



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for June 4, 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. May 7, 2024 Minutes
3. Public Hearings
 - a. Special Exception - 26 Lambert Street - 2024-14
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
May 7, 2024
10:00 a.m.

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

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

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

READING OF THE MINUTES

Chairman Edge asked the Board if they had reviewed the April 2, 2024 meeting minutes. Hensley motioned to approve the minutes. Smith seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 55 Jackson Street – 2024-08

Chairman Edge opened the public hearing on a request to reduce the rear setback from 55.43 feet to 15 feet to construct an accessory apartment and to increase the size of the apartment from 750 square feet to 1,248.

Dean Smith gave the staff report. He stated that there are 2 variances being sought by the applicant; one for a rear building set back and one for increasing the size of the accessory apartment. Dean Smith said the applicant wants to build an addition and connect it to the main house by a breezeway. Dean Smith stated the maximum square footage allowed is 750 for an accessory apartment and the applicant wants to build 1,248. He stated that staff has received no objections as of the time of this hearing and that staff recommends approval of this request.

The applicant Daniel Lichty was sworn in by Brad Sears. Lichty stated that Smith summed up what he wanted to do very nicely.

Hensley asked if this would be used as a rental property. Dean Smith stated that it was going to be for personal use.

Chairman Edge asked if there had been any objection from the neighbors. Dean Smith stated that there have been no objections received to date.

Parker stated that this would basically be a second house connected by a walkway.

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

Flournoy made a motion to approve the variance request at 55 Jackson Street. Smith seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 26 Tuxedo Avenue – 2024-11

Chairman Edge opened the public hearing on a request to reduce the rear setback from 30 feet to 3 feet to build an addition on the home.

Dean Smith stated that this item was continued from last month's meeting in order for the applicant to get a survey of her lot completed. He mentioned there was a dispute between the applicant and her neighbor and the survey resolved the matter. Dean Smith added that the lot is unusually shaped, which is why they are seeking a variance.

Parker asked if this project would be enclosing the deck and adding a sunroom. Dean Smith stated yes and added that they would be expanding the deck as well.

The applicant, Erica Bohannon, was sworn in by Sears.

Chairman Edge asked if Bohannon has spoken to her neighbors.

Bohannon stated that she had spoken to all of them and they are all okay with her plans.

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

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

Hensley made a motion to approve the variance request at 26 Tuxedo Avenue with the condition that the property line be clearly marked and delineated in the field. Parker seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 260 Summerlin Boulevard – 2024-12

Chairman Edge opened the public hearing on a request to establish a Class III Child Day Care Center within 1,000 feet of two other special care residential accommodation facilities.

Dean Smith gave the staff report. He said this is a variance request to reduce the distance requirement between daycare facilities. Dean Smith added that Staff had not received any objections to this application until this morning.

Cliff Smith asked why there was a 1000' distance requirement in the first place. Dean Smith stated that it was to make sure that in-patient facilities were not near daycares or schools.

The applicants, Jennifer Darlington and Ronak Patel, were sworn in by Sears.

Patel stated that he and his wife opened the Goddard School in Peachtree City. Hensley asked what was the style of the Goddard School. Patel stated it is a daycare with education instruction as well.

Chairman Edge asked if there was a demand for the school. Patel stated that there is a very good demand for the school.

Chairman Edge asked if there was anyone in attendance to speak in favor of the application.

Chairman Edge asked if there was anyone in attendance to speak in opposition of the application.

Steven Jones, attorney for Blue Marble Academy, came forward to speak on his client's behalf. Jones stated that they are opposed to the variance request that is seeking a more than 90% reduction in the required distance between daycare facilities. He went on to state that according to the standards in the City of Newnan's Ordinance, a hardship must be present in order for the variance to be granted. Jones said the applicant has not provided evidence of any hardship being present and only addressed use and desire of location. He stated that if the standards aren't met, the Board has to deny the variance.

Parker asked about the class facility of Blue Marble Academy.

Mary Marietta, Blue Marble Academy, was sworn in by Sears. Marietta stated that they are a Class 4 facility with a maximum enrollment of 320 students. She added that they have 300 currently enrolled.

Hensley asked how old is Blue Marble Academy's facility. Marietta stated it is 15 years old.

Chairman Edge asked if they had ever been at capacity. Marietta said yes. Parker asked when they are full, where do kids go. Marietta stated that when they are at capacity, they send children to their other facility. Chairman Edge asked how full their Bailey Station facility was. Marietta stated it is 80% full.

Jennifer Darlington came back up before the board to state that the Goddard School is different from most childcare centers. She stated they only allow 165 students per facility. After stating this, Chairman Edge asked about the total number of students since the application states that they would be a class 3 facility, which is limited to 49 students.

Darlington stated that they need to amend their application for a class 4 facility.

Dean Smith stated that the hearing will need to be re-advertised, since they would be requesting a higher-class facility. Brad Sears stated that the applicant does have the option to proceed, but the daycare would be limited to 49 students. Dean Smith stated that they can withdraw the application and come back in July after amending the application for the correct facility classification.

The applicant stated they would like to withdraw their application and resubmit for the July meeting.

Chairman Edge closed the public hearing.

Hensley made a motion to approve the withdrawal of the application at 260 Summerlin Boulevard. Smith seconded the motion.

MOTION CARRIED (6-0)

Variance Request – 87 W Washington Street – 2024-13

Chairman Edge opened the public hearing on a request to reduce the front building setback from 25.5 feet to 13 feet for the purpose of adding onto the youth church and family activity building.

Dean Smith stated that A Place of Refuge wants to add a 12'X50' structure. He added this request is not unprecedented and discussed previous variances granted by the Board. Dean Smith concluded by stating Staff recommends approval of the variance request.

Flournoy asked if Staff received any objections. Dean Smith stated that the City has not received any objections.

Andrea Hill, representing the applicant, was sworn in by Brad Sears.

Hensley asked if there would be an outside door on the addition. Hill stated there would be a buffet style kitchen accessible only from inside the other building.

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

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

Flournoy made a motion to approve the variance request at 87 W Washington Street. Hensley seconded the motion.

MOTION CARRIED (6-0)

New Business

Dunnavant reminded the Board of the training session on May 24th.

ADJOURN

Flournoy made a motion to adjourn the meeting at 10:46 a.m. Hensley seconded.

MOTION CARRIED (6-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: June 4, 2024

Application Number: 2024-14

Agenda Item: Special Exception Request-26 Lambert Street

Prepared and presented by: Dean Smith, Senior Planner

Purpose: Special exception request by Cornerstone Associates, Inc pursuant to Article 1-7 (g) to expand a existing legal non-conforming structure.

Applicant: Cornerstone Associates, Inc.
5 Newnan View Circle
Newnan, GA 30263

Property Owner: Same as applicant

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

Present Use: Heavy Commercial/Industrial

Proposed Use: Contractor's office, workshop and storage

Pertinent Regulations: Article 1, Section 7 (g)

Applicant's Position: The applicant has submitted plans for a building expansion including a new office area. Documentation submitted to the city shows plans to add an office area in the front of the existing building, approximately 638 square feet in size.

The applicant states, in part, "...in 1999, a mistake took place when the new zoning map did not accurately place the correct zoning designation of M-2....The current 1965 building and the 1967 building addition were to expand the John B. Lambert Trucking Co. business....this company provided the raw materials for the concrete company located at 42 Lambert Street...Lamar Potts sold 42 Lambert Street property to John Lambert in 1964....Both 26 & 42 Lambert Street where one property until 1964, but both the uses has long been M-2 industrial....There should be no need for a special exception to expand the office and covered warehouse on a building that was originally built to be heavy industrial....The 1999 city zoning map error has made a conforming building now need the special exception to allow for the office space/covered warehouse area addition....the owner was never notified that his zoning had been changed....

Enclosed are materials provided by the applicant illustrating the scope of the proposed renovation work, which will include adding more landscaping to the existing site, including landscape islands in the parking lot.

Issues for consideration for the expansion, continuation, alteration or major repair of non-Conformities:

The BZA shall not approve the proposed expansion, alteration, or major repair unless and until it finds, based on the evidence and testimony received at the hearing or otherwise appearing in the record of the case, that the proposed expansion, alteration, or major repair meets the standards set forth in this section, as well as the following:

(1) Intent.

- a. The intent of this subsection is to allow the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any expansion, alteration, or major repair of a nonconformity to obtain a special exception to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.
- b. For the purpose of this Subsection, "normal maintenance and repair" shall mean:
 - 1. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness of interior appearance of a building or structure without expanding or altering the building or structure;
 - 2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;
 - 3. Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and
 - 4. Repairs which are required to bring a structure up to the standards of the Americans with Disabilities Act (ADA).

(2) Special Exception Procedure.

- a. Unless this Section expressly provides otherwise, the expansion, alteration, or major repair of any nonconformity shall require a special exception and shall occur only as approved by the BZA in accordance with the procedures and standards set forth in the Procedures and Permits Article.
- b. In considering a special exception application, the BZA shall include in its analysis the following factors in addition to the standards outlined in the Procedures and Permits Article:
 - 1. The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
 - 2. The possible detriment or benefit to the owners of nearby properties resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request; and
 - 3. The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request.
- c. The BZA may impose any conditions on approval in accordance with the Procedures and Permits Article.

- d. If the BZA permits a nonconforming use to expand, then the area of such expansion shall not exceed 25% percent of the area of the existing nonconforming use.
- e. In acting upon a special exception application, the BZA shall not order the discontinuation or termination of a nonconformity. If an application is denied, then the continuation, maintenance, and minor repair of the nonconformity shall still be allowed in accordance with the terms of this Article.

Planning Department's Review and Findings:

The property has been zoned in part, or in whole, as residential since 1999 as far as we can document. Since that time, the zoning map and ordinance have gone through two overhauls, one in 2000 and then again in 2017. In both 2000 and 2017, the zoning ordinance changes, including the zoning map were properly advertised and public notice was provided in accordance with the Zoning Procedures Act for the State of Georgia. The use of the property has been a heavy commercial/quasi-industrial use for many years.

The issue before the BZA at this time is whether or not the City should allow the applicant to make improvements to the site and expand the building. The area of the proposed office expansion of the building is within the 25% threshold. Staff has reviewed the application and visited the site. Staff does not believe that expanding the legal non-conforming structure will be detrimental to the adjoining property owners, nor to the general public.

The BZA has ruled similarly in 3 prior cases: 66 Jefferson Parkway in 2014; 13 McBride Street in 2017 and 19 Millard Farmer Industrial Boulevard in 2023

Recommendation:

Options:

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

Staff recommends Option A, to approve the special exception request and allow for the expansion of the existing legal non-conforming building, as illustrated in the applicant's exhibit provided as a part of this application.

Attachments:

Application



Current Zoning Map



Areas colored in olive green are residentially zoned - RU-I

Areas colored in grey are heavy industrially zoned - IHV

1999 Zoning Map

26

Areas colored in purple are M-2 industrial zoned.
Areas colored in beige with purple dots are residential



CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR SPECIAL EXCEPTION

Date Received April 18, 2024

Name of Applicant Cornerstone Associates Inc.
Mailing Address 5 Newnan Views Circle, Newnan GA 30263
Telephone 770-560-6061 E-Mail: Bruce@cornerstoneassociates.net
Property Owner (Use back if multiple names) Cornerstone Associates Inc.
Mailing Address 5 Newnan Views Circle, Newnan GA 30263
Telephone 770-560-6061
Address of Property 26 Lambert St, Newnan GA 30263
Tax Parcel No.: N300002013 Present Zoning Classification RU-1
Proposed Special Exception Use _____

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

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

1. Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?
In 1999 a mistake took place when the new Zoning Map did not accurately place the correct zoning of M-2 designation on what has been M-2. The current 1965 building and the 1967 building addition were to expand the John B. Lambert Trucking Co. Business. This company provided the raw materials for the Concrete Company located at 42 Lambert St. Lamar Potts sold 42 Lambert St property to John Lambert in 1964. Both 26 & 42 Lambert St. were one property until 1964, but both the use has long been M-2 Industrial. There should be no need for a special exception to expand the office and covered warehouse on a building that was originally built to be Heavy Industrial. The 1999 City Zoning Map error has made a conforming building now need the special exception to allow for the office space/covered warehouse area addition. The owner was never notified that his zoning had been changed in 1999 and 2010.
2. How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?

The 59-year-old building is in need of repair. This exception will allow this building to receive a much-needed remodel and facelift.

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

When the 1999 Zoning Map incorrectly changed the zoning to RU-1 instead of IHV, the 1965 heavy industrial building and property use became non-conforming.

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

This special exception should remain in place until the Zoning Map can be changed to accurately show IHV.

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

I will apply for a building permit that will allow for the expansion of the office & covered warehouse area to provide the much-needed repair and facelift for the building.

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

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

- ✓ What the property is to be used for - *My General Contracting Business*
- ✓ The size (in acres if one acre or more and in square feet if less than one acre) of the parcel or tract
6664 Acres (289116 sq ft)
- ✓ The zoning classification which exists at the time of the filing of this application *RD-1*
- ✓ The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed
- ✓ Dwelling unit size (if applicable)
- ✓ For non-residential projects, provide the density of development in terms of gross square footage per acre
- ✓ The number of parking spaces to be provided
- ✓ The height of buildings
- ✓ Any proposed buffers and modification to existing buffers
- ✓ Availability of water and sewer facilities including existing distance to property

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

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

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

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

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

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

- e) Completed Disclosure of Campaign Contributions and Gifts form.
- f) If the applicant and the property owner are not the same, complete a Property Owner's Authorization form and/or Authorization of Attorney form.
- g) For multiple owners, an attached sheet with signatures duly notarized may be attached.
- h) A community impact study must be submitted if the development meets any of the following criteria:
- Office proposals in excess of 2000,000 gross square feet
 - Commercial proposals in excess of 250,000 gross square feet
 - Industrial proposals which would employ over 500 persons
 - Multi-family proposals in excess of 150 units
- Note:** This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.
- i) A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment. To determine whether the proposed use is a DRI, call the Planning Department at 770-253-2682.
- j) Filing fee payable to the *City of Newnan* (\$250.00 Per Each Request)

FOR OFFICIAL USE ONLY

RECEIVED BY Dean Smith

DATE OF FILING 4/18/24

BZA MEETING DATE 6/4/24

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia

Attachment B

Property Owner's Authorization

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

Name of Property Owner Cornestone Associates Inc, Thomas J Sweet

Telephone Number 770-560-6060

Address of Subject Property 26 Lombard St.
Newnan, GA 30263

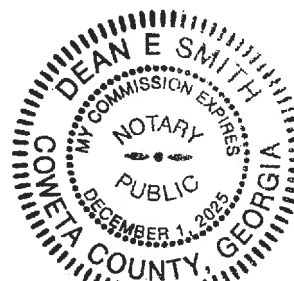
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

Thomas J Sweet
Signature of Property Owner

Personally appeared before me

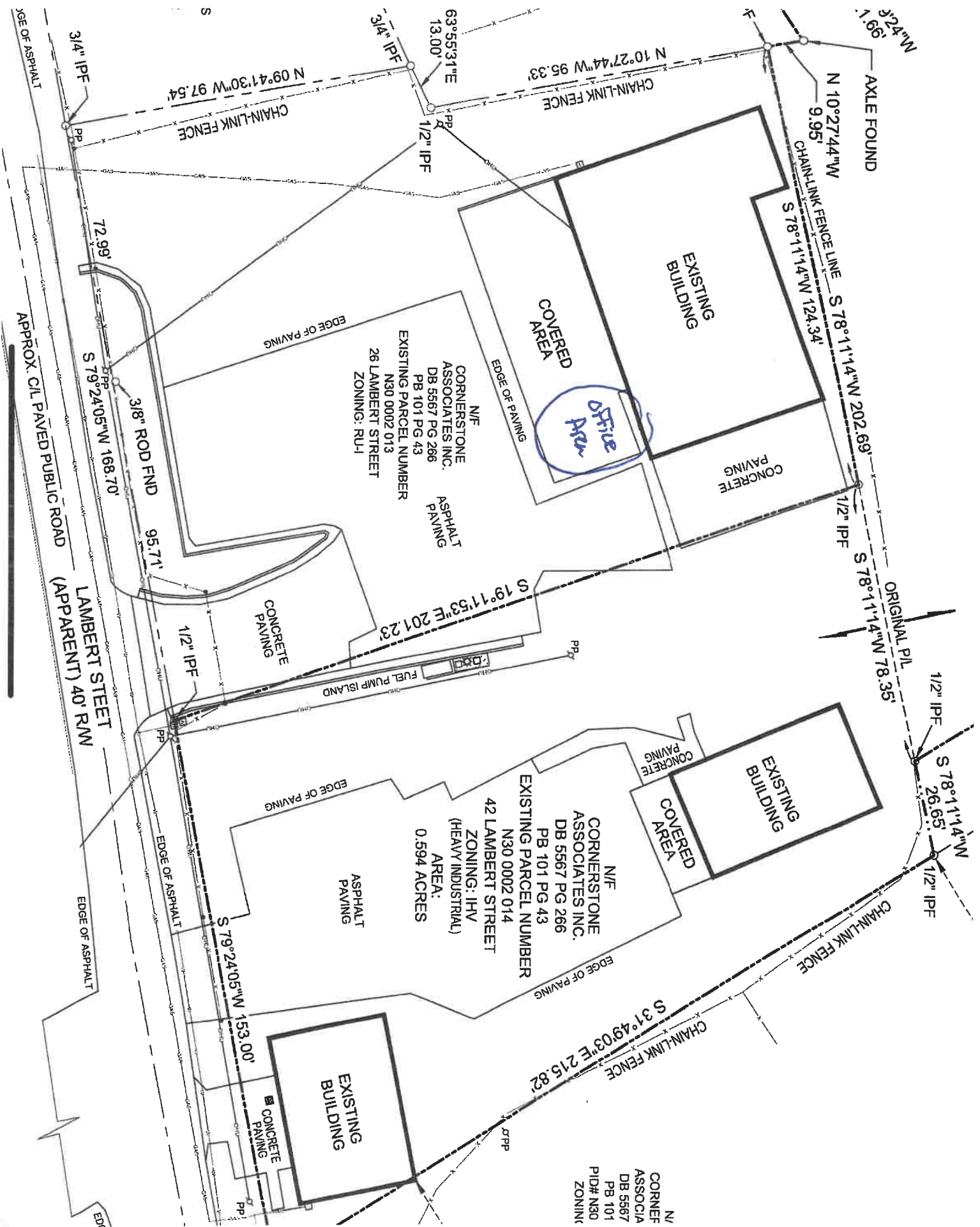
who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Dean E Smith
Notary Public

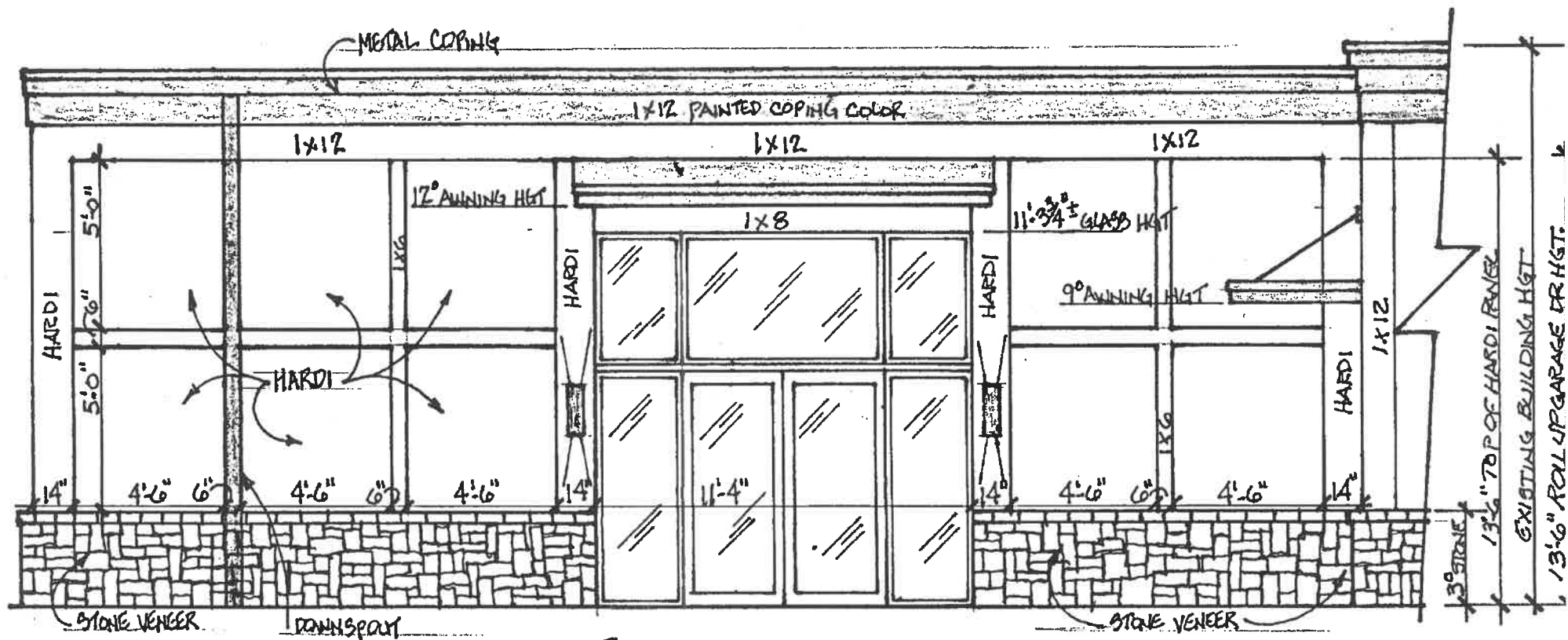


(Affix Raised Seal Here)

April 18, 2024
Date



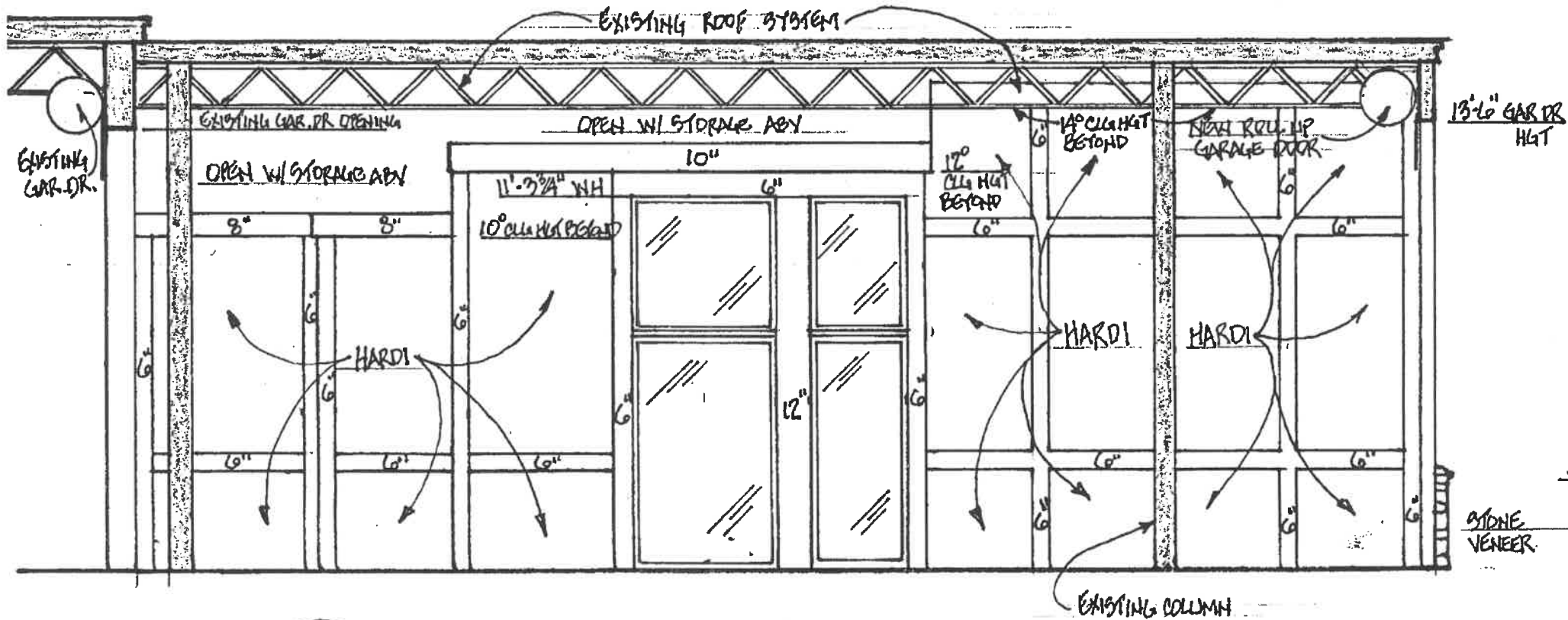
[illegible]



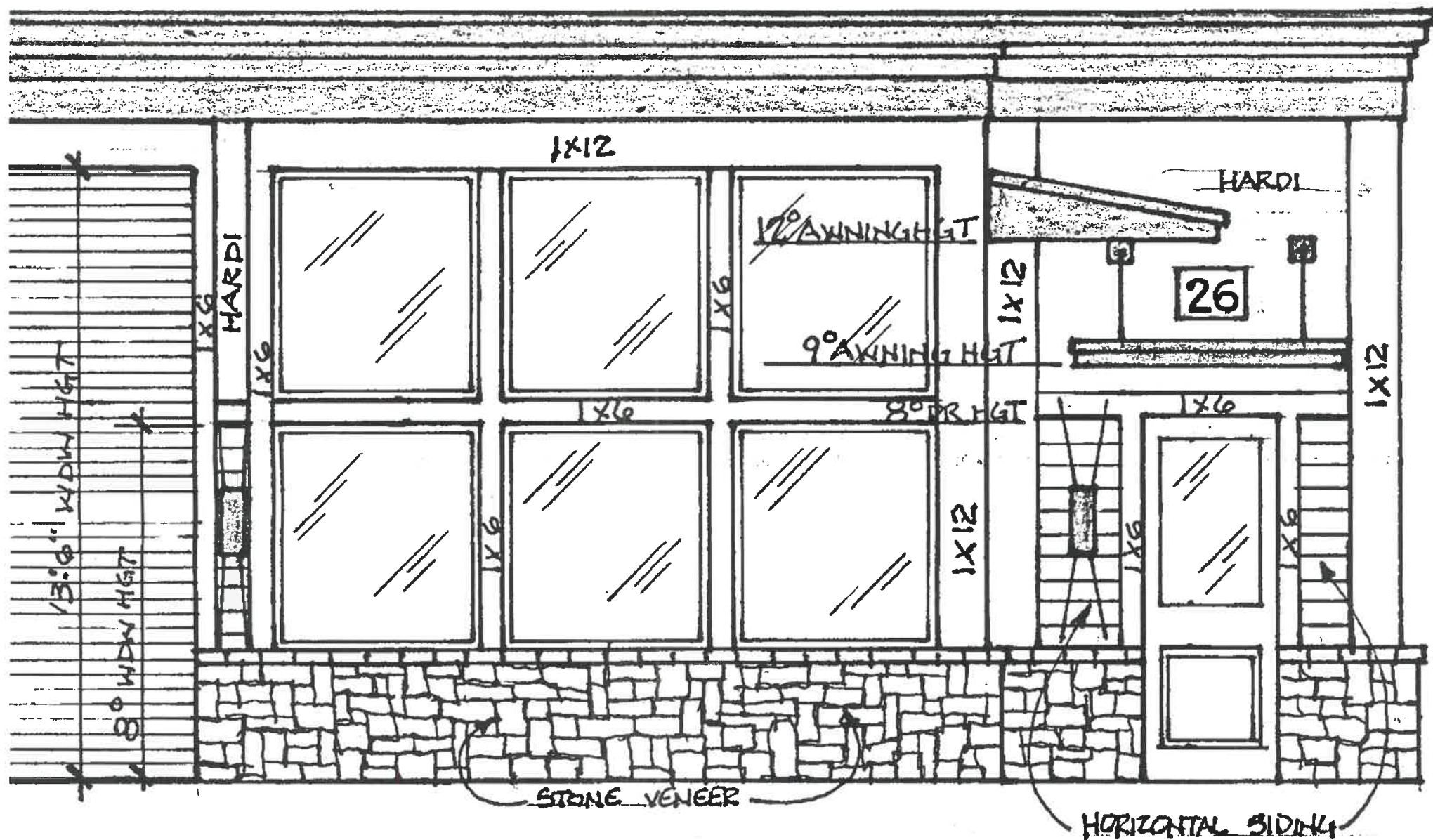
RIGHT SIDE ELEVATION

1/4" = 1'-0"

Left Side



(A) SECTION THRU EXISTING COVERED PARKING



Front