



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for July 2, 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 Meeting Minutes June 4, 2024
3. Public Hearings
 - a. Variance Request - 83 Canyon View Drive - 2024-15
 - b. Variance Request - 16 Parks Avenue - 2024-16
 - c. Variance Request - 16 Wheat Street - 2024-17
 - d. Variance Request - 25 Mansour Circle - 2024-18
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
June 4, 2024
10:00 a.m.

Board Members in Attendance: Ken Parker, Skin Edge, Cliff Smith, 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 May 7, 2024 meeting minutes. Lovell motioned to approve the minutes. Smith seconded the motion.

MOTION CARRIED (5-0)

Special Exception – 26 Lambert Street – 2024-14

(Ken Parker recused himself and sat in the audience)

Chairman Edge opened the public hearing on a request to build an expansion to accommodate a new office area of approximately 638 square feet in size.

Dean Smith gave the staff report stating that the applicant is seeking to expand a legal non-conforming structure by 638 square feet. He said that the applicant would like to add-on to his existing building to create an office area. Dean Smith stated the property is grandfathered as industrial, but is currently zoned residential; therefore, because he is seeking to expand a non-conformity, he must get approval from the Board.

Chairman Edge asked if there were any questions for staff. Hearing none, Chairman Edge asked the applicant to come forward and present his case.

The applicant, Tommy Sweet, was sworn in by Sears.

Sweet gave the history of the property and said the zoning had been changed during one of the City's past comprehensive Zoning Ordinance updates without the owner being notified. He went on to state that the addition would allow him to move his own office back to Newnan.

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

Hearing none, Chairman Edge asked if anyone else was in attendance to speak in favor/opposition of the application. With no one coming forward, Chairman Edge closed the public hearing and asked for a motion.

Commissioner Lovell made a motion to approve the Special Exception at 26 Lambert Street to allow the expansion of the building for a 638 square foot office. Commissioner Smith seconded the motion.

MOTION CARRIED (4-0)

New Business

Dunnavant discussed an error that was discovered in the Zoning Ordinance involving the standards by which variances are measured. She added that Council would be considering this on June 10th and if they choose to change the language, it would go through the text amendment process. Dunnavant stated that she would keep the Board updated throughout the process.

ADJOURN

Commissioner Lovell made a motion to adjourn the meeting at 10:24 a.m. Commissioner Smith seconded.

MOTION CARRIED (5-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: July 2, 2024

Application Number: 2024-15

Agenda Item: Variance Request – 83 Canyon View Drive

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To hear a request for continuance on a variance to:

1. Extend the existing patio slab (with a roof covering) that will be located 18 feet from the rear property line, instead of the required 30 feet.

Applicant/Property Owners: Jorge Mendoza – Applicant / Jorge & Michelle Mendoza – Property Owners

Zoning: Urban Residential Single-Family Dwelling District – High Density (RU-7)

Present Use: Single-Family Residence

Proposed Use: An addition of an expanded and covered patio to the rear facade

Pertinent Regulations: Section 4-29(a)(b), Table 4-A of the Zoning Ordinance

Please see the attached email request from the applicant/property owner, Jorge Mendoza, requesting that the hearing for 83 Canyon View Drive be continued until the October 1, 2024 Board of Zoning Appeals meeting date.

Due to the fact that the City has advertised the hearing for the July 2, 2024 meeting, the Board of Zoning Appeals will have to meet to vote on the applicant's request.

Options:

1. Approve the continuance request
2. Deny the continuance request
3. Other direction as deemed appropriate by the BZA

Recommendation:

Staff recommends Option 1.

Chris Cole

From: Jorge Mendoza <jmend91@gmail.com>
Sent: Wednesday, May 29, 2024 2:35 PM
To: Chris Cole
Subject: Re: Update from the City of Newnan

Hi Chris,

I would like to continue the request until October 2024.

On Wed, May 29, 2024 at 2:18 PM Chris Cole <ccole@newnanga.gov> wrote:

Jorge,

Thank you for your recent variance application submission. The City has recently discovered an issue that will have a bearing and impact upon your variance request. There is a good chance that if you proceed on course to your upcoming hearing date in July, that the Board may decline your request due to this issue that has been discovered. The City is in the process of correcting the issue; however, it will take some time to accomplish this. This is why we are contacting you now. We would like to give you the option of continuing your variance request to the October 1, 2024 meeting of the Board of Zoning Appeals. It is our sincere hope that by then, this issue will be corrected and thereby, improving your chances of a positive outcome. Please respond back to me as soon as possible and let me know if you wish to continue the request until October or proceed to the July meeting.



Chris Cole, AICP

Senior Planner

Main: (770) 254-2354

Desk: (678) 673-5488

ccole@newnanga.gov

https://link.edgepilot.com/s/92a219f2/IL11eZ9fp0_G-WsPgMz_6A?u=http://www.newnanga.gov/



City of Newnan, Georgia – Board of Zoning Appeals

Date: July 2, 2024

Application Number: 2024-16

Agenda Item: Variance Request – 16 Parks Avenue

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To hear a request for continuance on variances to:

1. Construct a 1,944 square foot accessory garage that exceeds the maximum of 1,000 square feet of gross floor area.
2. Construct the garage with a height of 21 feet and 2 inches, which exceeds the maximum height of 18 feet for a garage containing an apartment.

Applicant/Property Owner: Thomas and Karyn Raymer – Applicants/Owners
16 Parks Avenue
Newnan, GA 30263

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

Present Use: Single Family Residence

Proposed Use: Accessory Garage containing an Accessory Residential Apartment

Pertinent Regulations: The garage size requirements are outlined in Section 3-12(L)(3) and the accessory building height requirements are outlined in Section 4-32(a), Table 4-A of the City of Newnan’s Zoning Ordinance.

Please see the attached email request from the applicants/property owners, Tom and Karyn Raymer, requesting that the hearing for 16 Parks Avenue be continued until the October 1, 2024 Board of Zoning Appeals meeting date.

Due to the fact that the City has advertised the hearing for the July 2, 2024 meeting, the Board of Zoning Appeals will have to meet to vote on the applicants’ request.

Options:

1. Approve the continuance request
2. Deny the continuance request
3. Other direction as deemed appropriate by the BZA

Recommendation:

Staff recommends Option 1.

Chris Cole

From: Tom Raymer <vmxdad@yahoo.com>
Sent: Tuesday, June 4, 2024 2:21 PM
To: Chris Cole
Subject: 16 Parks App delay

Hi Chris,

Just a quite note to verify that we have decided to delay our Variance application beyond the July 2nd board meeting.
We are hoping the new rules will be in place by the September meeting, however, the October meeting will be fine as well.

Thank You,

Tom and Karyn Raymer
16 Parks ave. Newnan

On Friday, May 17, 2024 at 12:46:48 PM EDT, Chris Cole <ccole@newnanga.gov> wrote:

Tom,

Thanks for the update.



Chris Cole, AICP

Senior Planner

Main: (770) 254-2354

Desk: (678) 673-5488

ccole@newnanga.gov

<https://link.edgepilot.com/s/5e0eea26/xphuU4PQxE2WAxoHUUDiDQ?u=http://www.newnanga.gov/>



City of Newnan, Georgia – Board of Zoning Appeals

Date: July 2, 2024

Application Number: 2024-17

Agenda Item: Variance Request – 16 Wheat Street

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a request to withdraw a variance application for property identified as 16 Wheat Street.

Applicant: Dwight Parks
58 Willie Parks Road
Newnan, GA 30263

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

Present Use: Vacant tract of land

Proposed Use: New residential structure

Pertinent Regulations: Article 4 of the Zoning Ordinance

Please see the attached email request from the applicant, requesting to withdraw their variance application for 16 Wheat Street from the Board of Zoning Appeals' meeting of July 2, 2024. The reason for the withdrawal is due to some changes in the zoning ordinance that the City wishes to initiate because it impacts our variance standards for a hardship. Staff discovered that some of the language governing standards for variances had been changed and in spite of the fact that we had advised the consultant hired by the city to rewrite the zoning ordinance in 2017, this language did not get changed and the current, more restrictive, language remains. Presently, to qualify to be considered for a variance, an applicant must be able to meet all of the hardship standards. Council has directed staff to being a process of amending the ordinance. In the meantime, until such time as Council approves a new ordinance, this applicant seeks to withdraw their variance application.

Due to the fact that the City has advertised this matter as a public hearing for the July 2, 2024 meeting, the Board of Zoning Appeals will have to meet to vote on the applicant's request.

Options:

1. Approve the withdrawal request
2. Deny the withdrawal request
3. Other direction as deemed appropriate by the BZA

Recommendation:

Staff recommends Option 1.

Dean Smith

From: kristina <dwrightpcontracting@gmail.com>
Sent: Wednesday, May 29, 2024 8:13 PM
To: Dean Smith
Subject: Re: 16 Wheat Street

Dean,

Thank you for bringing this matter to our attention. We have decided not to proceed with the variance application until city counsel resolves the issue. We will withdraw our application now and resubmit it at a later time. Could you please advise us on the process for obtaining a refund for the application fee?

Thank you once again Dean for your assistance. We truly appreciate your time and help in this matter.

Sincerely,
Kristina

On Wed, May 29, 2024 at 4:25 PM Dean Smith <DSmith@newnanga.gov> wrote:

There are several moving parts to this issue; however, if we are able to amend the zoning ordinance, we are looking at October 1, 2024 for BZA to hear your case.

Bear in mind, there are never any guarantees with any variance request, but under the current ordinance, I think it would be difficult to convince the BZA that your request meets all of the standards. If we are able to amend the ordinance to reduce that stringent requirement, then your odds of approval increase.



Dean Smith

Senior Planner

(678) 673-5496

dsmith@newnanga.gov

www.newnanga.gov

City of Newnan

25 LaGrange Street

Newnan, Georgia 30263

From: kristina <dwrightpcontracting@gmail.com>

Sent: Wednesday, May 29, 2024 4:22 PM

To: Dean Smith <DSmith@newnanga.gov>

Subject: Re: 16 Wheat Street

Thanks. If we wait until this is corrected, that will be until October of this year? We just want to guarantee that it will be accepted when it's and we can build on it.

On Wed, May 29, 2024 at 4:14 PM Dean Smith <DSmith@newnanga.gov> wrote:

It's an issue with the ordinance that we didn't notice until recently. In our ordinance, under the standards for hardship that you have to prove you meet in order for an affirmative vote by the Board of Zoning Appeals, it requires that you must prove you meet all 7 of the standards for a hardship. We are going to try and change the ordinance to reduce the requirement of meeting all 7 to something like the majority of the standards.

Under the ordinance, I don't believe that you would be able to prove that your case meets all 7 of the standards, as noted below:

Sec. 11-1. - Standards for Variances.

The hearing authority considering the variance request shall base its required findings of fact upon the 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:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,**
- (2) Such conditions are peculiar to the particular piece of such property involved; and,**
- (3) Such conditions were not imposed by the action or will of the owner of the property; and,**
- (4) 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,**
- (5) 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 hearing authority considering the variance request shall affirmatively determine that:

(1) 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.

(2) 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.

In 2017, the city hired a consultant to re-write our zoning ordinance and the language "all of the following to be true" got added and in all honesty, we didn't notice it until it was recently brought to our attention through a training session with members of council, the board of zoning appeals and planning commission.



Dean Smith

Senior Planner

(678) 673-5496

dsmith@newnanga.gov

www.newnanga.gov

City of Newnan

25 LaGrange Street

Newnan, Georgia 30263

From: kristina <dwrightpcontracting@gmail.com>

Sent: Wednesday, May 29, 2024 4:08 PM

To: Dean Smith <DSmith@newnanga.gov>

Subject: Re: 16 Wheat Street

Dean, what is the issue that was found with this property that would impact our variance request?

Thank you.

On Wed, May 29, 2024 at 1:57 PM Dean Smith <DSmith@newnanga.gov> wrote:

TO: Dwight Parks Contracting

Thank you for your recent variance application submission. The City has recently discovered an issue that will have a bearing and impact upon your variance request. There is a good chance that if you proceed on course to your upcoming hearing date in July, that the Board may decline your request due to this issue that has been

discovered. The City is in the process of correcting the issue; however, it will take some time to accomplish this. This is why we are contacting you now. We would like to give you the option of continuing your variance request to the October 1, 2024 meeting of the Board of Zoning Appeals. It is our sincere hope that by then, this issue will be corrected and thereby, improving your chances of a positive outcome. Please respond back to us and let us know if you wish to continue the request until October or proceed to the July meeting.



Dean Smith

Senior Planner

(678) 673-5496

dsmith@newnanga.gov

www.newnanga.gov

City of Newnan

25 LaGrange Street

Newnan, Georgia 30263



City of Newnan, Georgia – Board of Zoning Appeals

Date: July 2, 2024

Application Number: 2024-18

Agenda Item: Variance Request – 25 Mansour Circle

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a request for continuance on a variance application for 25 Mansour Circle.

Applicant/Property Owner: Kathryn Owen
25 Mansour Circle
Newnan, GA 30263

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

Present Use: Residential structure

Proposed Use: Residential structure addition

Pertinent Regulations: Article 4 of the Zoning Ordinance

Please see the attached email request from the applicant, requesting to continue their variance application for 25 Mansour Circle from the Board of Zoning Appeals' meeting of July 2, 2024. The reason for the continuance is due to some changes in the zoning ordinance that the City wishes to initiate because it impacts our variance standards for a hardship. Staff discovered that some of the language governing standards for variances had been changed and in spite of the fact that we had advised the consultant hired by the city to rewrite the zoning ordinance in 2017, this language did not get changed and the current, more restrictive, language remains. Presently, to qualify to be considered for a variance, an applicant must be able to meet all of the hardship standards. Council has directed staff to being a process of amending the ordinance. In the meantime, until such time as Council approves a new ordinance, this applicant seeks to continue their variance application to the BZA meeting scheduled for October 1, 2024, to afford time for any ordinance changes to go into effect.

Due to the fact that the City has advertised the hearing for the July 2, 2024 meeting, the Board of Zoning Appeals will have to meet to vote on the applicant's request.

Options:

1. Approve the continuance request
2. Deny the continuance request
3. Other direction as deemed appropriate by the BZA

Recommendation:

Staff recommends Option 1.

Dean Smith

From: klonorton@aol.com
Sent: Thursday, May 30, 2024 10:36 AM
To: Dean Smith
Subject: Re: 25 Mansour Circle

Great, thank you.

On May 30, 2024, at 9:25 AM, Dean Smith <DSmith@newnanga.gov> wrote:

Your fee and application can be saved until then.

<image001.png>

From: klonorton@aol.com <klonorton@aol.com>
Sent: Thursday, May 30, 2024 9:22 AM
To: Dean Smith <DSmith@newnanga.gov>
Subject: Re: 25 Mansour Circle

I suppose I will follow your recommendation and wait until October. Will my fee and application be saved until then or do you refund and I apply again?

On May 30, 2024, at 8:31 AM, Dean Smith <DSmith@newnanga.gov> wrote:

I feel that it might also be able to prove that standard #3 was being met as well.

It is always possible that the process may extend beyond October, but typically, changes to an ordinance take about 3 months. It is our goal to get this in the process as soon as possible, so that by end of August/first of September, the amended ordinance can be approved and ready.

Again, my apologies. We don't like having to tell folks to wait because of something like this and your case was one of four we had scheduled for the July meeting, so we understand how disappointing it is.

<image001.png>

From: klonorton@aol.com <klonorton@aol.com>
Sent: Thursday, May 30, 2024 8:24 AM

To: Dean Smith <DSmith@newnanga.gov>

Subject: Re: 25 Mansour Circle

Well, of course it would be just my luck that the wording was recognized when I applied :-)

I read a few other set back variance cases in Newnan from the last few years, all of which were approved.

I suppose the “approaching confiscation” is the wording that I would not be able to prove??? I feel item 1 and 2 are because of the way the home is situated on the lot and not in my control. I appreciate your insight and if you are confident my request cannot be approved, I will wait until October. My concern is, of course, the process will drag on beyond October....do you feel that is a valid concern?

As you can tell, I’m in a very disappointing quandary!

On May 30, 2024, at 7:26 AM, Dean Smith <DSmith@newnanga.gov> wrote:

No, it’s not your home. It’s an issue with the ordinance that we didn’t notice until recently. In our ordinance, under the standards for hardship that you have to prove you meet in order for an affirmative vote by the Board of Zoning Appeals, it requires that you must prove you meet all 7 of the standards for a hardship. We are going to try and change the ordinance to reduce the requirement of meeting all 7 to something like the majority of the standards.

Under the ordinance as it stands today, I don’t believe that you would be able to prove that your case meets all 7 of the standards, as noted below:

. - Standards for Variances.

The hearing authority considering the variance request shall base its required findings of fact upon the particular evidence presented to it in each specific case where the property owner can show all of the following to be true:

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:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and,

2. Such conditions are peculiar to the particular piece of such property involved; and,
3. Such conditions were not imposed by the action or will of the owner of the property; and,
4. 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,
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

In addition, the hearing authority considering the variance request shall affirmatively determine that:

6. 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.
7. 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.

In 2017, the city hired a consultant to re-write our zoning ordinance and the language "all of the following to be true" got added and in all honesty, we didn't notice it until it was recently brought to our attention through a training session with members of council, the board of zoning appeals and planning commission. I apologize for having to relay this message to you. You can move forward, if you choose, to have your request heard on July 2nd, but understand that the BZA will have to agree that your request meets all 7 standards for them to approve. You can request to continue your case till the October 1st, 2024 meeting. It is our goal to have the ordinance changed by then, if city council so agrees. Or, you can withdraw the request now and re-file at a later date if you want to wait to make sure the ordinance gets changed.

Thanks,

<image001.png>

From: klonorton@aol.com <klonorton@aol.com>

Sent: Wednesday, May 29, 2024 6:57 PM

To: Dean Smith <DSmith@newnanga.gov>

Subject: Re: 25 Mansour Circle

Oh goodness - this is disappointing news! What is the issue? And is it specific to my home?

On May 29, 2024, at 1:58 PM, Dean Smith
<DSmith@newnanga.gov> wrote:

To: Kathryn Owen

Thank you for your recent variance application submission. The City has recently discovered an issue that will have a bearing and impact upon your variance request. There is a good chance that if you proceed on course to your upcoming hearing date in July, that the Board may decline your request due to this issue that has been discovered. The City is in the process of correcting the issue; however, it will take some time to accomplish this. This is why we are contacting you now. We would like to give you the option of continuing your variance request to the October 1, 2024 meeting of the Board of Zoning Appeals. It is our sincere hope that by then, this issue will be corrected and thereby, improving your chances of a positive outcome. Please respond back to us and let us know if you wish to continue the request until October or proceed to the July meeting.

<image001.png>