



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for February 6, 2024 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

1. Call to Order
2. Approval of Minutes
 - a. December 5, 2023 Minutes
3. Public Hearings
 - a. Variance Request - 50 Farmer Street - 2024-01
 - b. Variance Request - 5 Phillips Street - 2024-02
 - c. Variance Request - 69 Farmer Street - 2024-03
 - d. Variance Request - 9 Smith Street - 2024-04
 - e. Variance Request - 31 Wesley Street - 2024-05
 - f. Variance Request - 3 Alpine Drive - 2024-06
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: tdunnvant@newnanga.gov



CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
December 5, 2023
10:00 a.m.

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

Board Members Absent: Kris Lovell

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 November 7, 2023 meeting minutes. Hensley motioned to approve the minutes. Flournoy seconded the motion.

MOTION CARRIED (6-0)

Appeal of Zoning Administrator's Decision – 65 Jefferson Street

Vice Chairman Edge opened the public hearing.

Dean Smith gave the staff report and stated that an application was made to the City for an Occupation Tax Certificate concerning a used car retail business. He said this action led to a review of the zoning of the subject property by the Planning Department. Dean Smith stated the property is currently zoned CUN – Urban Neighborhood Commercial District and the applicants' proposed use of a used car retail dealership is not currently a permitted use in that zoning district. Dean Smith added the property owner, Oliver Gentry, contends that there have been other used car retail dealerships at this location in the past and the last used car dealership that was located at 65 Jefferson Street, (Grace & Mercy Auto Brokers) recently moved to 190 Temple Avenue in Newnan. Dean Smith said the time period since the most recent used car retail dealership was operating at 65 Jefferson Street has been over 6 months,

and once a nonconforming use has been discontinued for a period of six (6) months, then the property must thereafter be used for a conforming use or seek an appeal. Dean Smith reminded the Board that the staff does not make recommendations on appeals.

Ken Parker asked staff if staff does not have an opinion, then why did the applicant get denied. Dean Smith stated that staff has to answer based on how the zoning ordinance is written.

Cliff Smith asked if they have to pay the \$250 to come before the Board. Dean Smith stated that they did have to pay the application fee.

The applicant, Oliver Gentry, was sworn in by Brad Sears. Gentry stated he would appreciate getting an approval; adding that they were only a couple of weeks past the 6-month time limit.

Ken Parker asked if there was a lease for a car dealership in hand right now that is contingent on this process and was it submitted with the application. Gentry stated there is a proposed lease, but it was not part of the application.

Vice Chairman Edge asked why the last tenant left. Gentry stated that the previous tenant bought their own property for their car dealership.

Vice Chairman Edge asked if there was anyone else present to speak in favor of this appeal. With no one coming forward Vice Chairman Edge asked if there was anyone present to speak in opposition of the appeal. With no one coming forward Vice Chairman Edge closed the public hearing.

Ken Parker asked if the Board could see the lease and wanted clarification as to whether Gentry would have 6 months to find a tenant if the request was approved. Dean Smith stated that the 6 months starts today (December 5, 2023) if this board approves this appeal.

Frank Flournoy stated that he did not believe Gentry would back out, if approved. Sally Hensley stated that if we have these new zoning regulations in place, do we really want a used car lot there. Hensley went on to say that she would advocate denying the motion citing impact on the beauty of downtown Newnan and it not being allowed in the current zoning.

Frank Flournoy moved to approve the Appeal of the Zoning Administrator's Decision for 65 Jefferson Street. Cliff Smith seconded the motion.

(MOTION CARRIED 4-2 {Ken Parker, Sally Hensley})

Variance Request – 8 Parks Avenue – 2023-28

Vice Chairman Edge opened the public hearing.

Chris Cole gave the staff report. He stated the applicant proposes to build a swimming pool in the rear yard that will be located 8 feet from the western side property line, instead of the required 10 feet. Chris Cole added the size of the subject property is 0.31 ± of an acre and the applicant has indicated that "our property has very tight oddly shaped property lines and a small yard", which keeps them from meeting the requirements of the ordinance.

Chris Cole said staff believes the location of the proposed pool is appropriate and will present no negative impacts. He added that staff also believes this proposal works within the confines of the natural restrictions of the lot's size and shape. Chris Cole mentioned that the Board had previously approved variance requests for multiple properties on Parks Avenue and gave specifics. He concluded by stating that staff recommends approval.

Cliff Smith asked Chris Cole if he had received any feedback from the neighbors. Chris Cole stated that he had not.

The applicant, Kevin Allen, was sworn in by Brad Sears.

Kevin Allen thanked Chris Cole for his assistance and stated that he would love to build a pool for his family to enjoy.

Sally Hensley asked Kevin Allen if he had received any negative feedback from anyone who lived around him. Kevin Allen stated that he had not.

Vice Chairman Edge asked if there was anyone there to speak in favor of the variance request. With no one coming forward Vice Chairman Edge asked if there was anyone present to speak in opposition of the variance request. With no one coming forward Vice Chairman Edge closed the public hearing.

Sally Hensley made a motion to approve the variance request at 8 Parks Avenue. Frank Flournoy seconded the motion.

MOTION CARRIED (6-0)

Special Exception Request – 216 Bullsboro Drive – 2023-29

Vice Chairman Edge opened the public hearing.

Chris Cole presented the staff report and stated that the applicant, Christian Brothers Automotive, is seeking a special exception to construct an automobile repair business in a CGN district. Chris Cole said that according to the applicant's letter of intent, the proposed Christian Brothers Automotive will feature a 5,980 square foot automotive repair facility with 30 parking spaces, setbacks, landscape buffers, and parking islands. He gave details regarding the proposed subdivision of the tract and discussed the applicant's answers to specific questions regarding the request including noise, safety, lighting, the construction schedule, parking and other development standards. Chris Cole concluded by stating that staff does believe the use is appropriate and recommended that the special exception be granted with applicant's proffered condition that all maintenance work will be completed interior to the building and will not produce any excessive noise, vibrations, or fumes. Additionally, no storage of vehicles or parts will be kept outside the building.

Vice Chairman Edge asked if there were any questions from the Board for staff.

Vice Chairman Edge asked if the applicant was present.

The applicant, Noah Chapman, was sworn in by Brad Sears.

Noah Chapman stated that there would not be any large vehicles worked on at the site and added that they believed the proposed site was a pretty good location for their shop.

LaToya Moten was sworn in by Brad Sears.

Hensley asked LaToya Moten how many locations their company had. LaToya Moten stated that there are 280 locations nationwide.

Vice Chairman Edge asked if there was anyone else present to speak in favor of or in opposition to the application.

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

Flournoy made a motion to approve the Special Exception request at 216 Bullsboro Drive with the proffered condition as recommended by staff. Parker seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 3 Alpine Drive – 2023-31

Vice Chairman Edge opened the public hearing.

Dean Smith gave the staff report. He stated the request is to place a detached carport over an existing pad, which would require a variance from the required setback on the left-hand side from 5 feet to 1.5 feet. Dean Smith provided specifics on the site and discussed the staff's findings. He mentioned where other similar variances had been granted in the area and concluded by stating that staff does not object to granting the request with one condition: that construction be consistent with the elevations and plan provided as part of the application.

Vice Chairman Edge asked the Board if there were any questions for staff. Hearing none, Vice Chairman Edge asked the applicant to come forward.

The applicant Mary Norton was sworn in by Brad Sears.

Mary Norton stated that a carport is shown on the plat and she has been paying taxes on it even though it no longer exists.

Sally Hensley asked if it would be placed to the rear of her house. Mary Norton stated it would.

Vice Chairman Edge asked if there was anyone else present to speak in favor/opposition of the application.

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

Sally Hensley made a motion to approve the variance request at 3 Alpine Drive with the condition suggested by staff. Frank Flournoy seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 17 Elm Street – 2023-32

Vice Chairman Edge opened the public hearing.

Dean Smith gave the staff report and stated that the applicant, Roy Garner, wishes to build a front porch and a rear garage on the property. He said the request was to reduce the front setback from 30 feet to 20 feet and the rear and side setbacks from 5 feet to 3 feet. Dean Smith mentioned that the applicant was trying to save an existing tree and added that no objections have been received, as to date, for this application. Dean Smith concluded by stating that staff has no objection to the Board granting this variance request.

Vice Chairman Edge asked the applicant to come forward.

The applicant, Roy Garner, was sworn in by Brad Sears.

Roy Garner stated that he just wants to enhance his property value and remove the 1950's storage shed.

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

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

Sally Hensley made a motion to approve the variance request for 17 Elm Street. Cliff Smith seconded the motion.

MOTION CARRIED (6-0)

New Business

Tracy Dunnavant informed the Board that there would not be a January meeting.

The Board held elections for 2024.

Frank Flournoy made a motion to elect Skin Edge as Chairman of the Board of Zoning Appeals. Sally Hensley seconded the motion.

MOTION CARRIED (6-0)

Sally Hensley made a motion to elect Kris Lovell as Vice Chairman of the Board of Zoning Appeals. Frank Flournoy seconded the motion.

MOTION CARRIED (6-0)

ADJOURN

Frank Flournoy motioned to adjourn the meeting at 10:48 a.m. Sally Hensley seconded.

MOTION CARRIED (6-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: February 6, 2024

Application Number: 2024-01

Agenda Item: Public Hearing-Variance Request-50 Farmer Street

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To conduct a public hearing pertaining to a request for a variance to allow for more pervious surface material to be used as a finished surface for parking and circulation areas.

Applicant/Property Owner: VP Ventures, LLC
45 Sutherland Drive, Suite D
Newnan, GA 30263

Zoning: General Commercial District (CGN)

Present Use: Vacant and empty commercial structures

Proposed Use: Demolish existing structures and build new commercial building

Pertinent Regulations: Article 7, Section 7-5 of the Zoning Ordinance.

Applicant's Position: The applicant states, in part, "...The maximum allowable use of pervious materials for the parking area is limited...Based upon the proposed plan, 8 of the 36 parking stalls may be pervious...." The applicant is requesting a variance to use pervious surface material on 28 out of 36 parking stall spaces. Additional explanation is attached in a separate letter.

Basis for Granting Variance

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

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

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

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

Planning Department's Review and Findings:

The Board of Zoning Appeals (BZA) has heard similar cases in the past: (1). In 2009, a variance was granted for Copperhead Lacrosse to remove the requirement that a parking lot have curb and gutter for a proposed recreation park near Ashley Park; (2). In 2012, the BZA granted a variance for Foley Products on Jefferson Street to have an outdoor storage lot for inventory and waive the paving, curbing, guttering and striping requirement; (3). In 2017, a variance was granted to Robert and Sons Aluminum at 13 McBride Street to expand an existing gravel parking and circulation area without having to pave, curb, gutter and stripe the site; (4). In 2017, a variance was granted to Marchman & Associates at 459 Millard Farmer Industrial Boulevard to use gravel for the purpose of the retail sale of outdoor storage buildings; and (5). In 2021, a variance was granted to Prime Ventures Corporation at 770 Greison Trail as gravel for parking and circulation areas.

The ordinance allows pervious pavement to be used in there is an increase in the number of parking spaces over the minimum required. In this scenario, the minimum number of parking spaces required is 28. If the parking exceeds 10% over the minimum number, then those spaces can be pervious. The applicant is proposing 36 spaces, which is over the 10% and would result in 8 spaces being pervious. The variance seeks to allow for more spaces to be of a pervious surface, utilizing a grid system to keep and contain the gravel surface. In this particular instance, out of 36 spaces, the applicant desires to use a pervious paving surface for 28 spaces.

Director of Engineering for the City of Newnan, Michael Klahr was asked for his assessment of the proposal due to the implications such a system may have on mitigating adverse impacts of stormwater runoff. In general terms, Mr. Klahr was supportive. Mr. Klahr's statement is included in this application.

Recommendation:

Options:

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

In summary, staff does not have any objection to granting the request, 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 existing topography of the property and the City's overall desire to see low impact development.

Attachments:

Application







The City of Newnan, Georgia

Office of the City Engineer

January 16, 2024

Re: Applicant: VP Ventures, LLC

Application for Variance, Use of Permeable Paving System for Parking Area

Addressed: 50 Farmer Street, Newnan, Georgia

The City Engineer has reviewed the applicable ordinances for the City of Newnan and the Stormwater Management Manual for the Metropolitan North Georgia Water Planning District, in regard to constructing a parking area utilizing a proprietary permeable paving system.

It is the opinion of the City Engineer that, considering a desire for low impact development that would reduce stormwater runoff in accordance with the policies and goals of the Stormwater Management Manual, the use of this system would help meet the criteria for a low impact development.

Therefore, there would be no objection, but rather support for the variance as proposed.

It would further be noted, however, that the parking spaces be delineated with white "SuperSpots", including the accessible spaces, access isles, and the symbol for designating an accessible space. The Georgia standard sign for designating a space as accessible, with the "VAN" plaque as appropriate, are required as well.

Sincerely,

Michael Klahr

William M. Klahr, P.E., CFM
Director of Engineering



CITY OF NEWNAN, GEORGIA

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

NEWMAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant VP VENTURES, LLC
Mailing Address 45 D SUTHERLAND DR NEWNAN GA 30263
Telephone 678-860-9650 E-Mail: KPARKER32169@GMAIL.COM
Property Owner (Use back if multiple names) VP VENTURES LLC
Mailing Address 45 D SUTHERLAND DR NEWNAN, GA 30263
Telephone 678-860-9650
Address/Location of Property 50 FARMER ST
Tax Parcel No: N34 000/002
Present Zoning Classification: CGN
Present Land Use _____
Intended Use _____

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) 7.5(a) 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?
THE MAXIMUM ALLOWABLE USE OF PERVIOUS MATERIALS FOR THE PARKING AREA IS LIMITED. BASED ON THE PROPOSED PLAN, 8 OF THE 36 PARKING STALLS MAY BE PERVIOUS
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
CGN

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 NARRATIVE

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 NARRATIVE

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 NARRATIVE

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.

Renetta Parker

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

[Signature]

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 VP VENTURES, LLC

Telephone Number 678-860-9650

Address of Subject Property 50 FARMER ST
NEWMAN 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.



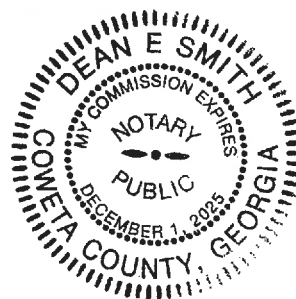
Signature of Property Owner

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)

12 / 11 / 23

Date

December 11, 2023

RE: 50 Farmer St redevelopment

50 Farmer Street is .92 acre parcel located next to the Newnan Coweta Chamber of Commerce originally consisting of two structures with a previous use of an antique store. The parcel was purchased in December 2019 and we wish to redevelop the property with a new 7,000 building. We are requesting a variance to allow the use of 100% pervious material for the parking area using the TrueGrid paver system. The zoning ordinance requires parking area to be paved, asphalt or concrete, with the exception of allowable pervious pavers. Using the TrueGrid pavers would exceed the requirements of the more stringent storm water management guidelines that were adopted in 2016. The development will not require modification to the current lot lines.

Enclosed you will find the following

Exhibits

- Proposed site plan
- TrueGrid specifications and photos
- Sutherland drive TrueGrid installation
- Coggin Inc installation photos

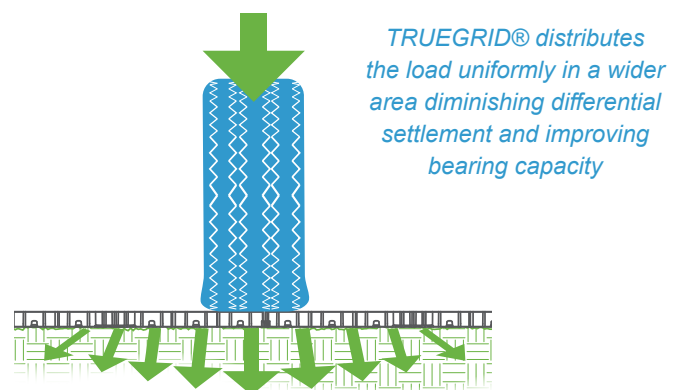
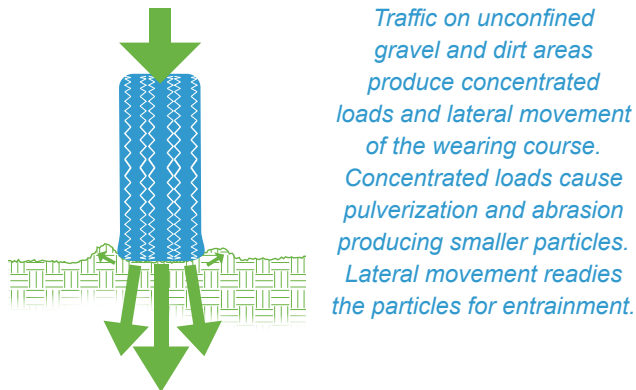
TrueGrid specifications and project photos

DUST ABATEMENT & EROSION MITIGATION

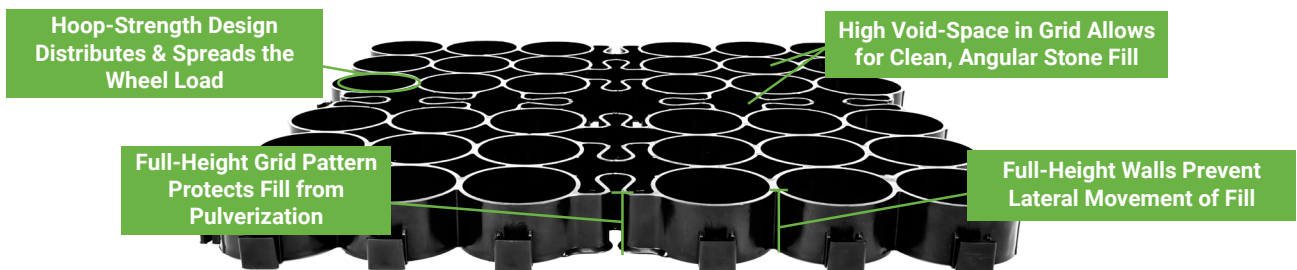
TRUEGRID® PERMEABLE PAVING FOR DUST AND EROSION CONTROL

Dust-generation process is caused by two basic physical phenomena: pulverization and abrasion of surface materials by application of mechanical force through implements (wheels, blades, tracks, etc.) and entrainment of dust particles by the action of turbulent air currents.⁽¹⁾

TRUEGRID® can suppress the fugitive dust associated with traditional gravel roads and other unconfined dirt and gravel surfaces (parking lots, haul yards, and emergency access).



PRODUCT COMPONENT ENGINEERING



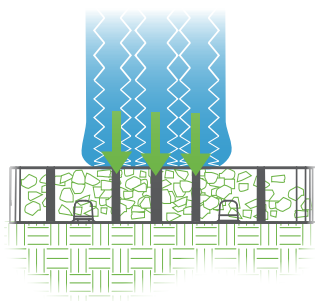
THREE PRIMARY WAYS TRUEGRID® MITIGATES DUST

1 TRUEGRID® diffuses the applied mechanical forces to the infill reducing pulverization and abrasion.

2 Infill is protected from wind and vehicle slipstream and lateral water entrainment.

3 Specified infill materials do not contain particles sizes that would contribute to fugitive dust.

1 TRUEGRID® is a three-dimensional permeable paving system with cellular containment cylinders and joining wall units. The TRUEGRID® cylinders and void spaces act as both a load disbursement apparatus and a fill containment device.

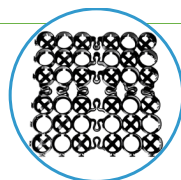


Wheel loads are exerted primarily on the top surface of TRUEGRID® and dispersed through the co-joined walls, cylinders and grid. Fill material is contained and protected.



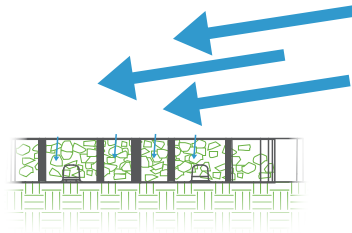
TRUEGRIDPaver.com
855-355-GRID (4743)

U.S. Patent No. 8,734,049



DUST ABATEMENT & EROSION MITIGATION

2 Entrainment of dust particles is nearly eliminated with TRUEGRID®. TRUEGRID® cylinders and co-joined walls protect the fill material from wind and vehicle slipstream. Rain and water entrainment only occurs downward.



Fill material is protected from wind and water forces by TRUEGRID®'s vertical containment grid.

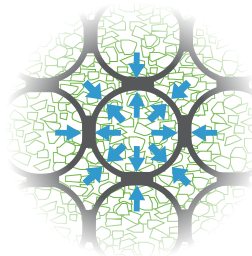
3 TRUEGRID® specifies clean, washed, open-graded, sharp, hard stone from 3/8" to 3/4" as the infill. Starting from this specification ensures fines (passing #200 / 75 µm sieve, or smaller) are not present in the infill thereby reducing any initial dust entrainment. Eliminating the other graded sieve sizes (#40 / 420 µm or less), also significantly reduces the chances of gravel degradation. The specified stone infill of limestone or harder (> 3 Mohs) reduces fragmentation and degradation on its own -- even prior to containment and protection.



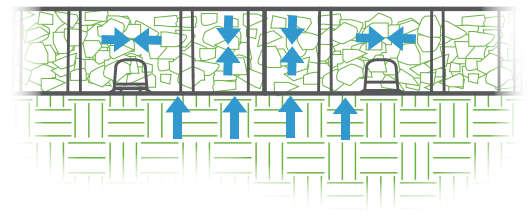
Infill comprised of washed, hard, and open-graded stone reduces initial dust and lifelong dust caused by fragmentation and scraping.

EROSION MITIGATION

TRUEGRID® cylinders and connecting grid wall contain the infill. Containment provides apparent cohesion to cohesionless infill.⁽²⁾ Vertical and horizontal stability eliminates lateral and vertical aggregate movement preventing fill loss due to wind, water, and vehicular traffic.



Product wall faces prevent lateral movement of aggregate fill.



Active earth pressures, passive earth pressures, and aggregate interlock prevent particle movement.



BEFORE

Uncontained gravel is subject to concentrated loads, lateral movement, pulverization, and abrasion. Particles are moved by wind & vehicle slipstream.



AFTER

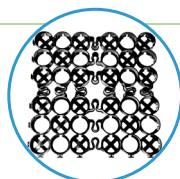
Dust abatement and mitigation is achieved by using clean, hard, open-graded stone in a TRUEGRID® permeable paver containment system.



TRUEGRID®'s three-dimensional design contains and protects infill from wheel loads and prevents wind & water erosion.

(1) EPA. Miscellaneous Sources, in Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources, AP-42, Fifth ed. Ch. 13.2, pp1-2. U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina. (1995).

(2) Guan Zhao, Yenyu Chen, Philip K. Hopke, Thomas M. Holsen & Suresh Dhaniyala (2017) Characteristics of traffic-induced fugitive dust from unpaved roads, Aerosol Science and Technology, 51:11, 1324-1331, DOI: 10.1080/02786826.2017.1347251



TRUEGRID® PRO Plus

Manufacturer's Product Specification Sheet

Dimensions:	24" x 24" x 1.8" (4 sq/ft)
Pre-Assembled:	16 sq/ft per layer (4' x 4' sheet) (4 grids per layer)
Cell Width:	3-3/16"
Weight:	5.22 lbs
Permeability:	100% w/clean, uniform stone
Product Porosity:	90% open
Compressive strength:	17,729 psi filled
Material:	Recycled High Density Polyethylene (100% post-consumer)
Color:	Black with UV Stabilizer
Temperature Range:	Dimensionally Stable for -58F to 194F
Moisture Absorption:	.01%
Environmental Compatibility:	Nontoxic, harmless to plants, animals, and microorganisms. Inert material, groundwater neutral
Installation Speed:	1000 sq/ft per man hour

Other features of TRUEGRID

- Highly resistant to oils, gasoline, acids, salt, ammonia, and alcohol
- May be saw cut
- Patented design yields ultimate hoop strength
- Circular elements provide multi-directional crush and shear strength
- Flexible links allow expansion and contraction depending on environmental conditions
- Built in X-Anchors allows weight of filler to hold grid down without any extra staking
- Interlocking connectors

Ground Preparation: Depends upon site condition and local conditions.

Suggested Sub-base: 3/4" – 1" diameter clean/washed, angular gravel.
Depth of this layer should be a minimum of 6" - 8". Deeper for heavier loads.
For additional drainage, increase depth of sub-base.
Class 2 road base (crushed concrete) is also a typical sub-base material.
Gravel/sandy soil mix (60/40) is also common for grass fill applications.
Level sub-base before laying TrueGrid.

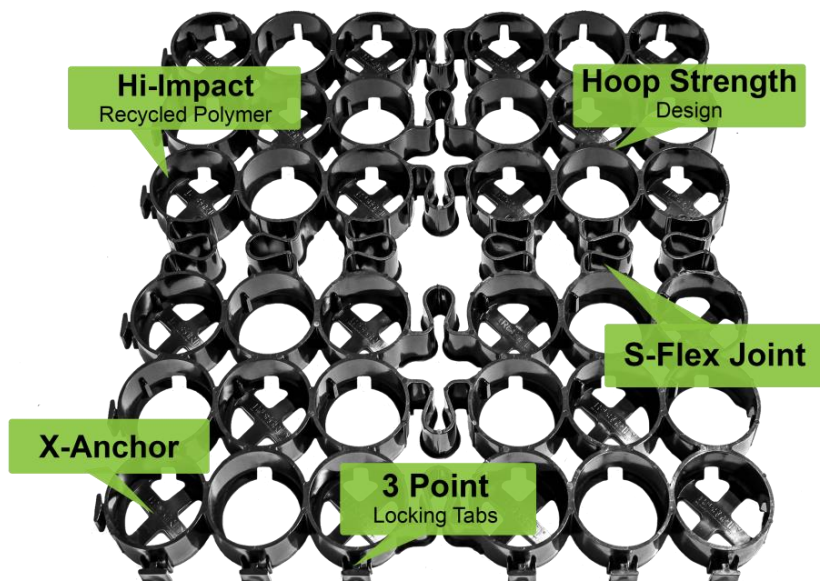
Installation: Layout and snap together pre-assembled sheets. (4 pcs per layer = 16 sq/ft)
If body weight does not level the grids, use plate vibrator or heavy cylinder to level.

Backfill: Any angular or round medium may be used. Fill cells with filler of choice.
5/8" or 3/4" diameter typical.

- TRUEGRID may be cut on site
 - Pre-cutting is not required
- Angle grinder, circular saw, compass saw, or handsaw are all options for cutting TRUEGRID.

Delivery:

- **Pallet content:** 800 sq/ft = 50 layers per pallet = 200 pcs
- **Pallet dimensions:** 48" x 48" x 95"
- **Approximate pallet weight:** 1,050 lbs
- **Truckload:** 24 pallets or 19,200 sq/ft



For more info on TRUEGRID
Please visit our website:

www.truegridpaver.com

Americans with Disabilities Act (ADA) Compliance

TRUEGRID® permeable pavers **meet** the intent of the **Americans with Disabilities Act (ADA) Accessibility Guidelines**. The *Accessibility Guidelines* specify that surfaces that are required to be accessible must be “stable, firm, and slip resistant” (Section 4.5.1)(USATBCB, 1992).

The characteristics [Section 4.5.1, USATBCB, 1992] are as follows:

1. **Stability** – the degree to which a surface resists change from contaminants or applied force, so that when the contaminant or force is removed, the surface returns to its original condition;
2. **Firmness** – the degree of surface resistance to deformation, especially by indentation or the movement of objects: and
3. **Slip-resistance** – the degree to which a surface provides frictional counterforce to the forces exerted in walking to permit safe ambulation (USATBCB, 1994).

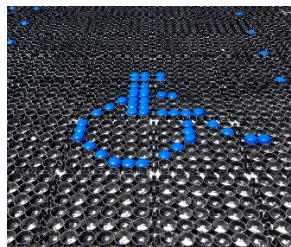
TRUEGRID® has passed three independent tests regarding accessibility:

- A. **ASTM F 1951-14 Surface Testing** – Beneficial Designs, Inc., Minden, NV. 7 June 2019
- B. **Rotational Penetrometer Surface Testing** – Beneficial Designs, Inc., Minden, NV. 30 May 2019
- C. **In-Situ Testing** – United States Access Board, a Division of the U.S. Department of Justice, New River Gorge National River, Glen Jean, WV. 19 July 2013



Wheelchair testing at New River Gorge National River.

TRUEGRID®, a division of Airlite Plastics, is committed to providing surface access to disabled and non-disabled people. Additional TRUEGRID® products includes ADA PLATE® signage, “ADA blue” SuperSpots® & SnowSpots® parking markers, and DECK® surfacing.











Sutherland Drive installation



Coggin Inc. installations











City of Newnan, Georgia – Board of Zoning Appeals

Date: February 6, 2024

Application Number: 2024-02

Agenda Item: Variance Request- 5 Phillips Street

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a request for a variance to reduce the setback for the water surface for a swimming pool from the primary structure.

Applicant: Matthew Greene
Randi Greene
5 Phillips Street
Newnan, GA 30263

Property Owner: Same as applicant

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

Overlay District(s): None

Present Use: Single Family-Detached Residential Structure

Proposed Use: Single Family-Detached Residential Structure with swimming pool addition.

Pertinent Regulations: Article 3, Section 3-12 (s) of the Zoning Ordinance – Stipulates, Swimming pools, whether in-or above-ground, shall be installed no closer than 10 feet to any property line measured from the nearest water surface, exclusive of decking, which shall be located no closer than 5 feet from any property line and primary structure.

Applicant's Position: "...We are asking that the 10 ft setback (from home) be reduced to 5 ft....The property to the rear of our property is slightly elevated and I would like to leave extra space for a proper landscape buffer...This leaves us an extra 5 feet to add more foilage, etc. between the pool and the rear property line...We do not want or require a variance to the property line, only from our home....:"

Basis for Granting Variance

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

- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:
- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,
 - ✓ Such conditions are peculiar to the particular piece of such property involved; and,
 - ✓ Such conditions were not imposed by the action or will of the owner of the property; and,

- ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship in which the applicant would receive a lower rate of financial return on the use of the property if the variance is denied; and,
- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

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

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

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

Planning Department's Review and Findings:

The BZA has approved similar requests in the past: 26 Sherwood Drive in 2019; 44 Canyon View Drive in 2023 and 8 Parks Avenue in 2023. The location of the proposed pool is appropriate and does not appear to present any negative impacts. The proposal also works within the confines of the property's size, shape and topography. Additionally, there is an existing privacy fence between the subject property and neighbors.

We have received a written notice of concern from a nearby resident, which is included in this agenda item.

Recommendation:

Options:

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

Staff recommends option a.

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



Dean Smith

From: Richard A Bolin [REDACTED]
Sent: Monday, January 29, 2024 11:39 AM
To: Dean Smith
Subject: Board of Zoning Appeals Meeting 2-6-2024

I have a concern with the swimming pool proposal at 5 Phillips St.

Phillips St. is a narrow heavily traveled street. With adding a pool to the home with present parking it is evident extra parking will be needed for their families and friends. On street parking may lead to congestion and unsafe conditions near the intersection w/Roscoe Rd. and Phillips St.

Over the years we have witnessed several accidents at the intersection of Roscoe Rd., Phillips St. and Sherwood Dr. One accident in particular threw a car over and up the lower part of Phillips St. My worst fear is an anxious child darting out around parked cars on a hill with oncoming traffic.

Your earnest consideration in this matter would be greatly appreciated so we can help keep our neighborhood SAFE!

Glenda Bolin
41Sherwood Dr.



CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Matthew and Randi Greene

Mailing Address 5 Phillips Street, Newnan GA 30263

Telephone 678-378-4233 E-Mail: matthewrgreene@gmail.com

Property Owner (Use back if multiple names) Matthew and Randi Greene

Mailing Address 5 Phillips Street Newnan GA 30263

Telephone 678-378-4233

Address/Location of Property 5 Phillips Street Newnan GA 30263

Tax Parcel No: N610002013

Present Zoning Classification: R1

Present Land Use Residential

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 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) Article 3 Title 3C of the Zoning Ordinance/Subdivision Regulations: 10 ft from water's edge swimming pool setback

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
10 ft from water's edge swimming pool setback
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
R1

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 are asking that the 10 ft setback (From home) be reduced to 5 ft. The property to the rear of our property is slightly elevated and I would like to leave extra space for a proper landscape buffer. This leaves us an extra 5-feet to add more foliage etc between the pool and the rear property line. We do not want or require a variance to the property line, ONLY from our home.
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?
This would result in less privacy for both us and our neighbors and will likely result in more decking or concrete rather than natural foliage. In addition, Because of the slope of the back yard this would allow us to avoid building a retaining wall
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 would be a reduction of the setback from the home to 6 feet, from 10 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.

Matthew and Randi Greene

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

Matthew Greene *Randi Greene*

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY *[Signature]*

DATE OF FILING *12/11/2023*

BZA MEETING DATE *February 6, 2024*

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 Matt and Randi Greene

Telephone Number 678-378-4233

Address of Subject Property 5 Phillips Street, Newnan GA 30263

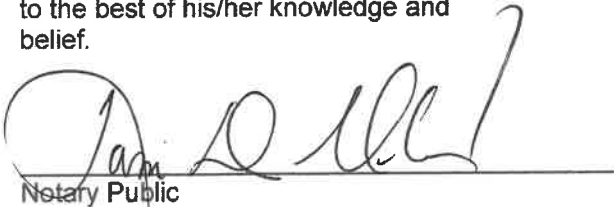
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.


Signature of Property Owner

Personally appeared before me

Matthew Greene & Randi Greene

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


Notary Public

12-11-23
Date





City of Newnan, Georgia

Attachment C

Disclosure of Campaign Contributions & Gifts

Application filed on 12/11/23 for action by the Board of Zoning Appeals on a variance requiring a public hearing on property described as follows:

A consideration of variance of swimming pool setback (from structure, NOT property)

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:

Matthew and Randi Greene

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.

Matthew and Randi Greene

Signature of Applicant

Matthew and Randi Greene

Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

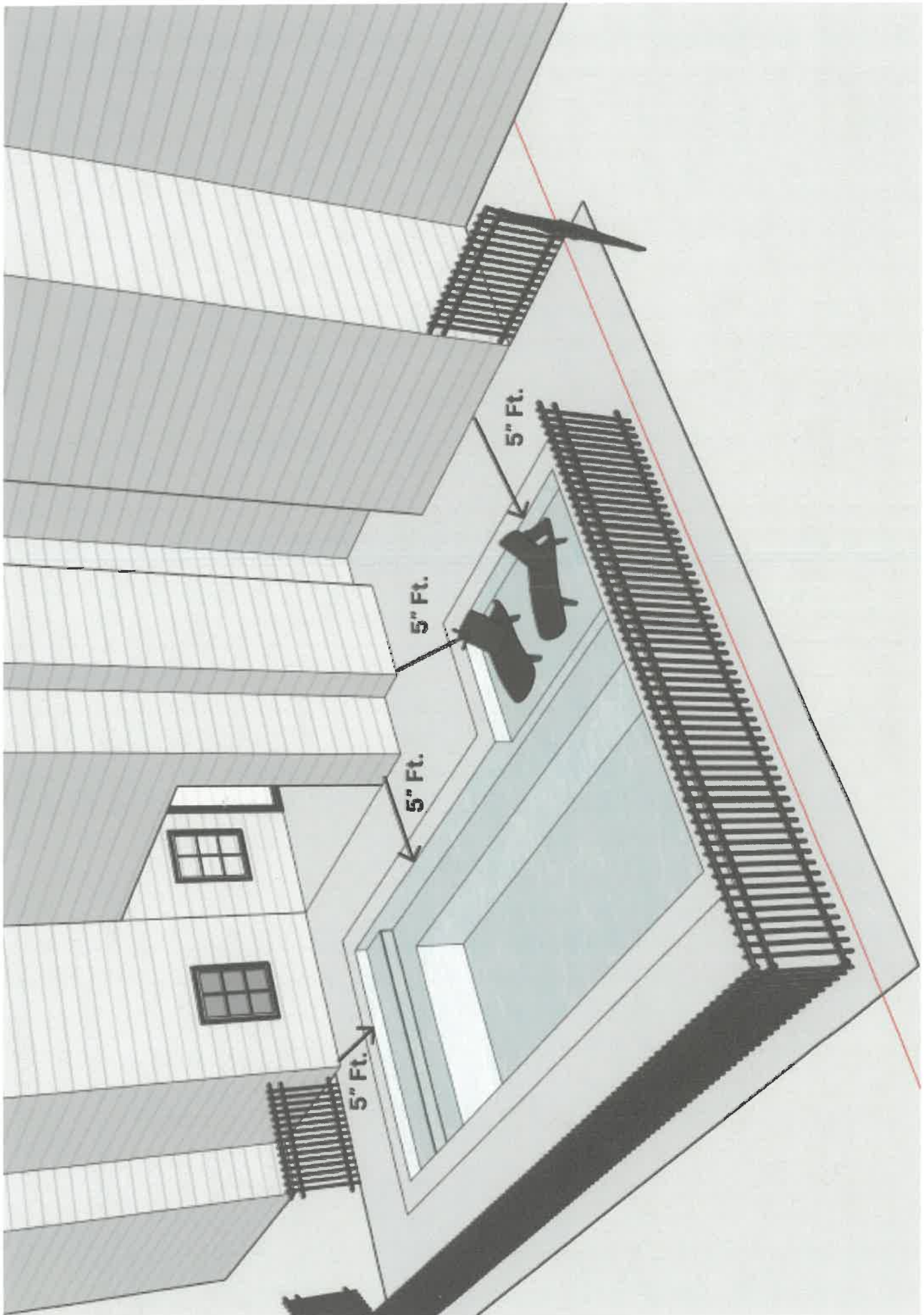
Tami Denise Miles 12-11-23

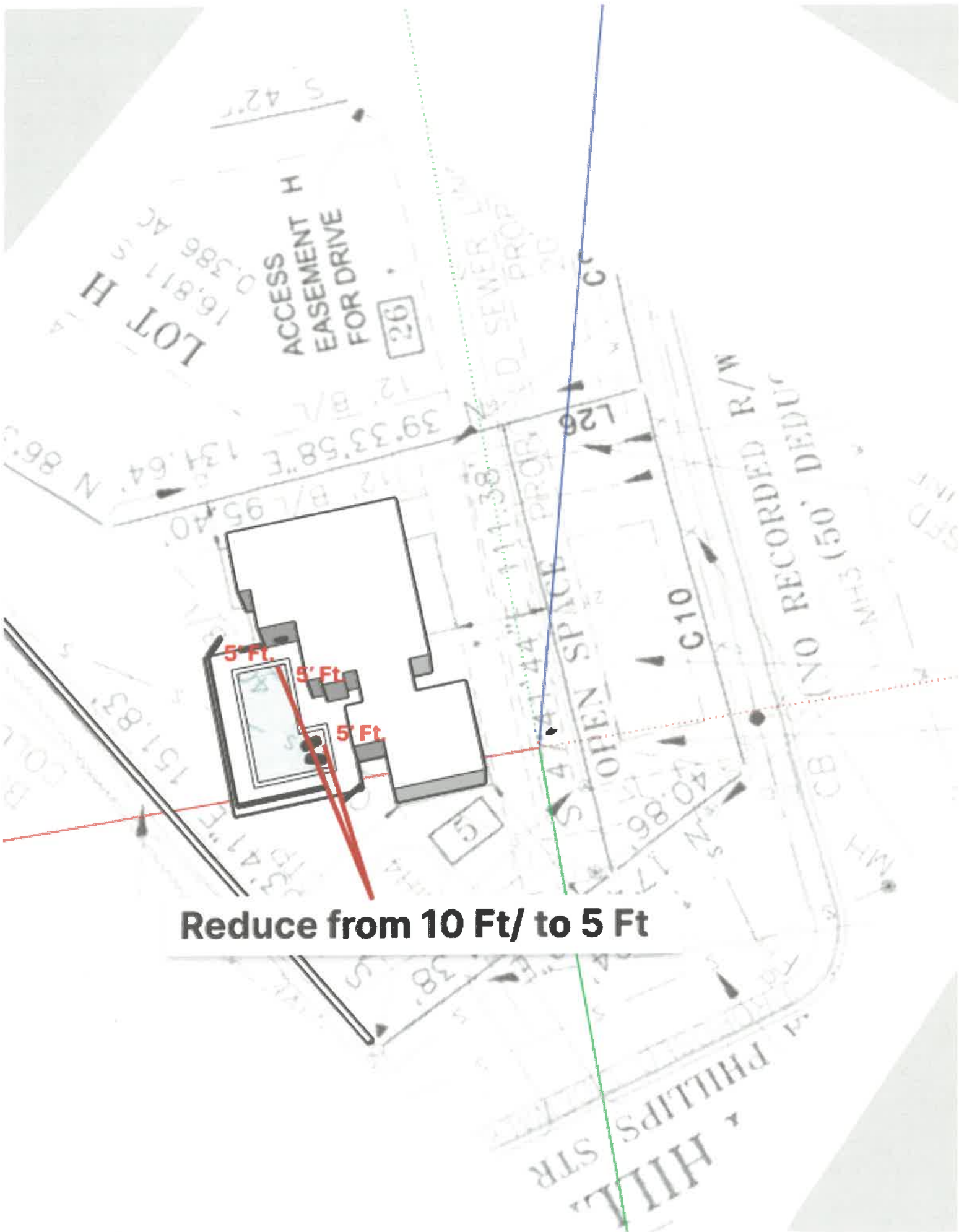
Signature of Notary Public

Date



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.





DOC#:2022-024899
 FILED IN OFFICE
 12/22/2022 4:06:00 PM
 BK:5614 PG:688-689
 MIKI SEWELL
 CLERK, SUPERIOR COURT
 COWETA COUNTY, GA

Miki Sewell

REAL ESTATE TRANSFER TAX
 PAID: \$739.90

PT-61 038-2022-008169

Record and return to:
 Mann & Wooldridge, P.C.
 P.O. Box 310
 Newnan, Georgia 30264

STATE OF GEORGIA

COUNTY OF COWETA

LIMITED WARRANTY DEED

THIS INDENTURE, made and entered into this 22nd day of December, 2022, by and between ZENCO DEVELOPMENT, INC. (hereinafter referred to as the "Grantor") and MATTHEW GREENE AND RANDI GREENE as Joint Tenants with Right of Survivorship (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective legal representatives, heirs, successors and assigns where the context requires or permits):

W I T N E S S E T H T H A T :

Grantor, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) 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 said Grantee, its legal representatives, successors and assigns, all that tract or parcel of real property lying and being in Coweta County, Georgia, and being more particularly described, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 57 of the 5th Land District and being in the City of Newnan, Coweta County, Georgia and being Lot 1, containing 0.370 acres as shown on Revised Final Plat for The Point made by Gaskins Christopher Brothers dated 2/19/19 last revised 11/22/22 of record in Plat Book 101, Pages 297-298, in the Office of the Clerk of the Superior Court of Coweta County, Georgia, reference to which plat is hereby made for a more particular and accurate description of the property herein conveyed.

- Legal

TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in any way appertaining, only to the proper use, benefit and behoof of the said Grantees forever in fee simple.

AND THAT SAID GRANTOR will warrant and forever defend the right and title to the Property unto the said Grantee against the claims of all persons and entities claiming by, through or under Grantor, but not otherwise.

ks

21250F



City of Newnan, Georgia – Board of Zoning Appeals

Date: February 6, 2024

Application Number: 2024-03

Agenda Item: Variance Request – 69 Farmer Street

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear requests for building setback reduction variances for the purpose of building a new residential duplex.

Applicant: Premier Homes and Development, LLC
922 Highway 81 E., #203
McDonough, GA 30252

Property Owner: Jose Morales
Enriqueta Morales
22 Coles Walk
Newnan, GA 30263

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

Overlay District(s): None

Present Use: Vacant

Proposed Use: New residential duplex housing

Pertinent Regulations: Article 4, Section 4-29 of the Zoning Ordinance – Minimum Setbacks;
Principal Buildings

Applicant's Position: RU-I zoning requires usage of building setbacks determined using the average of adjacent units or block average. "...This requirement presents difficulty in placing a structure on the presented size of the lot under the current setbacks..."

Basis for Granting Variance

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

- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:
- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,
 - ✓ Such conditions are peculiar to the particular piece of such property involved; and,
 - ✓ Such conditions were not imposed by the action or will of the owner of the property; and,
 - ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship in which the applicant would receive a lower rate of financial return on the use of the property if the variance is denied; and,

- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
- B. In addition, the Board of Zoning Appeals shall affirmatively determine that:
 - ✓ The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

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

Planning Department's Review and Findings:

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

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

In this particular instance, the building setbacks that were derived from using the average of adjacent units is: Front – 38.11 feet; North Side – 22.5 feet; South Side – 38.6 feet and Rear – 108.9 feet.

The applicant is requesting the following reductions: Rear Setback – from 108.9 feet to 86 feet; South Side – from 38.6 feet to 12 feet and North Side – from 22.5 feet to 12 feet.

The BZA has granted similar requests in the past: 24 Burch Avenue in 2023; 54 Murray Street in 2023 and 62 Murray Street in 2023.

Recommendation:

Options:

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

In summary, staff does not have any objection to granting the requests, 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 attributable to the lot configuration of the subject property.

Attachments:

Application





CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant Premier Homes and Development, LLC

Mailing Address 922 Hwy 81 E #203 McDonough GA 30252

Telephone 626 533 6490 E-Mail: eordorica@gmail.com

Property Owner (Use back if multiple names) Jose & Enriqueta Morales

Mailing Address 22 Coles Walk Newnan GA 30263

Telephone 404 556 1822

Address/Location of Property 69 Farmer St Newnan, GA 30263

Tax Parcel No: N34 0001005

Present Zoning Classification: RU-T

Present Land Use NA - Vacant Lot

Intended Use Residential - Duplex

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) _____ 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:

- What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
Limited south side setback (38.6 feet)
Limited rear setback (108.9 feet)
Limited north side setback (22.5 feet)
Property is .57 acres
- What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Per the Coweta County Co. a Public site if it is currently
"Res - Cotton Mill"

Application For Variance

City of Newnan, Georgia

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?
Building setbacks
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?
Unable to fit desired plan. Looking at other houses on Farmer St, the setbacks are more like we are asking for.
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?
We are asking for a 31' variance in rear, 27' variance on the south side rear, 12' variance on south front, 12' variance on north rear

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.

Application For Variance

City of Newnan, Georgia

✓ 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.

Eric Ordorica

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 Jose & Enriqueta Morales

Telephone Number 404 556 1822

Address of Subject Property 69 Farmer 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

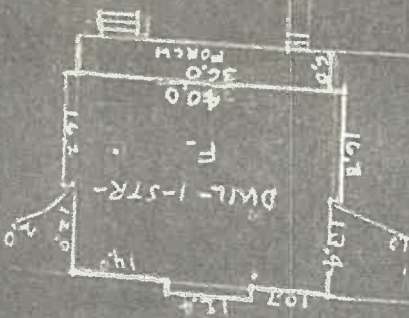
Personally appeared before me

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





THIS DRAWING IS THE PROPERTY OF SCALON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR EXTENDED TO ANY OTHER PROJECT, OR REPRODUCED IN WHOLE OR IN PART, FOR ANY PURPOSE, WITHOUT THE WRITTEN AND APPROPRIATE COMPENSATION.

PREMIER HOMES

HOUSE LOCATION PLAN FOR

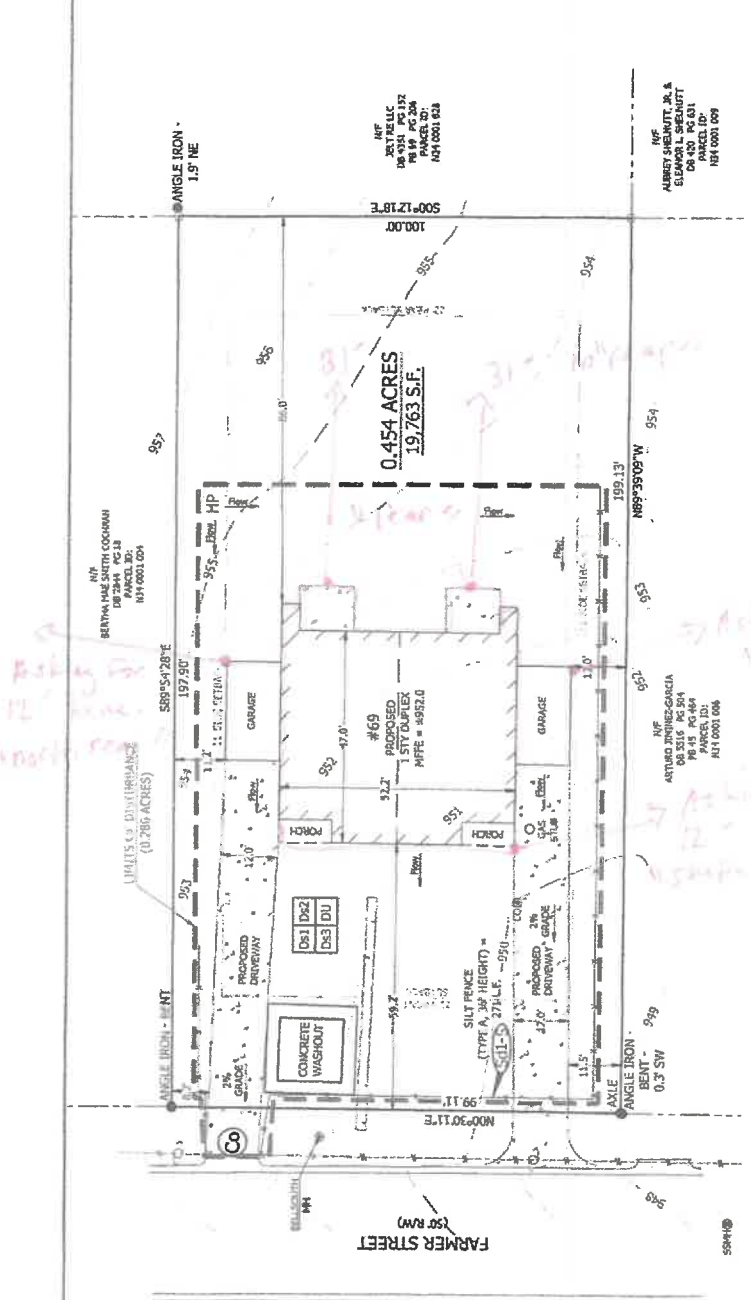
LOCATED IN LAND LOT 41 OF THE 5th DISTRICT, CITY OF NEWMAN, COWETA COUNTY, GEORGIA

SCALON ENGINEERING SERVICES, INC.
221 EAST BANK STREET
COWETA, GEORGIA 30223
PHONE: (706) 967-2562
FAX: (706) 967-2563
WWW.SCALONENGINEERING.COM

Project # : 15F 00059
Drawn by: JMS
Reviewed by: MAB
Date: 4/26/2023



SHEET DESCRIPTION
HOUSE LOCATION PLAN
SHEET NUMBER 832C
SHEET 1 OF 1

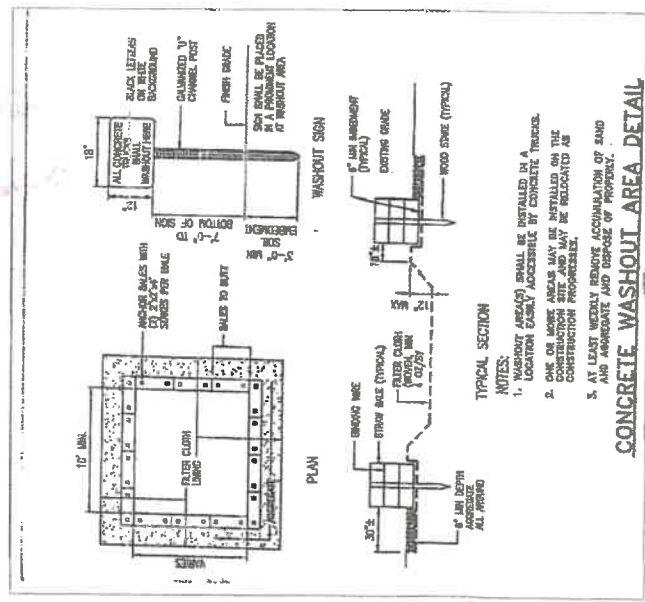


GEORGIA UNIFORM CODING SYSTEM FOR SOIL, EROSION AND SEDIMENT CONTROL PRACTICES STRUCTURAL PRACTICES

CODE	PRACTICE	DETAIL	MAP SYMBOL	DESCRIPTION
Sd1	SPRIG BARKER			A border to prevent sediment from leaving the construction site. It may be made of logs or brush, straw, hay or other material, or a 6 ft fence.
Co	CONSTRUCTION EXIT			A gravel area just inside of the construction site exit to provide a place for parking and from the truck's discharging point.

VEGETATIVE PRACTICES

CODE	PRACTICE	DETAIL	MAP SYMBOL	DESCRIPTION
Ds1	DISTURBED AREA STABILIZATION (HYPERICUM CIRC)			Establish temporary vegetation for disturbed areas where seedlings may not have adequate growing season to produce an erosion preventing effect.
Ds2	DISTURBED AREA STABILIZATION (HYPERICUM CIRC)			Establish temporary vegetation cover with fast growing plants for disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (HYPERICUM CIRC)			Establish a permanent vegetation cover such as trees, shrubs, grasses, and all perennials as disturbed areas.
Du	DISTURBED AREA STABILIZATION (HYPERICUM CIRC)			Establishing surface and air movement of dust as construction site, roadway and under area.



CONCRETE WASHOUT AREA DETAIL

NOTES:

1. WASHOUT AREA SHALL BE INSTALLED IN A LOCATION EASILY ACCESSIBLE BY CONCRETE TRUCK.
2. ONE OR MORE AREAS MAY BE INSTALLED ON THE CONSTRUCTION SITE AND MAY BE RELOCATED AS CONSTRUCTION PROGRESS.
3. AT LEAST USUALLY BEFORE ACCUMULATION OF SAND AND AGGREGATE AND BEFORE OF PROJECT.

SYMBOL LEGEND

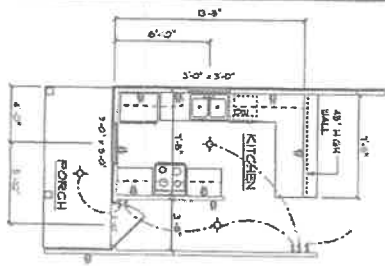
●	IRON PIN FOUND
○	1/2" REBAR SET
□	UTILITY POLE
□	UTILITY METER
□	FIRE HYDRANT
□	SILT FENCE LINE
□	CABLE TV LINE
□	SANITARY SEWER LINE
□	GAS LINE
□	WATER LINE
□	OVERHEAD POWER LINE
□	PROPERTY LINE
□	ADJACENT LOT LINE
□	ASPHALT AREA
□	CONCRETE AREA

REFERENCES & NOTES

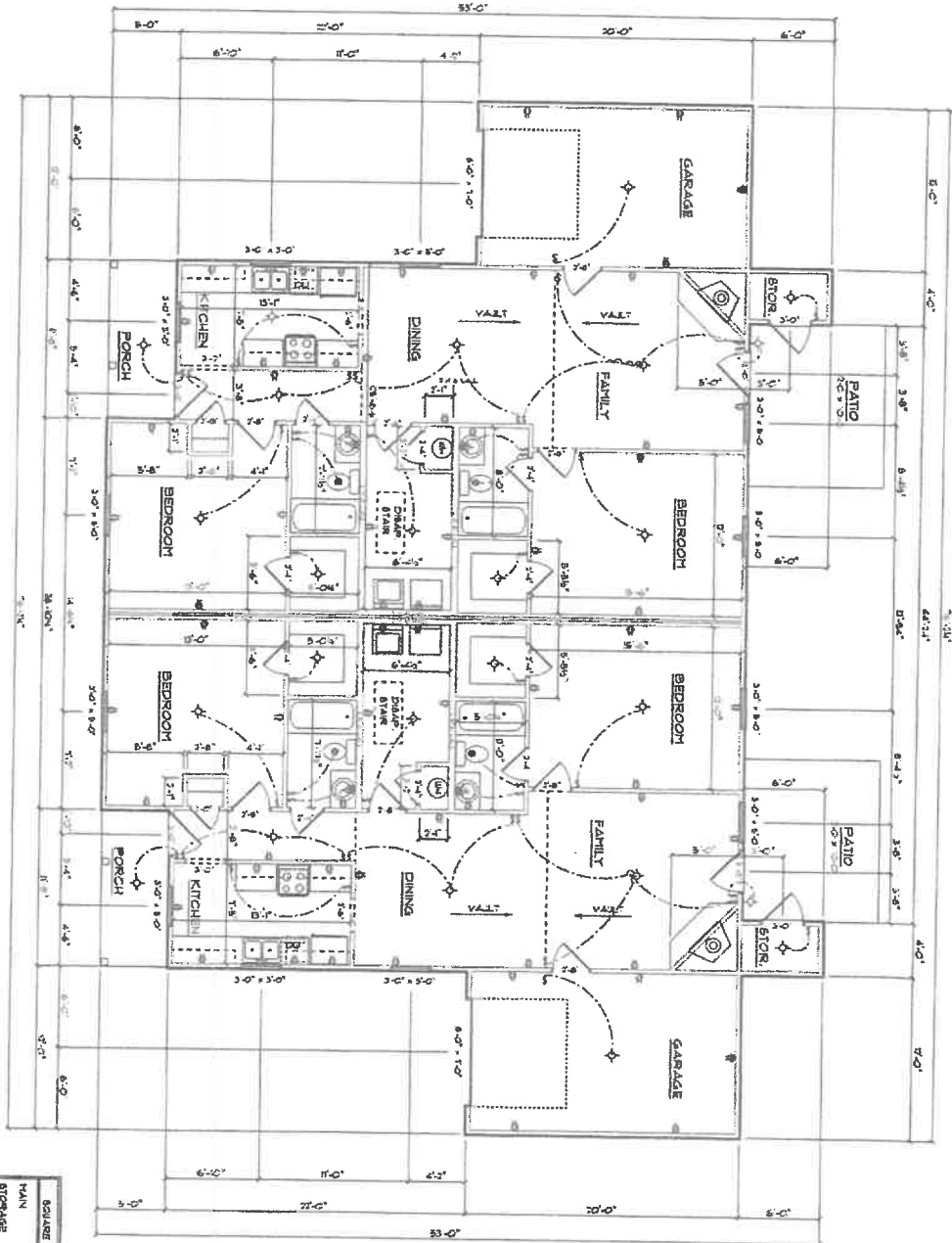
CURRENT OWNER:
JOSE MORALES &
EURIQUETA MORALES
ADDRESS:
600 PARK STREET
NEWMAN, GA 30065
DEEDS:
DB 3513 PG 995
PLATS:
PG 2 PG 59
PARCEL ID: 434 0001 005
THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA PER FEMA FIRM MAP PANEL 13077C0143D, DATED 2/6/2013.

CONSTRUCTION EXIT			
Co	ADDRESS	NORTH	WEST
	#69	N33 3807853	W64 79r 19039





ALTERNATE KITCHEN PLAN



FLOOR PLAN

SQUARE FOOTAGE PER JBT	
MAIN	164
STORAGE	24
PORCH	58
PATIO	50
GARAGE	240



DENNIS ARMSTRONG
P.O. DRAWER 171
MILNER GA. 30131
PHONE 770-358-1438

email: armstrongden267@bellsouth.net

"COPYRIGHT NOTICE"
ALL RIGHTS RESERVED
BY DENNIS ARMSTRONG
These drawings, and specifications herein, are
the property of Dennis Armstrong, and shall not be
reproduced, stored in a retrieval system, or used
in any manner without the written consent of
Dennis Armstrong. This is a preliminary drawing
and is not to be used for construction. The
owner is advised that the drawings are not
guaranteed to be accurate and that the owner
should verify all dimensions and quantities
before construction begins.

PLAN DATE:
9-6-23

JOB NUMBER:
36-023



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 Jose ¹/₂ Enriqueta Morales

Telephone Number 404 556 1822

Address of Subject Property 69 Farmer 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.

Jose Morales
Signature of Property Owner

Personally appeared before me

Jose morales

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

Rel
Notary Public

12-11-2023
Date



(Affix Raised Seal Here)



City of Newnan
25 LaGrange Street
Newnan, GA 30263

Phone: 770-254-2362
Fax: 770-254-2353

Paid Invoice Summary

Page 1 of 1

DATE

12/13/2023

ACCOUNT : import account

PREMIER HOMES OF GEORGIA

Phone: 678-364-0579

PROJECT NAME

231213-69FarmerSt-1

69 Farmer St
NEWNAN 0200 0782
Newnan, GA 30263

Date	Reference Number	Invoice Number	FeeCat	Description	Status	Amount
12/13/2023	231213-69FarmerSt-1	23-02770	100.00.32.2215	Planning & Zoning Regulatory Fees	Paid	(-) 250.00

Date	InvoiceNum	Status	Payment	Amount
12/13/2023	23-02770	Original Due		250.00
12/13/2023	23-02770	Paid	CreditCard VISA - Martin Castillo	(-) 250.00

Total Paid

250.00



**City of Newnan
Planning and Zoning**

25 Lagrange St, Newnan, GA, 30265

Date	Dec 13, 2023, 9:22 AM
Business Name	Premier Homes and Development
Payor Name	Martin Castillo
Please Select Below	Variance Request Fees
Card Type	VISA
Principal	\$250.00
Service Fee	\$8.00
Total Amount	\$258.00
Transaction ID	3617243896
Auth Code	007261
User	--ONLINE PAYMENT
Status	Approved
Cardholder	MARTIN CASTILLO

Service Fees are assessed by Municipal Pay Services. This is a third party payment technology company. City of Newnan receives absolutely no additional revenue from the assessed service fee. Please call 1.888.385.2425 with any concerns regarding this service fee.

Privacy Policy (<https://newnanga.govtportal.com/privacy-policy/>)



NEWNAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: February 6, 2024

Application Number: 2024-04

Agenda Item: Variance Request – 9 Smith Street

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To hear a request for a new house construction: 1) A variance to locate the new house 100 feet from the rear property line, instead of the required 142.35 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 a setback variance as shown in the Purpose section above. The applicant previously received approval from the Board of Zoning Appeals for the subject property on November 7, 2023 for the following in order to construct a new house: 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. *Staff Note - The reason for the current request is that the applicant inadvertently miscalculated the setbacks in the previous request. Please see a complete description of this current request from the applicant on the page titled, "Page 1 – City of Newnan Application for Variance Request, Adams, 9 Smith Street."*

In this current application, the applicant is seeking a variance request in order to construct a new house on the same property. 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.

Basis for Granting Variances:

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

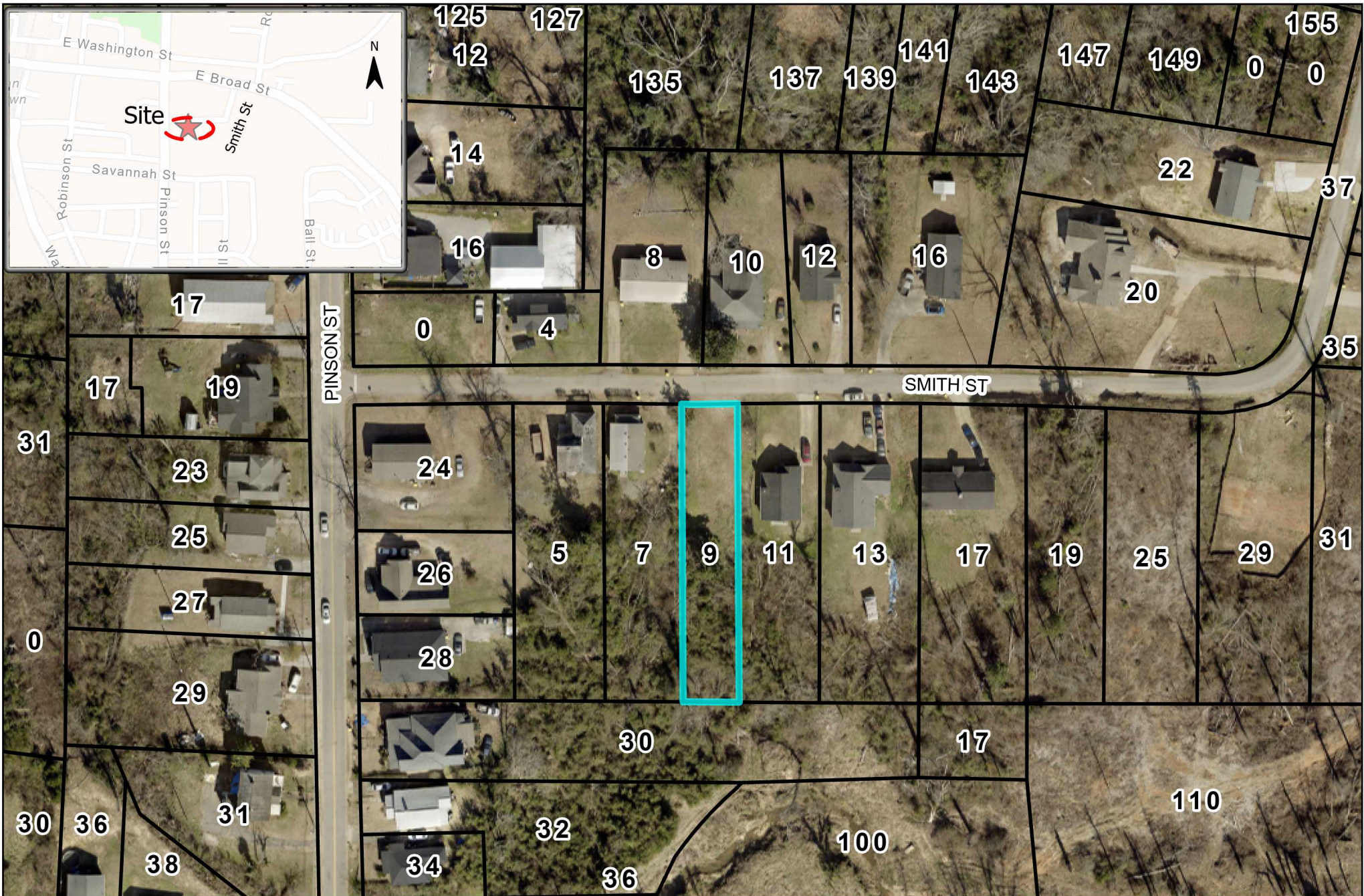
- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:
 - ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its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

- B. In addition, the Board of Zoning Appeals shall affirmatively determine that:
 - ✓ The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
 - ✓ The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

Recommendation:

Regarding the variance request 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 request. 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 request based on the following reasons. The strict application of the terms of the Ordinance would *unreasonably* restrict utilization of the property because the application of the Ordinance to the particular piece of property would create a non-financial, *unnecessary* hardship. Also, relief from the Ordinance would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.



CITY OF NEWNAN

Project Location

1 = 1,200 feet

Date: 12/12/2023 3:41 PM



Project Location

City Limits

Parcel # N54 029

ADDRESS

9 Smith Street
NEWNAN, GA 30263



NEWNAN
GEORGIA

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

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





CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE CASE # 2024-04 ⑥

Name of Applicant Gary Adams
Mailing Address 4471 Tommy Lee Cook Rd. Newnan, GA 30263
Telephone (678) 326-9447 E-Mail: gary@kalbuilt.com
Property Owner (Use back if multiple names) Gary Adams
Mailing Address 4471 Tommy Lee Cook Rd, Newnan, GA 30263
Telephone (678) 326-9447
Address/Location of Property 9 Smith Street, Newnan, GA
Tax Parcel No: N54 029
Present Zoning Classification: RU-1
Present Land Use Vacant lot
Intended Use residential dwelling

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) Article 4, Section 4-29, Table 4-A of the Zoning EC 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:

- What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
In calculating the original rear set back we did not include the front set back plus the depth of the home. Thus, the proposed house plan will not fit original set back 157.35'; previously approved variance of 15' to 142.35'. Need an additional 42.35' to accommodate missing front set back from original calculation. Resulting in 100' setback.
- What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
RU-1 with rear setback variance granted by board on 11/7/23 of 142.35 ft. from the ordinance-required setback of 157.35 ft. for a net reduction of 15 ft

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]

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Chris Cole

DATE OF FILING 12-12-2023

BZA MEETING DATE 2-6-2024

DATE OF NOTICE PUBLICATION 12-27-2023

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 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

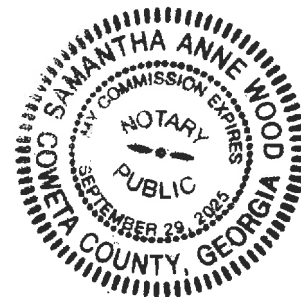
Personally appeared before me

Gary Adams

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

Notary Public

12/14/2023
Date



(Affix Raised Seal Here)

1. **Provisions/requirements of the Ordinance that prevent the proposed construction:**
 - a. In calculating and receiving the rear set back variance in November, 2023, we inadvertently did not include the front set back in the calculation. Thus, the proposed house plan will not fit with the previously-approved variance request. Per ordinance, the rear set back is 157.35 ft. The previously approved variance of 15 ft brought the rear setback to 142.35. We need an additional 42.35 ft to accommodate the missing front set back from the original calculation, resulting in a 100 ft setback, total.
2. **Existing zoning of the property with previously approved modifications:**
 - a. RU-I with rear setback variance granted by the Board on 11/7/2023 of 142.35 ft. from the ordinance-required setback of 157.35 ft., for a net reduction of 15 feet.
3. **Special conditions preventing use of the land in compliance with the ordinance:**
 - a. 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. A narrow and long floor plan is required to provide a practical and livable home. The proposed plan is 25 ft. by 91 ft. when including two-car garage at the rear of the home. As noted above, the plan will be modified to 25 ft. x 80.14 ft. if the request is approved.
4. **Hardship:**
 - a. This house plan will not fit on the existing lot without increased setbacks. Altering the plan significantly will decrease its livability, practicality, and aesthetics.
5. **Minimum extent of variance for proposed construction (all measures expressed as feet):**

Existing rear setback	142.35
Front SB per ordinance plus 10' buffer	-42.35
Requested rear setback	100
Requested variance	42.35

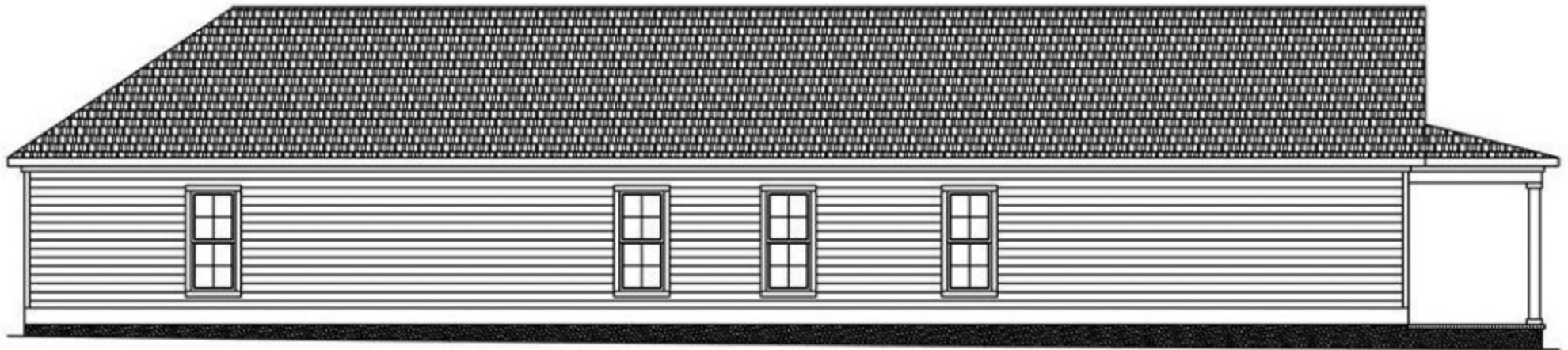


EXISTING REAR SETBACK= 142.35 FT, REQUESTED SETBACK = 100 FT,
REQUESTED VARIANCE = 42.35 FT

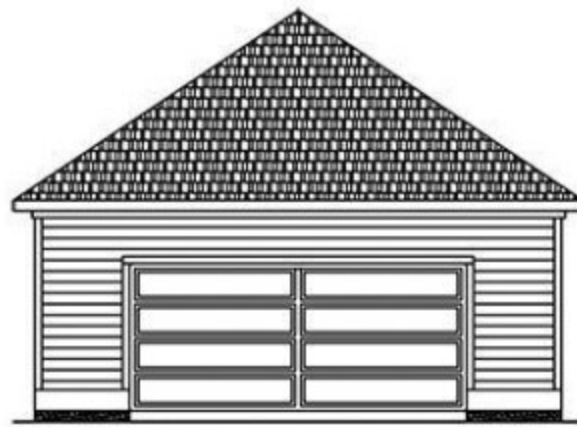




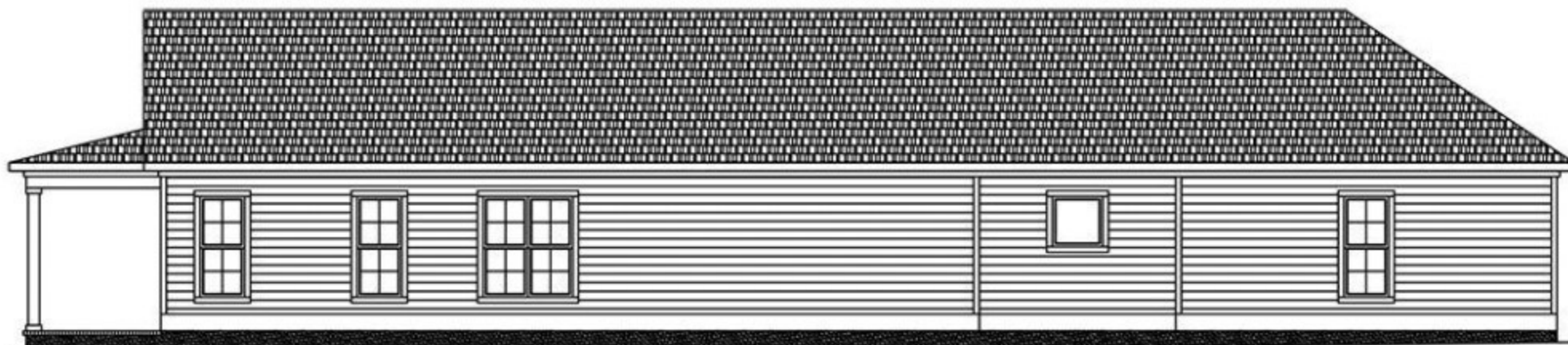




LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



City of Newnan, Georgia – Board of Zoning Appeals

Date: February 6, 2024

Application Number: 2024-05

Agenda Item: Variance Request- 31 Wesley Street

Prepared and Presented by: Dean Smith, Senior Planner

Purpose: To hear a request for a variance to reduce the rear building setback for an addition on to the residence.

Applicant: Jordan Reed
31 Wesley Street
Newnan, GA 30263

Property Owner: Same as applicant

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

Overlay District(s): None

Present Use: Single Family Residential

Proposed Use: Single Family Residential

Pertinent Regulations: Article 4, Section 4-32 of the City of Newnan’s Zoning Ordinance.

Applicant’s Position: “...Extended use of the home and family residents...6 feet extended from rear of the home....”

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:

In the RU-I zoning district, building setbacks for property lines are determined by the average of adjoining lots, or the block average. The predominant reason for this method of setback determination is due to the irregular shape and size of the lots within the Historical and Infill Zoning District.

Looking at the adjacent lots, the average of both lots calculates a rear setback of 98.32 feet. The existing home is approximately 45.5 feet away from the rear property line. The proposed addition seeks to encroach in the rear setback, reducing the distance from 45.5 feet to 39.5 feet. Therefore, the reduction being sought is to decrease the rear setback from 98.32 to 39.5 feet.

The subject property is located within an established neighborhood where surrounding properties frequently have varying setbacks. This is due to several reasons, including smaller lots, no setback requirements at time of construction, and unusual property subdivision. This particular zoning district of the City has had several requests for variances where property owners wish to update their homes. The Board of Zoning Appeals has granted setback reduction variance requests for the following locations in the RU-I zoning district 25 Wesley Street, 32 St. Clair Street, 46 College Street, 46 Wesley Street and 112 Greenville Street. Since the lots were subdivided and the homes were built under previous and different requirements from what the current ordinance now states, remodeling and new construction often proves difficult under current standards. These types of requests are not as general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance, as the current regulations can be met in most cases. However, in instances where a property owner wishes to create a home to suit their desires and needs a variance from Ordinance that is not blatantly against its purposes and intents, staff feels that these requests do meet the "Bases for Granting a Variance" as provided in the Ordinance.

As of the date of agenda item's preparation, the City has received no objections from any neighboring properties to the applicant's request.

Recommendation:

Options:

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

Staff recommends Option A, approving the variance due to extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its shape. Such conditions are peculiar to this particular piece of property and such conditions were not imposed by the action or will of the owner of the property.

Attachments:

Application







CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant Jordan Reed

Mailing Address 31 Wesley Street, Newnan, GA 30263

Telephone 410-688-4248 E-Mail: Jordan Reed 4@gmail.com

Property Owner (Use back if multiple names) Jordan Reed & Kamille Burns

Mailing Address 31 Wesley Street, Newnan, GA 30263

Telephone 410-688-4248

Address/Location of Property 31 Wesley Street, Newnan, GA 30263

Tax Parcel No: N02 0008 005

Present Zoning Classification: Residential

Present Land Use Private - Residential

Intended Use Residential

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

If you have any questions concerning this process, you may call the Planning and Zoning Department at (770) 254-2354. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Board of Zoning Appeals meets on the first Tuesday of each month. Applications must be submitted by 9:00 a.m. at least forty-five (45) days prior to that date. Incomplete applications or applications submitted after the deadline will not be accepted.

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

REAR SET BACK

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

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?

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?

extended USE OF THE HOME AND FAMILY
Residency

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?

6' extended FROM THE REAR OF THE HOME

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.



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 Jordan Reed & Kamille Burns

Telephone Number 410-688-4248

Address of Subject Property 31 Wesley Street
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.

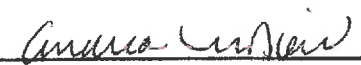


Signature of Property Owner

Personally appeared before me

Jordan Reed and Kamille Burns

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


Notary Public

ANDREA M DIAS
NOTARY PUBLIC
Coweta County
State of Georgia
My Comm. Expires April 4, 2027

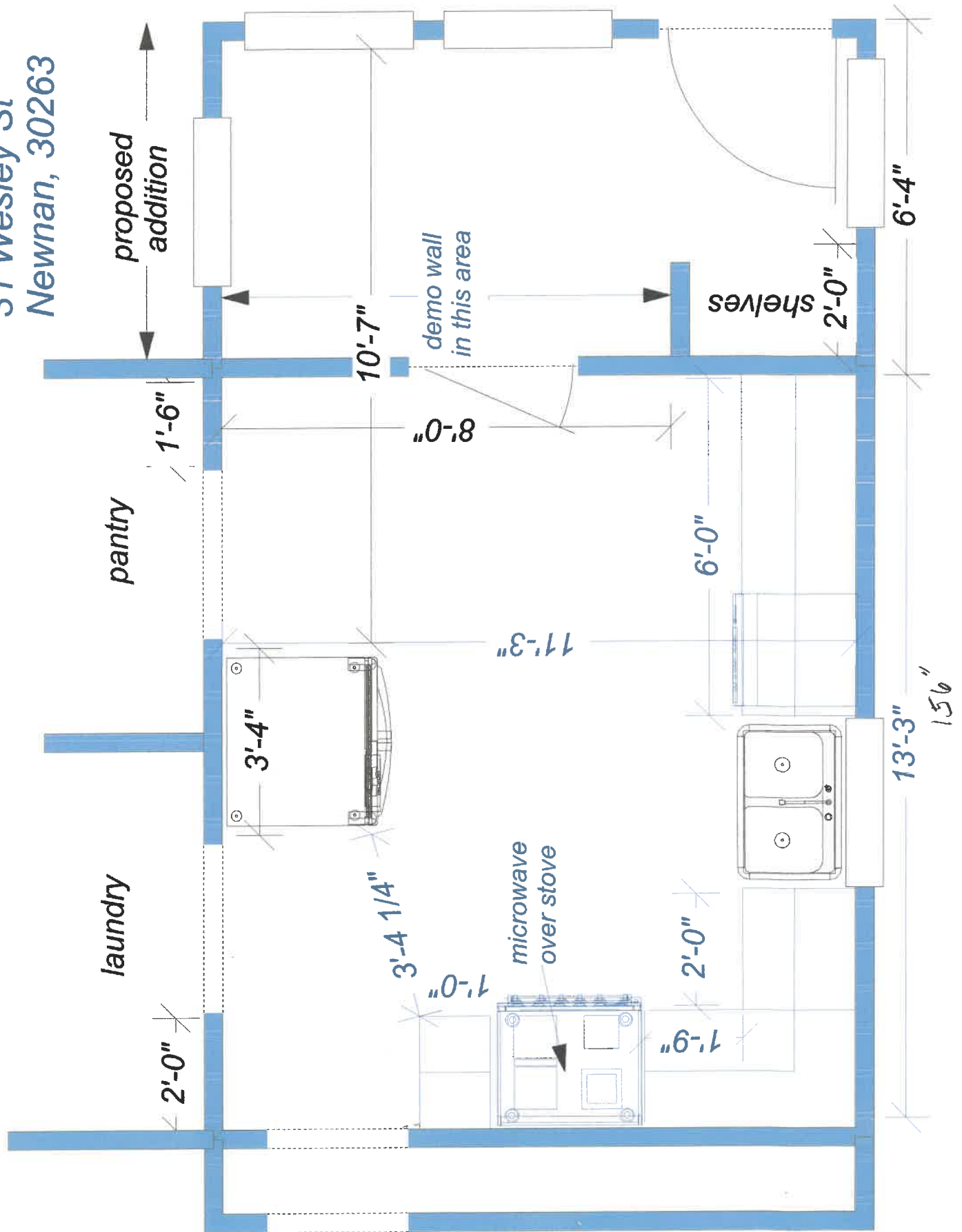
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12/11/2023
Date





Jordan Reed
31 Wesley St
Newnan, 30263



THE FIELD DATA FROM THIS SURVEY WAS OBTAINED BY MEASURING THE DISTANCE BETWEEN THE CORNER OF WALL AND THE POINT OF BEGINNING OF THE LOT. THE DISTANCE WAS MEASURED IN FEET AND INCHES AND WAS ADJUSTED USING COMPASS RULE.

THIS MAP OR PLAN HAS BEEN CHECKED AND FOUND TO BE ACCURATE WITHIN THE LIMITS OF 1/100,000 FEET.

I HAVE THIS DAY EXAMINED THE FIELD MAP AND FOUND THAT THIS PROPERTY IS NOT DESIGNATED AS A SPECIAL FLOOD HAZARD AREA.

LEGEND
1. 5' IRON PIN SET
2. 1/2" IRON PIN SET
3. 1/4" IRON PIN SET
4. 1/8" IRON PIN SET
5. 1/16" IRON PIN SET
6. 1/32" IRON PIN SET
7. 1/64" IRON PIN SET
8. 1/128" IRON PIN SET
9. 1/256" IRON PIN SET
10. 1/512" IRON PIN SET
11. 1/1024" IRON PIN SET
12. 1/2048" IRON PIN SET
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252. 1/36185027

Closing Date: November 17, 2023
Buyer(s): Jordan Kile Reed and Kamille Bethany Burns
Property Address: 31 Wesley Street, Newnan, GA 30263

PROPERTY DESCRIPTION:

All that tract or parcel of land situate, lying and being in Land Lot 25 of the 5th Land District of the City of Newnan, Coweta County, Georgia, and being identified as Parcel B, as shown on that certain plat of survey for Phillip Knight and Maynard A. Hanson, made by W. W. Flowers, Jr., GRLS, as recorded in Plat Book 76, Page 186, Coweta County Records. Reference to said plat is hereby made for a more particular and accurate description of the property herein conveyed.

Subject Property Address: 31 Wesley Street Newnan, GA 30263
Tax ID#: N02-0008-005



City of Newnan, Georgia – Board of Zoning Appeals

Date: February 6, 2024

Application Number: 2024-06

Agenda Item: Variance Request-3 Alpine Drive

Prepared and Presented by: Dean Smith, Planner

Purpose: To hear a request for a variance to reduce the rear setback for a detached carport.

Applicant/Property Owner: Mary Norton
3 Alpine Drive
Newnan, GA 30263

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

Present Use: Single Family Residence

Proposed Use: Single Family Residence

Pertinent Regulations: Article 3, Section 3-12, Table 3-C of the Zoning Ordinance.

Staff Note: The purpose of this hearing is to correct an error made by City staff. On December 5, 2023, the Board of Zoning Appeals heard a variance request from Ms. Norton to reduce building setbacks for the purpose of building a detached carport. In Ms. Norton's narrative, she asked for two setbacks: 1. The left-hand site setback from 5 to 1.5 feet and 2. The top edge of the slab setback from 5 to 1.5 feet. When City staff processed the variance application, we did not include the top edge of the slab, which was a rear setback reduction request. We only advertised and conducted a hearing on the side setback.

Consequently, the applicant felt that both variances had been approved by the BZA and the carport was constructed 1.5 feet from the side and rear property lines.

The purpose of this hearing is to correct the error and to restore compliance with the structure.

It should be noted that the city did not charge the applicant another variance fee.

Basis for Granting Variance

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

- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:
 - ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,
 - ✓ Such conditions are peculiar to the particular piece of such property involved; and,

- ✓ Such conditions were not imposed by the action or will of the owner of the property; and,
 - ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship in which the applicant would receive a lower rate of financial return on the use of the property if the variance is denied; and,
 - ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
- B. In addition, the Board of Zoning Appeals shall affirmatively determine that:
- ✓ The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

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

Planning Department's Review and Findings:

The Board of Zoning Appeals has heard similar requests for setback reductions for detached garages and carports: 31 Alpine Drive in 2021; 32 Dixon Street in 2020 and 6 Reese Street in 2014 are but to name a few.

City regulations establish a 5-foot setback for a detached structure. The proposed structure will be a carport with no power or heat source being a part of the structure.

As of the date of this report's preparation, staff have received no objections from the public as of the date of this report.

Recommendation:

Options:

- A. Grant the variance request, with the condition that construction will be consistent with the elevations and plans provided as part of this application.
- B. Deny the variance request

In summary, staff does not have any objection to granting the request to reduce the rear setback to 1.5 feet as was previously approved for the side setback, should the Board members deem it appropriate to do so. Staff recommends Option A. There are extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size and shape; Such conditions are peculiar to the particular piece of property involved and relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance and are limited based upon the subject property's location and restrictions of the property lines making it burdensome to add to the existing structure.

Attachments:

Application







