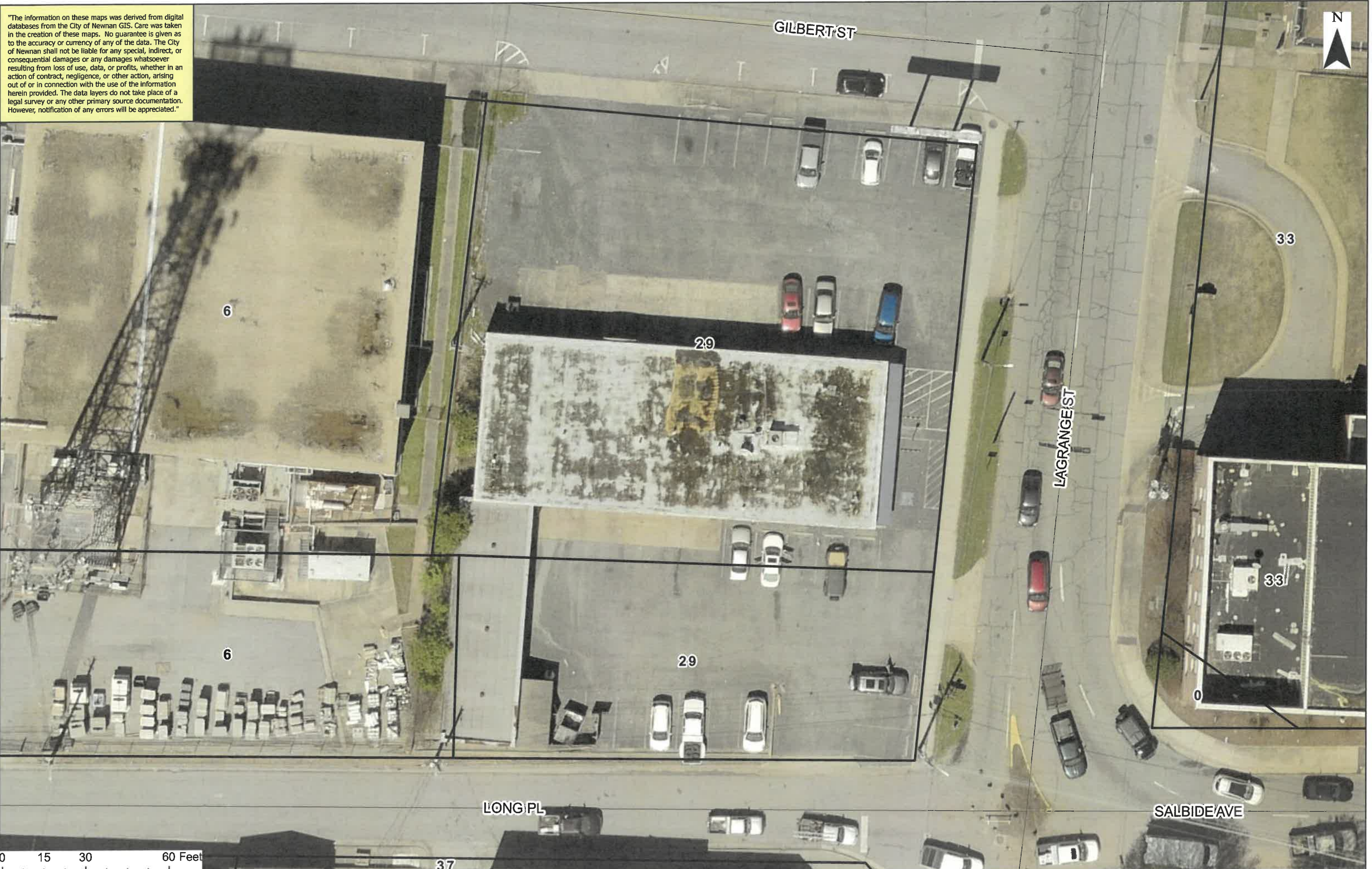
In summary, staff does not have any objection to granting the request with the condition that the storage shed be screened from view by a privacy fence/enclosure, should the Board members deem it appropriate to do so. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance and would be due to the topography of the property and its lot configuration.

Additionally, a second condition of approval would be that the applicant obtain the necessary permits for the structure and fencing/enclosure from the City of Newnan's Building Department.

Attachments:

Application

"The information on these maps was derived from digital databases from the City of Newnan GIS. Care was taken in the creation of these maps. No guarantee is given as to the accuracy or currency of any of the data. The City of Newnan shall not be liable for any special, indirect, or consequential damages or any damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other action, arising out of or in connection with the use of the information herein provided. The data layers do not take place of a legal survey or any other primary source documentation. However, notification of any errors will be appreciated."



0 15 30 60 Feet

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NEWNAN
GEORGIA

CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Lucas Bundy

Mailing Address 29 Lagrange St., Newnan, GA

Telephone 817.556.1830

E-Mail: lucas.bundy@cbre.com

Property Owner (Use back if multiple names) Barron Pope Family Holdings LLC

Mailing Address 14 Jackson St., Newnan, GA 30263

Telephone 404.936.7422

Address/Location of Property 29 Lagrange St., Newnan, GA

Tax Parcel No: N03-0007-001 & 004

Present Zoning Classification: CBD

Present Land Use Automotive Care

Intended Use Same

Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variance in regard to such property with the Board.

If you have any questions concerning this process, you may call the Planning and Zoning Department at (770) 254-2354. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Board of Zoning Appeals meets on the first Tuesday of each month. Applications must be submitted by 9:00 a.m. at least thirty (30) days prior to that date. Incomplete applications or applications submitted after the deadline will not be accepted.

I (We) hereby request the following variance from the provisions of section(s) _____ 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?

Storage is only allowed in the rear and side yards not facing a street.

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

CBD/Central Business District

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?
We have no rear or side yard to our property that does not face a street, and we have run out of room within the facility to store inventory.
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?
Loss of revenue and an inability to efficiently service customers.
5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?
Allow for a 20' x 8' x 8.5' container to be kept outside for storage of inventory facing Long Place.

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

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

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

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

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

Included with the application, the following information is required:

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

I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand any inaccuracies may be considered just cause for invalidation of this application, and any action taken on this application. I (We) do hereby understand a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations.

Lucas Bundy

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 Barron Pope Family Holdings LLC

Telephone Number 770.253.6843

Address of Subject Property 29 Lagrange 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)

Date



See above for proposed placement of the shipping container. Please note that, if approved, the container could be screened from view via any number of approved enclosures (i.e. privacy fencing, etc.).



Sample photo for illustration purposes

Property Owners within 250 Feet of Subject Property (29 Lagrange St.)

<u>Property Address</u>	<u>Landlord</u>	<u>LL Address</u>
37 Lagrange St.	STG Newnan LLC	133 Luckie St., 8th Floor, Atlanta, GA 30303
41 Lagrange St.	STG Newnan LLC	133 Luckie St., 8th Floor, Atlanta, GA 30303
45 Lagrange St.	STG Newnan LLC	133 Luckie St., 8th Floor, Atlanta, GA 30303
22 Long Place	Newnan Community Theatre Co., Inc.	PO Box 275, Newnan, GA 30264
24 Long Place	Newnan Community Theatre Co., Inc.	PO Box 275, Newnan, GA 30264
60 Salbide Ave.	E. R. Jones Properties LLC	12 Alpine Dr., Newnan, GA 30263
41 Greenville St.	E. R. Jones Properties LLC	12 Alpine Dr., Newnan, GA 30263
44 Lagrange St.	City of Newnan	City of Newnan, Newnan, GA 30263
6 1st Ave.	City of Newnan	City of Newnan, Newnan, GA 30263
33 Lagrange St.	First Methodist Church	33 Greenville St., Newnan, GA 30263
33 Greenville St.	First Methodist Church	33 Greenville St., Newnan, GA 30263
17 Greenville St.	First Methodist Church	33 Greenville St., Newnan, GA 30263