



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for October 1, 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. September 3, 2024 Minutes
3. Public Hearings
 - a. Variance Request 83 Canyon View Drive - 2024-15
 - b. Variance Request - 25 Mansour Circle - 2024-18
 - c. Variance Request - 9 Sherwood Drive - 2024-20
 - d. Variance Request - 10 Sherwood Drive - 2024-21
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
September 3, 2024
10:00 a.m.

Board Members in Attendance: Kris Lovell, Cliff Smith, Skin Edge, Ken Parker, Sally Hensley

Board Members Absent: Willie Walton, Frank Flournoy

Others in Attendance: Tracy Dunnavant, Planning & Zoning Director
Samantha Wood, Planning & Zoning Administrative Assistant
Dean Smith, Senior Planner
Mary Ware, Acting 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 August 6, 2024, meeting minutes. Lovell motioned to approve the minutes. Hensley seconded the motion.

MOTION CARRIED (5-0)

Multiple Variance Requests – 33 lots located in the Cottages at Brown Ridge development 2024-19

Chairman Edge opened the public hearing.

Dean Smith gave the staff report and stated that this case involves 33 lots in the Cottages at Brown Ridge development that were built and then platted, and when initially platted, the lot lines were wrong, and it was not initially caught by staff. Staff later discovered that the lots were non-conforming, and each one needs a variance to bring it into compliance with the ordinance.

Parker asked if the submitted site plan was correct. Dean Smith stated that it was correct; however, when the construction plat was done with the street dedication, there was a change that was not caught by staff.

Hensley asked if the developer acted in good faith. Dean Smith stated that he did not believe that the developer had any ill will when the error occurred.

Hensley asked if it is the same number of lots as previously planned. Dean Smith stated that it was the same number of lots.

Chairman Edge asked staff what happens if this does not get approved by the board. Dean Smith stated that this is the only way to make the property owners whole. It was not caught by staff and now we have homeowners who have done nothing wrong but have non-conforming lots.

Parker stated that it seems like a lot to put on the city staff. Dean Smith stated that staff can make the purpose statement more prominent.

The applicant, Michael Miller, with Piedmont Residential was sworn in before the board. Miller stated that he was there on behalf of over 30 homeowners who absolutely through no fault of their own have found themselves in this situation. He added that they just want to make things right. Miller said they have been building in the City of Newnan for over 15 years and just want to continue contributing to the city.

Miller said they did not find out about the mistake until one of their homeowners wanted to build a fence and they figured out that something was wrong. He added that some of the lots no longer met width and area dimensions. He added that Piedmont Residential was paying to get this error fixed for all of the homeowners. Miller said in no way did they do this maliciously against the city or try to trick the city in any way. He claimed it was a true accident.

Parker thanked Miller for stepping up and taking responsibility for the incident and making it right for all of the homeowners.

Hensley asked what exactly the variance is for each lot. Dean Smith stated that it was to make the lots skinnier.

Chairman Edge asked if there was anyone else in attendance that would like to speak in favor of this variance request.

Bryce Ponilla came forward and was sworn in. He stated that as a purchaser of one of the homes he had no idea that this was going on. Ponilla asked the board if this would have any bearing on the value of the home. Dean Smith stated that this just fixes a mistake. Dunnivant added that this just makes the lot conforming.

Chairman Edge closed the public hearing.

Dean Smith told the board that there is a list with each address that is affected in their packet. He suggested referencing that list when making a motion.

Hensley made motion to approve the variance request at all 33 addresses as referenced by the spreadsheet in the agenda packet for the September 3, 2024 Board of Zoning Appeals meeting. She added this is for both lot size and width. Lovell seconded the motion.

MOTION CARRIED (5-0)

Parker asked what the fee was to submit a plat for review. Dean Smith stated it is \$50.00; however, staff is in the process of evaluating our fee schedule right now.

Dunnavant let the board know they would have an October meeting.

New Business

ADJOURN

Smith made a motion to adjourn the meeting at 10:23 a.m. Hensley seconded.

MOTION CARRIED (5-0)

Chairman Edge



NEWNAN
GEORGIA

City of Newnan, Georgia – Board of Zoning Appeals

Date: October 1, 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 variance request to reduce the minimum rear setback in order to extend the existing patio slab and to cover it with a roof. The proposed patio extension 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: Single-Family Residence

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

Applicant's Position:

Note: This request was originally scheduled to be heard by the BZA on July 2, 2024. The request was continued until the October 1st, 2024, meeting to afford the time needed to amend the zoning ordinance on the variance standards for a hardship. That has been accomplished now as Council adopted a new ordinance on September 10, 2024.

The applicant wishes to convert his existing rear 12' x 20' (240 square feet) concrete slab patio to a 13' x 27' (351 square feet) covered concrete slab patio. The applicant plans to add a roof extension from the house to cover the extended patio. The proposed covered patio would be in keeping in design with the existing front patio the applicant has on his house (see attached picture of the existing front patio). The existing rear patio is in compliance with the minimum setback requirement (from the rear and side property lines) because the patio is uncovered and meets the 5-foot minimum setback required for an uncovered patio. Once a patio is covered with a roof, as is being proposed, the patio becomes part of the primary structure and thus has to meet the minimum setback requirements for principal buildings.

The applicant added in part, "I'm requesting the variance because of one simple thing and that is to add a patio to my back yard for my family to enjoy and hang out. We have been living at our current address since 2012 and one thing we have been wanting to do is add a covered patio to provide shade and to have an additional space for my family." The applicant also indicated the patio which will not be enclosed nor screened. He concluded by stating that currently it is not ideal for his family as when the sun sets towards his back yard it can be quite brutal and uncomfortable.

Regarding the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property, the applicant indicated in part that he is too close to the 30-foot rear setback line. He added that the proposed patio addition is 13' x 27'.

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 in part that the rear setback requirements prevent his proposed patio expansion.

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 in part, "The house was built with a 12' x 20' slab. We just want to put in a patio very similar to the front patio. The sun sets towards our back yard and it is brutal to hang out."

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, "The plan is to do a 13' x 27' patio."

Basis for Granting Variances:

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. The hearing authority will base its findings on facts and information presented to it in each specific case where the applicant and/or property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards (please see staff responses in red type):

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

Staff believes this proposal works within the confines of the natural restrictions of the lot's small size (totaling 0.23 acre +/-), shape, and topography. Regarding the subject property's features, the siting of the existing house when constructed led to more available land in the two side yards as opposed to the front or rear yards. These existing restrictions limit the amount of developable area and make impossible the ability to do any house expansion (including just a covered patio) in the rear yard.

2. Such conditions are peculiar to the particular piece of such property involved;
3. Such conditions were not imposed by the action or will of the owner of the property;
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship;

As seen in the attached pictures, the applicant's rear yard area is small and any kind of covered addition to the rear of the home would require variance approval regarding the rear yard setback. Staff believes 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.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures;

The proposed addition is only for the enjoyment of the homeowner and any visitors and should not engender any additional traffic. No activity is contemplated to occur that will pollute the neighboring area, nor is there any reason to anticipate any activity that will endanger the public.

6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and

The applicant's wish to extend a roof over his existing patio will allow his family to better enjoy (providing needed shade in particular) the same patio area they have utilized as an uncovered patio for years. The rear setback requirement, however, prevents this roof extension from the house. Accordingly, neither the applicant nor any future owner of the home would be able to make reasonable use of the backyard area, including any addition such as a new covered deck or any kind of room addition, if the zoning ordinance were applied literally.

7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance.

Planning Department's Review and Findings:

The BZA has ruled affirmatively to allow rear building setback reductions in the following similar past cases:

2014 - 2 Alpine Drive
2015 - 15 Parks Avenue
2015 - 11 Worchester Drive
2015 - 56 Woodland Drive
2016 - 36 Canyon View Drive
2016 - 3 Bryce Creek Drive
2016 - 23 Cliffhaven Circle
2017 - 55 W. Washington Street
2018 - 27 Stones Throw Lane
2020 - 42 Canyon View Drive
2020 - 27 Cliffhaven Circle
2021 - 45 Matador Way
2022 - 30 Bryce Creek Drive
2023 - 73 Canyon View Drive
2023 - 189 Cliffhaven Circle
2024 - 31 Wesley Street
2024 - 55 Jackson Street
2024 - 26 Tuxedo Avenue

Planning Department's Review and Findings:

As of the date of this report, the City has received no objections from any of the neighboring property owners. Staff believes the location of the proposed covered patio extension is appropriate and will present no negative impacts. There is also a privacy fence and a natural landscape area between the applicant and the neighbors along the rear property line (as seen in the attached pictures). It should also be noted that the proposed patio addition will only extend the existing patio by one foot towards the rear property line.

The desire of the applicant to extend the patio slab (with a cover) is not unreasonable and should present no impact upon his neighbors. Furthermore, alleviation of the rear setback will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit covered patios in residential rear yards.

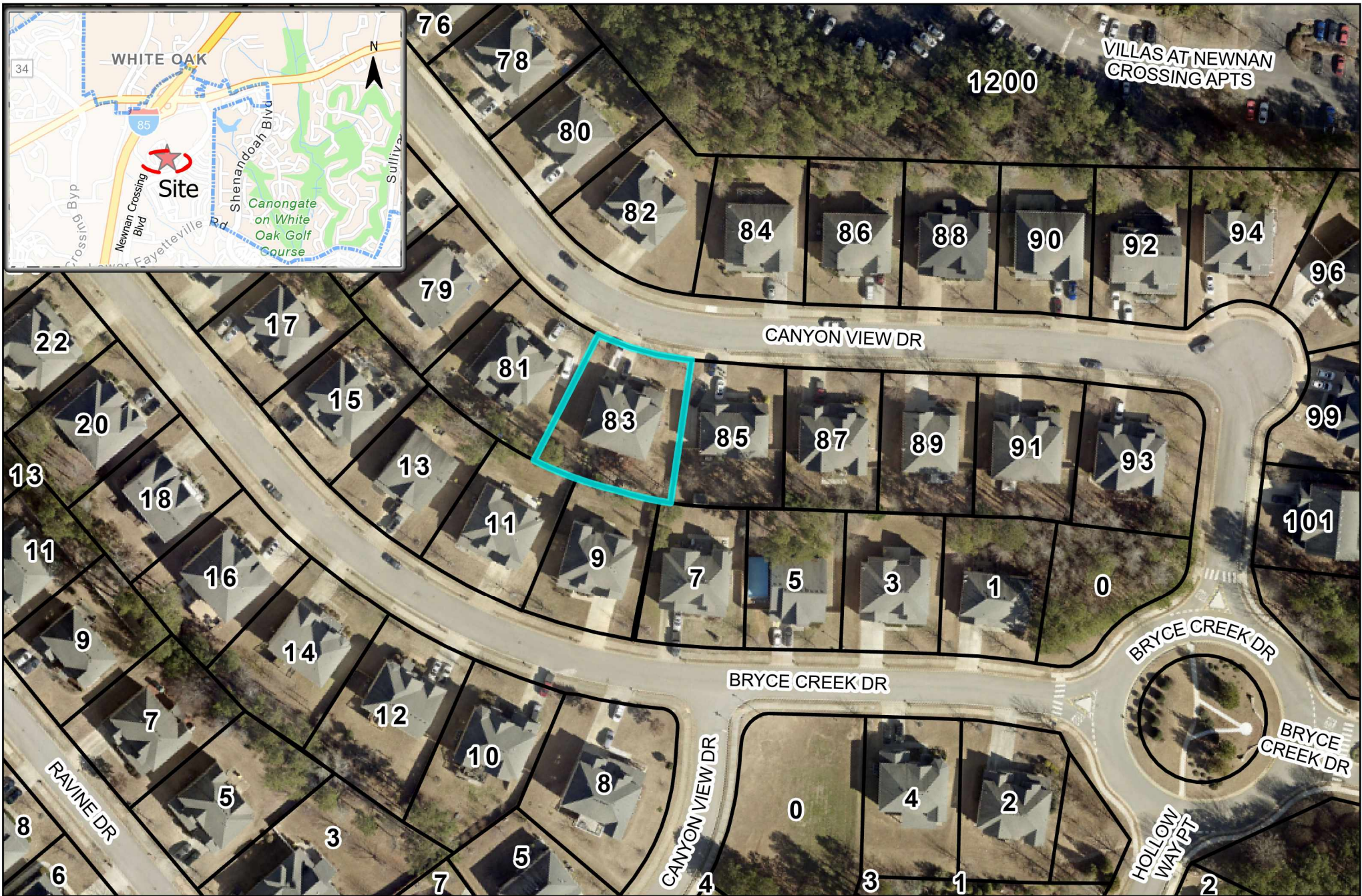
Options:

- A. Approve the variance request
- B. Deny the variance request
- C. Other direction as determined by the Board of Zoning Appeals

Staff's assessment of this request coincides with Option A, to approve the request. After evaluating the request in regard to the City's variance hardships standards, staff feels that this request meets the following standards: 1, 4, 5, & 6

Attachments:

Application



CITY OF NEWNAN

Project Location



1 = 1,200 feet

Date: 5/8/2024 10:41 AM



NEWNAN
GEORGIA

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

Project Location



City Limits

Parcel # 098 5052 083

ADDRESS
83 Canyon View Dr
Newnan, Ga 30265



View of existing
12' x 20' rear-
yard patio



View of rear yard (with
fence along rear property
line and landscape area)



Alternate view of
rear yard



View of rear yard
looking towards
neighbor to the rear

**View of rear yard looking towards
neighbor to the rear**



**Alternate view of rear yard looking
towards neighbor to the rear**



View of applicant's front patio that the proposed rear patio will resemble



Alternate view of applicant's front patio





NEWNAN
GEORGIA

CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Jorge Mendora
Mailing Address 83 Canyon View Dr. Newnan, Ga 30265
Telephone 404. 934. 5888 E-Mail: jmend91@gmail.com
Property Owner (Use back if multiple names) _____
Mailing Address _____
Telephone _____
Address/Location of Property _____
Tax Parcel No: 098-5052-083
Present Zoning Classification: RU-7
Present Land Use Residential
Intended Use Residential

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

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

I (We) hereby request the following variance from the provisions of section(s) Article 2, Table 2-A of the Zoning Ordinance/Subdivision Regulations: _____

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?

The city is telling me by adding a patio (not enclosed, not screened that I'm close to the 30' RBL. The patio dimension is 13' x 27' with a header board.

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

RU-7

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?

REAR SET Back Code

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

The house was built with a 12'x20' slgb. We just want to put in a patio very similar to the front patio. The sun sets towards our back yard and is brutal to hang out.

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 plan is to do a 12'x27' patio.

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

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

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

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

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

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

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

✓ Check for applicable fees (\$250.00).

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

Jorge Mendore

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

JM 7/30/24
Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY CHRIS COLE

DATE OF FILING MAY 8, 2024

BZA MEETING DATE JULY 2, 2024; OCTOBER 1, 2024 ^{continued to}

DATE OF NOTICE PUBLICATION MAY 29, 2024

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

Jorge Mendora

Telephone Number

404. 934. 5998

Address of Subject Property

*83 Canyon View Dr.
Newnan, Ga 30265*

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

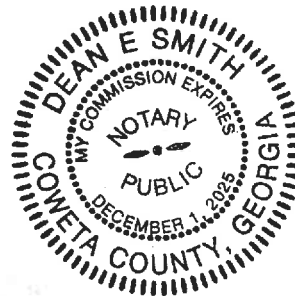
Signature of Property Owner

[Handwritten Signature]

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

5/8/24

May 6, 2024

1

Dear City of Newnan:

The purpose of my letter is to request permission to increase the rear building set back ordinance to build a back yard patio. I'm requesting the variance because of one simple thing and that is to add a patio to my back yard for my family to enjoy and hang out. We have been living at our current address since 2012 and one thing we have been wanting to do is add a covered patio to provide shade and as I mentioned earlier to have an additional space for my family to hang out. With the addition of the patio which will not be enclosed nor screened and with the sun setting towards our back yard it can be quite brutal and uncomfortable to say the least.

The plan for the patio is to be 13'x 27' long similar our front yard patio. The patio material will follow all city and county rules. The installation will also follow city and county rules. The objective is to install the patio to the house to ensure it is properly secured to be able to withstand storms and high winds. We have a patio that is 12' wide, so going an additional foot to 13' feet is to have proper footing is what was recommended to me by the city during our initial dialogue.

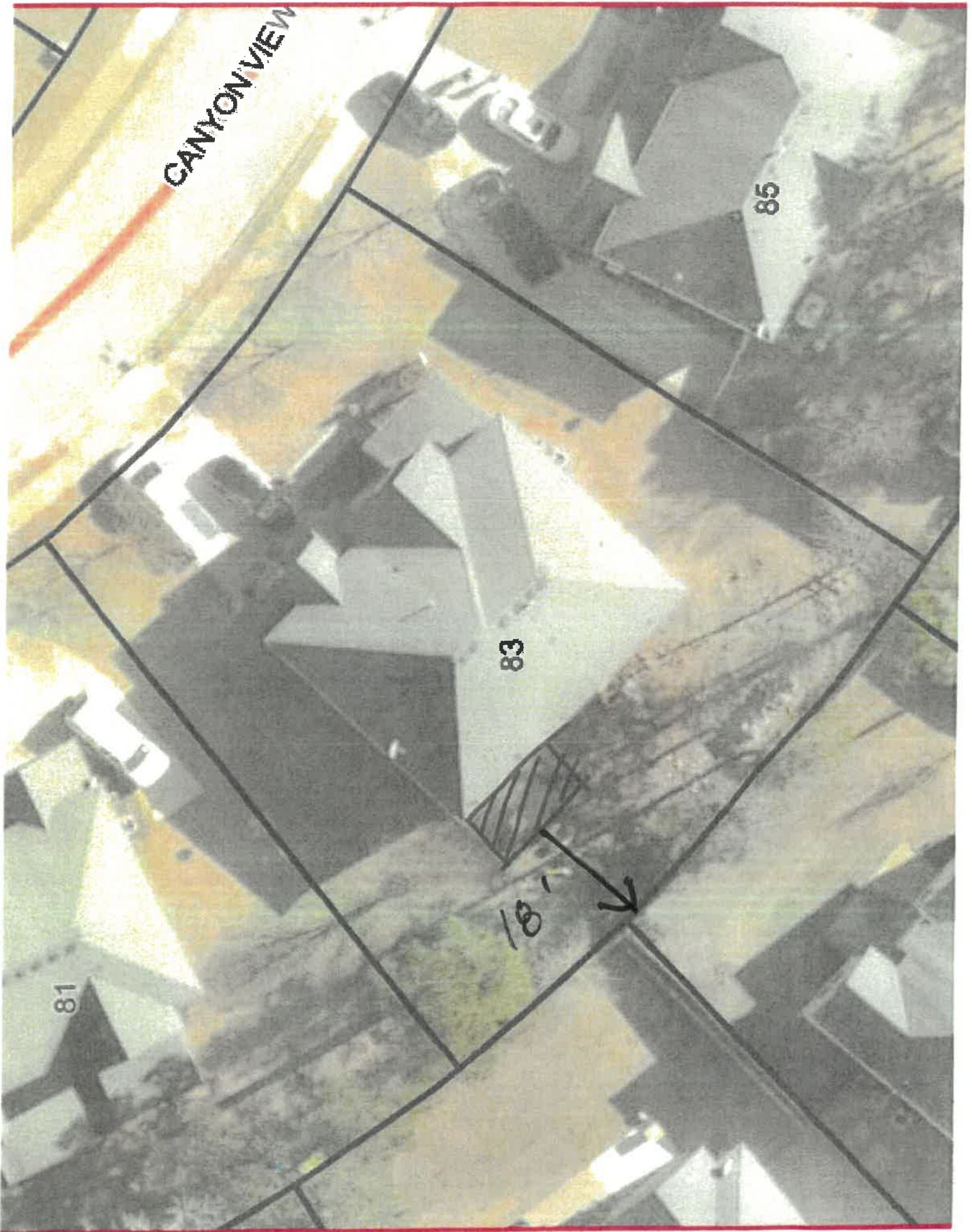
I have done everything by the book. I requested permission from HOA and they approved and now requesting that you please review and consider approving my home project. As I stated earlier, we just need a space to hang out and enjoy.

All the best,

Jorge Mendoza

83 Canyon View Dr.
Newnan, Ga 30265

404.934.5888



Z-Flashing at ledger

83 Canyon View
Torge Menden

7" x 10" ledger with carriage bolts

1/2" O.S.B. sheathing
with asphaltic
and shingles
Felt

3/4" rafters @ 16" on center

6"x6" beam

2"x6" rafters @ 16" o.c.

City of Newman
Building Department

REVIEWED FOR CODE COMPLIANCE
Every effort has been made to identify code violations. No oversight by the reviewer shall be considered as authority to violate, cancel, alter or set aside any applicable codes or ordinances. The reviewer and permit should not be considered warranty or guarantee Reviewed by Ryan VanOosterdorp

REVIEWED
By Ryan VanOosterdorp at 11:00 am, Apr 22, 2024

6"x6" post

6"x6" post

6"x6" post

6"x6" post

concrete metal post
anchor

27' wide by 13' deep

18" typical

≤ 12" →



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 July 2, 2024 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: _____

(Please Print)

Applicant's Signature: _____

Date: _____

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

UTILITY LEGEND

- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SERVICE LOCATION
- EXISTING SANITARY SEWER LATERAL
- EXISTING SANITARY SEWER MAIN
- EXISTING WATER METER LOCATION
- EXISTING WATER MAIN LOCATION
- EXISTING WATER MAIN LOCATION
- EXISTING DOUBLE WING CATCH BASIN
- EXISTING SINGLE WING CATCH BASIN
- EXISTING STORM JUNCTION BOX
- EXISTING STORM DRAIN PIPE
- PROPOSED SLOPE OF GRADE/DRIVE
- EXISTING GRADE CONTOUR LINE
- PROPOSED GRADE CONTOUR LINE
- PROPOSED GRADE SPOT ELEVATION

ABBREVIATIONS

- M.F.E. MINIMUM FLOOR ELEVATION
- F.F.E. FINISH FLOOR ELEVATION
- G.F.E. GARAGE FLOOR ELEVATION
- B.F.E. BASEMENT FLOOR ELEVATION
- D.E. DRAINAGE EASEMENT
- JB JUNCTION BOX
- HW HEADWALL
- D.I. DRAINAGE INLET
- S.S.E. SANITARY SEWER EASEMENT
- FBL FRONT BUILDING LINE
- RBL REAR BUILDING LINE
- SBL SIDE BUILDING LINE
- U.E. UTILITY EASEMENT
- F/H FIRE HYDRANT

HOUSE PLAN NOTES

FLOOR PLAN: NORTHPOINT-C
CONST. TYPE: WOOD FRAME-2 STORY
ENTRY: FRONT/GARAGE RIGHT
GARAGE/SQ.FT.: 2-CAR
BASEMENT/SQ.FT.: NO
PATIO or DECK: CONCRETE PATIO
PORTICO or PORCH: PORCH

LOT NOTES

LOT NUMBER: 92
TAX PARCEL NO.: N/A
ADDRESS NO.: 83
STREET: CANYON VIEW DRIVE
MIN. LOT AREA: 7,500 SF
LOT AREA: 10,267 SF/0.236 AC.
MIN. LOT WIDTH AT B/L: 75 FEET
MIN. FRONT SETBACK: 25 FEET
MIN. SIDE SETBACK: 10 FEET
MIN. REAR SETBACK: 30 FEET
MIN. BLDG. SEPARATION: 20 FEET
MAX. LOT IMPERVIOUS %: N/A
PROP. LOT IMPERVIOUS %: 22.4%
PROP. IMPERVIOUS AREA: 2,461 SF.
PROP. DISTURBED AREA: 0.236 AC.
PROP. EARTH CUT DEPTHS: 1.0 FT.
PROP. EARTH FILL DEPTHS: 3.0 FT.

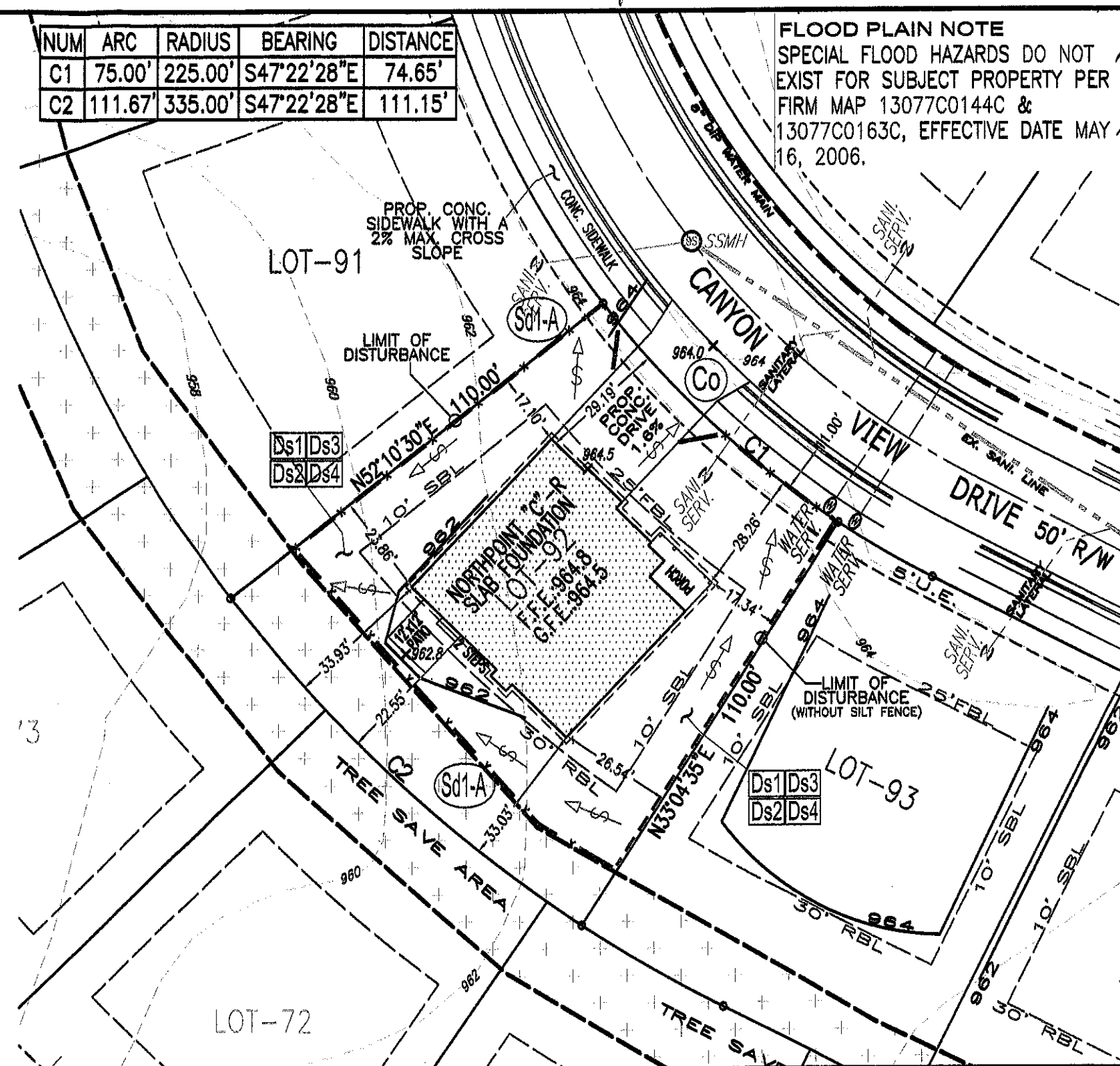
SUBDIVISION NOTES

THE HIGHLANDS AT NEWMAN CROSSING
PHASE / UNIT: 1
CURRENT ZONING: RU-7 (#2004-23)
LAND LOTS: 44, 45, 52 & 53
DISTRICT: 5TH.
CITY: NEWMAN
COUNTY, STATE: COWETA, GA.
FINAL PLAT: P.B. 88, PAGE 331

EROSION LEGEND

- SILT FENCE TYPE "A"
- CURB INLET PROTECTION
- CONSTRUCTION EXIT
- SURFACE ROUGHENING
- INSTALL TEMPORARY AND/OR PERMANENT VEGETATION ON ALL DISTURBED AREAS OF SOIL.
-
-
-
- PROPOSED TYPE Sd1-A SILT FENCE
- PROPOSED LIMITS OF DISTURBANCE

NUM	ARC	RADIUS	BEARING	DISTANCE
C1	75.00'	225.00'	S47°22'28"E	74.65'
C2	111.67'	335.00'	S47°22'28"E	111.15'



FLOOD PLAIN NOTE

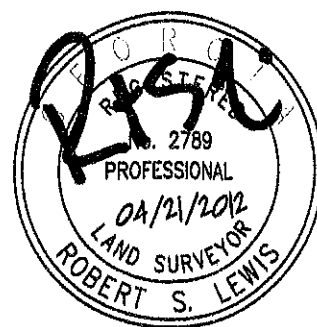
SPECIAL FLOOD HAZARDS DO NOT EXIST FOR SUBJECT PROPERTY PER FIRM MAP 13077C0144C & 13077C0163C, EFFECTIVE DATE MAY 16, 2006.



Know what's below.
Call before you dig.

24-HOUR CONTACT
BUILDER/OWNER REPRESENTATIVE

BETH FOWLER
678-328-2082 x304



Land Survey Online, LLC
10 Edgewood Drive
Carrollton, Ga 30116
Phone: 770-280-5738
Fax: 888-838-0410
scottlewis@charter.net
ROBERT S. LEWIS, RLS
REG. LAND SURVEYOR NO. 2789
LEVEL II CERT. DESIGN PROF. NO. 29563

30 0 15 30 45 60

Scale: 1 inch = 30 feet

ILP FOR:
Peachtree Communities, LLC
3651 Peachtree Pkwy - Suite E-346
Suwanee, Georgia 30024
Phone: 678-328-2082
Fax: 770-455-7372

The Highlands at
Newman Crossing

Lot 92

DATE: 04/21/2012

REVISIONS	LAST REVISED: NONE	SHEET 1 OF 1
1		
2		
3		
4		
5		
6		
7		
8		
9		



City of Newnan, Georgia – Board of Zoning Appeals

Date: October 1, 2024

Application Number: 2024-18

Agenda Item: 25 Mansour Circle

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a variance request to reduce the rear building setback from 35 feet to 19.9 feet for the purpose of adding a covered patio addition to the primary structure.

Applicant: Kathryn Owen
25 Mansour Circle
Newnan, GA 30263

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

Present Use: Single family detached residential structure

Proposed Use: Single family detached residential structure

Pertinent Regulations: The minimum building setback requirements are outlined in Article 4, Section 4-32, Table 4-A of the City of Newnan's Zoning Ordinance.

Applicant's Position:

(Note: This request was originally scheduled to be heard by the BZA on July 2, 2024. The request was continued until the October 1st, 2024, meeting to afford the time needed to amend the zoning ordinance on the variance standards for a hardship. That has been accomplished now (Council adopted a new ordinance on September 10, 2024)

The applicant states, in part, "...the rear setback for this property (home constructed in 1940) is 35 feet....I am seeking approval to construct a covered patio which would reduce the rear setback to 19.9 feet....The home is situated with a much larger front yard than backyard...The home sits elevated on a hill and was built with a partial basement....the main level of the home has a very flat backyard, but too shallow to construct an outdoor living space per the current setback requirement....I will be unable to build a covered patio if the requirements of the ordinance are applied....."

Basis for Granting Variances:

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. The hearing authority will base its findings on facts and information presented to it in each specific case where the applicant and/or property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards:

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

2. Such conditions are peculiar to the particular piece of such property involved;
3. Such conditions were not imposed by the action or will of the owner of the property;
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship;
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures;
6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and
7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance.

Planning Department's Review and Findings:

The BZA has ruled affirmatively to allow rear building setback reductions in the following similar past cases:

2014 - 2 Alpine Drive
2015 - 15 Parks Avenue
2015 - 11 Worchester Drive
2015 - 56 Woodland Drive
2016 - 36 Canyon View Drive
2016 - 3 Bryce Creek Drive
2016 - 23 Cliffhaven Circle
2017 - 55 W. Washington Street
2018 - 27 Stones Throw Lane
2020 - 42 Canyon View Drive
2020 - 27 Cliffhaven Circle
2021 - 45 Matador Way
2022 - 30 Bryce Creek Drive
2023 - 73 Canyon View Drive
2023 - 189 Cliffhaven Circle
2024 - 31 Wesley Street
2024 - 55 Jackson Street
2024 - 26 Tuxedo Avenue

Aerial photograph of subject property, illustrating the house's current location – note that the subject house is approximately 90 feet from the front property line





Current photo of subject house. The house is undergoing an extensive interior and exterior renovation project, of which the proposed covered patio is a component.





Reverse view of location of proposed covered patio

As of the date of this report, the City has received no objections from any of the neighboring property owners.

The desire of the owners to construct a screened-in porch is not unreasonable and should present no impact upon their neighbors. Furthermore, alleviation of the rear setback will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit screened-in porches in residential rear yards.

Options:

- A. Approve the variance request
- B. Deny the variance request
- C. Other direction as determined by the Board of Zoning Appeals

Staff's assessment of this request coincides with Option A, to approve the request. After evaluating the request in regard to the City's variance hardships standards, staff feels that this request meets standards: 1, 2, 5 & 7

Attachments:

Application



CITY OF NEWNAN, GEORGIA

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

NEWNAN
GEORGIA

APPLICATION FOR VARIANCE

Name of Applicant KATHRYN OWEN
Mailing Address 40 UPLAND COURT NEWNAN, GA 30263
Telephone 404-372-1136 E-Mail: KLONORTON@AOL.COM
Property Owner (Use back if multiple names) KATHRYN OWEN
Mailing Address 40 UPLAND COURT NEWNAN, GA 30263
Telephone 404-372-1136
Address/Location of Property 25 MANSOUR CIRCLE NEWNAN, GA 30263
Tax Parcel No: N20 0001 016 RS-15
Present Zoning Classification: RESIDENTIAL (R-1)?
Present Land Use RESIDENTIAL
Intended Use RESIDENTIAL

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

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

I (We) hereby request the following variance from the provisions of section(s) 4-29(c) Table 4A of the Zoning Ordinance/Subdivision Regulations: _____

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property? The REAR setback for this property (constructed in 1940) is 35 feet. I AM seeking approval to construct a covered patio which would reduce the REAR setback to 19.9 feet.

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

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

The home is situated with a much larger front yard than backyard.
 The home sits elevated on a hill and was built with a partial basement.
 The main level of the home has a very flat backyard, but too shallow to construct an
 outdoor living space per the current set back requirement.

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?

I will be unable to build a covered patio if the requirements of the ordinance are applied.
 There is no covered area to enjoy the outdoors. I've purchased this home & moved to Newnan to
 be close to my grandchildren. A large covered patio will facilitate infinite hours of outdoor visits with
 them.
 Also, I have to protect my skin as I have had multiple skin cancers removed.

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?

Reduction of REAR set-back to 19.9 feet.

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

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

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

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

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

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

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

✓ Check for applicable fees (\$250.00).

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

KATHRYN OWEN

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

Kathryn Owen

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Dean Smith

DATE OF FILING 5/20/24

BZA MEETING DATE 7/2/24

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 KATHRYN OWEN

Telephone Number 404-372-1136

Address of Subject Property 25 MANSOUR Circle
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.

Kathryn Owen
Signature of Property Owner

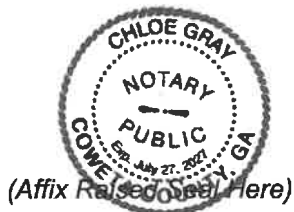
Personally appeared before me

Chloe Gray

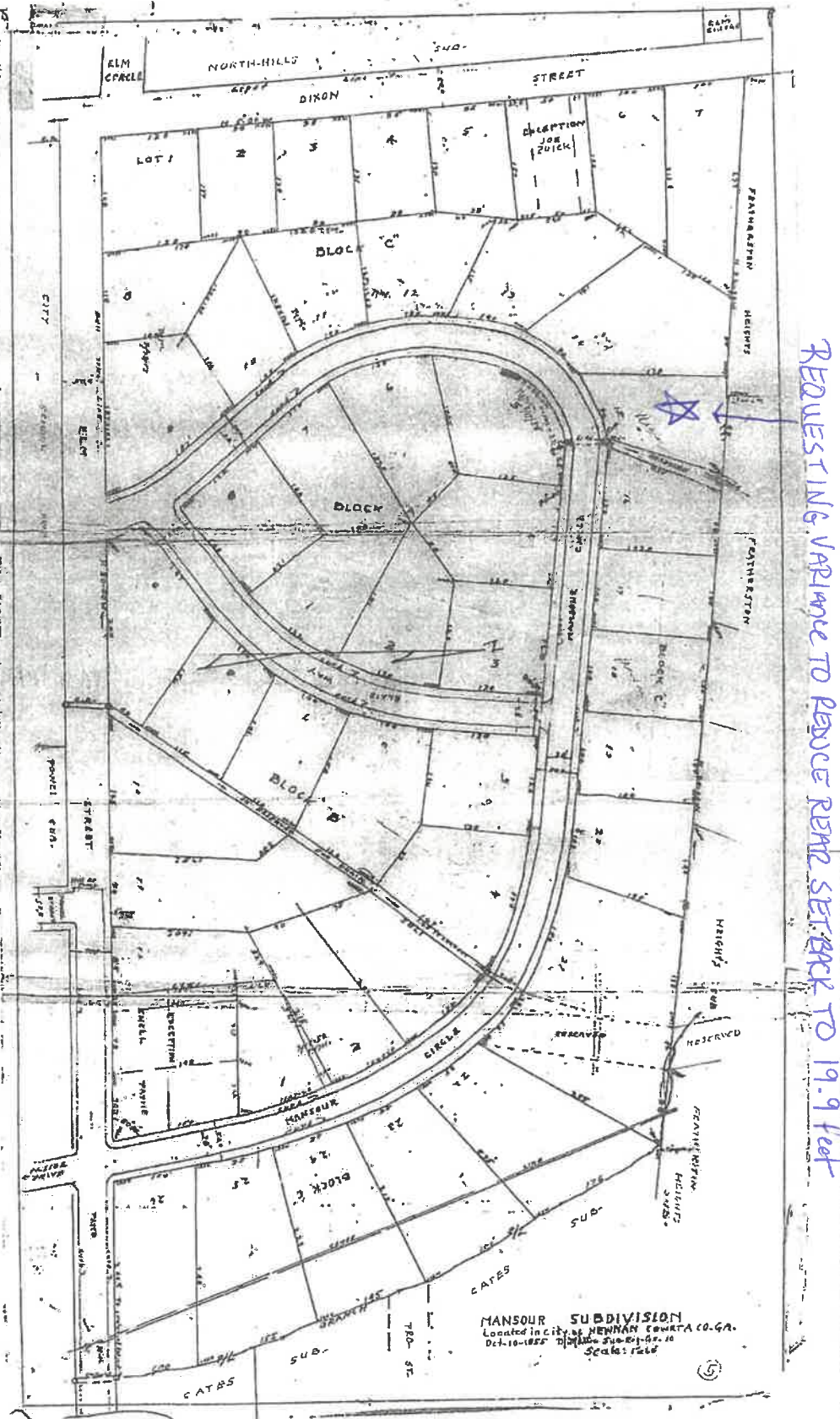
who swears the information contained
in this authorization is true and correct
to the best of his/her knowledge and
belief.

Chloe Gray
Notary Public

May 18 2024
Date



Item 1A. Plat of 25 Mansour Circle.
 The only plat in existence per my closing attorney on 2/29/2004

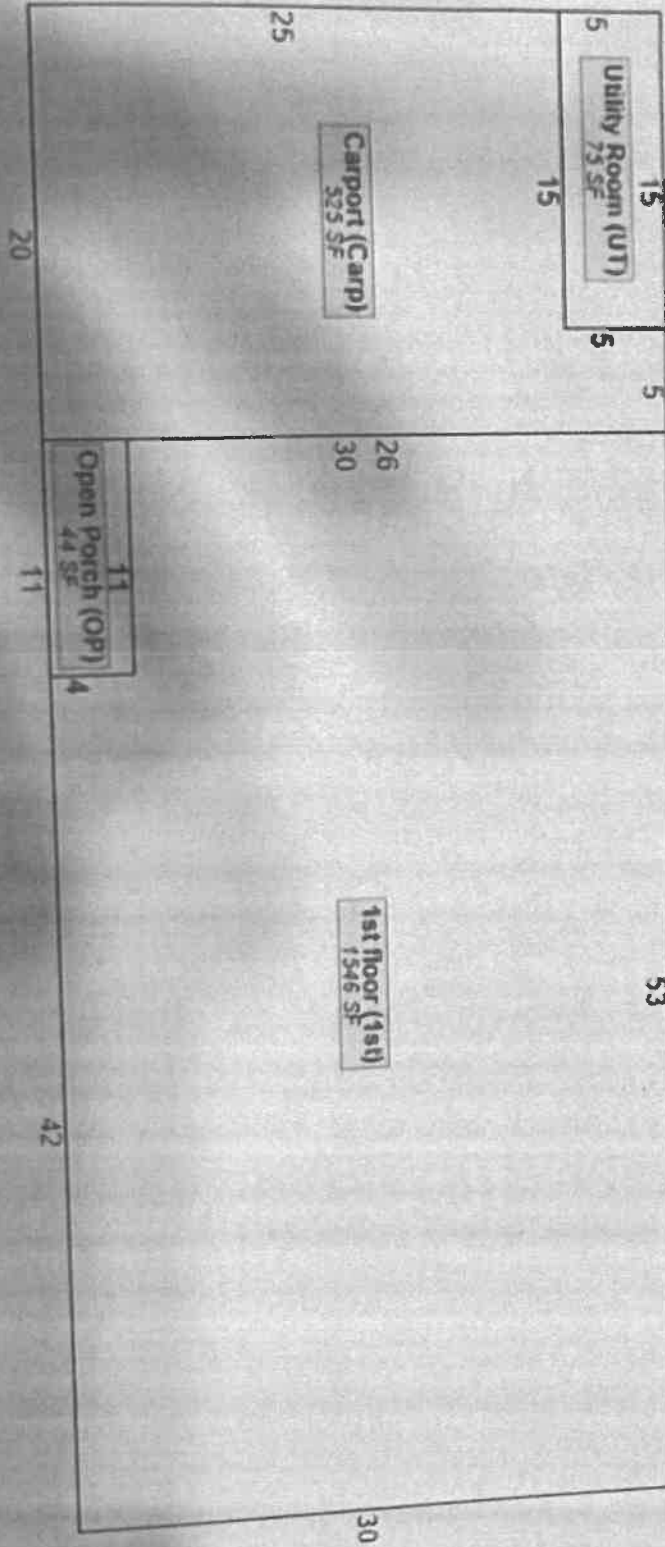


179
 122
 150 on E side reserved strip
 22
 150
 18
 94/leg



Item 1.6 ~~From~~ Aerialing as Mansour Circle existing development and Requested variance in Red.
(Rear only, 19.9')

Item 2A
 25 MAN500KCIRCLE



Back
 Porch
 Addition

Small House

Real Estate

Covered
Back Deck
Addition

11-20-1971

1892

6x6 Post

6

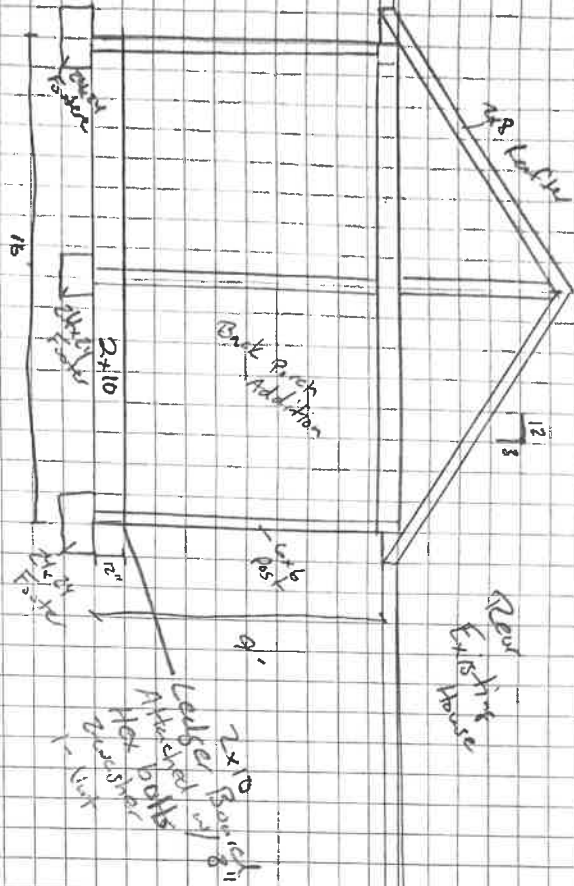
10-1-6

12'

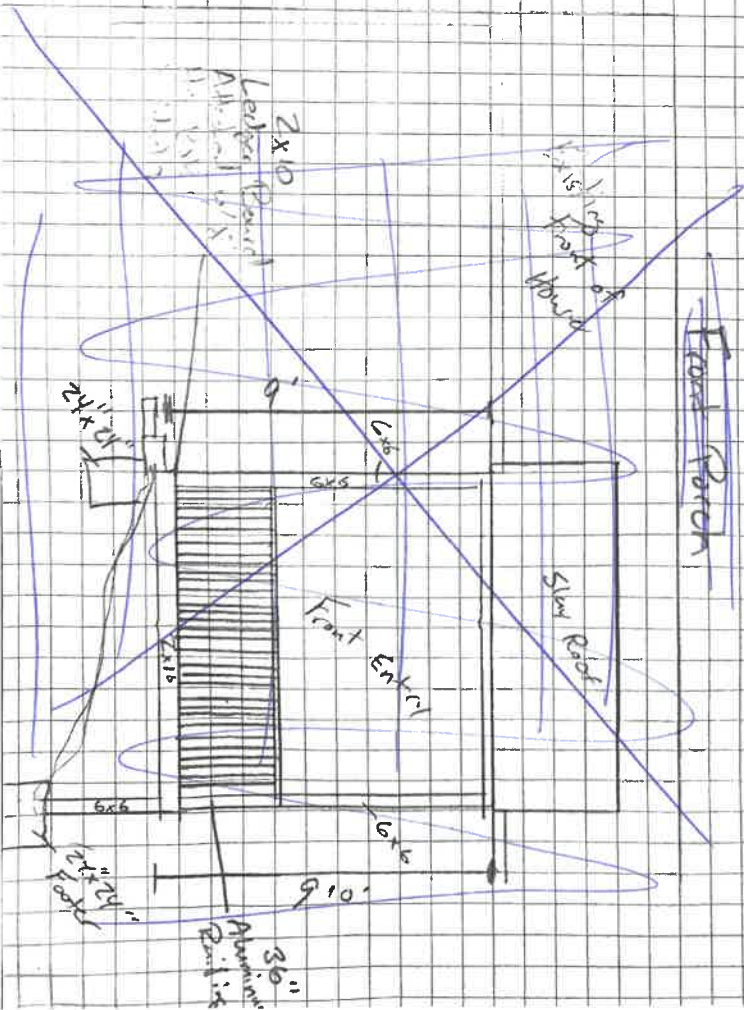
~~2x8 = 16~~

27

Back Porch



Front Porch



25 MANSOUR CIRCLE LEGAL DESCRIPTION

All that tract or parcel of land situate, lying AND being in the City of NEWNAN, COWETA County, GEORGIA, AND being Lot 15, Block C of MANSOUR CIRCLE Subdivision, as shown by plat of survey of SAID SUBDIVISION MADE by T. Y. MATTOX, SURVEYOR, ON OCTOBER 10, 1995, of record in PLAT BOOK 1, PAGE 283, in the Office of the Clerk, COWETA County Superior Court, to which plat REFERENCE is hereby made for a more PARTICULAR DESCRIPTION of the property herein CONVEYED.



Covered patio will extend from house to approx 8' in front of block wall.



Covered patio will be on grassed area
And stop APPROX 8' before the block wall.



Covered patio will be on grassed area And
stop approx 8' before block wall.



Covered patio will extend from the house
at the triple window AND single window
on the right.



Covered patio will extend from the house
at both windows pictured.

Niki Sewell

REAL ESTATE TRANSFER TAX
PAID: \$220.00

PT-61 038-2024-000905

WARRANTY DEED

PREPARED BY:
CHARLES C. WITCHER
HORNE & GRIFFIS, P.C. ✓
P.O. BOX 220
NEWNAN, GA 30264

STATE OF GEORGIA
COUNTY OF COWETA

THIS INDENTURE, made the 28th day of February, 2024, between

**BEVERLY WALLS, DONNA DUKE, LINDA VAN PUYMBROUCK, DARLENE VINSON, LISA
WILSON, AND NICOLAS OWYN STANFORD**

of the County of Coweta, and State of Georgia, as party or parties of the first part, hereinafter called
Grantors and

KATHRYN OWEN ✓

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 TEN and NO/100 DOLLARS
(\$10.00) in hand paid, the receipt of which 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 Grantees,

All that tract or parcel of land situate, lying and being in the City of Newnan, Coweta County,
Georgia, and being Lot 15, Block C of Mansour Circle Subdivision, as shown by plat of survey of
said subdivision made by T.Y. Mattox, Surveyor, on October 10, 1995, of record in Plat Book 1,
Page 283, in the Office of the Clerk, Coweta County Superior Court, to which plat reference is
hereby made for a more particular description of the property herein conveyed. ✓

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

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

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

Signed, sealed and delivered in
Our presence this 28th day of
Feb, 2024.

[Signature]
Witness

[Signature]
Notary Public, State of Georgia
My Commission Expires:

Beverly Walls (SEAL)
Beverly Walls

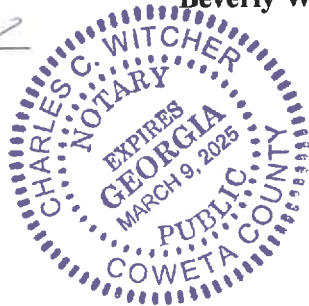


Signed, sealed and delivered in
Our presence this 2nd day of
Feb, 2024.

[Signature]
Witness

[Signature]
Notary Public, State of Georgia
My Commission Expires:

Donna Duke by Beverly Walls, AIF (SEAL)
Donna Duke by and through her attorney-in-fact
Beverly Walls

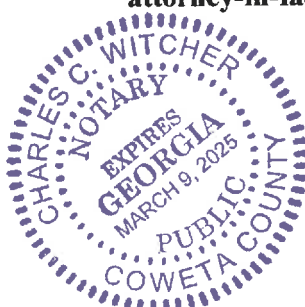


Signed, sealed and delivered in
Our presence this 2nd day of
Feb, 2024.

[Signature]
Witness

[Signature]
Notary Public, State of Georgia
My Commission Expires:

Linda Van Puymbrouck by Beverly Walls AIF (SEAL)
Linda Van Puymbrouck by and through her
attorney-in-fact Beverly Walls



Signed, sealed and delivered in
Our presence this 28th day of
Feb, 2024.

Witness

Charles C. Witcher
Notary Public, State of Georgia
My Commission Expires:

Darlene Vinson, by Beverly Walls, AIF (SEAL)
Darlene Vinson by and through her attorney-in-fact
Beverly Walls



Signed, sealed and delivered in
Our presence this 27th day of
Feb, 2024.

Witness

Charles C. Witcher
Notary Public, State of Georgia
My Commission Expires:

Lisa Wilson, by Beverly Walls, AIF (SEAL)
Lisa Wilson by and through her attorney-in-fact
Beverly Walls



Signed, sealed and delivered in
Our presence this 28th day of
Feb, 2024.

Witness

Charles C. Witcher
Notary Public, State of Georgia
My Commission Expires:

Nicholas Owyn Stanford, by Beverly Walls, AIF (SEAL)
Nicholas Owyn Stanford by and through his attorney-
in-fact Beverly Walls





City of Newnan, Georgia – Board of Zoning Appeals

Date: October 1, 2024

Application Number: 2024-20

Agenda Item: 9 Sherwood Drive

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a variance request to reduce the side building setback from 12 feet to 5 feet, 8 inches for the purpose of adding an addition onto the primary structure.

Applicant: Walker Jackson Horne
9 Sherwood Drive
Newnan, GA 30263

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

Present Use: Single family detached residential structure

Proposed Use: Single family detached residential structure

Pertinent Regulations: The minimum building setback requirements are outlined in Article 4, Section 4-32, Table 4-A of the City of Newnan's Zoning Ordinance.

Applicant's Position:

The applicant states, in part, "...I would like to add a new room...the zoning district has a setback of 12 feet, the addition will be 5 feet 8 inches from the property line..."

Basis for Granting Variances:

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. The hearing authority will base its findings on facts and information presented to it in each specific case where the applicant and/or property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; **-Width of lot at the road is 122 feet, compared to width of rear lot which is 65 feet – lot narrows the further back from the road. House is set back 77 feet from the street, putting the house towards the narrow part of the lot.**
2. Such conditions are peculiar to the particular piece of such property involved; **the lot's shape is not symmetrical, as compared to the lot shapes of the neighboring properties.**
3. Such conditions were not imposed by the action or will of the owner of the property;

4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship;
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures; - the proposed addition is only for the enjoyment of the homeowner and any visitors and should not engender any additional traffic, and no activity is contemplated to occur that will pollute the neighboring area, nor is there any reason to anticipate any activity that will endanger the public.
6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and - the house was built in 1952 and with a growing family, the applicant needs more room. The inability to add onto the existing structure limits the living space of the home and without a variance, renders the living area impractical for the applicant's family.
7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance. - with older properties, developed and platted prior to the adoption of the current zoning ordinance, there are always specific instances where adjustments are needed to improve a house or property. These requests aren't recurring enough to enact any broad-based legislation and are situation specific. Furthermore, the process of evaluating each request on a case-by-case basis, recognizes the need for certain projects to be sensitive to the area and any concerns from affected citizens.

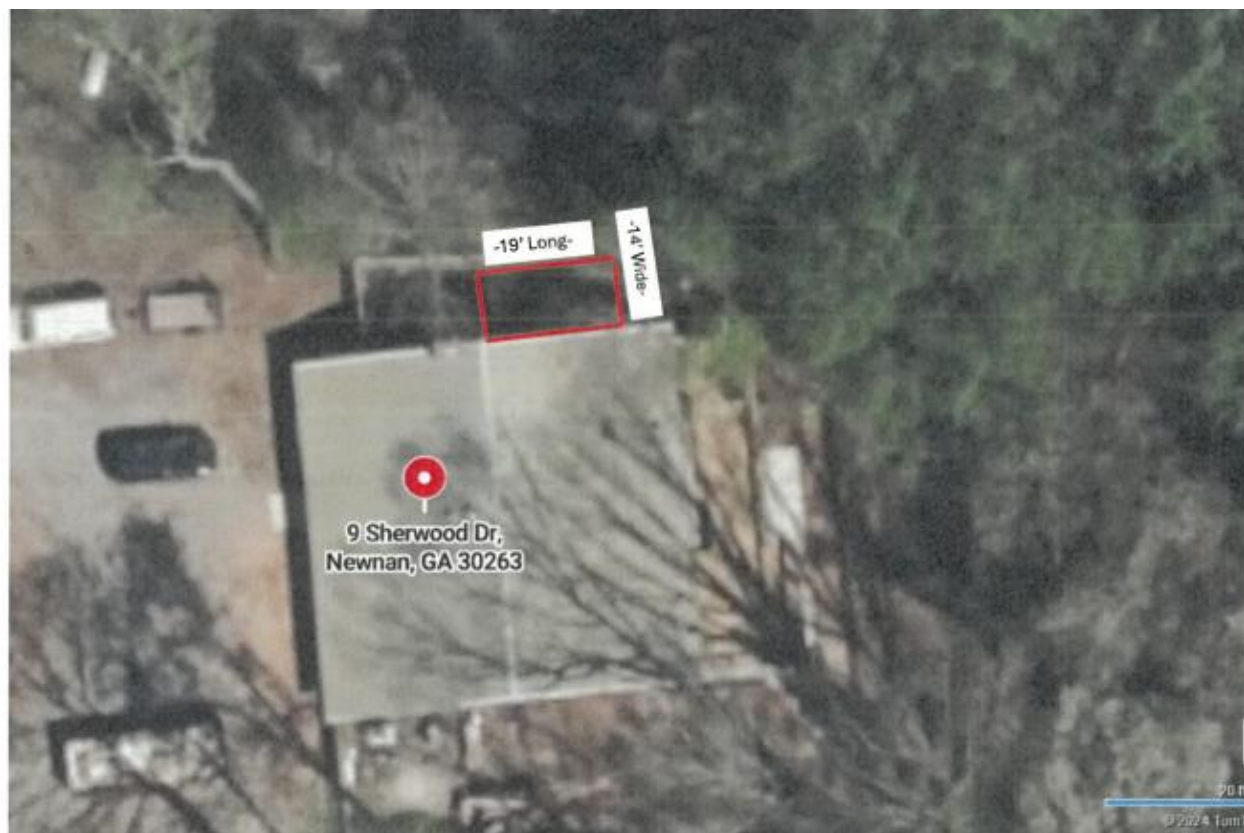
Planning Department's Review and Findings:

The BZA has ruled affirmatively to allow rear building setback reductions in the following similar past cases:

2020 - 209 Jackson Street
2020 - 39 Dixon Street
2021 - 8 Brookside Drive
2021 - 12 Buchanan Street

Aerial view of subject house. Note that the lot width at the road is approximately 122 feet, compared to the rear lot width, which is a little over 65 feet, resulting in a lot that narrows the further you go back. The house is set back from the road by approximately 77 feet, resulting in narrow sides. The house as built in 1952 and at the narrowest point, the house is about 19 feet away from the north property line and 14 feet away from the southern property line.





As of the date of this report, the City has received no objections from any of the neighboring property owners.

It should be noted that Mr. Horne has applied for a building permit. The building department has approved the construction plans, subject to a decision by the BZA on this variance request.

There is significant slope towards the rear and back of the property that render that area unlikely for an addition. There is existing mature tree canopies on the side and rear of the property which, along with an existing privacy fence, provides screening for the addition from neighboring properties.

Regarding the variance request to reduce the minimum side setback along from 12 feet to 5.8 feet, staff believes the placement of the proposed room addition is appropriate and will present no negative impacts. Staff believes this proposal works within the restrictions of the lot's size, shape, and topography.

Options:

- A. Approve the variance request
- B. Deny the variance request
- C. Other direction as determined by the Board of Zoning Appeals

Staff's assessment of this request coincides with Option A, to approve the request. After evaluating the request in regard to the City's variance hardships standards, staff feels that this request meets standards: 1, 2, 5, 6 & 7

Attachments:

Application



NEWMAN
GEORGIA

CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Walker Jackson Horne

Mailing Address 9 Sherwood Dr. Newnan, GA 30263

Telephone 404-455-4952 E-Mail: jackson.horne@nordson.com

Property Owner (Use back if multiple names) Walker Jackson Horne and Cori Nicole Horne

Mailing Address 9 Sherwood Dr. Newnan, GA 30263

Telephone 404-455-4952

Address/Location of Property 9 Sherwood Dr. Newnan, GA 30263

Tax Parcel No: N38 0001 008

Present Zoning Classification: Residential

Present Land Use Residential

Intended Use Residential

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

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

I (We) hereby request the following variance from the provisions of section(s) Section 4-32 of the Zoning Ordinance/Subdivision Regulations: RS-15

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?
I would like to add a new room to 9 Sherwood Dr. Newnan, GA. 30263. The
zoning district has a setback of 12', the addition will be ~5-8' from the
property line.

2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
The existing zoning is residential, which will stay the same.

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?
There is a setback of 12', which the new room addition will be closer than 12'.
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?
There are no hardships.
5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?
We have a proposed a 16' wide by 19' long room, 14' wide would be the minimum.

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 all of the following to be true:

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

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

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

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

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

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

✓ Check for applicable fees (\$250.00).

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

Walker Jackson Horne

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Dean Smith

DATE OF FILING 8/9/24

BZA MEETING DATE 10-1-24

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 Walker Jackson Horne

Telephone Number 404-455-4952

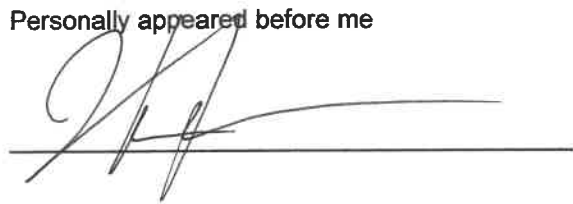
Address of Subject Property 9 Sherwood Dr. Newnan, GA. 30263

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)

8/8/24

Date

EXHIBIT "A"

All that certain tract or parcel of land situate, lying and being in the City of Newnan, Georgia and being identified as parts of Lots 40 and 41 of the Rockingwood Estates Subdivision, according to plat of survey recorded in Plat Book 1, Page 259, Coweta County, Georgia records and more particularly described as follows:

Begin at a point on the East side of Sherwood Drive, which said point is 15 feet South of the Northwest corner of Lot 40 as shown on the above-mentioned plat, and from said point run Southerly along the West lines of Lots 40 and 41, a distance of 119.76 feet to a point 34.76 feet South of the Northwest corner of Lot 41, thence Easterly 195 feet more or less, to a point on the East line of Lot 41 that is 21 feet South of the Northeast corner of said Lot 41, thence Northerly along the East line of Lots 41 and 40 a distance of 77 feet to a point 10 feet South of the Northeast corner of Lot 40, thence Westerly in a straight line 184 feet more or less to the beginning point.

This being the same property conveyed as that shown by deed recorded at Deed Book 153, Page 205, Coweta County, Georgia records.

DOCH# 015837
FILED IN OFFICE
9/5/2019 12:08 PM
BK=4909 PG=155-156
CINDY G BROWN
CLERK OF SUPERIOR COURT
COWETA COUNTY

Cindy G. Brown

REAL ESTATE TRANSFER
TAX PAID: \$180.50 ✓
PT-61 038-2019-004892

COWETA COUNTY

EXECUTOR'S DEED

STATE OF GEORGIA
COUNTY OF COWETA

After recording, please return to:

✓ Carson B. Sears, Esq.
Sanders, Haugen & Sears, P.C.
11 Perry Street, P.O. Box 1177
Newnan, Georgia 30264-1177
File # 21557-A/HORNE

THIS INDENTURE is made the 29th day of August, 2019, between ✓ James Bryan Belle as Executor of the Last Will and Testament of Sarah G. Batye a/k/a Sarah Glore Batye, deceased (hereinafter referred to as the "Deceased"), late of Coweta County, Georgia (hereinafter referred to as "Grantor") and ✓ Walker Jackson Horne and ✓ Cori Nicole Whittington, as Joint Tenants with Right of Survivorship and not as Tenants in Common (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR acting under and by virtue of the power and authority contained in the Letters of Testamentary of the Last Will and Testament of the Deceased, said Will having been duly probated on June 26, 2019, in the Probate Court of Coweta County, Georgia, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land situate, lying and being:

All that certain tract or parcel of land situate, lying and being in the City of Newnan, Georgia, being more particularly described in Exhibit "A" attached hereto and made a part hereof

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

Grantor herein certifies that an application for Year's Support has not been filed, certifies that federal estate taxes cannot result in a lien against the property and certifies that all debts of the estate have been fully paid.

EXECUTED under seal as of the date above.

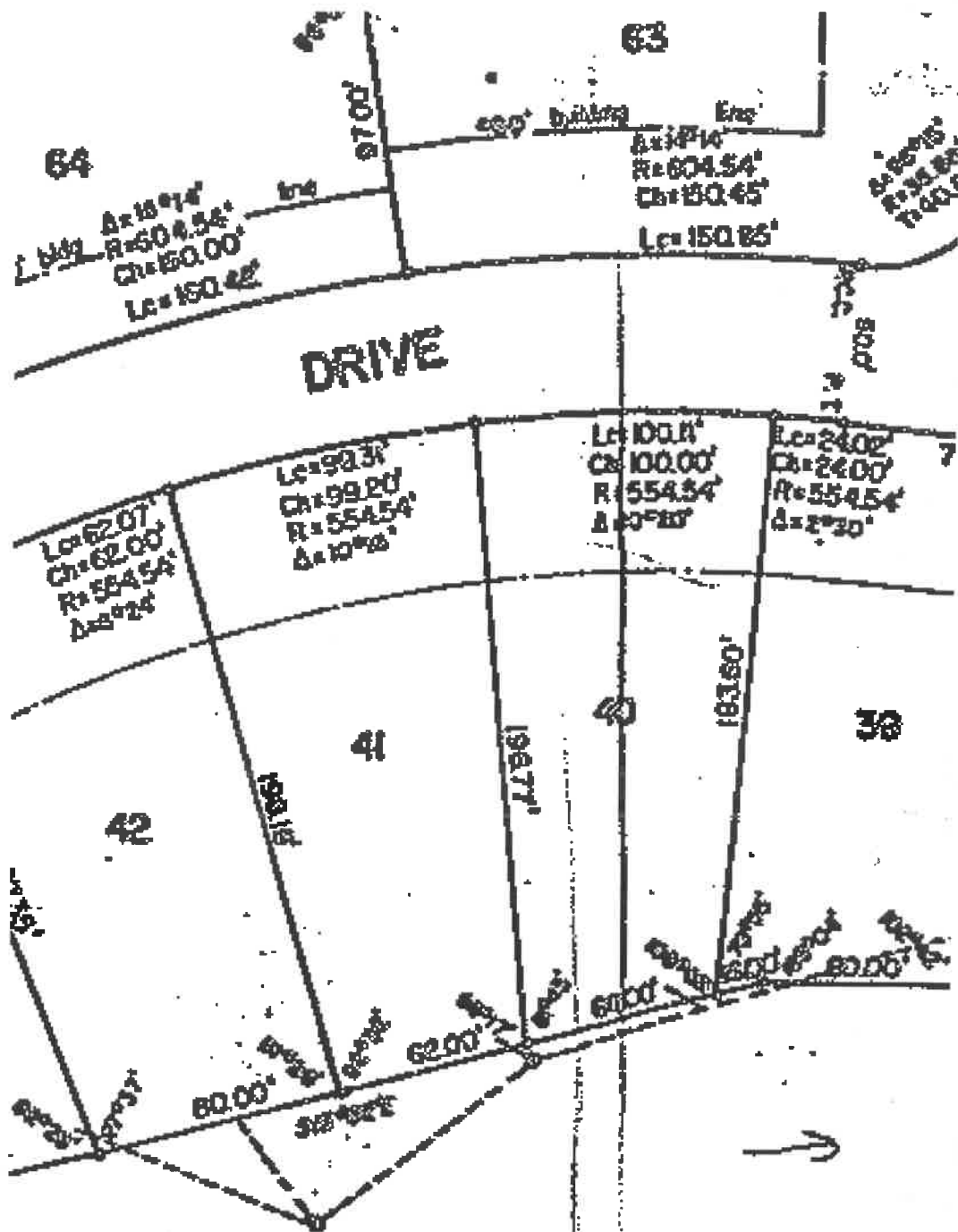
Summary

Parcel Number	N38 0001 008
Location Address	9 SHERWOOD DR
Legal Description	HSE/9 SHERWD DR-20 ROCKINGW (Note: Not to be used on legal documents) NEWMAN 02 (District 02)
Tax District	22.85
Millage Rate	0.28
Acres	No (SQ)
Homestead Exemption	N/A
Landlot/District	

[View Map](#)

Owner

HORNE WALKER JACKSON & CORI NICOLE
HORNE
9 SHERDWOOD DRIVE
NEWMAN, GA 30263



Property of M.C. Farmer

Floor Beams and Joist

Floor/Ceiling Joist:

2"x8", Simpson joist hangers

Beam: Double 2"x12"

19' long



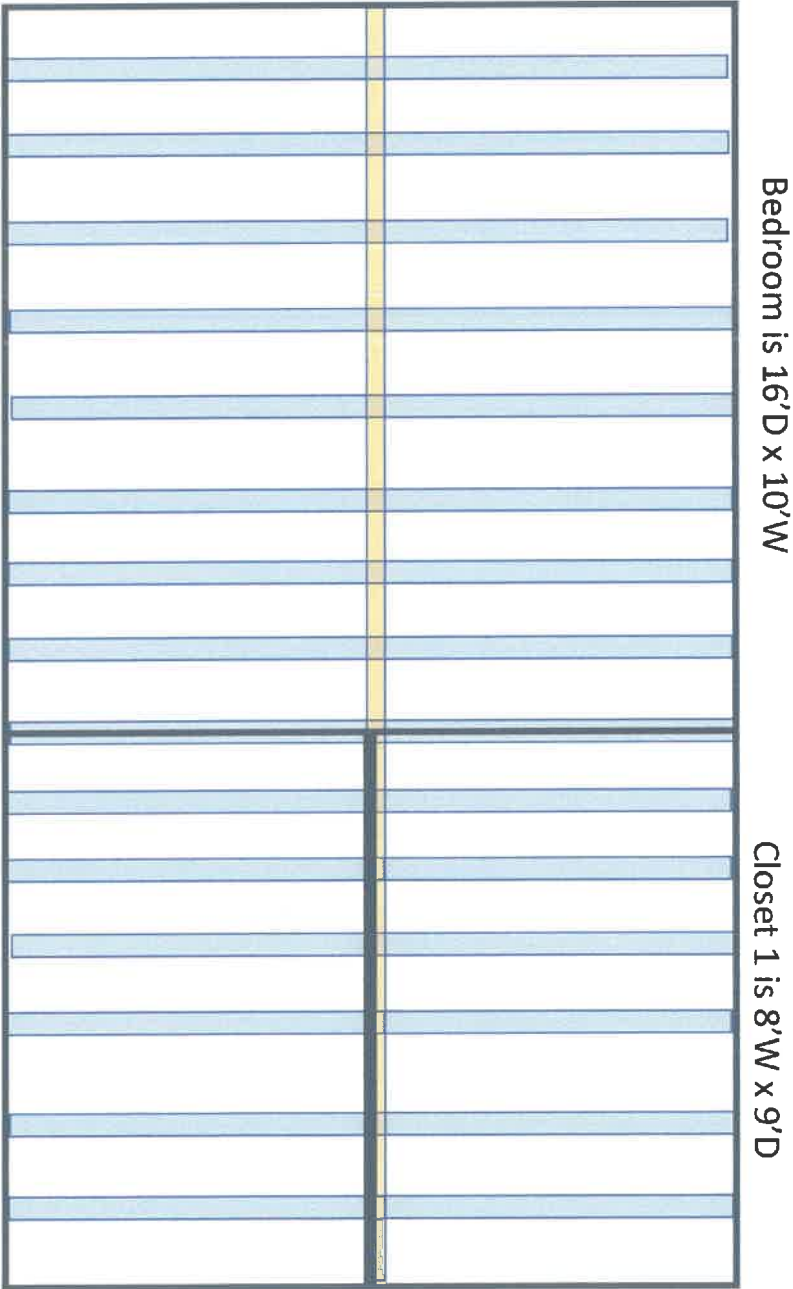
Joist: 2"x8"

8' L bedroom



Centers:

16"



"House Side"

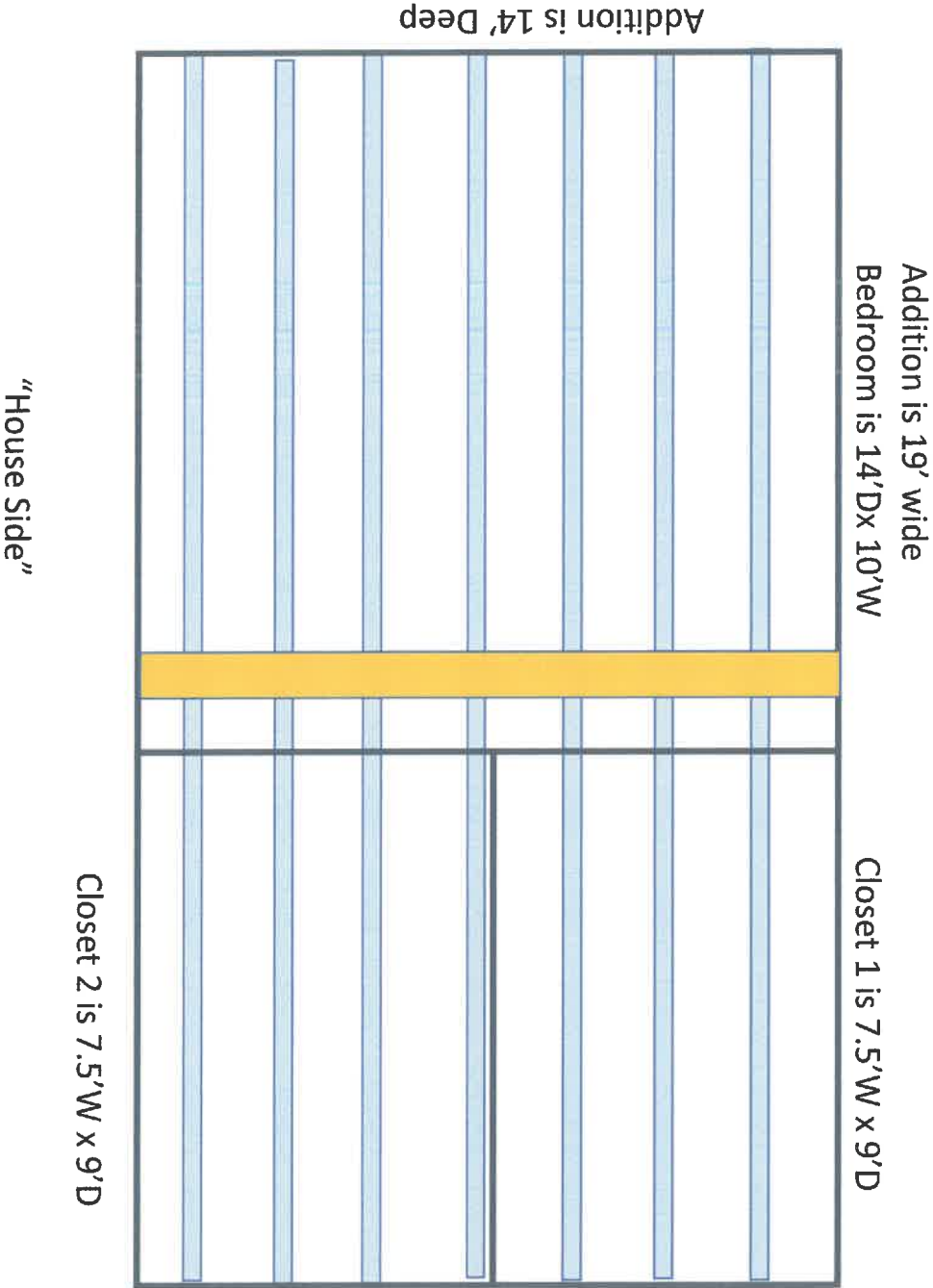
Ceiling Beams and Joist

Floor/Ceiling Joist: 2"x8", Simpson joist hangers

Beam: Double 2"x12" 14' long

Joist: 2"x8" 10'L bedroom 9' L closet/bathroom

Centers: 16"



Roof Beams and Joist

Floor/Ceiling Joist:

2"x8", Simpson joist hangers

Ridge: Double 2"x8"

16' long

Rafters: 2"x8"

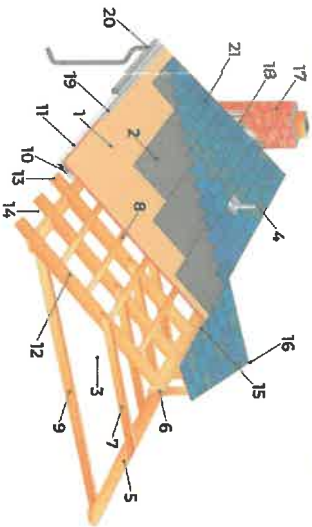
10'L bedroom

Battens:1"x4"

Decking: 3/4

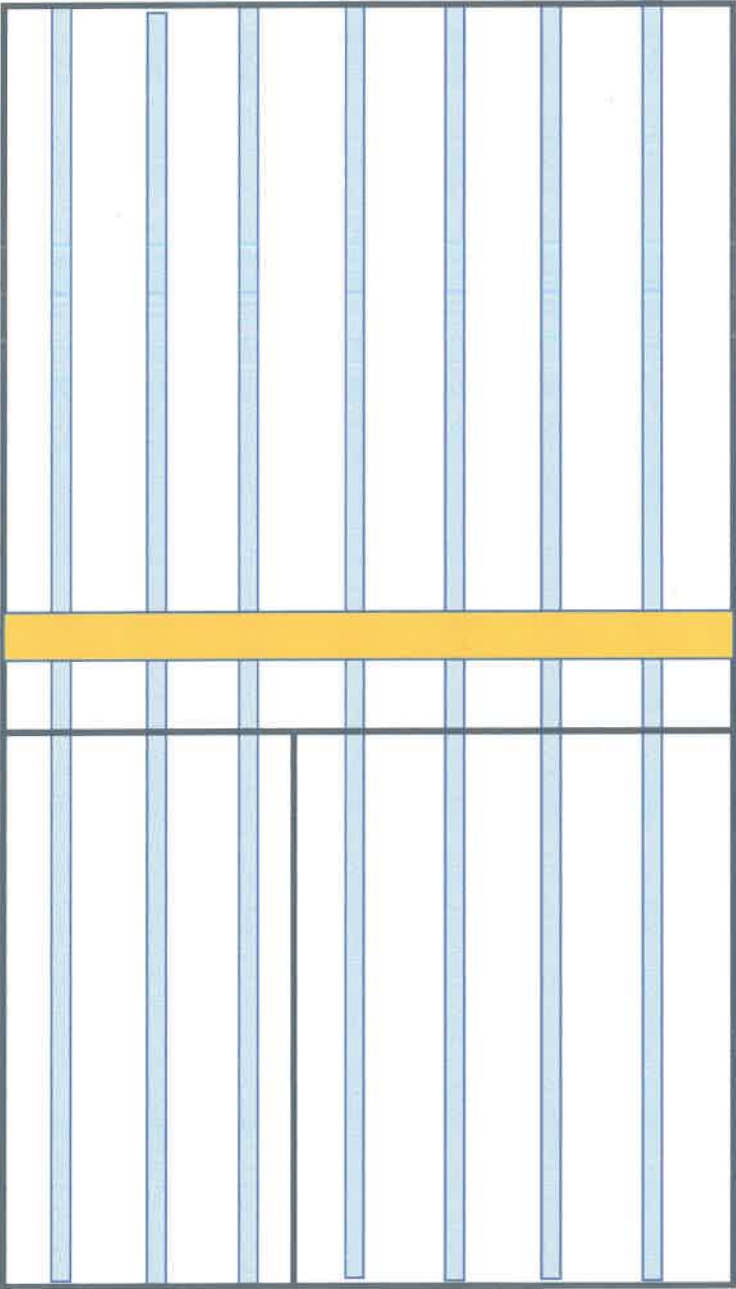
Collar beam: 2"x4"

**Centers:
16"**



- | | | | |
|-----------------|----------------|--------------|-----------------|
| 1. Decking | 7. Collar Beam | 13. Hip | 19. Drip Edge |
| 2. Underlayment | 8. Battens | 14. Eaves | 20. Cutters and |
| 3. Attic | 9. Joists | 15. Valley | Downspouts |
| 4. Vents | 10. Soffits | 16. Dormer | 21. Covering |
| 5. Rafter | 11. Fascia | 17. Chimney | |
| 6. Ridge | 12. Rafter | 18. Flashing | |

Addition is 16' Deep

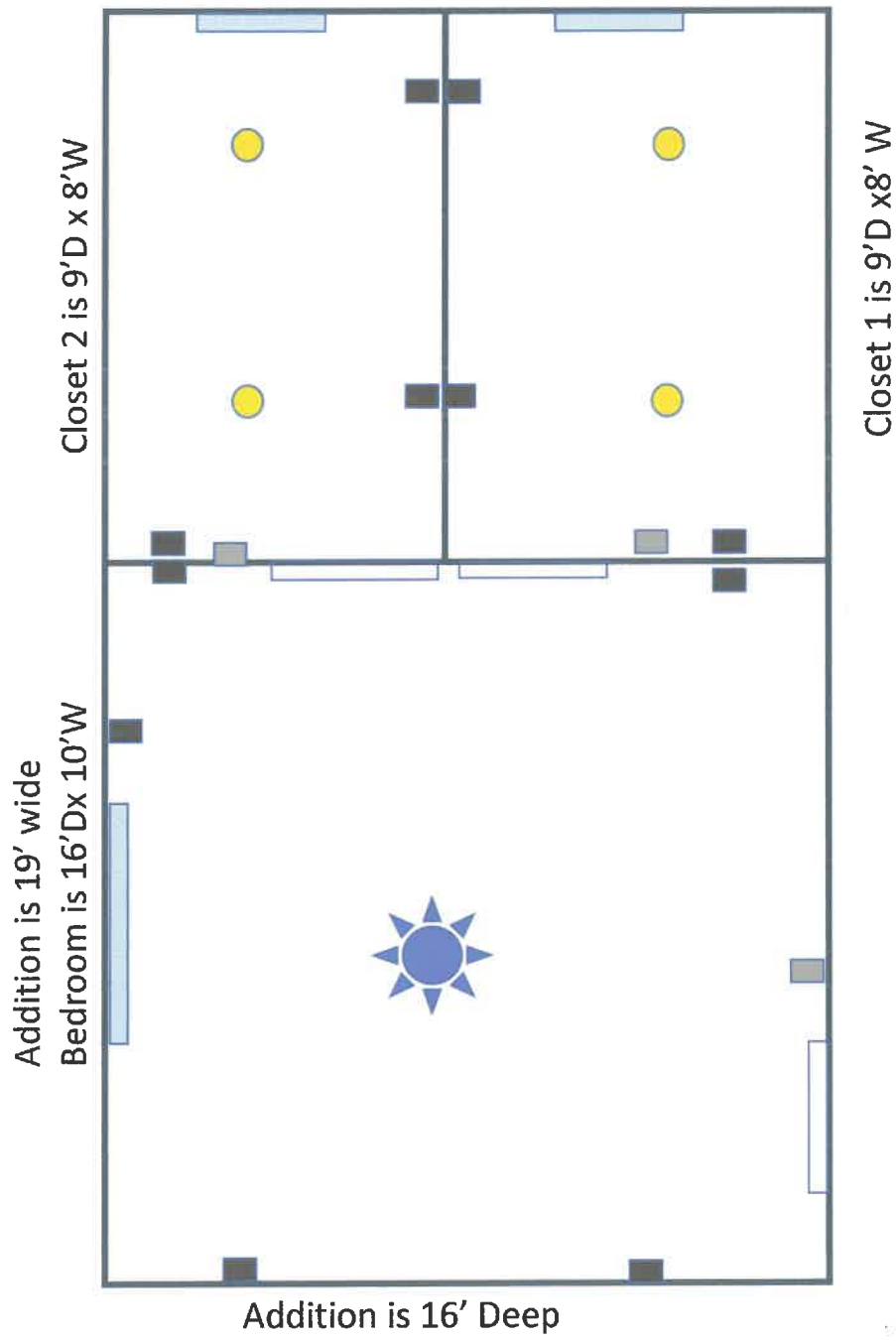
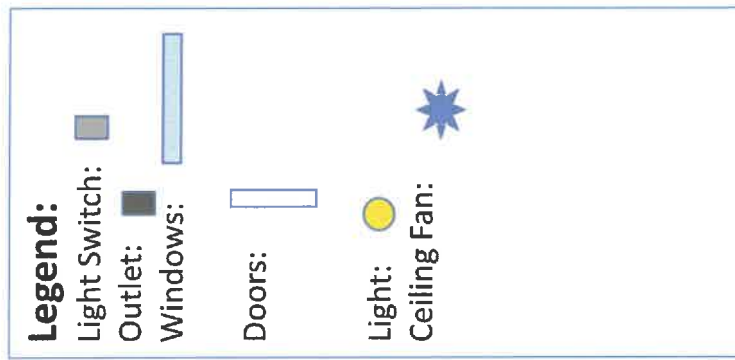


Addition is 19' wide
Bedroom is 16'Dx 10'W

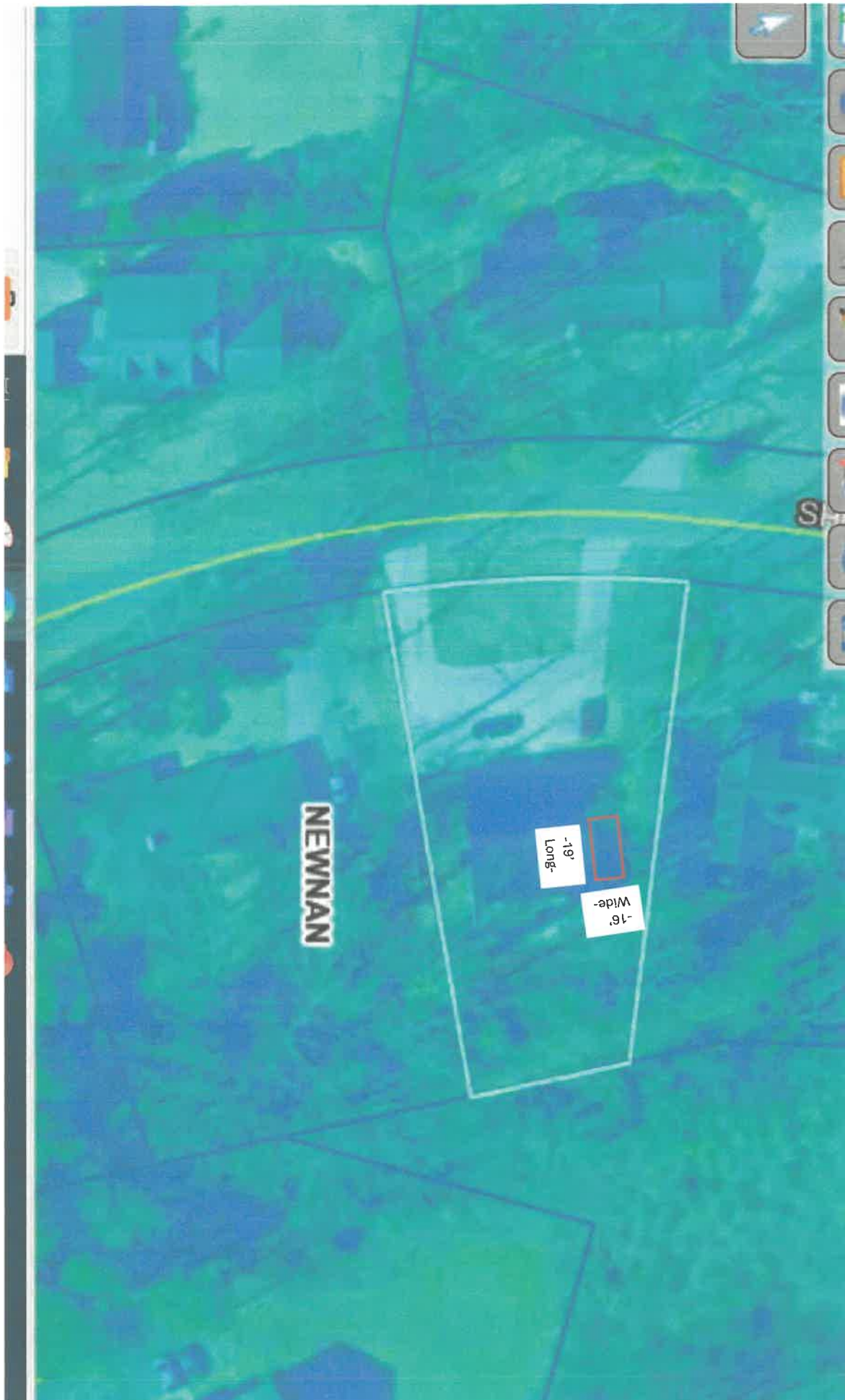
Closet 1 is 8'W x 9'D

Closet 2 is 8'W x 9'D

"House Side"











City of Newnan, Georgia – Board of Zoning Appeals

Date: October 1, 2024

Application Number: 2024-21

Agenda Item: 10 Sherwood Drive

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a variance request to allow for an increase in the square footage for a detached garage structure.

Applicant: Kenneth A. Parker
Dianne P. Parker
10 Sherwood Drive
Newnan, GA 30263

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

Present Use: Single family detached residential structure

Proposed Use: Single family detached residential structure

Pertinent Regulations: The size criteria for detached garages are set out in Article 3, Section 3-12 (i) of the City of Newnan's Zoning Ordinance.

Applicant's Position:

The applicant states, in part, "...The ordinance has a limit of 1,000 square feet for detached [garage] structure...We are planning to add a new detached 3 car garage...The elevation change will require a 3'-4' foundation wall to eliminate issues with water runoff....architecturally a two story structure was drawn to compliment the existing home elevations...We would like to make the second floor useable space for storage or additional living space...The base floor plat is 936 [square feet] resulting in a total square footage of 1,872 square feet....the minimum requirement would be 872 square feet greater than allowed...."

Basis for Granting Variances:

The Board of Zoning Appeals shall base its required findings of fact upon particular evidence, such as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. No variance shall be considered to allow a use of land or structures which are not permitted by the ordinance in the zoning district involved. The hearing authority will base its findings on facts and information presented to it in each specific case where the applicant and/or property owner can demonstrate that it meets the majority of the following variance/hardship conditions or standards:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. Such conditions are peculiar to the particular piece of such property involved; **-the home was built in 1958 (according to tax records) with a limited garage area. The home is situated on a corner lot and adding to the existing structure with a garage addition impacts the layout of the home and the usability**

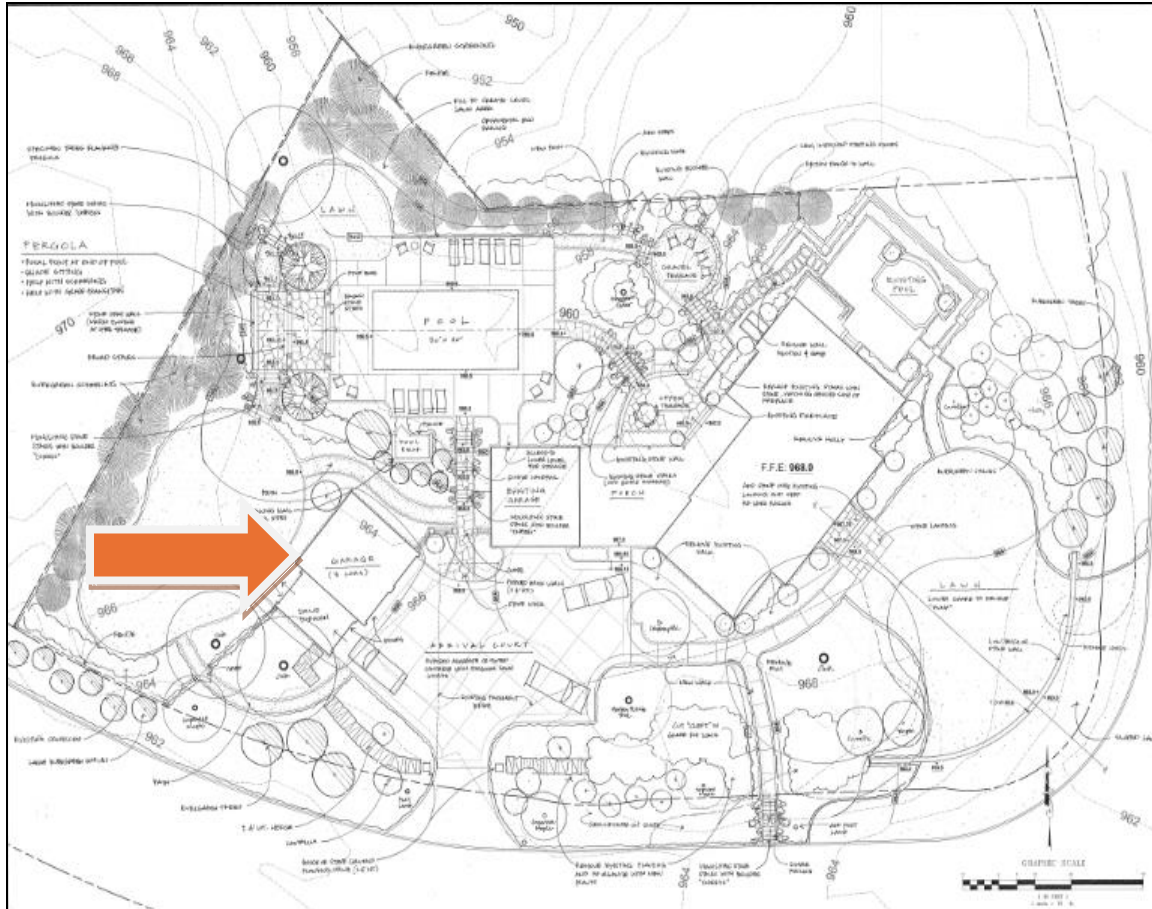
of the property. The existing pool on the east side of the property limits the location for a detached garage.

3. Such conditions were not imposed by the action or will of the owner of the property;
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship;
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, and furthermore, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City and is the minimum variance that will make possible the reasonable use of the land, building or structures; - the proposed detached garage structure is only for the enjoyment of the homeowner and their family. It should not engender any additional traffic, and no activity is contemplated to occur that will pollute the neighboring area, nor is there any reason to anticipate any activity that will endanger the public. The architectural style of the proposed detached garage will complement the style of the primary residence.
6. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally; and - the house was built in 1958. There is a need to accommodate more vehicle storage with a growing family and the proposed garage structure provides that opportunity and the possibility of additional living space for future considerations.
7. The circumstances affecting the property necessitating the variance are sufficiently unique or infrequent that it is not feasible to create a broad regulation to amend this Ordinance. - with older properties, developed and platted prior to the adoption of the current zoning ordinance, there are always specific instances where adjustments are needed to improve a house or property. These requests aren't recurring enough to enact any broad-based legislation and are situation specific. Furthermore, the process of evaluating each request on a case-by-case basis, recognizes the need for certain projects to be sensitive to the area and any concerns from affected citizens.

Planning Department's Review and Findings:

The BZA has ruled affirmatively to allow detached garage structures over 1,000 square feet in the following similar past cases:

2021 - 31 Alpine Drive
2022 - 39 Jackson Street
2023 - 80 Hollis Heights



As of the date of this report, the City has received no objections from any of the neighboring property owners.

It should be noted that Mr. Parker has applied for a building permit. There are existing mature tree canopies on the side and rear of the property which will provide screening for the proposed structure.

Regarding the variance request to allow a 1, 872 square foot detached garage structure, staff believes the placement of the proposed structure is appropriate and will present no negative impacts.





Options:

- A. Approve the variance request
- B. Deny the variance request
- C. Other direction as determined by the Board of Zoning Appeals

Staff's assessment of this request coincides with Option A, to approve the request. After evaluating the request in regard to the City's variance hardships standards, staff feels that this request meets standards: 2, 5, 6 & 7

Attachments:

Application

HOOTEN

LAND DESIGN, INC.

Donald Hooten, Landscape Architect, ASLA
 406 Ponce de Leon Place
 Decatur, Georgia 30030
 404-373-9916
 www.hootenlanddesign.com

REVISIONS:

DATE	DESCRIPTION

DRAWN BY:

DMH

APPROVED BY:

DPH

SHEET NAME:

CONCEPTUAL SITE PLAN

PARKER RESIDENCE

REPRODUCTION RESTRICTION
 The drawing is the property of the Landscape Architect and may not be copied or reproduced without the written permission of the Landscape Architect

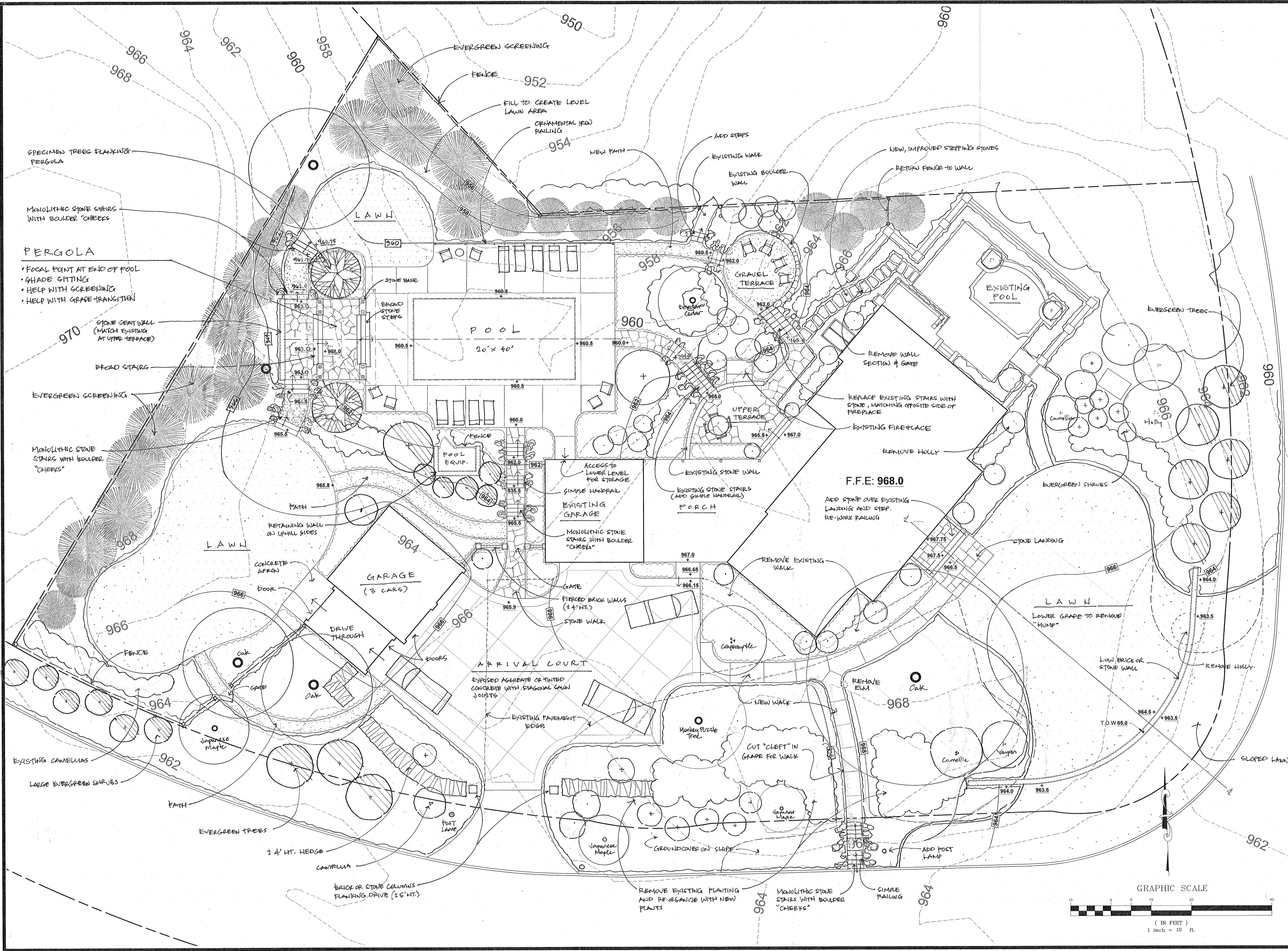
SCALE

1" = 10'-00"

DATE

04 JAN 2019

SHEET NO.





CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Kenneth Parker

Mailing Address 10 Sherwood Drive Newnan GA 30263

Telephone 678-860-9650 E-Mail: kparker32169@gmail.com

Property Owner (Use back if multiple names) Kenneth and Dianne Parker

Mailing Address 10 Sherwood Drive Newnan GA 30263

Telephone 678-860-9650

Address/Location of Property 10 Sherwood Drive Newnan GA 30263

Tax Parcel No: N39 0001 009

Present Zoning Classification: _____

Present Land Use Residential

Intended Use Residential

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

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

I (We) hereby request the following variance from the provisions of section(s) Article 3 of the Zoning Ordinance/Subdivision Regulations: _____.

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

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
The ordinance has a limit of 1,000 square feet for detached structure

_____.
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
RS15, None

_____.

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?

Type text here

We are planning to add a new detached 3 car garage. The elevation change will require a 3-4' high foundation wall to eliminate issues with water runoff.

Architecturally a two story struture was drawn to compliment the existing home elevations of the property

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?

Anything over 1,000 square feet exceeds the current ordinance. We would like to make the second floor useable space for storage or additional living space.

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

The base floor plate is 936 feet resulting in a total square footage of 1,872 square feet. The minimum requirement would be 872 square feet greater than allowed.

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 all of the following to be true:

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

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

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

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

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

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

✓ Check for applicable fees (\$250.00).

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

Kenneth Parker

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



Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Dean Smith

DATE OF FILING 8/19/24

BZA MEETING DATE 10-1-24

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 Kenneth Parker

Telephone Number 678-860-9650

Address of Subject Property 10 Sherwood Drive
Newnan, GA 30263

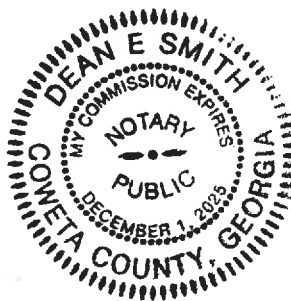
I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.



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.



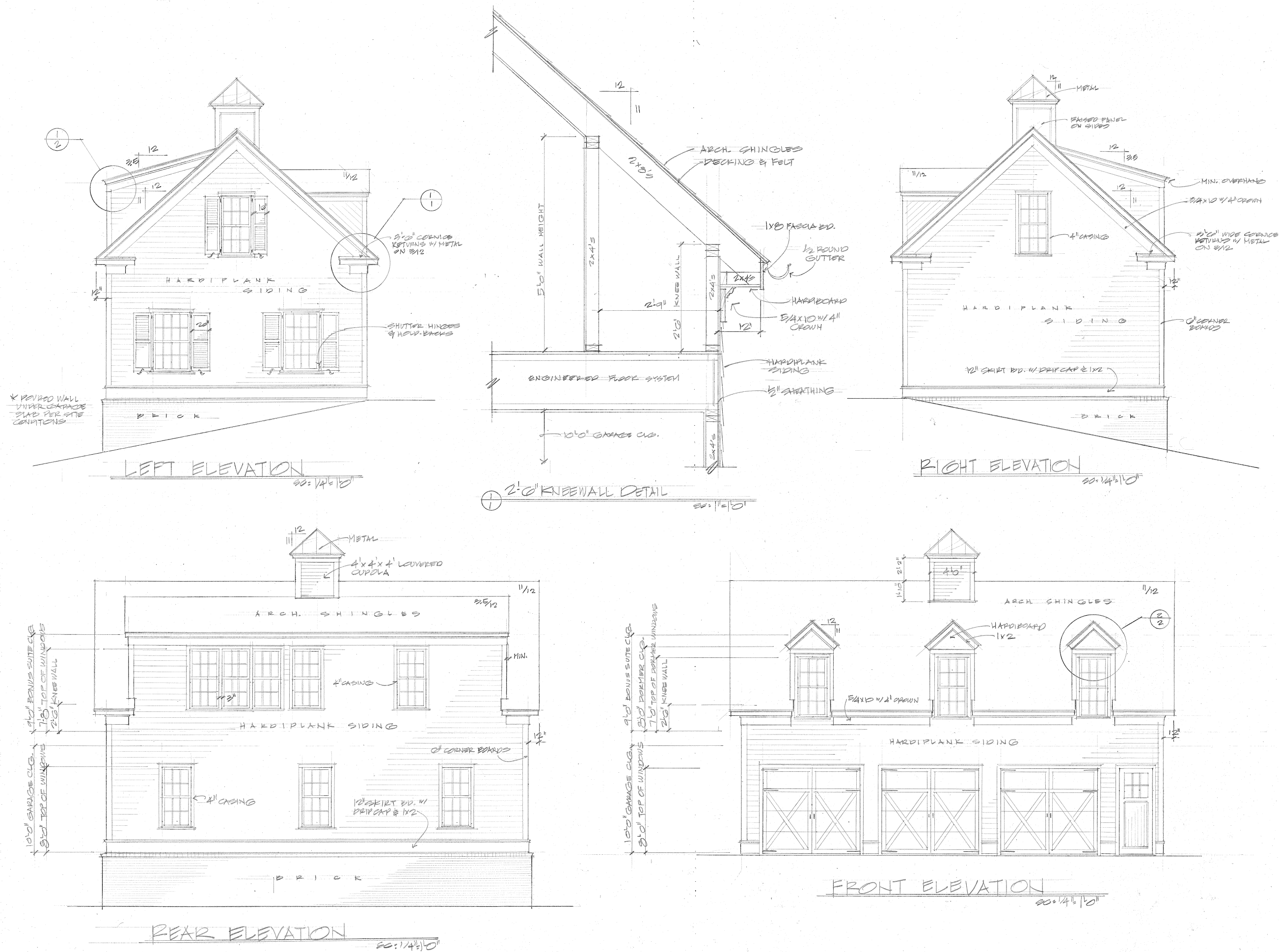

Notary Public

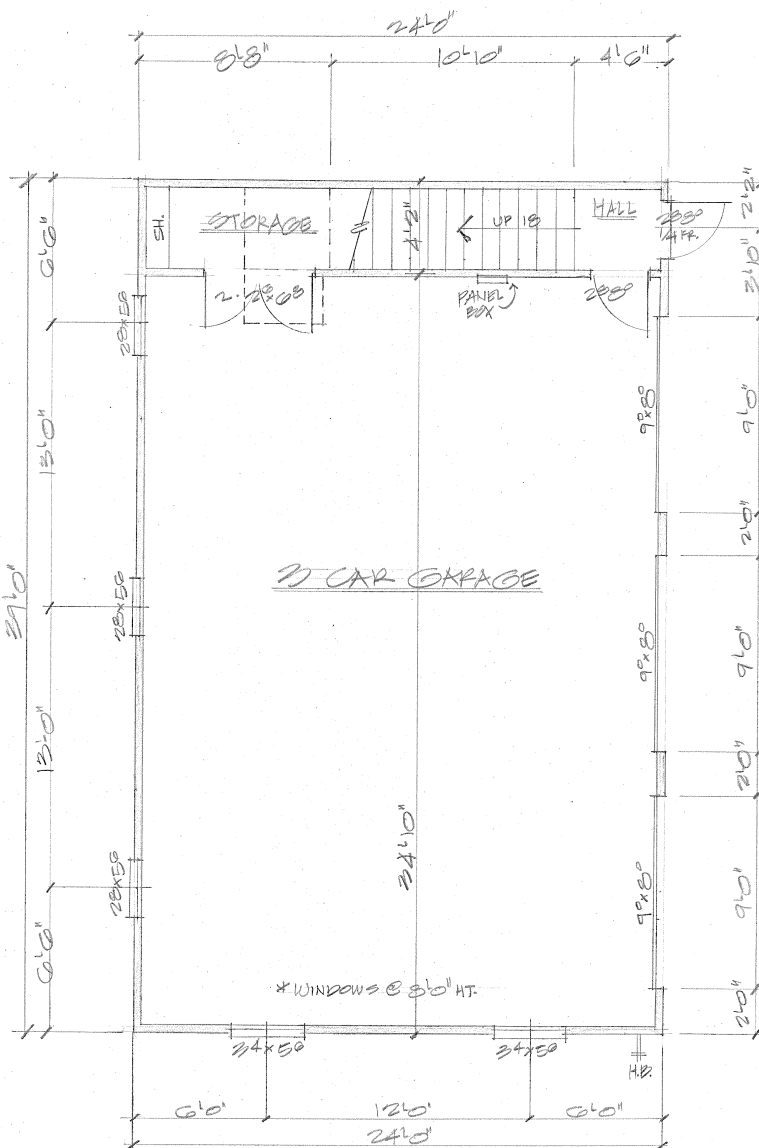
(Affix Raised Seal Here)

8/19/24
Date

PHONE/FAX# (770)502-1423

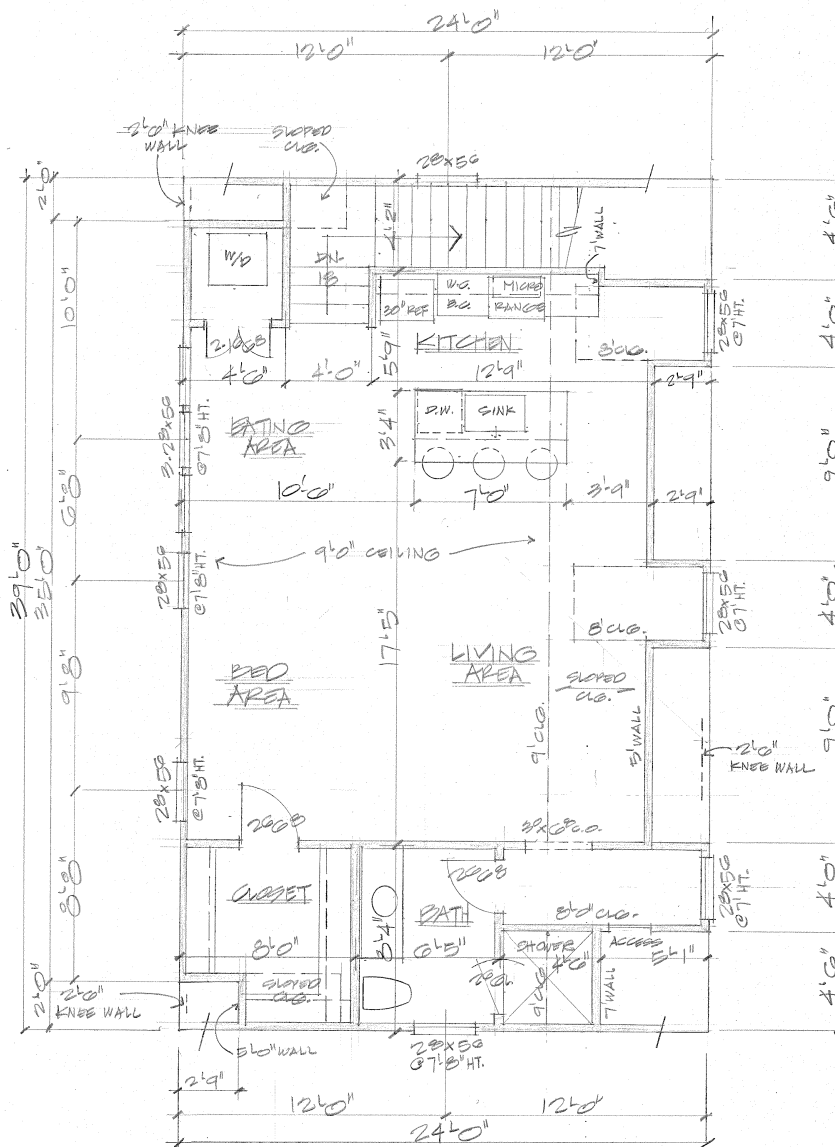
OF 3 SHEETS





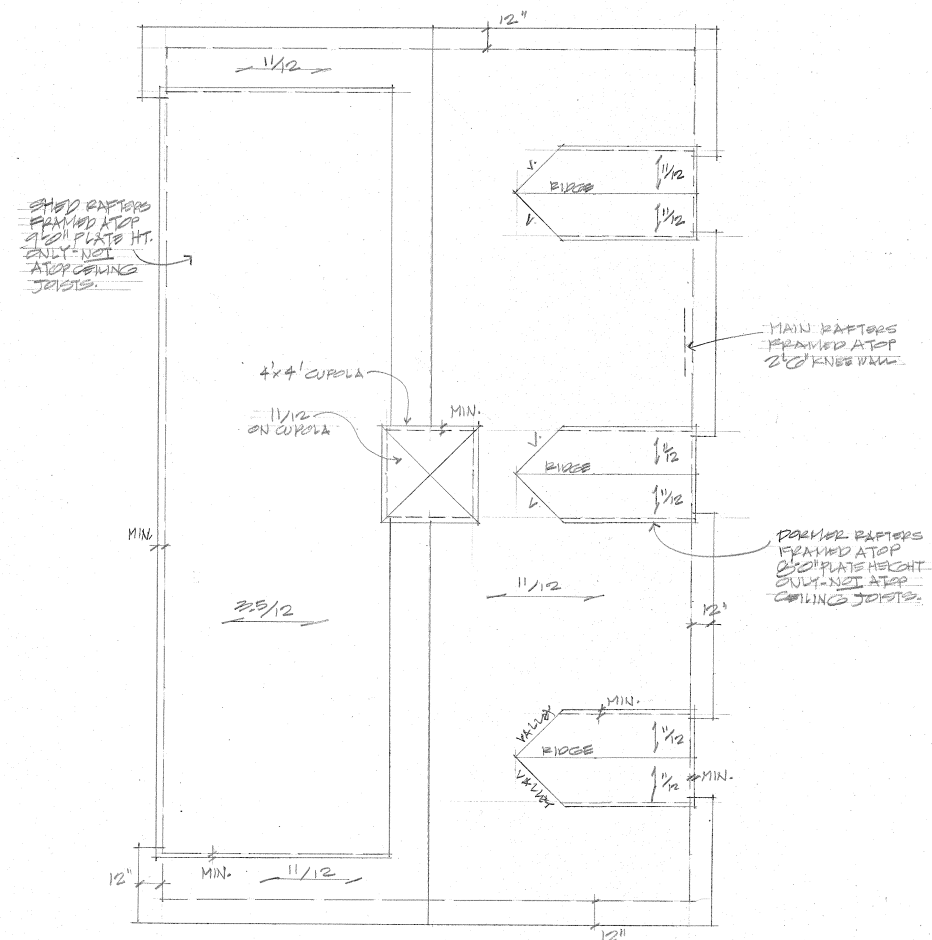
GARAGE PLAN

10'0" CEILING HT.
990 SQ. FT. (STAIRWELL HEATED)



BONUS SUITE PLAN

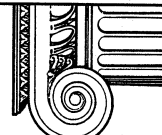
9'0" CEILING HT.
805 HEATED SQ. FT. (INCLUDES STAIR HALL)



ROOF PLAN

SO: 1/4" = 1'0"

REVISION BY



L. Mitchell Ginn & Assoc.
TRADITIONAL RESIDENTIAL DESIGN SINCE 1985
1881 NORTH HIGHWAY 29
NEWNAN, GEORGIA 30263
PHONE/FAX# (770) 502-1423
WWW.GINNHOMEDSIGN.COM

PROJECT: PARKER GARAGE

DATE: 8/20/24

DRAWN BY: LMG

CHECKED BY:

JOB No: 2428

SHEET 3

OF 3 SHEETS

IMPORTANT NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS BEFORE CONSTRUCTION. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO BE DETERMINED BY CONTRACTOR OR STRUCTURAL ENGINEER. VERIFY COMPLIANCE WITH ALL LOCAL BUILDING AND FIRE CODES.