



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for May 7, 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. Approval of April 2, 2024 Minutes
3. Public Hearings
 - a. Variance Request - 55 Jackson Street - 2024-08
 - b. Variance Request - 26 Tuxedo Avenue - 2024-11
 - c. Variance Request - 260 Summerlin Blvd. - 2024-12
 - d. Variance Request - 87 W Washington Street - 2024-13
4. Other Business
5. Adjourn

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

Phone: 770-254-2354

E-mail: tdunnavant@newnanga.gov



CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
April 2, 2024
10:00 a.m.

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

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

CALL TO ORDER

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

READING OF THE MINUTES

Vice - Chairman Lovell asked the Board if they had reviewed the March 5, 2024 meeting minutes. Hensley motioned to approve the minutes. Flournoy seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 26 Tuxedo Avenue – 2024-11

Dean Smith let the board know that the applicant would like to continue this matter to the May meeting. They are getting a survey on the property because a neighbor is disputing the property lines. The applicant is in the process of getting the survey done.

A motion was made by Flournoy to continue the variance request at 26 Tuxedo Avenue until the May 7, 2024 meeting. Hensley seconded the motion.

MOTION CARRIED (6-0)

New Business

ADJOURN

Hensley made a motion to adjourn the meeting at 10:02 a.m. Flournoy seconded.

MOTION CARRIED (6-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: May 7, 2024

Application Number: 2024-08

Agenda Item: Variance Request- 55 Jackson 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 and request for an accessory apartment larger than the maximum size of 750 square feet.

Applicant: Lichty Building Group, Inc.
770 Greison Trail, Suite B
Newnan, GA 30263

Property Owner: Todd Westergreen
Emily Westergreen
55 Jackson Street
Newnan, GA 30263

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

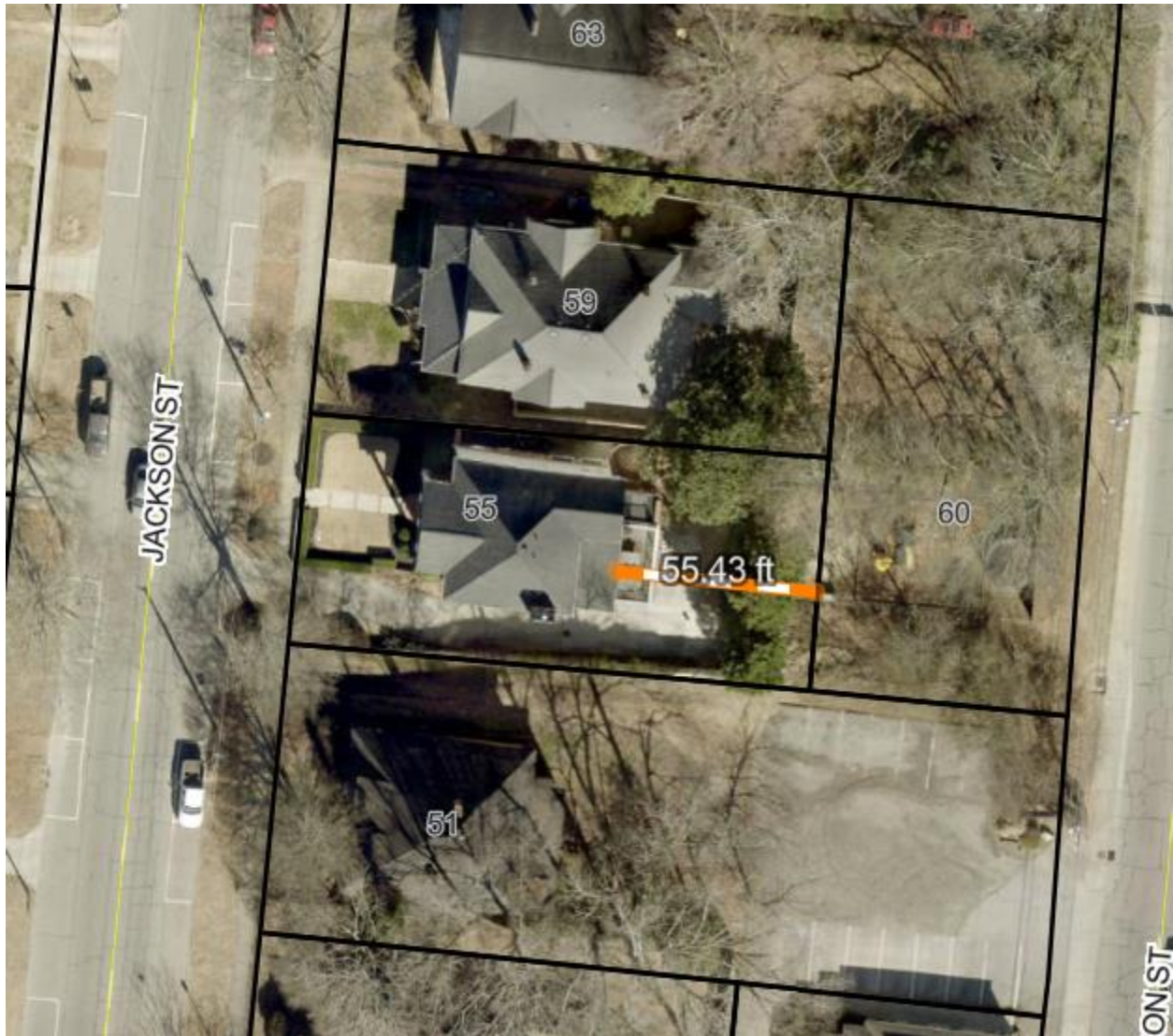
Overlay District(s): None

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: “...home is currently too close to the building line to allow for the proposed 31’ X 26’ addition...owners would not have additional space needed for their family.... the rear setback to be reduced to 15 feet to accommodate the addition....” “The ordinance only allows for an accessory apartment up to 750 square feet...the proposed accessory apartment is 1,248 square feet...additional space that is needed for their family....”



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.

A. Setback Request

Looking at the adjacent lots, the average of both lots calculates a rear setback of 84.36 feet. The existing home is approximately 55.43 feet away from the rear property line. The proposed addition seeks to encroach in the rear setback, reducing the distance from 55.43 feet to 15 feet. Therefore, the reduction being sought is to decrease the rear setback from 84.63 to 15 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, 112 Greenville Street and 31 Wesley 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.

B. Accessory Apartment Size Request

The BZA has previously granted a similar request to increase the size of an accessory apartment for 54 Jackson Street in 2020. This is not necessarily a hardship item, per se, other than the owners' desire to construct a dwelling size of sufficient size to accommodate a family situation.

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

APPLICATION FOR VARIANCE

Name of Applicant Lichty Building Group, Inc.

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

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

Property Owner (Use back if multiple names) Todd and Emily Westergreen

Mailing Address 55 Jackson Street, Newnan, GA 30263

Telephone 865-405-5782

Address/Location of Property 55 Jackson Street, Newnan, GA 30263

Tax Parcel No: N05 0003 005

Present Zoning Classification: RU-I

Present Land Use Single Family Residence

Intended Use Single Family Residence with new detached garage with apartment above it.

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

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

I (We) hereby request the following variance from the provisions of section(s) 4-29 of the Zoning Ordinance/Subdivision Regulations: Zoning Ordinance 04 Lots and Buildings Adopted 02219 Revised 52323.

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
Current requirement is that the entirety of the home sit within the building line.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
RU-I

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

The home is currently sitting too close to the building line to allow for the proposed 31' X 26' detached garage that would be added at the rear of the 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?

The owners would not have the additional space that is needed for their family.

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

The rear setback would need to be reduced to 15' to accomodate the addition.

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

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

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

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

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

Included with the application, the following information is required and must also be furnished in digital, pdf format:

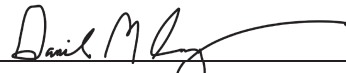
- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ List of all the names and addresses of all property owners within 250 feet of subject property. This information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

✓ Check for applicable fees (\$250.00).

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

Daniel M. Lichty

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia
Attachment A

Property Owner's Authorization

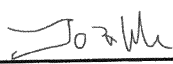
The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for property.

Name of Property Owner Todd and Emily Westergreen

Telephone Number 865-405-5782

Address of Subject Property 55 Jackson Street, Newnan, GA 30263

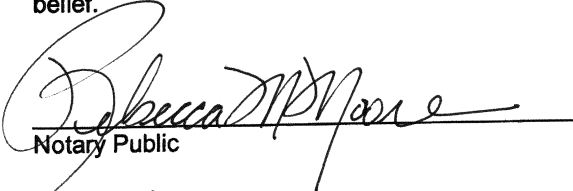
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.


Signature of Property Owner

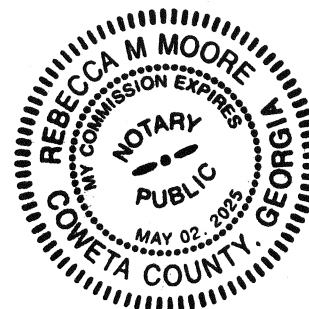
Personally appeared before me

Todd Westergreen

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


Notary Public

Date 1/9/24



(Affix Raised Seal Here)



NEWNAN
GEORGIA

CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Lichty Building Group, Inc.

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

Property Owner (Use back if multiple names) Todd and Emily Westergreen

Mailing Address 55 Jackson Street, Newnan, GA 30263

Telephone 865-405-5782

Address/Location of Property 55 Jackson Street, Newnan, GA 30263

Tax Parcel No: N05 0003 005

Present Zoning Classification: RU-I

Present Land Use Single Family Residence

Intended Use Single Family Residence with new detached garage with apartment above it.

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.

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
Current requirement is that the entirety of the home sit within the building line. The ordinance only allows for an accessory apartment up to 750 square feet.

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

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

The home is currently sitting too close to the building line to allow for the proposed 31' X 26' detached garage that would be added at the rear of the home.

The proposed accessory apartment is 1248 square feet.

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

The owners would not have the additional space that is needed for their family.

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

The rear setback would need to be reduced to 15' to accomodate the addition. Allow for an accessory apartment of 1248 square 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.
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- ✓ Such conditions were not imposed by the action or will of the owner of the property.
- ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship. Such hardship does not include financial hardship in that if the variance were granted, the applicant could receive a higher rate of financial return on the use of the property and without the variance, a lesser but still reasonable return could be realized.
- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

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

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

Included with the application, the following information is required and must also be furnished in digital, pdf format:

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

✓ Check for applicable fees (\$250.00).

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

Daniel M. Lichty

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____

DOC# 006631
FILED IN OFFICE
05/19/2014 09:23 AM
BK:4087 PG:105-105
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX
PAID: \$423.50 ✓

Prepared by and return to:
Sidney Pope Jones, Jr. of
Rosenzweig, Jones, Horne & Griffis, P.C.
32 South Court Square
Newnan, GA 30263

PT# 14-2208 ✓
STATE OF GEORGIA
COUNTY OF COWETA

WARRANTY DEED

THIS INDENTURE, made the 16th day of May, 2014, between
Michael T. Cantwell and Linda J. Cantwell
of the County of Coweta, and State of Georgia, as party or parties of the first part,
hereinafter called Grantor and

Todd A. Westergreen and Emily Westergreen

as party or parties of the second part, hereinafter called Grantee as tenants in common,
for and during their joint lives, and upon the death of either of them, then to the
survivor of them, in fee simple, together with every contingent remainder and right of
reversion, and to the heirs and assigns of said survivor, (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context
requires or permits).

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

All that certain tract or parcel of land situate, lying and being in Land
Lot 25 of the 5th Land District of Coweta County, Georgia, and being shown
as 8,707 square feet, 0.19 acres on that certain plat of survey by Stan
Steele, RLS #2615 dated 6/8/00, prepared for S. Allen Loftin and recorded
in Plat Book 72, Page 77, Coweta County, Georgia Records. Reference to said
plat is hereby made for a more complete and accurate description of the
property herein described.

The above-described property is conveyed subject to that certain Easement
in favor of the City of Newnan, and the Newnan Water Sewage and Light
Commission of record in Deed Book 1604, Page 100, Coweta County, Georgia
Records.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the
rights, members and appurtenances thereof, to the same being, belonging or in anywise
appertaining, to the only proper use, benefit and behoof of the said Grantee forever as
tenants in common, for and during their joint lives, and upon the death of either of them,
then to the survivor of them, in fee simple, together with every contingent remainder and
right of reversion, and to the heirs and assigns of said survivor.

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

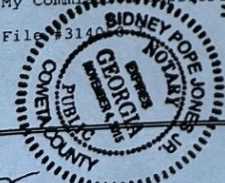
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year
above written.

Signed, sealed and delivered this 16th
day of May, 2014 in the presence of:

Witness

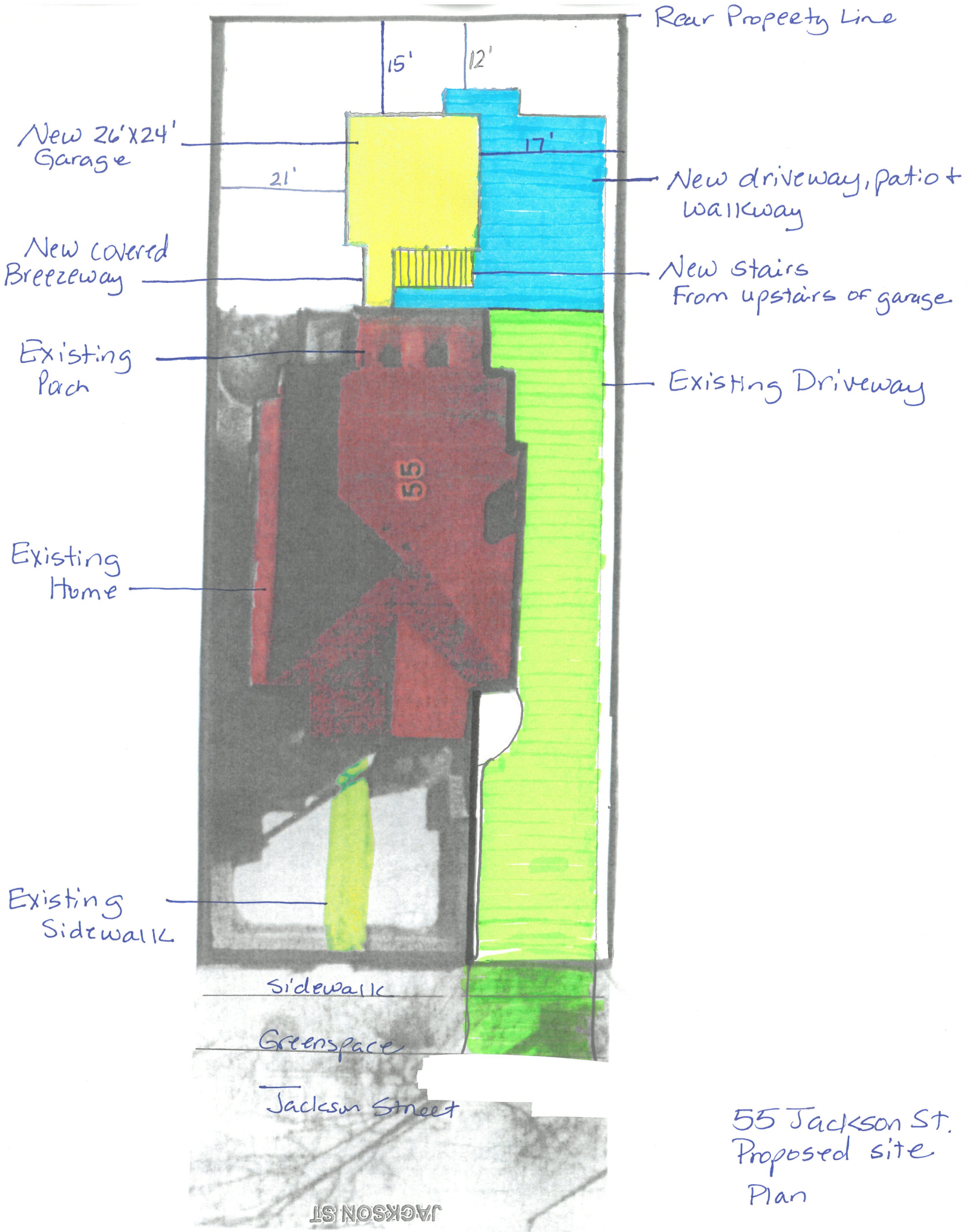
Notary Public, Coweta County
State of Georgia
My Commission Expires: 05/19/2015

Filed 5/14/2014



Michael T. Cantwell (SEAL)
Michael T. Cantwell
Linda J. Cantwell (SEAL)
Linda J. Cantwell

1/10 m



55 Jackson St.
Proposed site
Plan

Westergreen

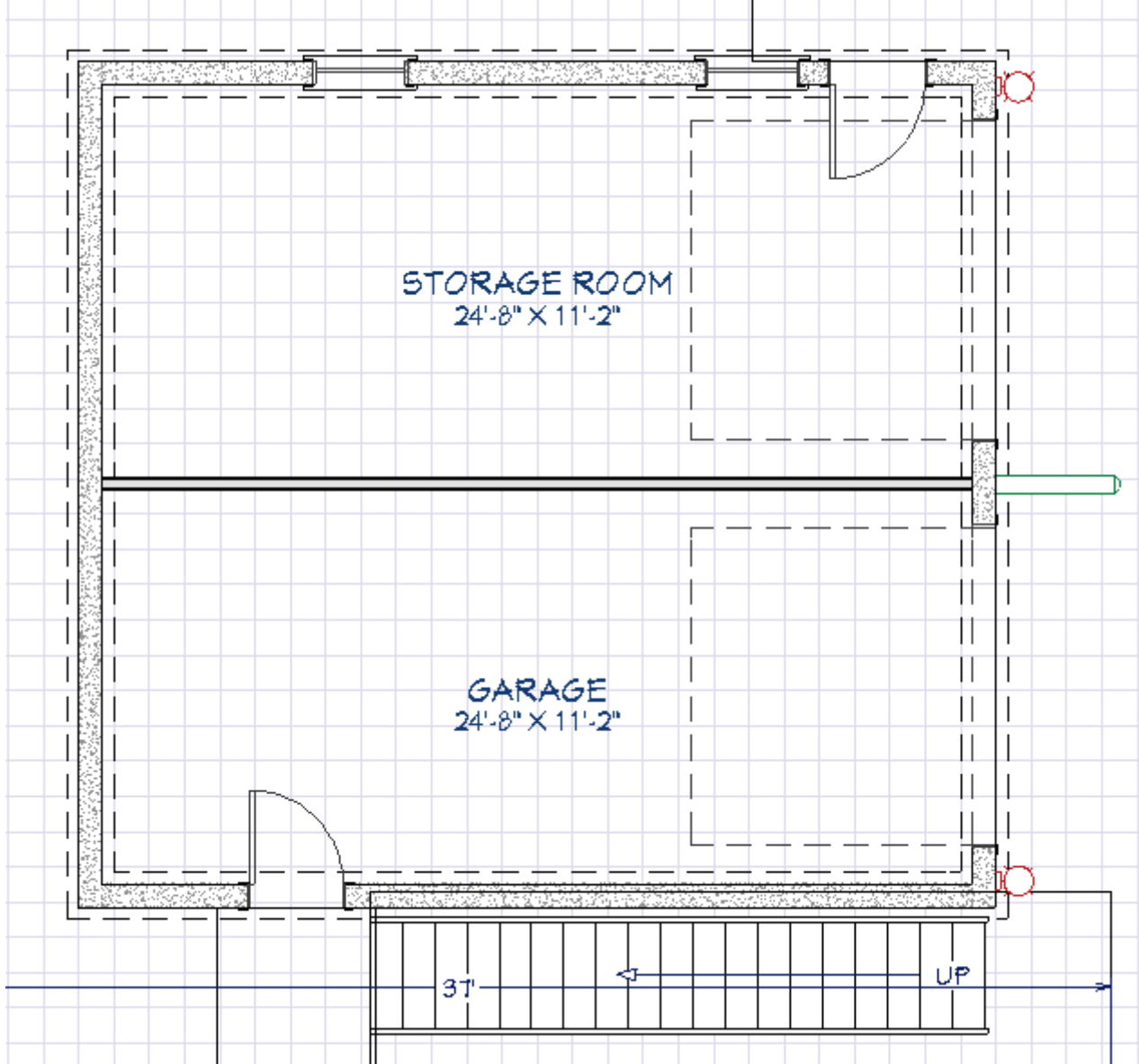
Detached Garage
12.22.23



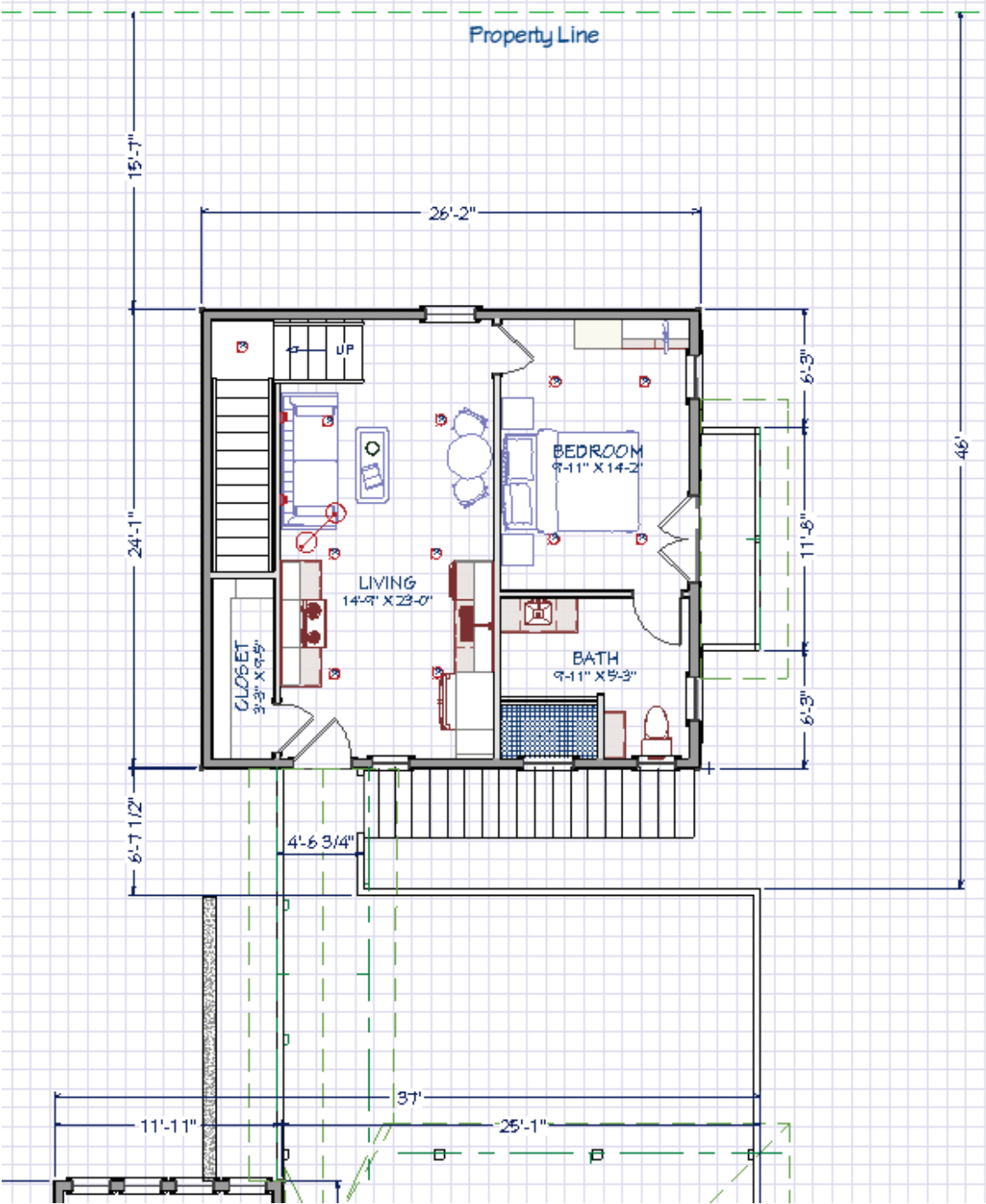
Exterior Perspectives



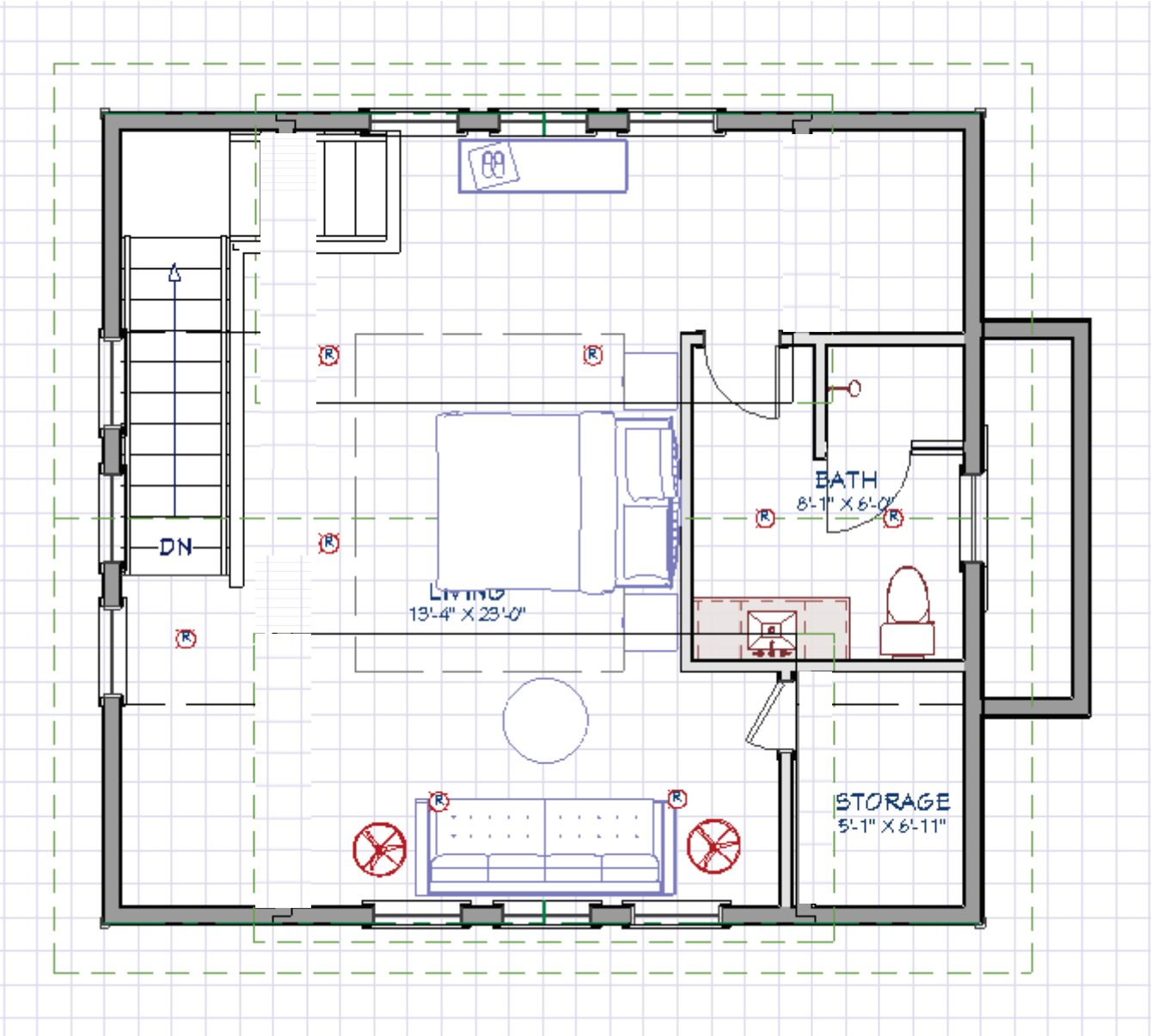
Proposed First Floor Plan



Proposed Second Floor Plan



Upper Floor Proposed Floor Plan



Exterior Perspectives





Exterior Perspectives



Exterior Perspectives



Exterior Perspectives







City of Newnan, Georgia – Board of Zoning Appeals

Date: May 7, 2024

Application Number: 2024-11

Agenda Item: Variance Request- 26 Tuxedo Avenue

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: Erica Bohannon
26 Tuxedo Avenue
Newnan, GA 30263

Property Owner: Same as applicant

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

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: "...The rear building setback is 30 feet....I am requesting to reduce the setback so I can build an addition that is 14' X 22'....The lot has an irregular shape....It's in the curve of the roadway and has more land on the right and left front side of the house...."

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:

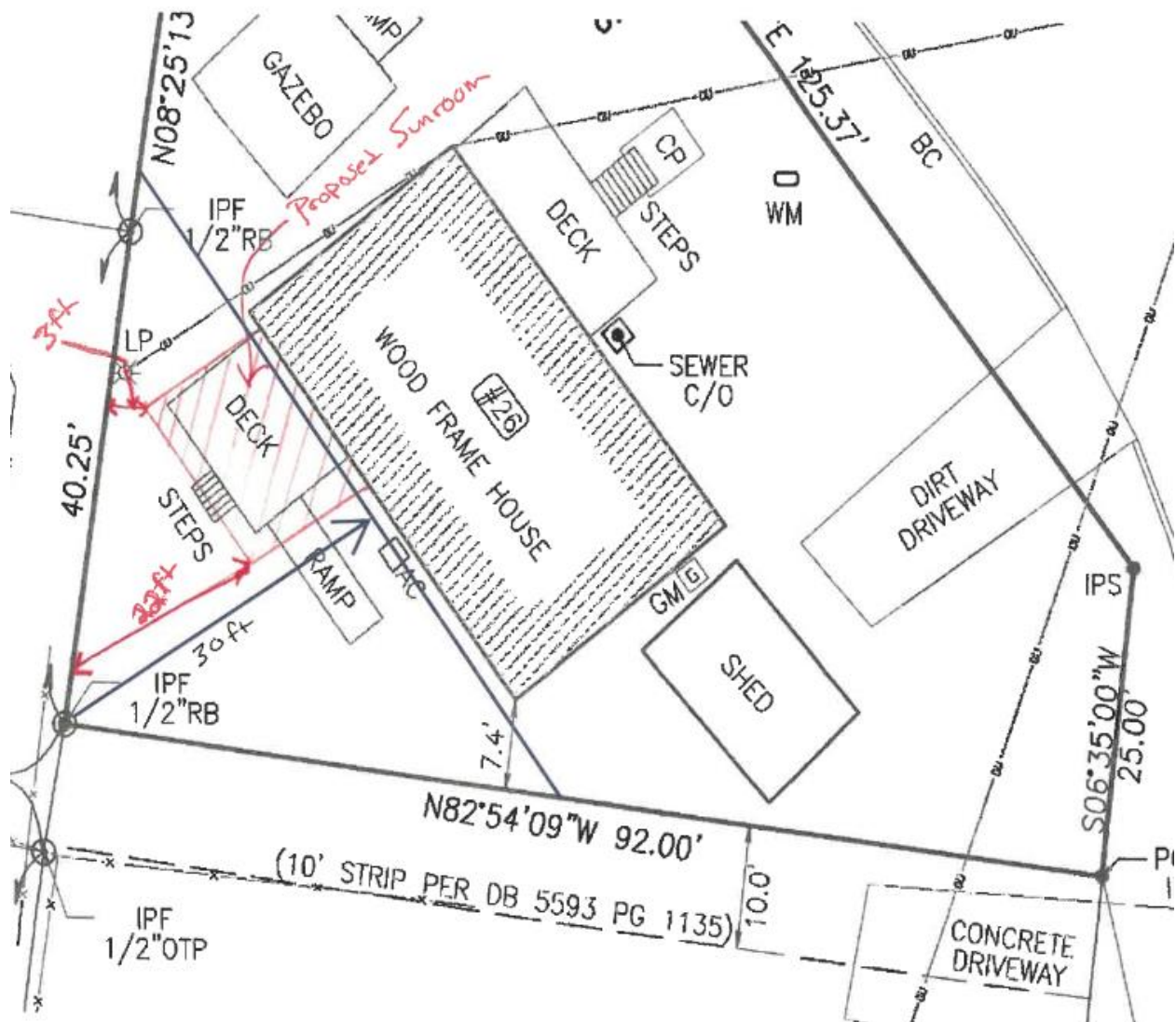
- A. The strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict utilization of the property because of all of the following:
- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its 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-7 zoning district, the current rear building setback is 30 feet. The applicant's proposed addition would encroach into the 30-rear setback on one end by 8 feet, reducing the setback to 22 feet and on the side nearest the west side, by 17 feet to reduce the setback to 3 feet from the neighbor's property line.



The City was made aware of a property line dispute between the applicant and their neighbor at 24 Tuxedo Avenue. This variance request was continued to allow time for the applicant to hire a surveyor to perform a survey of the property. The survey has been completed and a copy of that survey is included with this application. There was a 10 foot section of property that was in dispute and the survey illustrates that the

applicant's property line has been adjusted 10 feet away from 24 Tuxedo Avenue and recognizes that the 10 feet in dispute belongs to 24 Tuxedo Avenue. The adjusted property line, based upon the survey, is the now the actual rear property line and is the line from which the variance request is being referenced.

The BZA has reviewed similar requests in the past, including 31 Wesley Street in 2024; 189 Cliffhaven Circle in 2023; 8 Alpine Drive in 2022; and 27 Cliffhaven Circle in 2020, to name a few.

The shape of the lot limits the ability of the property owner to add more room to the dwelling without a variance. Staff is in agreement that there is a hardship peculiar to this lot based upon the configuration and shape of the property.

Recommendation:

Options:

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

Staff recommends Option B, approving the variance with the condition that the property line be clearly marked and delineated in the field. The extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its shape, as well as 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, are considered the hardships in this instance.

Attachments:

Application







NEWMAN
GEORGIA

CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Erica Bohannon

Mailing Address 26 Tuxedo Ave Newnan, Ga 30263

Telephone 770-543-9839 E-Mail: ericaplayer2151@yahoo.com

Property Owner (Use back if multiple names) Erica Bohannon

Mailing Address 26 Tuxedo Ave Newnan, Ga

Telephone 770-543-9839

Address/Location of Property 26 Tuxedo Ave Newnan, Ga 30263

Tax Parcel No: N24-0007-051

Present Zoning Classification: RU-7

Present Land Use Occupied Residential

Intended Use to live in the home

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) residential/RU7 of the Zoning Ordinance/Subdivision Regulations: Urban Residential Single Family Dwelling District (Swint) H/L 35

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?
It will encroach into the zoning rear building setback line for this area. The rear building setback is 30 feet. Once I add onto the structure and put a roof on it to attach it to the primary house. The 30 foot rear setback line is calculated and comes into effect.
- What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
The setback is 30ft It has a previous deck that's 12x14 grandfathered in. that encroach in the setback. The house is 37ft from the line. I am requesting the addition 14wx16L reducing the setback to 22 ft due to the irregular lot shape.
↓
224 sqft

3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?
The lot has an irregular shape, it's in the curb of the roadway, and has more land on the right and left front side of the house.
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?
It will prohibit me from building and addition (sunroom). It flows from strict application of the ordinance. The setback ~~entire~~ is peculiar to the setback of the property because of the shape of the lot, less of space inside home for a sunroom. My aunt & uncle a safe enclosed and safe outdoor space.
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?
I think maybe the existing deck size should be enclosed. To make a sunroom, I know the setback was different years ago compared to now. The addition would minimize the new setback. But the approval would require a 8ft reduction from the setback of 30ft to 22ft for the addition to be complete.

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 Eric L Behannon

Telephone Number 770-543-9839

Address of Subject Property 26 Toledo Ave Newnan, Ga 30263

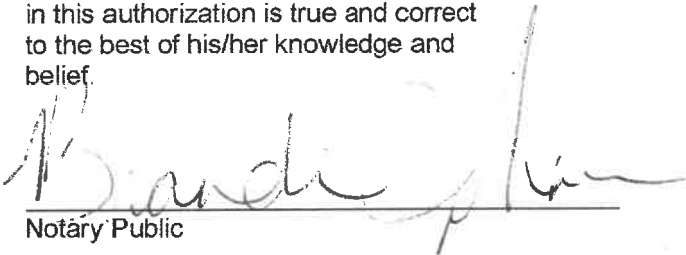
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.


Signature of Property Owner

Personally appeared before me

Eric L. Behannon

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)

02/26/2024
Date

Brandi Johnson
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 02/01/2025



City of Newnan, Georgia

Attachment C

Disclosure of Campaign Contributions & Gifts

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

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:

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.



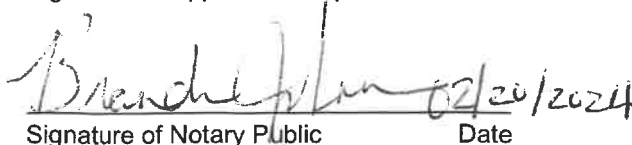
Signature of Applicant



Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

 02/20/2024

Signature of Notary Public

Date

Brandi Johnson
NOTARY PUBLIC
(Affix Raised Seal)
Coweta County, GEORGIA
My Commission Expires 02/01/2025

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.

Participant ID: 7026954186
BK: 101 PG: 1191-1191
Filed and Recorded
04-16-2024 11:49 AM
DOC# P2024-000121

Niki Sewell
NIKI SEWELL
CLERK OF SUPERIOR COURT
COWETA COUNTY

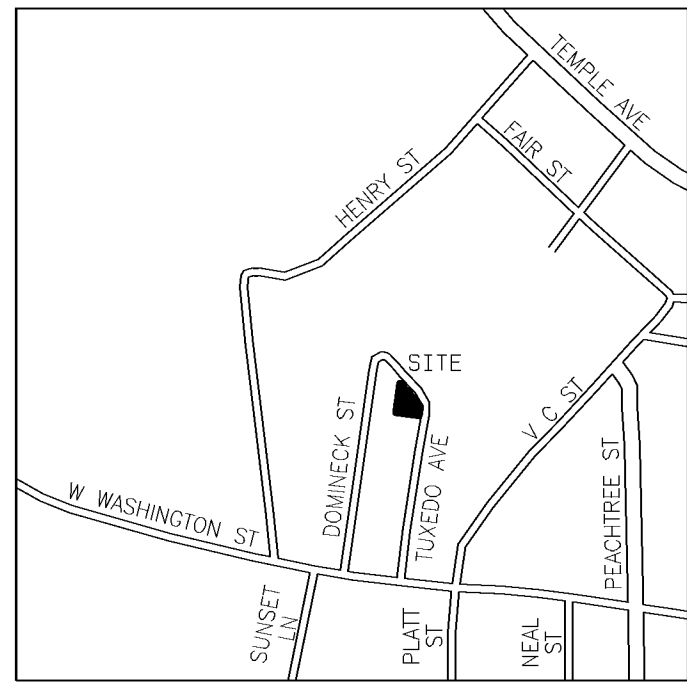
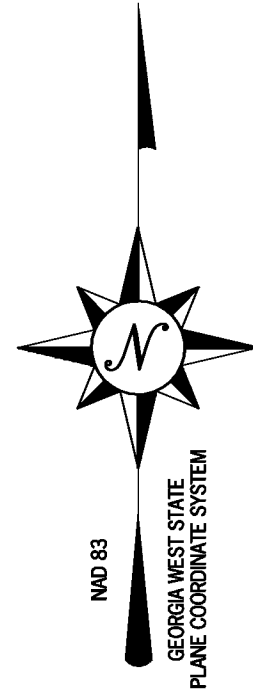
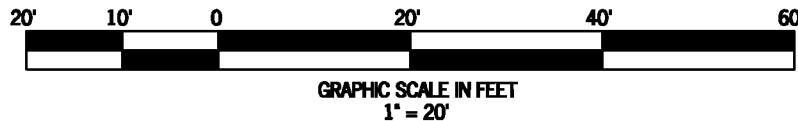
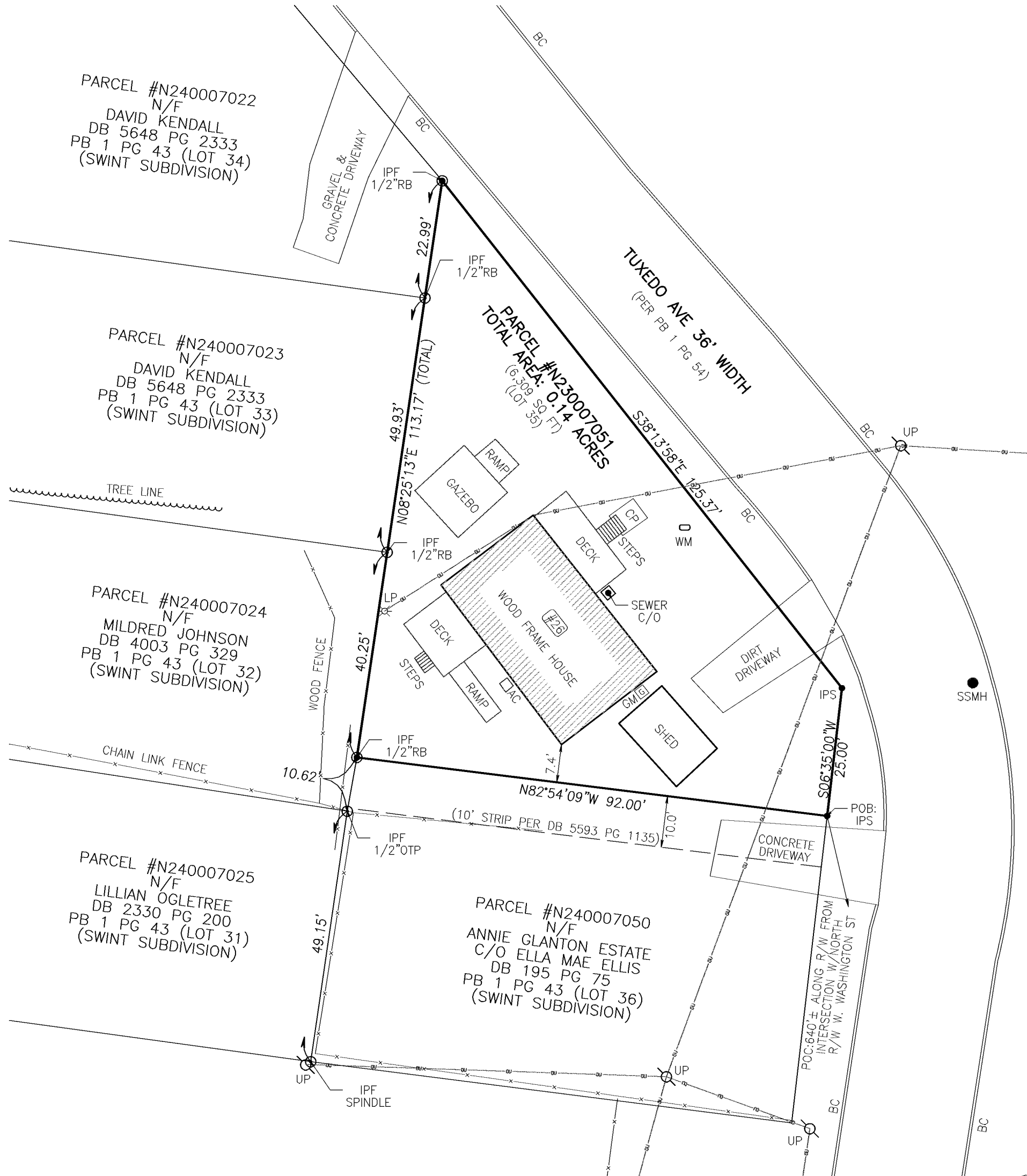
SUBJECT PROPERTY

OWNER: ERICA BOHANNON (PER TAX ASSESSOR)
SITE ADDRESS: 26 TUXEDO AVE, NEWNAN, GA 30263
AREA: 0.14 ACRES
PARCEL #: N240007051
ZONING: RU-7
REFERENCES:
1) DEED BOOK 5593 - PAGE 1135
2) PLAT BOOK 1 - PAGE 54
(LOT 35 SWINT SUBDIVISION)

ZONING INFORMATION

RU - 7 ZONING DISTRICT (URBAN RESIDENTIAL - SINGLE FAMILY, HIGH DENSITY)
- MINIMUM FRONT YARD SETBACK: 25 FEET
- MINIMUM SIDE YARD SETBACK: 5 FEET
- MINIMUM REAR YARD SETBACK: 30 FEET
ZONING INFORMATION SHOW HEREON HAS BEEN TAKEN FROM THE CITY OF NEWNAN, COWETA COUNTY ONLINE TAX ASSESSOR MAPS AND THE CITY OF NEWNAN, COWETA COUNTY CODE OF ORDINANCES. ALL ZONING INFORMATION WILL NEED TO BE VERIFIED BY THE PROPER ZONING OFFICIALS.

SYMBOLS
IPF = - AS SHOWN HEREON
IPS = - CAPPED 1/2" REBAR TO BE SET
LEGEND
BC BACK OF CURB
C/O SEWER CLEANOUT
CP CONCRETE PAD
GM GAS METER
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
N/F NOW OR FORMERLY
PB PLAT BOOK
DB DEED BOOK
PG PAGE
OTP OPEN TOP PIPE
IPF IRON PIN FOUND
IPS IRON PIN TO BE SET (CAPPED 1/2" REBAR)
LL LAND LOT
LP LIGHT POLE
R/W RIGHT OF WAY
WM WATER METER
UP UTILITY POLE
SSMH SANITARY SEWER MANHOLE



VICINITY MAP
N.T.S.

GENERAL NOTES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND CLAYTON ADAM MCCANN GAPLS #3481 MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN.
THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION, BELIEF AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE WHILE PERFORMING LIMITED COURTHOUSE RESEARCH. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
THE FIELD DATA UPON WHICH THIS SURVEY IS BASED ON HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET HORIZONTAL AT THE 95% CONFIDENCE LEVEL.
EQUIPMENT USED FOR ANGULAR AND LINEAR MEASUREMENTS: GEOMAX ZENITH 35 PRO GNSS DUAL FREQUENCY RECEIVER. (DATE OF LAST FIELD VISIT: 03-28-24)
THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 71,869 FEET.
THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS: GRID NORTH AS DEFINED BY NAD 83 AND NAVD 88 (GEOID 18) DATUM, GEORGIA WEST ZONE, AND DETERMINED THROUGH RTK/GPS METHODS UTILIZING A GNSS REAL TIME NETWORK SOLUTION BY MCCANN LAND SURVEYORS.
NO PORTION OF THIS SITE APPEARS TO BE IN A SPECIAL FLOOD AREA AS DEFINED BY THE CITY OF NEWNAN F.E.M.A. F.I.R.M. COMMUNITY PANEL NUMBER 13077C0139D DATED 02/06/2013.

SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

CLAYTON ADAM MCCANN GAPLS #3481

04/15/2024
DATE

MCCANN LAND SURVEYORS

315 SOUTH 9TH STREET
GRIFFIN, GA 30224
mccannls.com
(o) (470) 204-7080

BOUNDARY RETRACEMENT SURVEY FOR:

ERICA BOHANNON

5TH LAND DISTRICT CITY OF NEWNAN COWETA COUNTY, GA

MCLS JOB
#24063

DRAWN BY
MFM

CHECKED BY
CDM & CAM

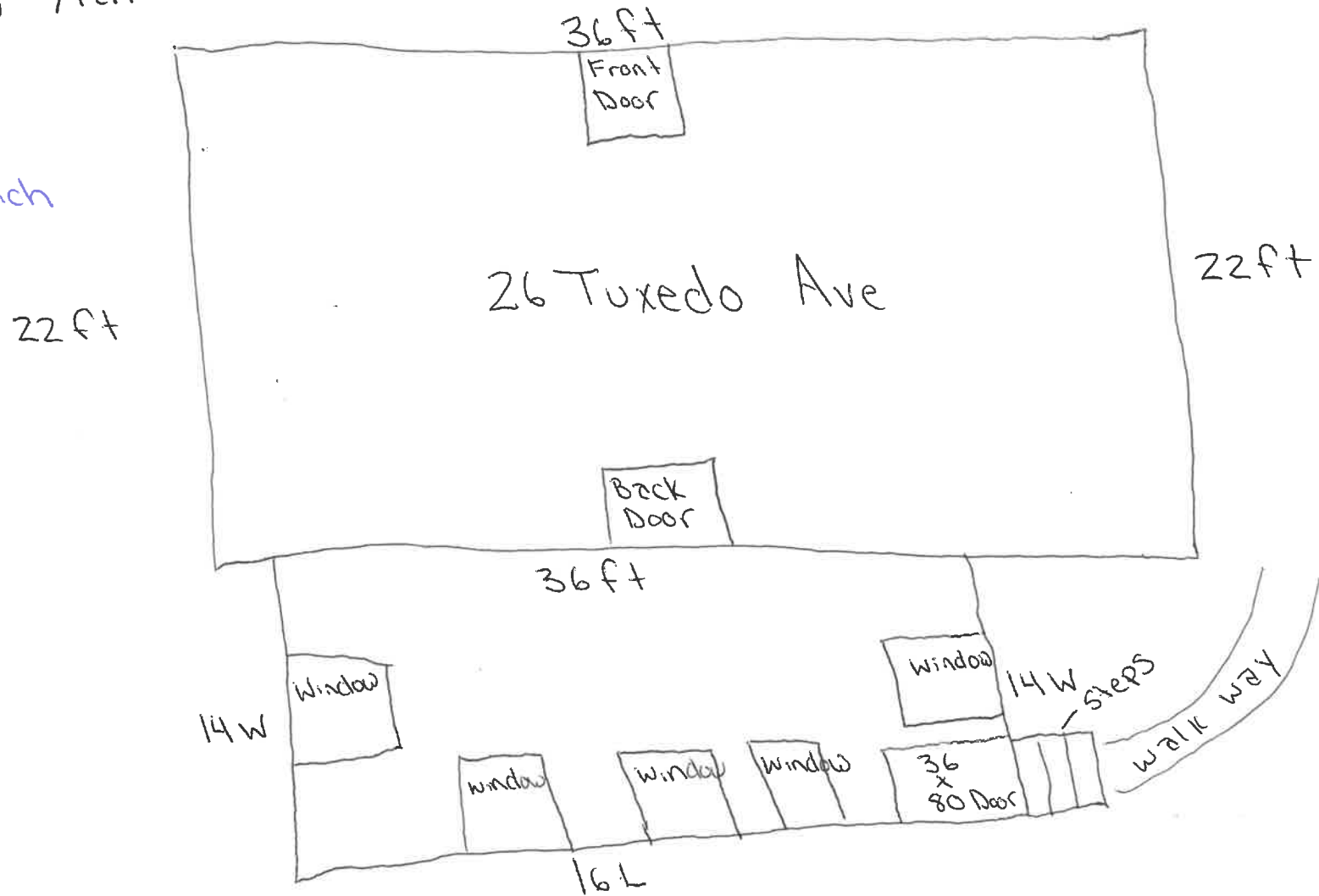
ISSUE DATE 04/15/2024

DRAWING NUMBER
1 OF 1

1. Foundation - Crawl space
2. Insulation - R13
3. OSB Board - 1/2 inch
4. Wrap house house wrap
5. Install windows & Door use flash Tape
6. Install hardie siding
7. Roof - Shingles/felt
8. soffit
9. fascia
10. two steps
11. Flooring 1/2 inch

Front of House

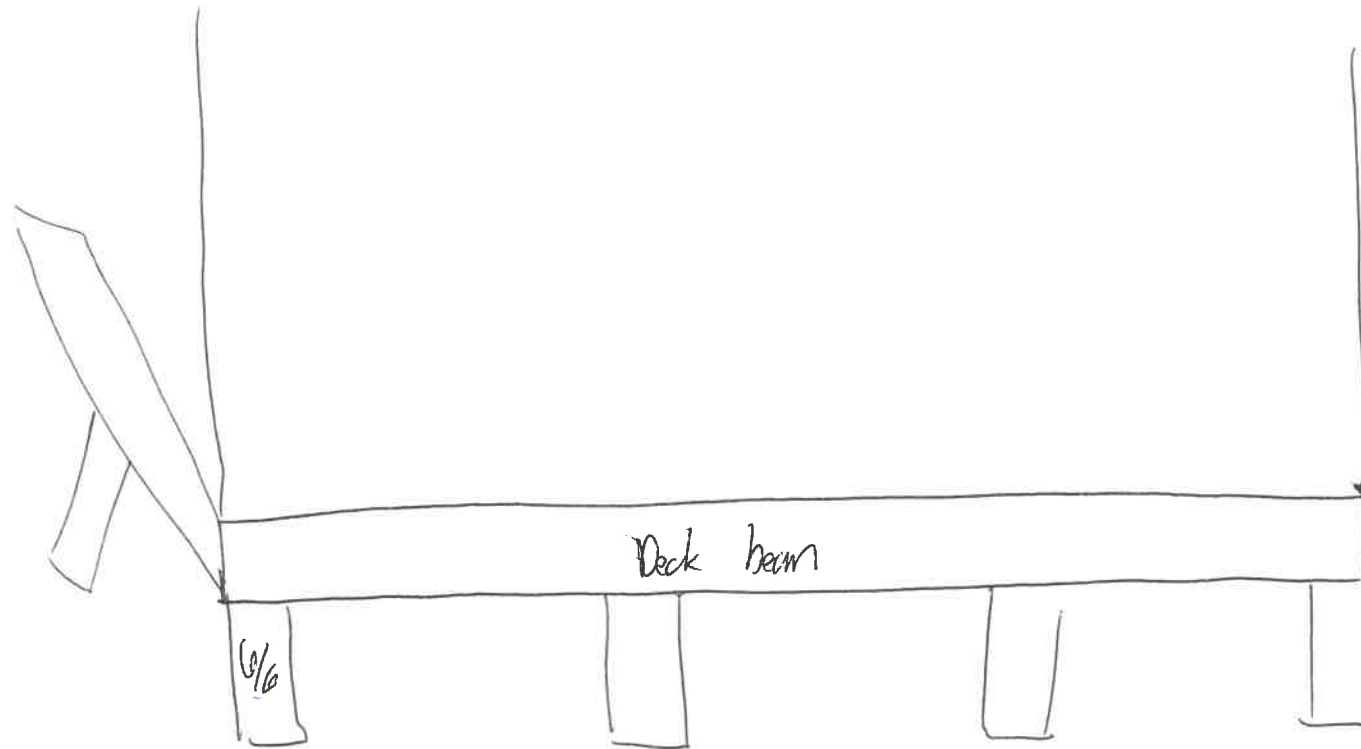
Home Addition
Sun Room
14x16
W L



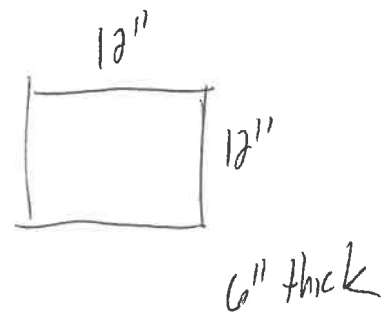
Back of House

Stringer connector
for steps

Deck joist
spacing



Footings





City of Newnan, Georgia – Board of Zoning Appeals

Date: May 7, 2024

Application Number: 2024-12

Agenda Item: Public Hearing Variance request – 260 Summerlin Blvd.

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To conduct a public hearing pertaining to a variance request to establish a Class III Child Day Care Center 1,000 feet of two other special care residential accommodation facilities.

Applicant: Ronak Patel
Goddard Newnan Holdings, LLC
288A Sampson Street NE
Atlanta, GA 30312

Property Owner: Newnan Crossing Partners, LLC
525 Pharr Road NE
Atlanta, GA 30305

Zoning: Community Shopping Center District (CCS) and also within a Quality Development Corridor Overlay District (QDC) and the Lower Fayetteville Road Commercial Landscape Corridor Overlay District (LFR)

Present Use: Undeveloped vacant lot

Proposed Use: Class III Child Day Care Center

Pertinent Regulations: Article 3, Section 3-78

Applicant's Position: The applicant desires to establish a Class III (19-49 Children) Child Day Care facility on property identified as Tax Parcel #098A-654 and further addressed as 260 Summerlin Boulevard. The applicant states, in part, ".... the proposed child daycare use is a Class III facility...the ordinance does not allow class III facilities to operate within 1,000 feet of similarly classified facilities...the subject property is approximately 114 feet from an existing daycare facility.... [without this variance], the applicant would not be able to develop the site for the intended use of a child daycare facility.... daycare facilities are an inherently beneficial use to the communities which they serve...."

Bases for Granting Variance

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

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

- ✓ Such conditions are peculiar to the particular piece of such property involved.
 - ✓ Such conditions were not imposed by the action or will of the owner of the property.
 - ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship. Such hardship does not include financial hardship in that if the variance were granted, the applicant could receive a higher rate of financial return on the use of the property and without the variance, a lesser but still reasonable return could be realized.
 - ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.
- B. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
- C. The condition or situation of the property, which give rise to the need for such variance, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Planning Department's Review and Findings:

The BZA has head similar requests in the past, including the following: 45 Sutherland Drive in 2021; 11 Fisher Street in 2020; 108 W. Washington Street in 2019; 210 & 212 Jefferson Parkway in 2018 and 18 Savannah Street in 2018.

260 Summerlin Boulevard is predominantly bordered by commercially zoned properties, with the exception to an entrance to the Woodbury Estates residential neighborhood to the north.

The proposed site for this facility is located near a major road with access to a hospital or medical facility as may be needed. There is sufficient distance from residential uses so as not to pose any disturbance or conflicts.

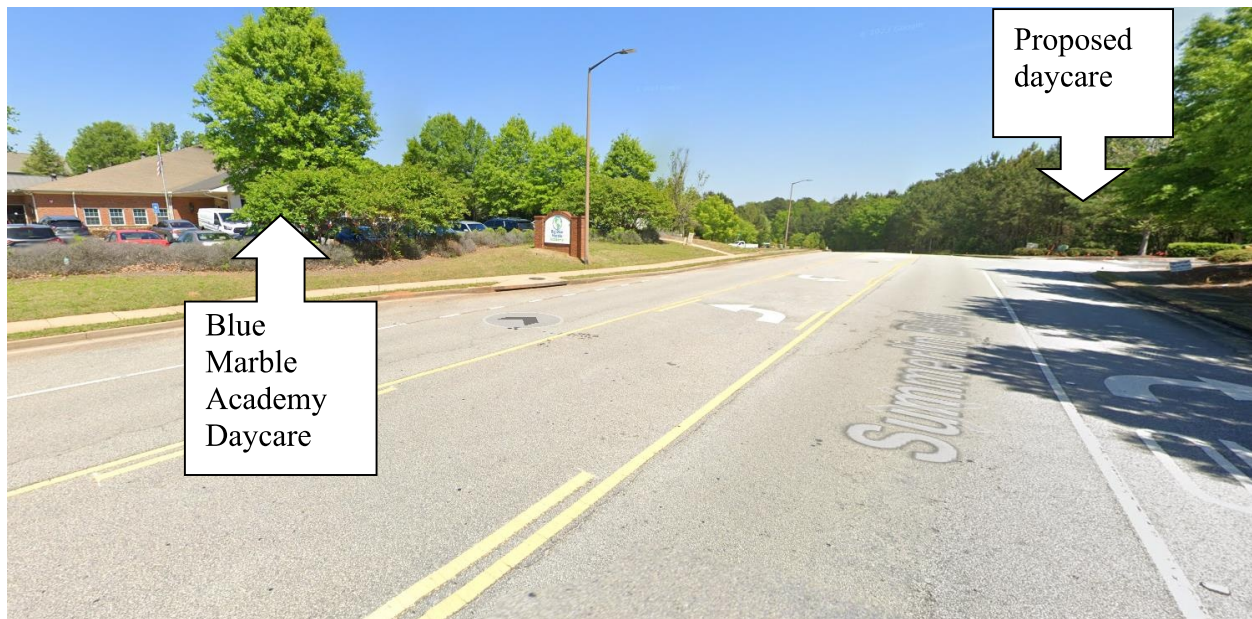
Recommendation:

Staff has reviewed the application within the context of the Comprehensive Plan, Future Land Use plan, surrounding property uses and past uses of the property. There isn't any particular reason through the zoning ordinance to deny the applicant's request. The use seems appropriate for the area and surrounding zoning and would be a type of use that could provide a benefit to some of the nearby residents and complimentary to the existing development in the area.

Options:

- A. Approve the variance.
- B. Deny the variance.

Staff recommends Option A, approving the variance request, which is necessary for the establishment of the child day care facility at this location.





NEWMAN
GEORGIA

CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Ronak Patel

Mailing Address 288A Sampson Street NE, Atlanta, GA 30312

Telephone 678-908-9900 E-Mail: goddard.newnanga@gmail.com

Property Owner (Use back if multiple names) Goddard Newnan Holdings LLC

Mailing Address 288A Sampson Street NE, Atlanta, GA 30312

Telephone 678-908-9900

Address/Location of Property 260 Summerlin Boulevard

Tax Parcel No: Land Lots 20 & 21, 5th District

Present Zoning Classification: CCS with QDC Overlay

Present Land Use Vacant - Undeveloped

Intended Use Child Daycare Center

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) 3-78(a)(3) & 3-80(c)(3) 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 proposed child daycare use is a Class III facility. The ordinance does not allow class III facilities to operate within 1000 feet of similar class facility. The subject property is approximately 114 feet from an existing daycare facility.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Zone CCS within the QDC Overlay District.

-
-
3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?
The location of the property being less than 1000 feet from a similar class facility.
-
-
4. What is the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property?
The applicant would not be able to develop the site for his intended use of a nationally recognized child daycare facility. Daycare facilities are an inherently beneficial use to the communities which they serve.
-
-
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?
A distance variance would be required to allow for 114 feet distance between properties of similar use \ class in lieu of the 1000 feet requirement.
-
-

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:

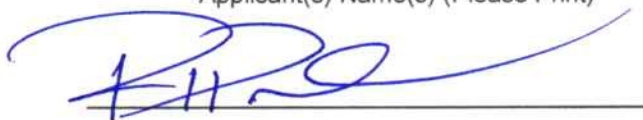
- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property. To be provided at least 2 weeks prior to hearing date.
- ✓ List of all the names and addresses of all property owners 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.

Ronak Patel

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 Newnan Crossing Partners, LLC

Telephone Number 404-231-0579 x116

Address of Subject Property 260 Summerlin Boulevard, Newnan, GA 30265

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

Julian S. Betts, Jr.
Signature of Property Owner

Julian S. Betts, Jr., President
UC Development, Inc. Member

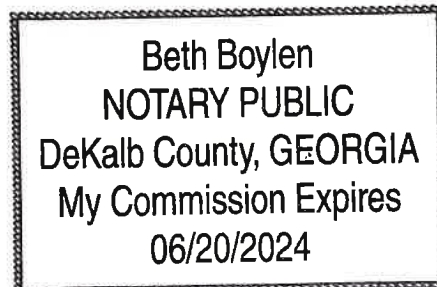
Personally appeared before me

Julian S. Betts, Jr.

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

Beth Boylen

Notary Public



(Affix Raised Seal Here)

March 20, 2024

Date

260 SUMMERLIN BOULEVARD LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF NEWNAN, LAND LOTS 20 & 21 OF THE 5TH DISTRICT OF COWETA COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SUMMERLIN BOULEVARD (VARIABLE RIGHT-OF-WAY) AND THE NORTHWESTERLY RIGHT- OF-WAY OF LOWER FAYETTEVILLE ROAD (VARIABLE RIGHT-OF-WAY); THENCE SOUTHWESTERLY ALONG THE SAID SOUTHWEST RIGHT-OF- WAY OF LOWER FAYETTEVILLE ROAD A DISTANCE OF 498.09 FEET TO A REBAR WITH A CAP; THENCE LEAVING SAID RIGHT OF WAY NORTH 06 DEGREES 16 MINUTES 12 SECONDS WEST A DISTANCE OF 114.20 FEET TO A REBAR WITH CAP, AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS WEST A DISTANCE OF 390.44 FEET TO A REBAR WITH CAP; THENCE NORTH 10 DEGREES 06 MINUTES 12 SECONDS EAST A DISTANCE OF 55.60 FEET TO A REBAR WITH CAP; THENCE NORTH 23 DEGREES 45 MINUTES 29 SECONDS EAST A DISTANCE OF 245.24 FEET TO A REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF SUMMERLIN BOULEVARD (VARIABLE RIGHT-OF-WAY); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH AN ARC DISTANCE OF 151.89 FEET, WITH A RADIUS OF 539.70 FEET, AND A CHORD BEARING NORTH 86 DEGREES 10 MINUTES 28 SECONDS EAST, AND A CHORD DISTANCE OF 151.39 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 77 DEGREES 10 MINUTES 40 SECONDS EAST A DISTANCE OF 99.35 FEET TO A REBAR; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 06 DEGREES 16 MINUTES 12 SECONDS EAST A DISTANCE OF 310.88 FEET TO A REBAR WITH CAP, AND THE TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO AN ACCESS EASEMENT AGREEMENT BETWEEN NEWNAN CROSSING PARTNERS, LLC AND AGA NEWNAN VENTURE, LLC, DATED 05/31/2017 AND FILED WITH THE CLERK OF SUPERIOR COURT, COWETA COUNTY, GEORGIA ON 06/01/2017 IN DEED BOOK 4945 PAGES 496-506 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SUMMERLIN BOULEVARD (VARIABLE RIGHT-OF-WAY) AND THE NORTHWESTERLY RIGHT- OF-WAY OF LOWER FAYETTEVILLE ROAD (VARIABLE RIGHT-OF-WAY); THENCE SOUTHWESTERLY ALONG THE SAID SOUTHWEST RIGHT-OF- WAY OF LOWER FAYETTEVILLE ROAD A DISTANCE OF 498.09 FEET TO A REBAR WITH A CAP; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 50 DEGREES 57 MINUTES 12 SECONDS WEST A DISTANCE OF 52.45 FEET TO A POINT, AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 38 DEGREES 14 MINUTES 01 SECONDS WEST A DISTANCE OF 27.37 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 202.36 FEET, WITH A RADIUS OF 236.50 FEET, AND A CHORD BEARING NORTH 13 DEGREES 43 MINUTES 17 SECONDS WEST, AND A CHORD DISTANCE OF 196.24 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT WITH AN ARC DISTANCE OF 105.34 FEET, WITH A RADIUS OF 263.50 FEET, AND A CHORD BEARING NORTH 00 DEGREES 39 MINUTES 41 SECONDS WEST AND A CHORD DISTANCE OF 104.64 FEET TO A POINT; THENCE NORTH 12 DEGREES 06 MINUTES 49 SECONDS WEST A DISTANCE OF 118.45 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 5.03 FEET, WITH A RADIUS OF 15 FEET, AND

A CHORD BEARING NORTH 02 DEGREES 30 MINUTES 13 SECONDS WEST, AND A CHORD DISTANCE OF 5.01 FEET TO A POINT; THENCE SOUTH 78 DEGREES 16 MINUTES 33 SECONDS WEST A DISTANCE OF 29.16 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 7.53 FEET, WITH A RADIUS OF 22.48 FEET, AND A CHORD BEARING SOUTH 22 DEGREES 16 MINUTES 11 SECONDS EAST, AND A CHORD DISTANCE OF 7.49 FEET TO A POINT; THENCE SOUTH 12 DEGREES 06 MINUTES 49 SECONDS EAST A DISTANCE OF 116.21 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 94.55 FEET, WITH A RADIUS OF 236.50 FEET, AND A CHORD BEARING SOUTH 00 DEGREES 39 MINUTES 41 SECONDS EAST, AND A CHORD DISTANCE OF 93.92 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT WITH AN ARC DISTANCE OF 225.98 FEET, WITH A RADIUS OF 263.50 FEET, AND A CHORD BEARING SOUTH 13 DEGREES 46 MINUTES 39 SECONDS EAST AND A CHORD DISTANCE OF 219.12 FEET TO A POINT; THENCE SOUTH 38 DEGREES 14 MINUTES 01 SECONDS EAST A DISTANCE OF 26.85 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF LOWER FAYETTEVILLE ROAD (VARIABLE RIGHT-OF-WAY); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 51 DEGREES 45 MINUTES 59 SECONDS EAST A DISTANCE OF 27.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 2.14 ACRES OR 93,125 SQUARE FEET AND SHOWN ON A BOUNDARY SURVEY FOR NEWNAN CROSSING PARTNERS LLC, DATED 12/21/2023 BY HARBUCK LAND SURVEYORS INC., WILLIAM G. HARBUCK. GEORGIA REGISTERED LAND SURVEYOR NO. 3006.





1. BOUNDARY & TOPOGRAPHY INFORMATION IS BASED ON A SURVEY TITLED "BOUNDARY, TOPOGRAPHIC & TREE SURVEY FOR: NEWMAN CROSSING PARTNERS LLC, LAND LOTS 20 & 21, 5TH DISTRICT, COWETA COUNTY, GEORGIA, CITY OF NEWMAN", BY HARBUCK LAND SURVEYORS INC. 53C JEFFERSON STREET, NEWMAN, GA 30263, DATED DECEMBER 21, 2023.
2. BEARINGS ARE BASED ON GRID NORTH GEORGIA WEST ZONE.

Abbreviations	
C	Conforms
ENC	Existing Non-Conformance
N/A	Not Applicable
V	Variance Required
Notes:	
A.	Code based on The Code of Ordinances of the City of Newnan, Georgia.
B.	Existing lot is undeveloped, therefore consisting of 'not applicable' conditions.
C.	Existing lot is adjacent to Summerlin Boulevard, which is classified as a Minor Road.

ADA Parking Spaces Required = 2, of which, 1 is required to be ADA Van accessible
Per N.J.A.C. 5:23-7.10(c):
ADA Parking Spaces Provided = 2, of which, 1 are ADA Van accessible

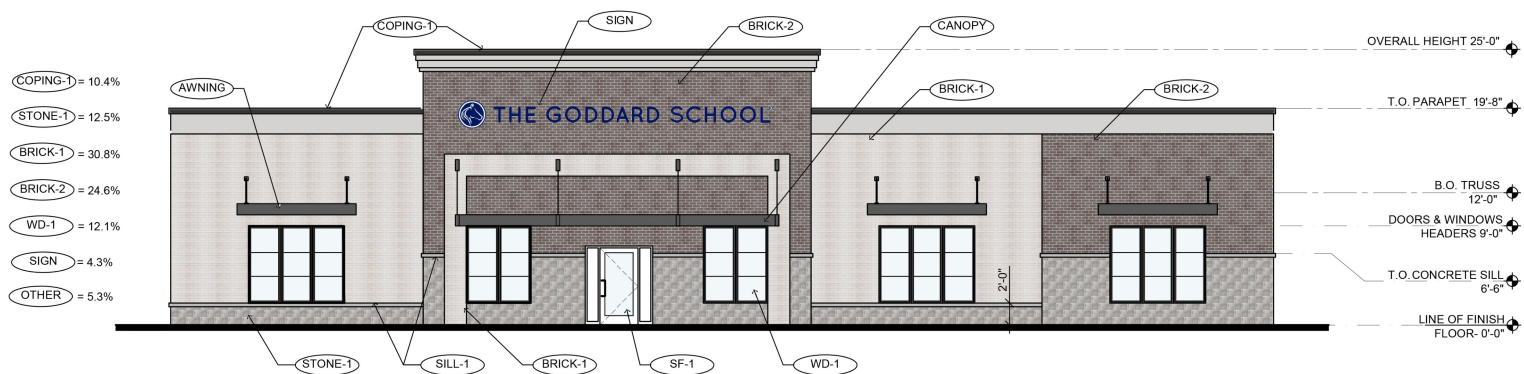


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1	02-12-2024	QDC Application	CRO

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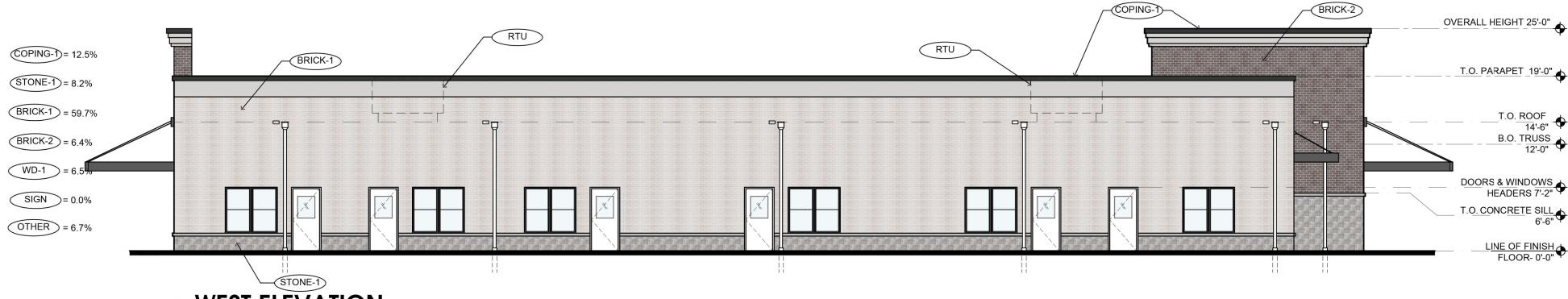
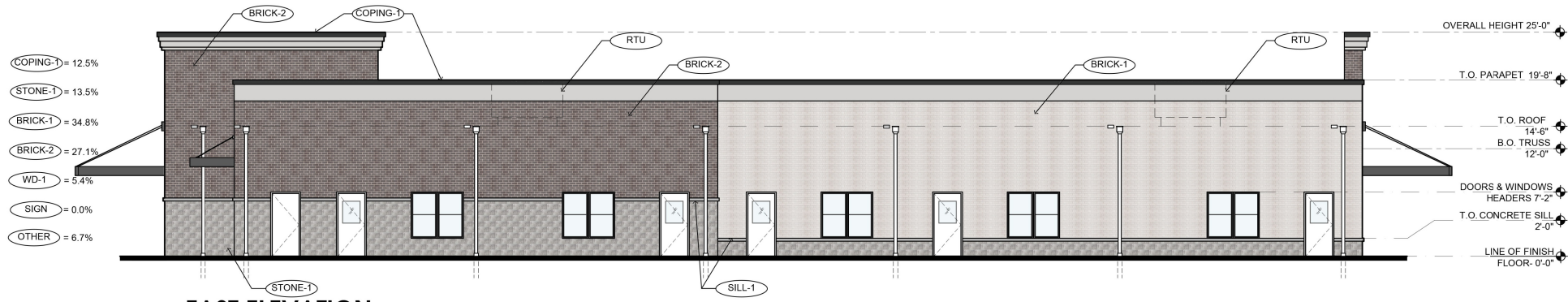
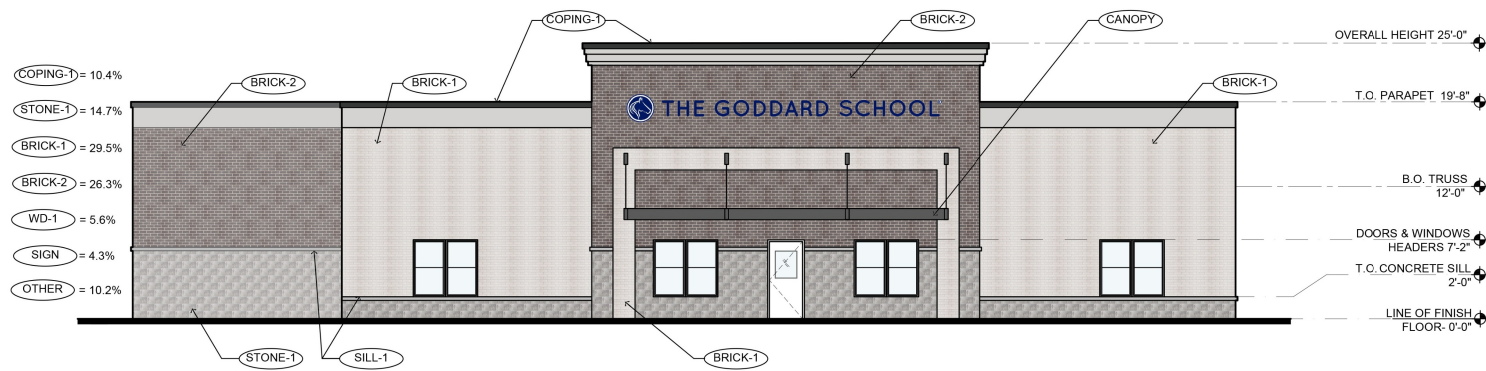
ENGINEER OF RECORD

H:\DRAWINGS\GODDARD\GA23-168 - GODDARD SCHOOL NEWMANGA 61 BELLTREE CIRCLE\SPACE PLANS\GSLGA23-168-SA-1A1.DWG GSESARIO PLOTTED: 03/15/2024



EXTERIOR MATERIAL SCHEDULE			
LABEL	MANUFACTURER	SIZE / TYPE	FINISH / COLOR
SF-1	KAWNEER	TRIFAB 451T / 350 PER DOOR SCHEDULE	BLACK
DOOR-1	-	PER DOOR SCHEDULE	FACTORY PRIMED
WD-1	ANDERSEN	PICTURE 100 SERIES PER WINDOW SCHEDULE	BLACK
STONE-1	YORK BUILDING PRODUCTS	TEMPLE STONE	MIST
SILL-1	CUSTOM CAST STONE	SILLSL-4S 4"Hx5"W	NATURAL
COPING-1	FABRAL (OR EQUAL)	BREAK METAL	CHARCOAL
CANOPY	-	CUSTOM ALUMINUM	DARK GREY
AWNING	-	CUSTOM ALUMINUM	DARK GREY
BRICK-1	YORK BUILDING PRODUCTS	VINTAGE SERIES	ARCTIC WHITE, MATTE FACE
BRICK-2	YORK BUILDING PRODUCTS	VINTAGE SERIES	GRAPHITE, MATTE FACE

FINISH SCHEDULE NOTES:
1. G.C. SHALL VERIFY KNOX BOX MODEL(S) AND LOCATION(S) WITH AUTHORITY HAVING JURISDICTION PRIOR TO ORDERING AND INSTALLATION.
2. G.C. SHALL ENSURE ALL EXTERIOR FINISHES ARE INSTALLED AND FINISHED IN COMPLIANCE WITH MANUFACTURERS' WARRANTY REQUIREMENTS.



STONE-1



BRICK-1



BRICK-2



Jarmel Kizel

ARCHITECTS AND ENGINEERS INC.
42 OKNER PARKWAY
LIVINGSTON, NEW JERSEY 07039
TEL: 973-994-9669
FAX: 973-994-4069

www.jarmelkizel.com

Architecture
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Interior Design
Implementation Services

ISSUE

NO.	DATE	DESCRIPTION	INT.
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REVISION

NO.	DATE	DESCRIPTION	INT.
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PRINCIPALS

MATTHEW B. JARMEL, AIA, MBA
RICHARD A. JARMEL, PE
IRWIN H. KIZEL, AIA, PP

ARCHITECTS & ENGINEERS

BEATRIZ BARRERAS, RA
ARMEN B. BOGHOSIAN, PE
JEREMY D. BOYER, AIA
ANDRZEJ B. BRZDOWSKI, PE
SHANNON CROWNOVER, PE
ANDRE E. DIBI, PE
GERARD P. GESARIO, PE
JONATHAN KUYBIDA, AIA
BRENDAN LEADBEATER, AIA
JOY-KIM LIAW, PE
KAROLINA PODKANOWICZ, AIA
CHERYL SCHWEIKER, AIA
JOHN W. STRANDBERG, AIA
STEVEN J. VAZ, PE

Project:

GODDARD SCHOOL
NEWMAN, GA

Project Number:

GSLGA23-168

Drawn By:

AM

Drawing Name:

Scale:

1/8"=1'-0"

Approved By:

MBJ

PROPOSED ELEVATIONS

Drawing Number:

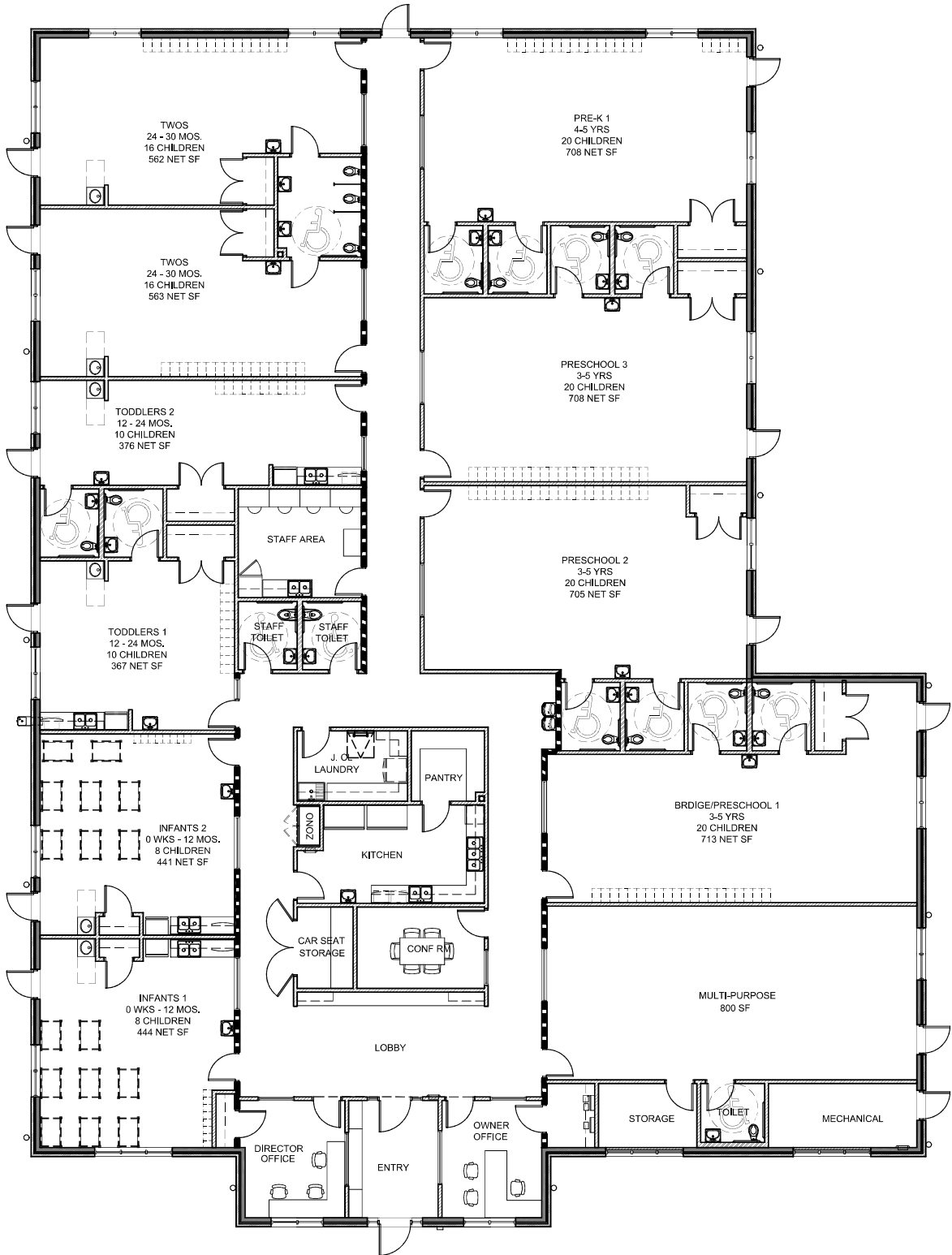
SA-1.2

Initial Date: 02/02/24

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BUILDING PLAN DATA TABLE		
NUMBER OF STUDENTS < 36 MONTHS OLD	68	
NUMBER OF STUDENTS > 36 MONTHS OLD	80	
TOTAL STUDENTS	148	
TOTAL STAFF	20	
TOTAL OCCUPANCY	68	

TOTAL BUILDING AREA: 11,507 SF



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Project:

GODDARD SCHOOL
NEWNAN, GA

Project Number:

GSLGA23-168

Scale:

1/8"=1'-0"

Drawn By:

AM

Approved By:

MBJ

Drawing Name:

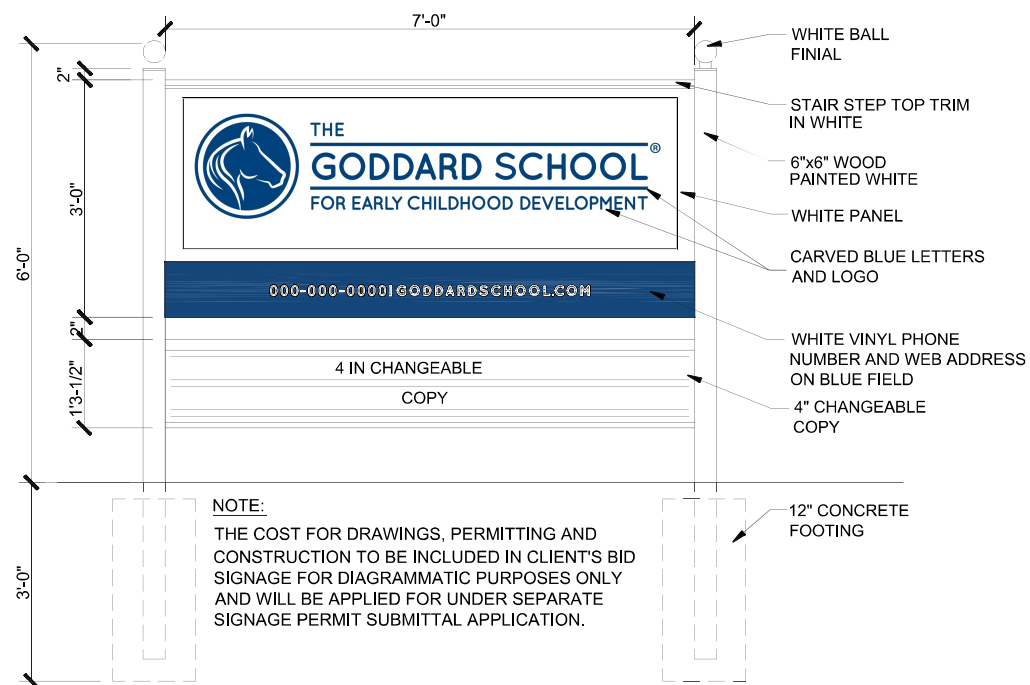
PROPOSED FLOOR PLAN

Drawing Number:

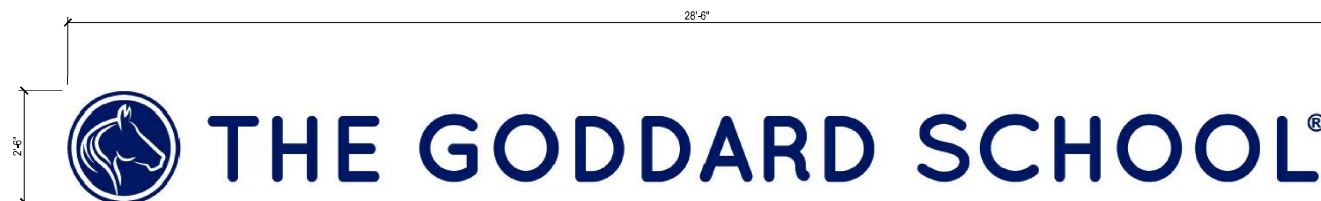
SA-1.1

Initial Date: 3/5/2024

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1 **FREESTANDING SIGN DETAIL**
SCALE : 1/4" = 1'-0"



2 **BUILDING SIGN ELEVATION**
SCALE : 1/2" = 1'-0"



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ISSUE

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REVISION

NO.	DATE	DESCRIPTION	INT.
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JOHN W. STRANDER, AIA
STEVEN J. VAZ, PE

Project:

GODDARD SCHOOL
NEWMAN, GA

Project Number:

GSLGA23-168

Scale:

AS NOTED

Drawn By:

AM

Approved By:

MBJ

Drawing Name:

SIGNAGE DETAILS

Drawing Number:

SA-1.3

Initial Date: 02/02/24



City of Newnan, Georgia – Board of Zoning Appeals

Date: May 7, 2024

Application Number: 2024-13

Agenda Item: Variance Request- 87 W. Washington Street

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a request by A Place of Refuge, Inc. to reduce the front building setback for the purpose of adding onto their youth church and family activity building.

Applicant: A Place of Refuge, Inc.
Leonard Cochran
87 W. Washington Street
Newnan, GA 30263

Property Owner: Same as applicant

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

Overlay District(s): None

Present Use: Church accessory use

Proposed Use: Expansion of church accessory use

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

Applicant's Position: "...Current setback is 25.5 feet....The proposed building addition will encroach into the current setback distance....Requesting to add 12 feet to existing structure, this will result in a setback of 13 feet from the road....This will allow the church to add a 12 X 50 ft structure to the existing building...."

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 2019, the BZA approved a front setback reduction from 41.6 feet (based upon the average of adjacent properties which is the method used in RU-I zoning districts to ascertain setback distances) for the purpose of building the church's accessory use building. At that time, the reason for the variance was due to the shape of the lot, which included a high slope in the rear and parking on the sides limiting areas for the structure. The rear slope still exists and the structure will meet the side setback requirements even if the addition is approved. The BZA has approved similar front building setback reduction requests, including: 10 Cochran Drive in 2023; 157 Lagrange Street in 2023; 84 Wall Street in 2022; 1 Alpine Drive in 2021 and 54 Roscoe Road in 2020

Recommendation:

Options:

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

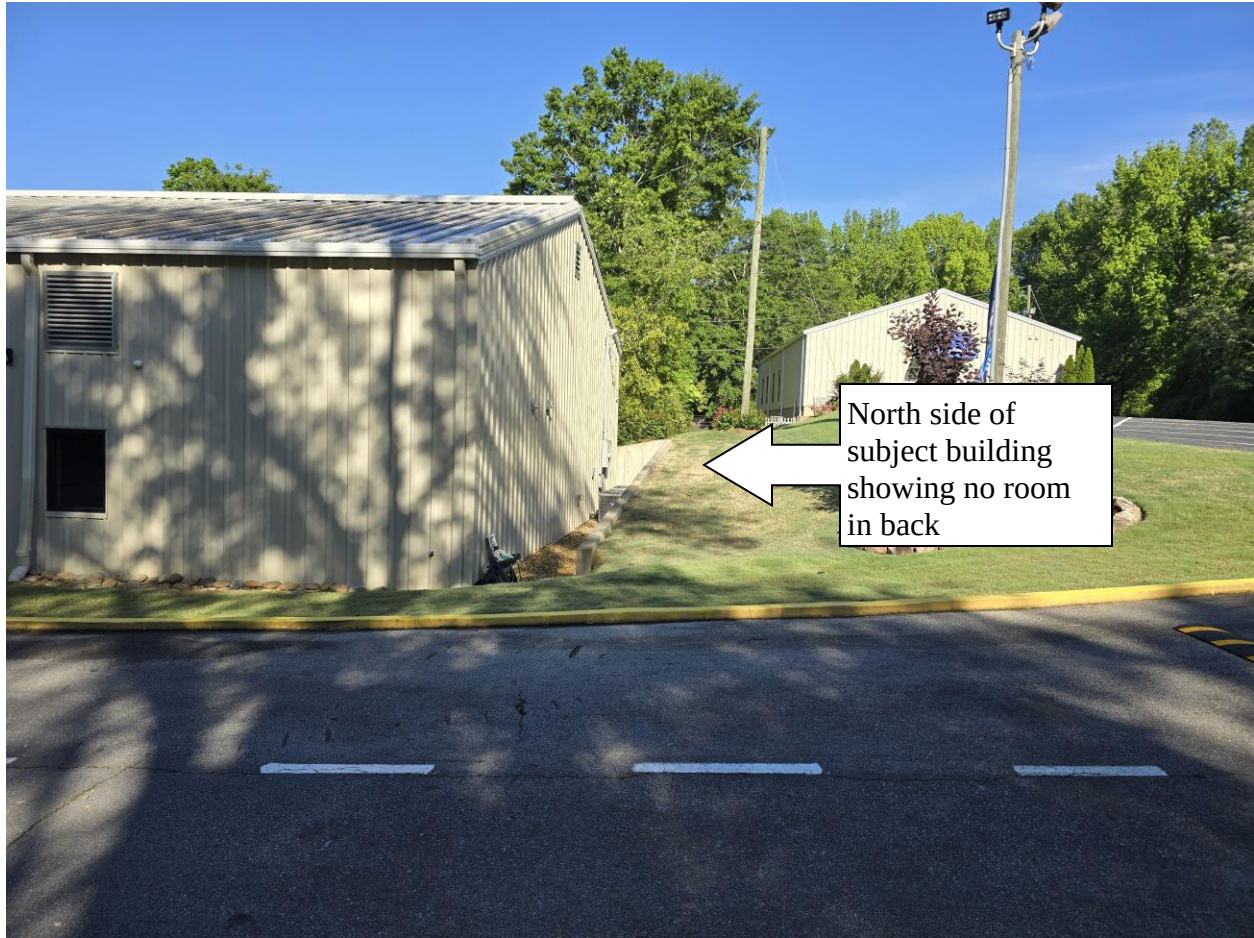
In summary, staff does not have any objection to granting the request, should the Board members deem it appropriate to do so. The strict application of the terms of this Ordinance would *unreasonably* restrict utilization of the property because the application of this Ordinance to the particular piece of property would create a non-financial, *unnecessary* hardship. Also, relief from this Ordinance would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

Attachments:

Application



Proposed
addition's
locaton







View of
east side
of building

A nearby non-residential building close to the road





Another non-residential building close to the road.



CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant A Place Of Refuge INC

Mailing Address 87 W Washington St, Newnan, Ga 30263

Telephone 770-252-3855 E-Mail: hilldre@gmail.com

Property Owner (Use back if multiple names) A Place Of Refuge INC

Mailing Address 87 W Washington St, Newnan, Ga 30263

Telephone 770-328-8942

Address/Location of Property 87 W Washington St, Newnan, Ga 30263

Tax Parcel No: N22 0004 004

Present Zoning Classification: Newnan 02 (District 02)

Present Land Use Youth Church and family activity center

Intended Use Youth Church and family activity center

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) SEC 2-12 of the Zoning Ordinance/Subdivision Regulations: RU-I Zoning district (4)(3) 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?

Current Setback is 25 ft. from the road, facility is currently sitting 25 ft from the Rd. The proposed building addition will encroach the current setback distance.

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

RU-I Zoning district (4)(3).

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?

Requesting to add 12 ft to existing structure. This will result in a setback of 13 ft from the road.

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?

No Hardship Identified. No blind spot

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?

13ft approval for zoning setback. This will allow the church to add 12x50ft structure to the existing building.

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:

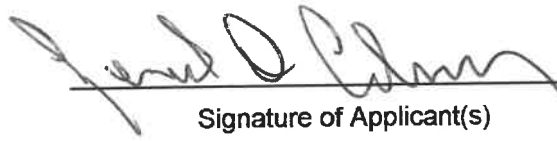
- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ List of all the names and addresses of all property owners within 250 feet of subject property. This information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

Leonard D Cochran

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING March 18, 2024

BZA MEETING DATE May 7, 2024 10:00 a.m.

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 A Place Of Refuge INC

Telephone Number 770-252-3855

Address of Subject Property 87 W Washington 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)

7-11-26
Date

1 SITE PLAN
A1 1" = 20.0'

