

City of Newnan Georgia



Board of Zoning Appeals

Agenda Book

January 4, 2022



City of Newnan
Board of Zoning Appeals

Agenda for January 4, 2022 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

TAB NUMBER	AGENDA CATEGORY / ITEM
	Elect Chairman and Vice Chairman
TAB #1	Minutes of the December 7, 2021 Board of Zoning Appeals Meeting
TAB #2	Variance Request – 50 Jackson Street – 2022-01
TAB #3	Variance Request – 43 Richard Allen Drive – 2022-02 - (Applicant is requesting a continuance to the February meeting)
	Other Business and Comments by Members of Staff
	Public Comments
	Adjourn

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

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

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

Phone: 770-254-2354

E-mail: tdunnavant@cityofnewnan.org



CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
December 7, 2021
10:00 a.m.

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

Board Members Absent: Frank Flournoy, Kris Lovell

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

CALL TO ORDER

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

READING OF THE MINUTES

Chairman Walton asked the Board if they had reviewed the minutes for the November 2, 2021 meeting. After no questions or discussion, Hensley motioned to accept the minutes. Edge seconded.

MOTION CARRIED (5-0)

Public Hearing – Variance Request – 12 Buchanan Street (2021-26)

Chairman Walton opened a public hearing on a variance request by Quentin and Theresa Skinner to reduce the side setback for a portico to be located at 12 Buchanan Street. Dean Smith reviewed the staff report and gave a summary of the applicant's position. He stated that the property is zoned RU-I and therefore, the setback is based on the average of the adjacent properties. Dean Smith added in this case, the setback would be 8.9 feet and they are seeking a variance to allow them to place the support columns three feet from the property line. He said they are looking for covered access to their back door during inclement weather. Dean Smith stated that the setback would be comparable to the garage that was destroyed during the tornado. He said that Staff recommends granting the variance request with the

condition that the applicant and their contractor comply with the City's Building Department requirements.

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

Teresa Skinner was sworn in by Brad Sears. She stated that a 200-year-old tree, which provided shade to their property, was damaged in the tornado. She said they want to build a portico to provide some relief and added that the placement would be where the garage used to be located prior to the tornado. Hensley asked about a firewall between the portico and the neighbor's home. Dean Smith stated that Bill Stephenson, Building Official, would determine if the firewall would be needed.

With no additional questions for the applicant and no one present to speak in opposition to the request, Chairman Walton closed the public hearing and asked for a motion.

Hensley made a motion to grant the variance request with the condition that the contractor comply with all Building Department requirements. Parker seconded.

MOTION CARRIED (5-0)

Variance Request – 29 Westgate Park Lane (2021-27)

Chairman Walton opened a public hearing on a variance request by Keirston Stepp to reduce the principal living space of a new home from 1,600 square feet to 1,075 square feet at 29 Westgate Park Lane. Chris Cole reviewed the staff report and gave a summary of the applicant's position. He stated at the time of purchase, the home had sustained damage caused by a tree that fell into the home crushing the roof and damaging the framing of the home and a portion of the foundation blocks. The applicant stated the severity of the damage to the home coupled with citations from the city and complaints from property neighbors led her to demolish the home and leave the existing foundation. Cole stated she is seeking to build a house with the same square footage as the home that was demolished. He said staff recommends approval of the variance request.

Chairman Walton asked the Board if there were any questions for staff. Hearing none, he asked the applicant to come forward and present her case.

Keirston Stepp was sworn in by Brad Sears. Stepp stated that she purchased the home and could not even go inside because it was not safe. She added they decided to demolish the home, keep the foundation and rebuild the home exactly as it was.

Chairman Walton asked the Board if there were any questions for the applicant. Hearing none, he asked if anyone was opposed to the request. With no one coming forward, Chairman Walton closed the public hearing and asked for a motion.

Hensley made a motion to approve the variance request. Edge seconded.

MOTION CARRIED (5-0)

Variance Request – 88 LaGrange Street – (2021-28)

Chairman Walton opened a public hearing on a variance request by Pat and Donna McKee to increase the maximum size of a garage from 1,000 square feet to 1,224 square feet to be located at 88 LaGrange Street. Chris Cole reviewed the staff report and gave a summary of the applicant's position. He said the previous 900 square-foot garage on the subject property was destroyed by the tornado of 2021. Cole stated the applicant is seeking to replace that garage with a larger structure that would be located in a different place for aesthetic reasons. He said the building that was destroyed by the tornado was originally built in 1906 as a carriage house. He added it was later converted to a garage and while the footprint of the carriage house was approximately 800-900 square feet, the available interior space was far larger as a result of the very tall hip roof that provided access to the area above the rafters that was used for storage space. Cole stated that staff recommends approval of the variance request.

Chairman Walton asked the Board had any questions for the staff. Parker asked Cole if the applicant was seeking just one variance? Cole said yes.

The applicant, Pat McKee, came forward to address the Board. Sears stated that he did not need to be sworn in as he is a member of the Georgia State Bar. McKee reiterated his request and offered to answer any questions the Board may have. Chairman Walton asked the Board if there were any questions for the applicant. Hearing none, Walton asked if anyone wanted to speak in opposition to the request. With no one coming forward, Chairman Walton closed the public hearing and asked for a motion.

Edge made motion to approve the variance request for the increase in square footage to 1,224 square feet. Smith seconded.

MOTION CARRIED (5-0)

New Business

Tracy Dunnavant let the Board know that there are 2 items for the January agenda.

ADJOURN

Hensley motioned to adjourn the meeting at 10:26 a.m. Smith seconded.

MOTION CARRIED (5-0)

Chairman Willie Walton



NEWNAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: January 4, 2022

Application Number: 2022-01

Agenda Item: Variance Request – 50 Jackson Street

Prepared and Presented by: Chris Cole, Planner

Purpose: To hear a request for a variance to construct a 1,155 square foot accessory apartment that exceeds the maximum 750 square feet allowed to accommodate the applicant's father-in-law due to health reasons.

Applicant/Property Owner: John Paulk – Applicant/John and Susan Paulk - Owners
50 Jackson Street
Newnan, GA 30263

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

Present Use: Single Family Residence

Proposed Use: The addition of an Accessory Residential Apartment, Carport, Garage

Pertinent Regulations: Section 3-71 (d), Table 3-E of the Zoning Ordinance

Applicant's Position: The applicant is proposing to construct three new structures on the subject property, which is 0.46 acre +/- . These include an accessory residential apartment, carport, and a garage. (Note – Only the Accessory Apartment is under review in this application). The applicant is requesting a variance to construct a 1,155 square foot accessory apartment that exceeds the maximum 750 square feet allowed to accommodate the applicant's father-in-law due to health reasons. The applicant stated, "We respectfully request a Variance to Section 3-71 (d) in regards to the maximum square footage of a guest cottage. The current regulations limit the maximum square footage for guest cottages to 750 square feet and our request as provided in the submitted documents is to build a 2-bedroom 1,155 square foot cottage to accommodate my father-in-law who, due to health reasons, needs to be closer to my wife and I. We are requesting the increase in square footage to be able to provide a guest house that is handicap accessible as well as to have a second bedroom to provide a place for a caregiver to stay in the future."

The applicant added, "The proposed guest cottage will replace the previous 4-car carport and storage shed that was removed in 2020 as well as the current tool shed. The building will be built and designed to match the period and historical architecture of the surrounding homes and also match the scale of our current home. The South Side of the lot at 50 Jackson Street serves as a drain for the neighboring properties. We have made investments in managing the water run-off and with this building will be making further investments to improve the water run-off to the city storm run-off. This will improve the water management for the 3 adjoining property owners."

According to an email from the applicant, "the adjoining lot to the rear built a garage that has its water drainage from its gutters drain due to topography towards my south west lot corner. The other adjoining neighbor has a garage that has run off that goes into their back yard and then drains due to topography in the same area. Subsequent to that we have built a small gully to take this water down the edge of the property to the city-installed storm sewer pipe installed in the yard on the South East corner. To insure we have sufficient drainage in the future we will have to make an investment to increase the size of the gully. The gully and storm sewer pipe are 100% inside of my property lines and the current updates have been made by me."

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicant indicated, "Maximum square footage of the dwelling exceeds the current zoning ordinance in section 3-71 (d)."

Regarding the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance, the applicant indicated, "As noted in the memo, the adjoining property water run-off is funneled onto the south side of the property and as part of the project an investment to better manage and control run off to city sewer drain at front corner of the property will be made."

Regarding the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property, the applicant indicated, "As stated in the memo, my father-in-law Pope Jones, due to health reasons and for prudent planning desires to live closer to his daughter and I. The square foot variance request is to provide adequate living space along with handicap access to a single-story guest cottage, with an additional room should a caregiver need to stay with Mr. Jones in the future."

Regarding the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property, the applicant indicated, "Variance to allow for the additional livable square feet of 405 square feet above ordinance limit."

Note – Please see the attached *Aerial Site Plan* (that shows the approximate location of all three structures to be built), the *Elevations and Site Layout*, the *Interior House Plan* (for the accessory apartment), and the *Survey* (that shows the existing buildings). The applicant also provided a letter with signatures of approval from 3 neighbors agreeing with his plans for this addition.

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.

Recommendation:

Regarding the variance request to allow for a 1,155 square foot single-story accessory apartment that exceeds the maximum 750 square feet of gross floor area allowed, staff believes the proposed accessory apartment is appropriate and will present no negative impacts. The variance is being requested out of necessity in order to provide adequate living space for the applicant's father-in-law and includes handicap access to the accessory apartment (with an additional room should a caregiver need to stay with the applicant's father-in-law in the future).

Staff also believes this proposal works within the restrictions of the lot's size, shape, and topography.

The existing slope on the southern side of the subject property (that also collects water from adjoining neighbors) is a site factor. The applicant has already built a small gully to take the water down the edge of the southern property line to the city-installed storm sewer pipe on the southeastern corner (towards the front yard). As part of the proposed project, the applicant will make further improvements by increasing the size of the gully to better manage and control run off to the city sewer drain at front corner of the property.

The applicant also took the extra step of informing the surrounding neighbors of his intent with a letter detailing the project, as well as renderings of the project. The applicant provided staff with a copy of this letter that shows the signatures of three property owners. The signatures on the letter indicate that these neighbors support the request and approve of the plans that were presented by the applicant. Note – Please see the letter attached in the packet. In addition, staff has received no comments from the public as of the date of this report.

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.

Attachments:

Application

Variance Request - 50 Jackson Street

View of subject property



View of adjacent home to the south of subject property



Variance Request - 50 Jackson Street

View to the south on Jackson Street



View across Jackson Street from subject property



Variance Request - 50 Jackson Street

View to the north on Jackson Street



View of adjacent home to the north of subject property



Variance Request - 50 Jackson Street

View across Jackson Street from subject property



View of applicant's southern property line towards the rear of the subject property (blue arrow indicates existing water drainage area that flows to the front of subject property)



Variance Request - 50 Jackson Street

View of applicant's southern yard fence in the rear yard looking towards Jackson Street. This area is beside the proposed construction site (blue arrow indicates sloping area where water collects and flows down the applicant's southern property line)



View of applicant's southwestern property line – the adjacent neighbor's garage is in the background (blue arrow indicates sloping area where water collects and flows down applicant's southern property line)



Variance Request - 50 Jackson Street

View towards property line with neighbor to the south (with the opening area in the fence line indicating where water partly enters the subject property on the sloped area – see blue arrow)



View of rear property area with the blue arrow indicating the approximate location of the proposed accessory apartment (the existing accessory building to the right of the arrow will be torn down)



Variance Request - 50 Jackson Street

View of rear yard where the proposed accessory apartment, garage, and carport will be built (the development area will start beyond the grass yard)



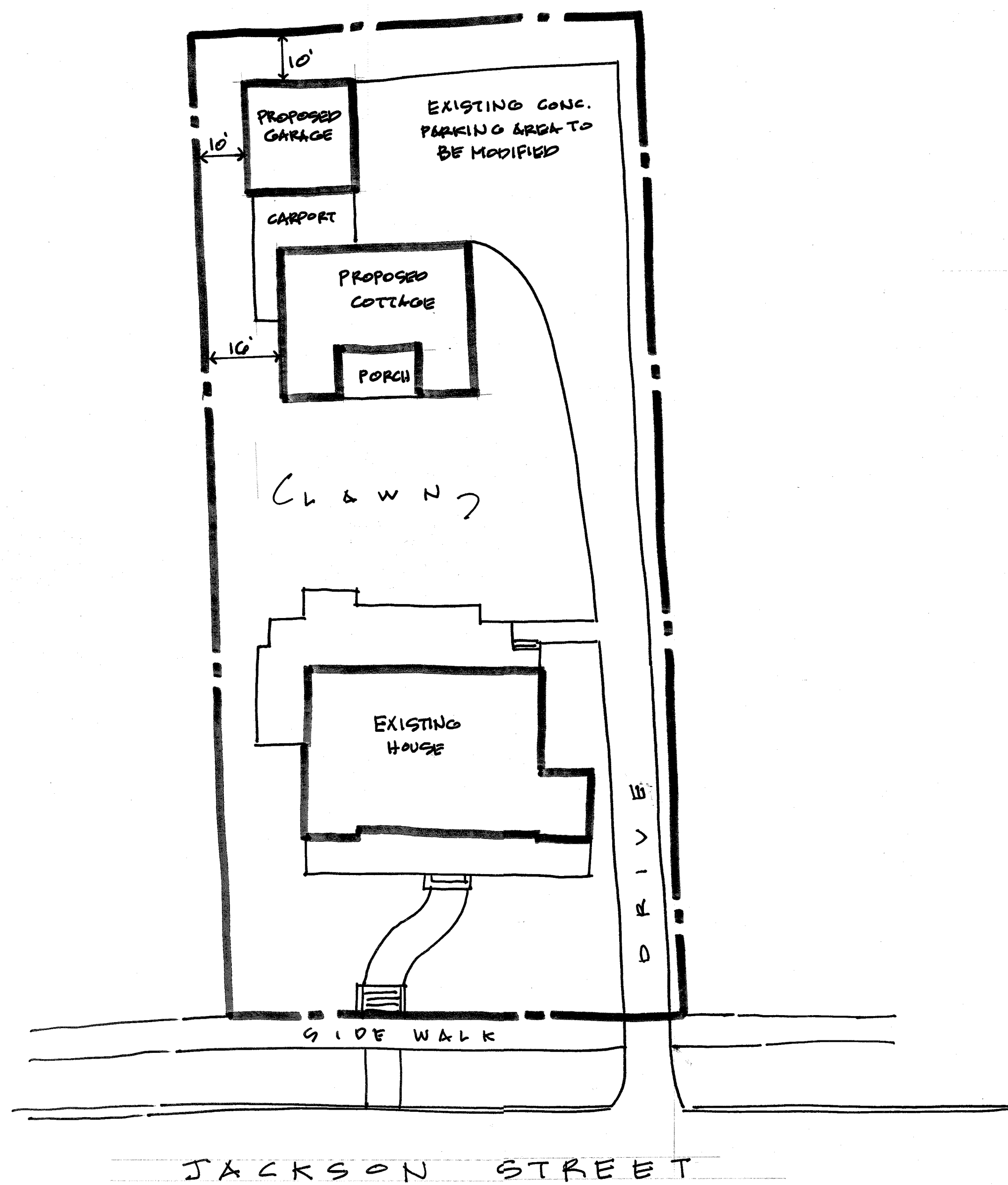
View of rear property area with the blue arrow indicating the approximate location of the proposed accessory apartment



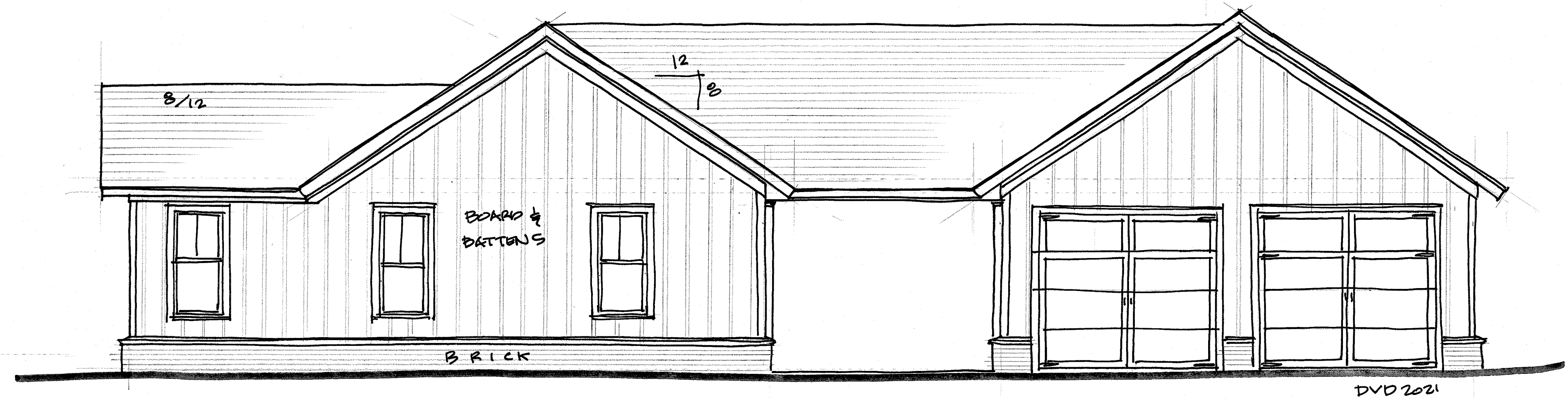


The area hatched in red represents the development site that will consist of the accessory residential apartment, carport, and a garage. Please see the Elevations and Site Layout for the specific building layout.

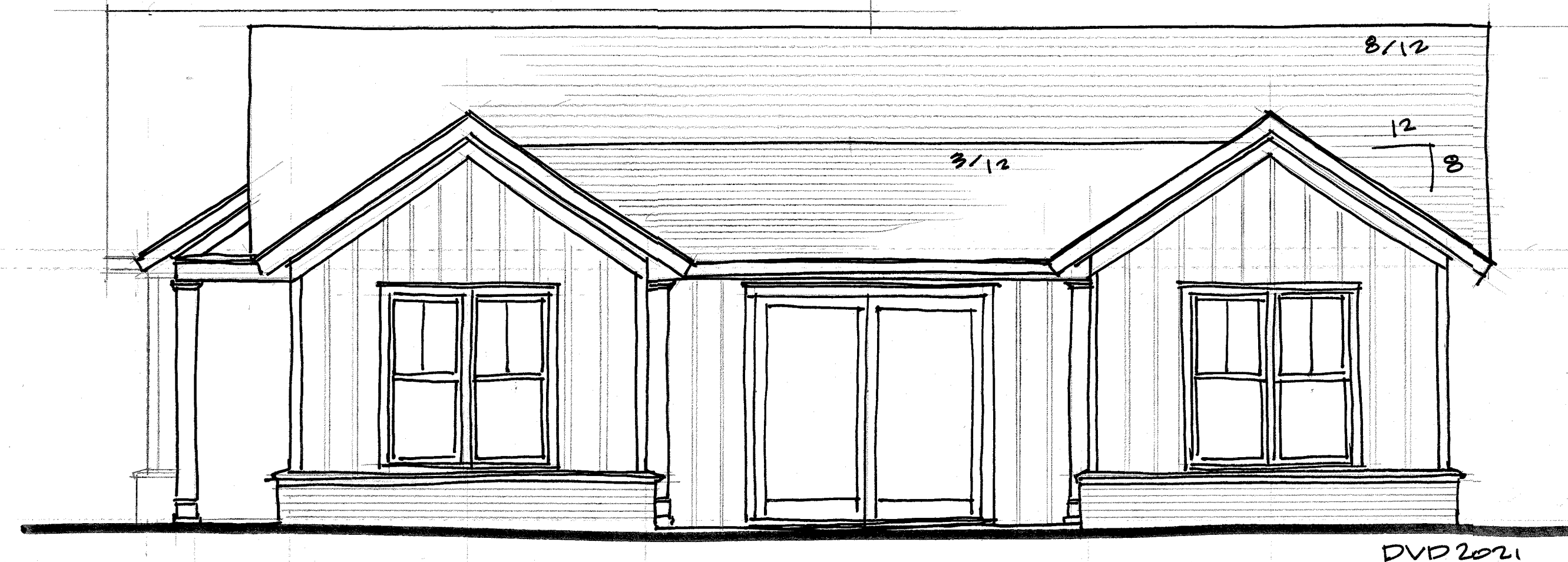
"The information on these maps was derived from digital databases from the City of Newnan GIS. Care was taken in the creation of these maps. No guarantee is given as to the accuracy or currency of any of the data. The City of Newnan shall not be liable for any special, indirect, or consequential damages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



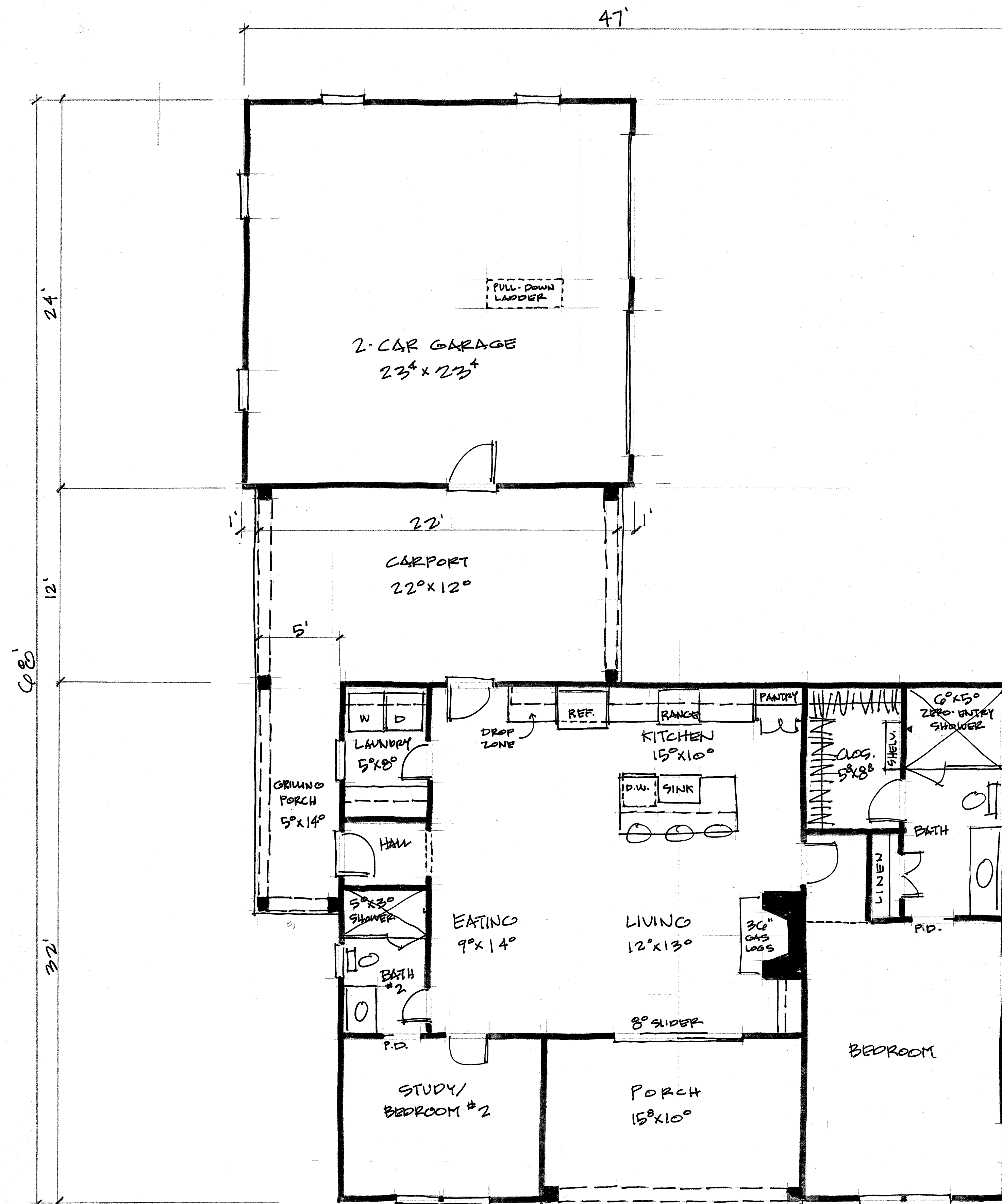
SITE STUDY
PAULK RESIDENCE SC=1"=20'-0"



RIGHT ELEVATION
SC=1/4"=1'-0"



FRONT ELEVATION
PAULK COTTAGE
JOB #280 SC=1/4"=1'-0"



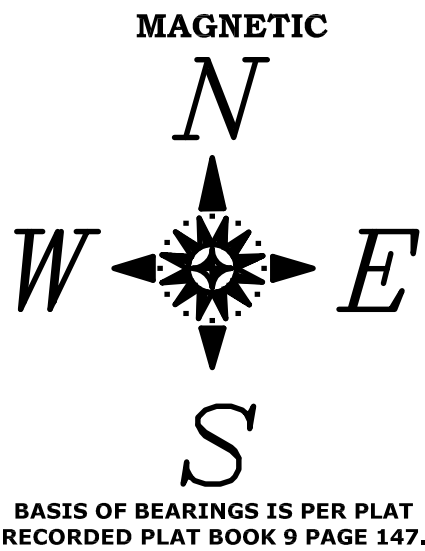
FLOOR PLAN

9'-0" CEILING HT.

SCALE 1/4" = 1'-0"

±1155 HEATED SQ. FEET

AS PER F.I.R.M. FLOOD MAPS FOR COWETA COUNTY,
GEORGIA : MAP NUMBER 13077C0143D, EFFECTIVE DATE FEB. 06, 2013
THIS PROPERTY DOES NOT APPEAR TO BE LOCATED IN A FEDERALLY DESIGNATED
FLOOD HAZARD AREA.



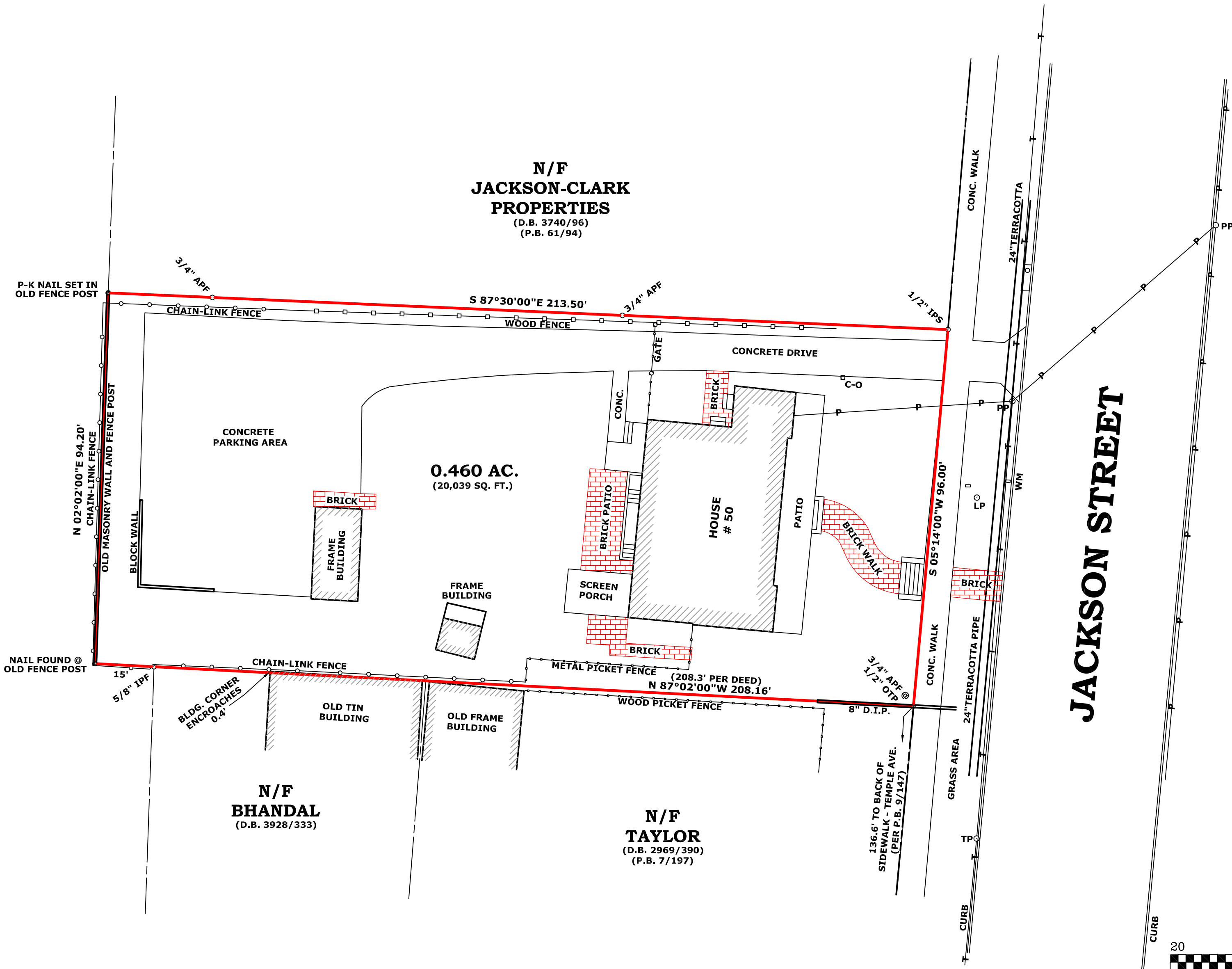
N/F
JACKSON-CLARK
PROPERTIES
(D.B. 3740/96)
(P.B. 61/94)

N/F
WALDEN
(D.B. 4149/389)

N/F
BHANDAL
(D.B. 3928/333)

N/F
TAYLOR
(D.B. 2969/390)
(P.B. 7/197)

JACKSON STREET



LEGEND:

IPF = IRON PIN FOUND
IPS = IRON PIN SET
APF = ALUMINUM PIPE FOUND
OTF = OPEN TOP PIPE
AC = ACRE
SQ. FT. = SQUARE FEET
P.B. = PLAT BOOK
D.B. = DEED BOOK
N/F = NOW OR FORMERLY
WM = WATER METER
D.I.P. = DUCTILE IRON PIPE
C-O = CLEAN-OUT
TP = TELEPHONE POLE
T = OVERHEAD TELEPHONE LINE
PP = POWER POLE
P = OVERHEAD POWER LINE

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 28,011 FEET OR BETTER AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND HAS BEEN ADJUSTED USING THE LEAST SQUARES RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 272,569 FEET OR BETTER.

ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED BY USING A GEOMAX ZOOM 35 PRO TOTAL STATION.

SURVEYORS 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.

Jason D. Turner
Jason D. Turner GA. R.L.S. # 2795

10-29-2021
Date



TURNER & ASSOCIATES LAND SURVEYORS, P.C.

10 SHACK HUNTER RD. SHARPSBURG, GEORGIA 30277
TELE: (770) 683-5300 EMAIL: turnerlandsurveyors@gmail.com
JASON D. TURNER GEORGIA REGISTERED LAND SURVEYOR NO. 2795

RETRACEMENT SURVEY FOR:

JOHN L. PAULK, III & SUSAN ALICE JONES PAULK

PLAT FOR "PROPERTY OF JAMES GOODRUM" (P.B. 9/147)
CITY OF NEWNAN, COWETA COUNTY GEORGIA

SCALE: 1" = 20'	PLAT DATE: 10-29-2021	REVISED:
DATE OF FIELD WORK:	10-25-2021	DISK #: 2021
		DRAWING #: 2021127



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant John Paulk
Mailing Address 50 JACKSON ST
Telephone 404-277-3290 E-Mail: johniii@greatsa.us
Property Owner (Use back if multiple names) John + Susan Paulk
Mailing Address 50 JACKSON ST
Telephone _____
Address/Location of Property 50 JACKSON ST. @
Tax Parcel No: N06 0004 009 @
Present Zoning Classification: RV-I @
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 thirty (30) days prior to that date. Incomplete applications or applications submitted after the deadline will not be accepted.

I (We) hereby request the following variance from the provisions of section(s) 3-710 of the Zoning Ordinance/Subdivision Regulations: TABLE 3-E

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?
SQUARE FOOTAGE OF ADDITIONAL STRUCTURE - SEE MEMO ATTACHED AND PLANS
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
REMOVAL OF PRIOR 4 CAR GARAGE STRUCTURE + FUTURE REMOVAL OF BUILDING TO ACCOMMODATE NEW ADDITION.

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

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

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

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

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

Included with the application, the following information is required:

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

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

John Paulk

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLYRECEIVED BY Chris ColeDATE OF FILING 11-24-2021BZA MEETING DATE 1-4-2022DATE OF NOTICE PUBLICATION 12-15-2021

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

John & Susan Paulk

Telephone Number

404-277-3290

Address of Subject Property

50 JACKSON 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

11/23/21

Request for variance as it relates to:

Section 3-71(d) and Table 3-E.

Subject Property:

50 Jackson St,
Newnan, GA 30263

Property Owner:

John and Susan Paulk

We respectfully request a Variance to Section 3-71(d) in regards to the maximum square footage of a guest cottage. The current regulations limit the maximum square footage for guest cottages to 750 sqft and our request as provided in the submitted documents is to build a 2 bedroom 1155 square foot cottage to accommodate my father – in – law who, due to health reasons, needs to be closer to my wife and I. We are requesting the increase in square footage to be able to provide a guest house that is handicap accessible as well as to have a second bedroom to provide a place for a care giver to stay in the future.

The proposed guest cottage will replace the previous 4 car carport and storage shed that was removed in 2020 as well as the current tool shed. The building will be built and designed to match the period and historical architecture of the surrounding homes and also match the scale of our current home.

The South Side of the lot at 50 Jackson Street serves as a drain for the neighboring properties. We have made investments in managing the water run off and with this building will be making further investments to improve the water run-off to the city storm run-off. This will improve the water management for the 3 adjoining property owners.

In addition to the Application for Variance and this memo, we also have provided a letter with signatures of approval from 3 neighbors agreeing with our plans for this addition.

Sincerely,

John and Susan Paulk

In response to question 1.

Maximum Sqft of the dwelling exceeds the current zoning ordinance in section 3-71(d)

In response to question 2

Zoning is R-3 Residential

In response to question 3.

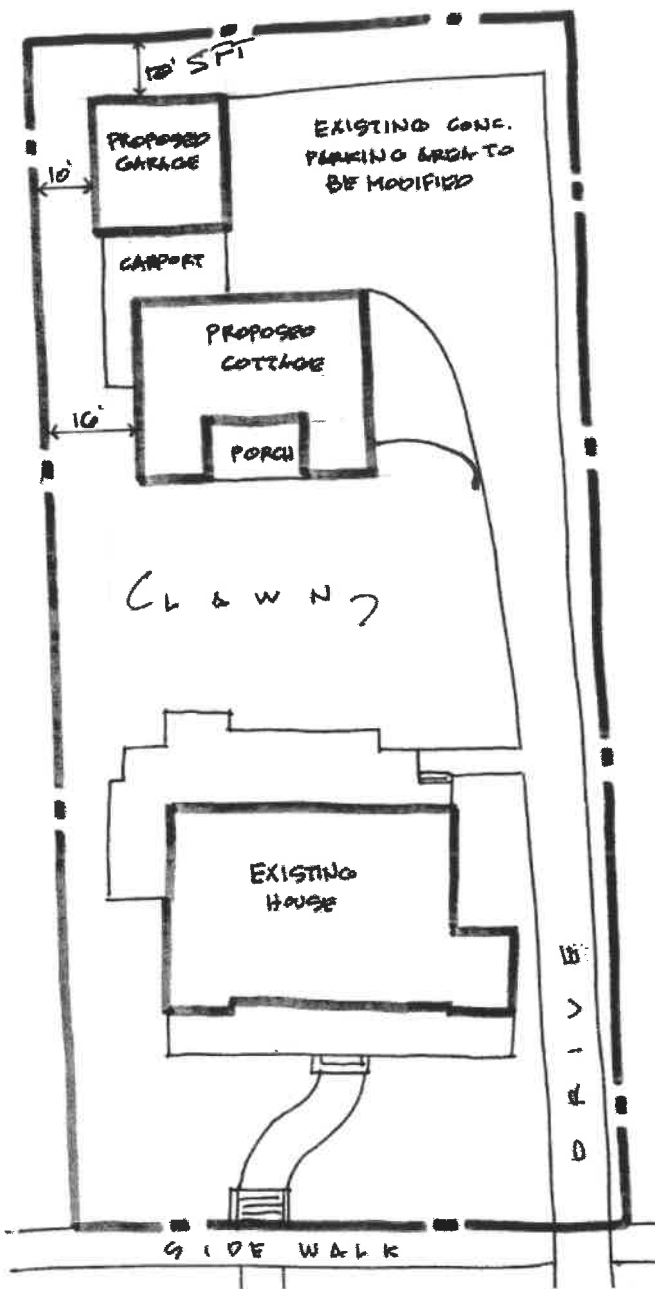
As noted in the memo, the adjoining property water run-off is funneled onto the south side of the property and as part of the project an investment to better manage and control run off to city sewer drain at front corner of the property will be made.

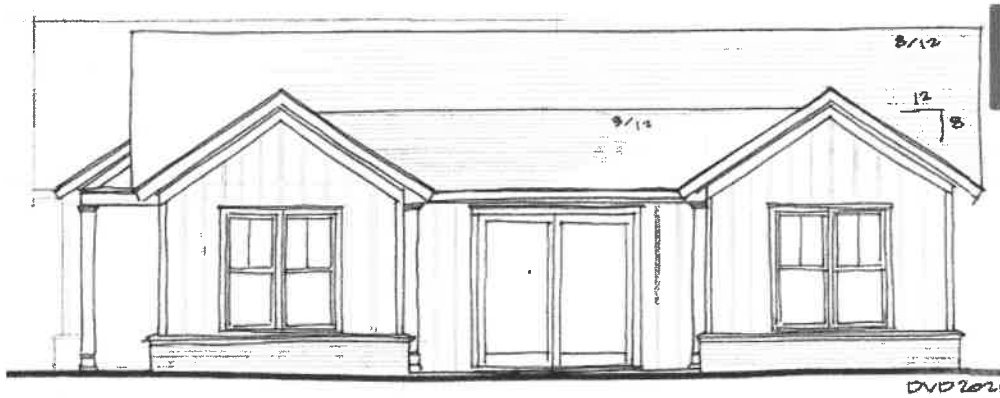
In response to question 4.

As stated in the memo, my father-in-law Pope Jones, due to health reasons and for prudent planning desires to live closer to his daughter and I. The Sqft variance request is to provide adequate living space along with handicap access to a single story guest cottage, with an additional room should a care giver need to stay with Mr. Jones in the future.

In response to question 5.

Variance to allow for the additional livable sqft of 405 sqft above ordinance limit.

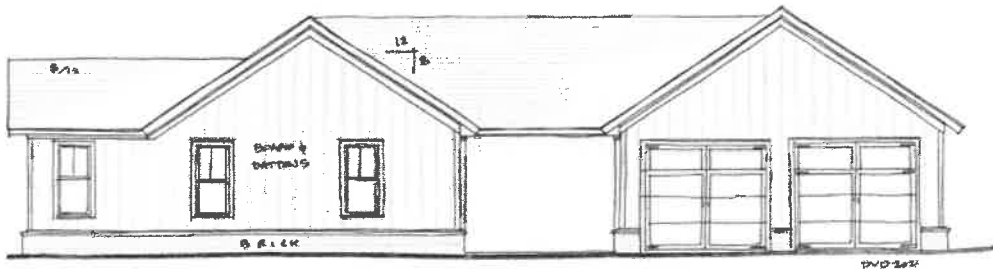




FRONT ELEVATION

PAULK COTTAGE
JOB #2180

SCALE 1/4" = 1'-0"



RIGHT ELEVATION

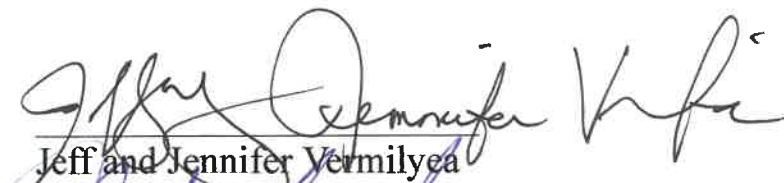
SCALE 1/4" = 1'-0"

Neighbors of 50 Jackson Street

This letter is to inform you that Susan and I are going to be requesting a variance from the City of Newnan and to ask for your support of this request. Attached to this letter is a rendering of the proposed detached guest house and garage we plan to build. The building will be built to reflect the historical period of our home and match the surroundings. Further, it will sit inside the footprint of the prior carport and storage shed which will be removed. The reason for the variance request is the City of Newnan codes limit the amount of livable square footage for a guest house/ secondary apartment and the proposed structure marginally exceeds that limit.

Our request is that you acknowledge this letter as support for our request and to verify you have reviewed and approve of the plans attached.

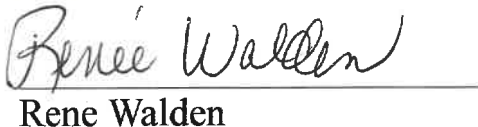
Sincerely,
John and Susan Paulk



Jeff and Jennifer Vermilyea



Mike Barber



Rene Walden



APPEARANCE STATEMENT

Public Hearing Attendance Requirements

To process an application for an item requiring a Public Hearing, the applicant or applicant's designated representative must be present and in attendance at said hearing. This includes any items to be presented to the Board of Zoning Appeals; Mayor and City Council; and the Planning Commission.

Failure to appear at a Public Hearing may result in denial of the request, or an extended waiting period before the next available meeting. Certain requests, i.e. variances or special exceptions, if denied cannot be re-submitted for consideration for a term not less than one (1) year from the date of denial by that particular governing body.

The Board of Zoning Appeals will hear your request on January 4, 2022 at 10:00 AM

The Mayor and City Council will hear your request on _____ at _____ PM

The Planning Commission will hear your request on _____ at 7:00 PM

IMPORTANT

A zoning sign will be affixed and posted on the property in question. Owner/applicant shall notify the Planning & Zoning Department immediately if the sign is removed, defaced, incorrect, etc. After the Public Hearing date, City personnel will remove the zoning sign.

Applicant's Name: John + Susan Paulk
(Please Print)

Applicant's Signature: [Signature]

Date: 11 / 23 / 2021

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



City of Newnan, Georgia – Board of Zoning Appeals

Date: January 4, 2022

Application Number: 2022-02

Agenda Item: Variance request – 43 Richard Allen Drive

Prepared and Presented by: Dean Smith, Planner

Purpose: To hear a request for a variance to increase the height of a proposed fence in the front yard from the regulation height of 3 feet to 6 feet.

Property Location: 43 Richard Allen Drive, Newnan, GA 30263
Tax Parcel No.: N07-0002-002

Applicant/Property Owner: Jeremy Emery
43 Richard Allen Drive, Apt. A
Newnan, GA 30263

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

Present Use: Multi-Family Residential

Proposed Use: Multi-Family Residential

Pertinent Regulations: Article 3, Section 3-6 of the Zoning Ordinance.

Applicant's Position: "....I would like to construct a 6 foot privacy fence along the street facing portion of the property [Street front yard side]...." The applicant has stated that the reason for the higher fence is to serve as a deterrent to crime that has been committed on the subject property.





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.

Options

- A. Approve the variances
- B. Approve the variances, with conditions
- C. Deny the variances

Recommendation

There are four apartment units that comprise the current structure which, according to tax records, was built in 1984. The existing use and structure of apartments in the RU-I zoning district is a legal, non-conforming use. The existing neighborhood is a mixture of single-family detached residential structures, multi-family residential structures, commercial uses and a City Park.



The proposed fence extends approximately 92 feet along a grassed area in front of the apartment units. There is no proposal to gate or enclose the two ingress/egress points for the apartments.

The subject property is also in close proximity to commercial uses and a major road. The property is located on a pedestrian-friendly path for residents in the neighborhood to access the commercial establishments nearby. Sidewalk for pedestrian traffic is only on the applicant's property along this section of Richard Allen Drive. This feature invites more foot traffic adjacent to the applicant's property. Furthermore, on further down Richard Allen Drive are some older, existing rental property units with fences in the front yards over 3 feet tall.

Fence Height Variance - The desire of the applicant to reduce the required fence height is not unreasonable and should present no impact upon the neighbors. Furthermore, an increase to the required fence height will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit reductions of required fence heights.

Staff recommends Option B, approving the variance request, based upon the following standards:

- Such conditions are peculiar to the particular piece of such property involved.
- 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.
- Relief from the Ordinance would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

The condition would be that the fence be installed outside of the public right-of-way and that the fence material would either be wrought iron or aluminum, thus providing the security being sought and avoiding visual obscurity and maintaining an aesthetic appeal that the ordinance desires that is more prevalent throughout the City of Newnan.

Attachments

Application



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Jeremy Emery
Mailing Address 43 Richard Allen Dr. Apt. A. Newnan GA 30263
Telephone 808-462-7060 E-Mail: Emery Group LLC@gmail.com
Property Owner (Use back if multiple names) Jeremy + Talita Emery
Mailing Address 43 Richard Allen Dr. Apt A.
Telephone 808-462-7060
Address/Location of Property 43 Richard Allen Dr. Newnan GA 30263
Tax Parcel No: N07 0002 002
Present Zoning Classification: Multi family
Present Land Use Quadplex
Intended Use same

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

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

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

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
Front Fencing height
Sheds at least 5 Feet away from structure
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
Multi family

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?

Crime in the neighborhood.

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?

potential property damage / bodily harm / theft

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 would like to construct a 6 FT privacy fence along the street facing portion of the property and build a shed attached to the 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:

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

Application For Variance

City of Newnan, Georgia

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.

Jeremy Emerus

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLYRECEIVED BY Dean SmithDATE OF FILING 11/29/21BZA MEETING DATE 1/4/22

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 Jeremy Emery

Telephone Number 808-462-7060

Address of Subject Property 43 Richard allen Dr
Newnan GA 30263

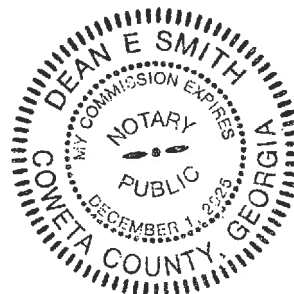
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.


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)

11-29-21
Date





Google

Map data ©2021 Map data ©2021 Google United States Terms

DOCH 004801
FILED IN OFFICE
4/1/2019 10:50 AM
BK:4831 PG:515-516
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER TAX
PAID: \$220.00 ✓

FT-61 038-2019-001242

Record and Return to:
✓ Lueder, Larkin & Hunter, LLC
1933 Highway 34 E
Newnan, GA 30265
File No.: GA-NW-19-0049-PUR

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COWETA

THIS INDENTURE, made this 15th day of March, 2019, between

✓ Paul S Guillot and Barbara Guillot

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

✓ Jeremy D Emery and Talita F Emery

As Joint Tenants with Rights of Survivorship and Not as Tenants in Common

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

WITNESSETH: That Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in the County of Coweta, City of Newnan, Georgia, formally known as 43 Duncan Street and presently known as 43 Richard Allen DR. according to the system of numbering presently used in the City of Newnan, and being more particularly described as follows:

Begin at an iron pin on the easterly right of way of Duncan Street at a point 185.50 feet southerly as measured along the easterly side of Duncan Street with the southerly right of way of Temple Ave. and from said beginning point run thence South 83 degrees 32 minutes 00 seconds East 115 feet to an iron pin set; thence run South 7 degrees 34 minutes 00 seconds West 159.50 feet to an iron pin set, thence run North 82 degrees 55 minutes 00 seconds West 110.05 feet to an iron pin

212
DL

Subject to all easements and restrictions of record.

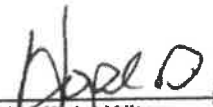
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

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

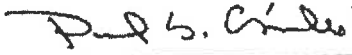
IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

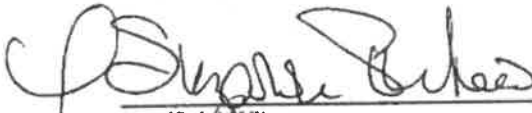
Signed, sealed and delivered
in the presence of:

GRANTOR:


Unofficial Witness


Notary Public
My Commission Expires:
[Notary Seal]


Paul S Guillot (SEAL)


Unofficial Witness


Barbara Guillot (SEAL)


Notary Public
My Commission Expires:
[Notary Seal]

