



NEWNAN
GEORGIA • CITY OF HOMES

City of Newnan **Board of Zoning Appeals**

Agenda for December 3, 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. November 5, 2024 Minutes
3. Public Hearings
 - a. Special Exception & Variance Request-9 Lee Street - 2024-22
 - b. Variance Request - 1240 Newnan Crossing Boulevard East - 2024-24
 - c. Variance Request - 19 Millard Farmer Industrial Boulevard - 2024-25
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
November 5, 2024
10:00 a.m.

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

Board Members Absent: Kris Lovell, Frank Flournoy

Others in Attendance: Dean Smith, Senior Planner
Tracy Dunnivant, Planning and Zoning Director
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 October 1, 2024, meeting minutes. Hensley motioned to approve the minutes. Cliff Smith seconded the motion.

MOTION CARRIED (5-0)

Special Exception and Variance Request – 9 Lee Street – 2024-22

Chairman Edge informed the Board that the city had received a letter from the applicant asking that the hearing be continued until the December 3, 2024, meeting due to the impact of a drainage easement on his garage's proposed location. Hensley made a motion to continue the hearing until the December 3, 2024, meeting. Seconded by Parker.

MOTION CARRIED (5-0)

Special Exception Request 12 Savannah Street – 2024-23

Dean Smith gave the staff report. He stated that the request concerned the installation of a recycling designated collection center for glass at 12 Savannah Street. He added that the facility would be located at the rear of the property currently being used for events and parking by the Line Creek Brewing Company. Dean Smith said there were two steps in the process.

The first was receiving a certificate of appropriateness from the Planning Commission, which had already been approved. The second was receiving a special exception from this Board. Dean Smith mentioned that a letter from Keep Newnan Beautiful supporting the project had been included in the agenda packet. He concluded by stating that staff recommended approval of the request.

Chairman Edge opened the public hearing. Rachel Haralson and Jamie Moran, representing the applicant and property owner, were sworn in by Brad Sears. Moran stated there was a need for a recycling facility in the area. She added that the purple color would distinguish it from other recycling centers.

Hensley asked about the recycling process. Moran stated that their facility is located in College Park and discussed how recyclables were treated that come from the collection centers. She added that their recycled products were used by Georgia companies.

Chairman Edge asked how often they empty their containers. Moran said it varied but hoped that it would need to be done a lot. Hensley asked how they empty them. Moran explained that the entire bin is taken to their facility.

Parker asked if recycling glass is profitable. Moran said yes but added that you need to get the “most bang for the buck.”

Paige Beckwith, Keep Newnan Beautiful, informed the Board that there is a need for glass recycling in the community. She added that the city could save money on their tonnage rate if citizens recycle their glass.

Chairman Edge asked if there was anyone else in attendance to speak in favor/opposition of the application. With no one coming forward Chairman Edge closed the public hearing.

Hensley made a motion to approve the special exception for the recycling designated collection center for glass at 12 Savannah Street. Walton seconded the motion.

MOTION CARRIED (5-0)

New Business

None

ADJOURN

Parker made a motion to adjourn the meeting at 10:17 a.m. Cliff Smith seconded.

MOTION CARRIED (5-0)

Chairman Edge



City of Newnan, Georgia – Board of Zoning Appeals

Date: December 3, 2024

Application Number: 2024-2217

Agenda Item: Special Exception & Variance Request – 9 Lee 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: Kevin Wendelberg
Carrie Wendleberg
9 Lee Street
Newnan, GA 30263

Property Owner: Five Chickens, LLC
147 Glenridge Way
Newnan, GA 30263

Primary Zoning: Low Density Office and Institutional District (OI-1)

Present Use: Residential – single family dwelling

Proposed Use: Residential – single family dwelling expansion

Pertinent Regulations: Article 1, Section 7 (g) and Article 4, Table 4-B of the Zoning Ordinance

Please see the attached email request from the applicant, requesting to withdraw their special exception and variance application for 9 Lee Street from the Board of Zoning Appeals' meeting of December 3, 2024.

Due to the fact that the City has previously advertised this matter as a public hearing for the November 5, 2024 and then was continued until the December 3, 2024 meeting, the Board of Zoning Appeals will have 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: Kevin Wendelburg <kevin@relaxsales.com>
Sent: Monday, November 18, 2024 7:57 PM
To: Dean Smith
Subject: Re: FW: 9 Lee Street

Hi Dean,

We are respectfully going to withdraw our request. Thanks for the consideration.

Probably Kevin.

On Mon, Nov 18, 2024 at 2:02 PM Dean Smith <DSmith@newnanga.gov> wrote:

I wanted to check with you to see how it was progressing with the variance request? I will need any updated drawings or information by Thursday, the 21st, so we have time to prepare the agenda for the December 3rd Board of Zoning Appeals meeting.

Thanks,



Dean Smith
Senior Planner

(678) 673-5496
dsmith@newnanga.gov
www.newnanga.gov
City of Newnan
25 LaGrange Street
Newnan, Georgia 30263

From: Dean Smith
Sent: Tuesday, November 5, 2024 11:36 AM
To: Kevin Wendelburg <Kevin@relaxsales.com>
Subject: 9 Lee Street

The BZA did vote in favor of your request to continue the hearing until the December 3rd, 2024 meeting at 10:00 A.M.

Thanks,



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: December 3, 2024

Application Number: 2024-24

Agenda Item: 1240 Newnan Crossing Boulevard East

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear two variance requests: 1. To allow a dumpster to be in a front yard on a corner lot and 2. To allow a reduction in the number of minimum parking spaces.

Applicant: Ronak Patel
288A Sampson Steet NE
Atlanta, GA 30312

Property Owner: ASF TAP GA IV, LLC
Building One, 200
3565 Piedmont Road NE
Atlanta, GA 30305

Zoning: General Commercial District (CGN)

Overlay Districts: Quality Development Corridor and I-85 Building Height

Present Use: Undeveloped

Proposed Use: Class IV (50 or more children) Child Day Care Facility

Pertinent Regulations: Article 3, Section 3-16, Table 3-D and Article 7, Section 7-5, Table 7-A

Applicant's Position:

The applicant states, in part, "...*The proposed childcare center will have a refuse enclosure located within a front yard...the parcel is a corner lot having 2 front yards and 2 street side yards...project also requests a variance to provide 46 parking stalls where 50 are required by code....*"

Basis for Granting Variances: - Responses in **Red** indicate staff's analysis of the request and where it meets a particular hardship standard.

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; **Agree with applicant-see responses below**
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship; **Agree with applicant-see responses below**
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; **Agree with applicant-see responses below**
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. **Agree with applicant-see responses below**

Applicant's response to hardship standards:

- “...2. Such conditions are peculiar to the particular piece of such property involved;
Response: The subject parcel is a corner lot thus having multiple street frontages. The subject parcel is also subject to 35-foot landscape buffers along 2 property lines adjoining a residential district. The 2 front yard setbacks and the landscape buffers significantly reduce usable land area.
3. Such conditions were not imposed by action or will of the owner of the property;
Response: The buffers applied to this lot were not imposed by action or will of the property owner.
4. The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship.
Response: It is our opinion that applying the strict interpretation of the ordinance would prohibit the use of the site as a daycare for the applicant. [Staff note: Daycares have more restrictive requirements than some other commercial uses, including a recreation area of 100 square feet per child that must be provided as a local and state requirement. This play area has to be included in the design of the facility which limits available area for dumpster placement and parking spaces.]
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 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; *Response: The allowing of the trash enclosure within the front yard being properly screened and the parking reduction of 4 spaces will not cause substantial detriment to the public good, 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 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.*

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. *Response: The subject parcel is a corner lot thus having multiple street frontages. The subject parcel is also subject to 30-foot landscape buffers along 2 property lines adjoining a residential district. The 2 front yard setbacks and the landscape buffers significantly reduce usable land area and are sufficiently unique, in our opinion, that allowing the requested variances will create a broad regulation to amend the ordinance.... ”*

Planning Department’s Review and Findings:

Corner lots present design challenges. The BZA has previously approved one variance to locate a dumpster in a front yard or street side yard in 2021 (prior to the adoption of 2024 changes to variance hardship standards), for the Frazier’s gas station at the corner of Sprayberry Road and Jackson Street.

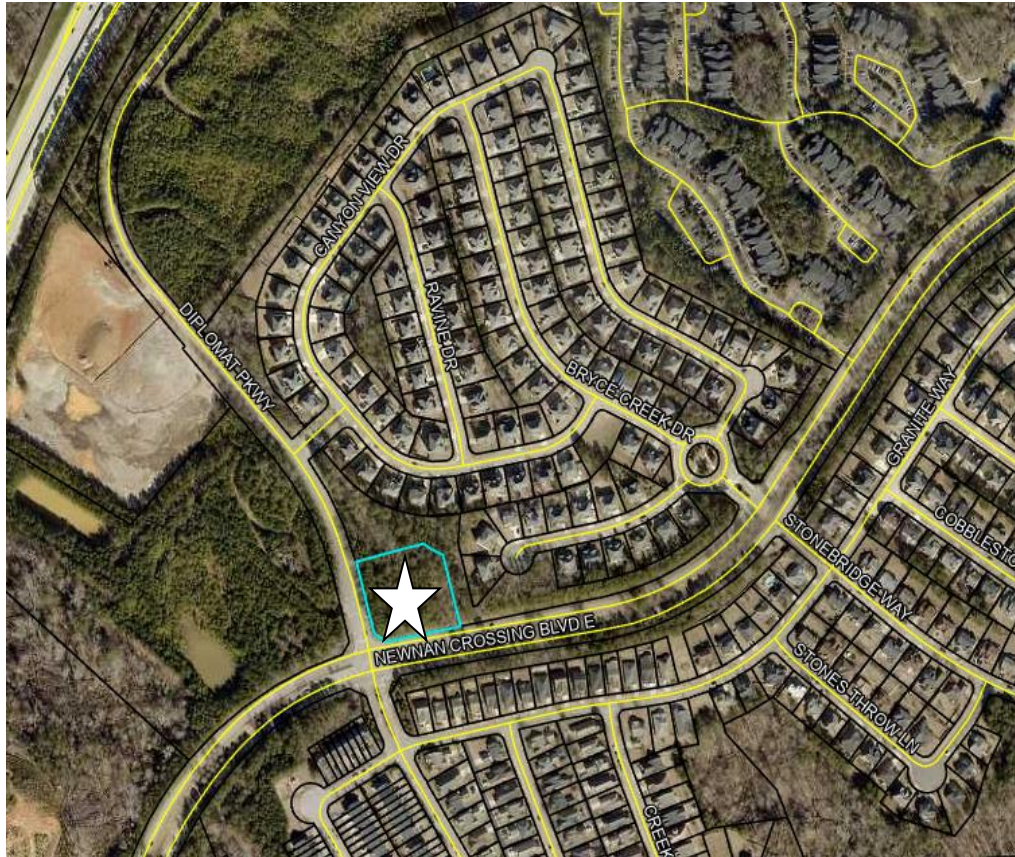
The City has previously granted several requests for a reduction in parking spaces.

Options:

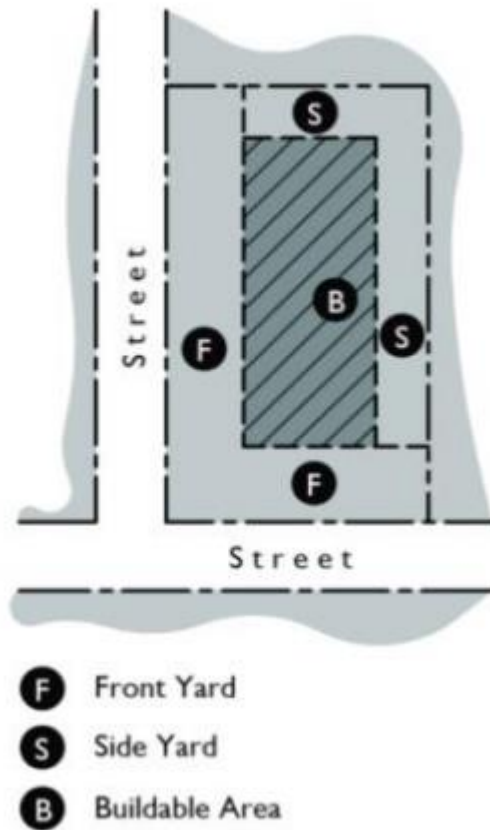
- A. Approve the variance request
- B. Deny the variance request
- C. Other direction as determined by the Board of Zoning Appeals

The issue before the Board of Zoning Appeals is to consider granting the applicant permission to place a dumpster and dumpster enclosure in a front/street side yard and to eliminate 4 parking spaces. The staff’s assessment of this request coincides with Option A, to approve the variance requests.

Attachments: Application



City's zoning definition of yards on a corner lot.





SURVEY REFERENCE:

1. BOUNDARY & TOPOGRAPHY INFORMATION IS BASED ON A SURVEY TITLED "ALTA / ACSM LAND TITLE SURVEY, PREPARED FOR CALLOWAY TITLE SURVEY AND ESCROW, LLC, FIRST AMERICAN TITLE INSURANCE CO., NEWMAN CROSSING TRACT, LAND LOTS 21, 44, 45, 52 AND 53, CITY OF NEWMAN, DISTRICT 5TH, COWETA COUNTY, GEORGIA, BY CHASTAIN & ASSOCIATES, P.C., GA, DATED NOVEMBER 29, 2012.

ZONING SCHEDULE				
BLOCK 241, LOT 4				
ZONE CGN - GENERAL COMMERCIAL				
OVERLAY DISTRICT QDC - QUALITY DEVELOPMENT CORRIDOR				
Bulk Regulation	units	Requiremen t/ Allowed	Existing	Proposed
Principal Permitted Uses				
Min. Lot Area	sf	22,500	66,672	C 66,672
	acres	0.52	1.53	C 1.53
Front Setback	Public ROW	feet	35	C 84.19
	Road Centerline	feet	65	C 143.97
Min. Side Setback		feet	12	C 40.93
Min. Street Side Setback	Public ROW	feet	35	C 72.72
	Road Centerline	feet	65	C 113.06
Min. Rear Setback		feet	12	C 85.00
Min. Building Line Width		feet	125	C 238.61
Min. Lot Frontage		feet	125	C 499.70
Min. Lot Depth		feet	150	C 252.00
Max. Principal Building Height		feet	40	C 25.00
Max. Building Coverage		%	35	C 18.76
Floor Area Ratio	Base	#	0.5	C 0.19
	Max.	#	1.0	C 0.19
QDC Overlay District				
Min. Landscape Coverage	%	25.0	N/A	C 35.54
Min. Landscape Buffer	Residential	feet	35.0	N/A
Building Footprint	sf		0	C 12,506
Abbreviations				
C	Conforms			
ENC	Existing Non Conformance			
N/A	Not Applicable			
V	Variance Required			
Notes:				
A.	Code based on The Code of Ordinances of the City of Newnan, Georgia.			
B.	Existing lot is undeveloped, therefore consisting of 'not applicable' conditions.			
C.	Existing lot is adjacent to Summerlin Boulevard, which is classified as a Minor Road.			

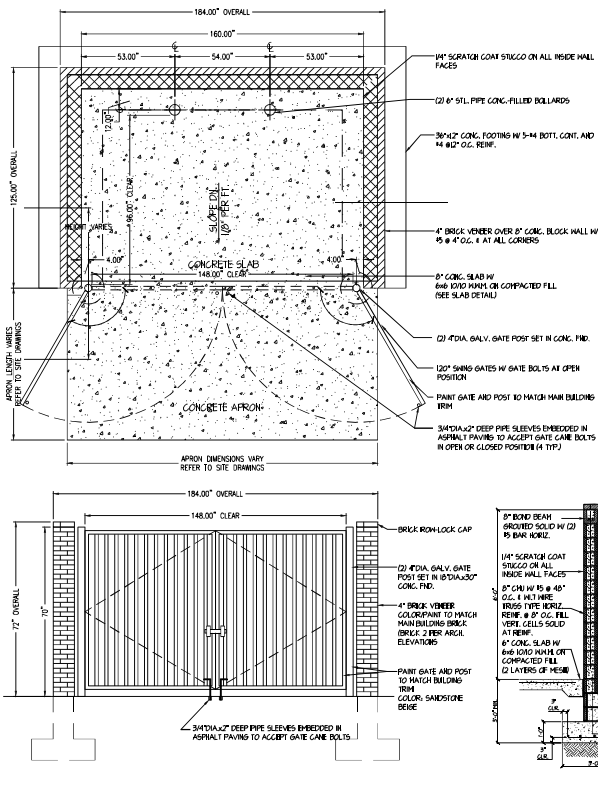
PARKING REQUIREMENTS:

	s.f.			
Child Care Facility	12,506	4 space per	1,000 square feet	50.0
			TOTAL REQUIRED:	50
			TOTAL PROVIDED:	46 (V)

ADA Parking Spaces Required = 2, of which, 1 is required to be ADA Van accessible

Per N.J.A.C. 5:23-7.10(c):

ADA Parking Spaces Provided = 2, of which, 1 are ADA Van accessible



PROPOSED
BOLLARD. (22-TYP.)

PROPOSED 6' HIGH
ORNAMENTAL FENCE

DEVELOPABLE AREA
(APPROXIMATE)
1.531 ACRES

PROPOSED 6' WIDE
CONCRETE WALK

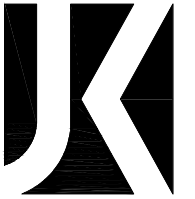
PROPOSED
GATE (4-TYP.)

TEMPORARY
"COMING SOON" SIGN.

PROPOSED
MONUMENT SIGN.



BRICK-2



Jarmel Kizel

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FAX: 973-994-4069

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ISSUE

NO.	DATE	DESCRIPTION	INT.
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REVISION

NO.	DATE	DESCRIPTION	INT.
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PRINCIPALS

MATTHEW B. JARMEL, AIA, MBA
RICHARD A. JARMEL, PE
IRWIN H. KIZEL, AIA, PP
ARCHITECTS & ENGINEERS
BEATRIZ BARBERIS, AIA
ARMEN B. BOHOSIAN, PE
JEREMY D. BOYER, AIA
ANDREJ B. BRZDOWSKI, PE
SHANNON CROWNOVER, PE
ANDRE E. DIB, PE
ANTHONY FACCINO, PE, PLS, PP
GERARD P. GESARD, PE
JONATHAN KUYBIDA, AIA
KAROLINA PROKONOWICZ, AIA
CHERYL SCHWEIKER, AIA
STEVEN J. VAZ, PE

Project:
GODDARD SCHOOL
DIPLOMAT PARKWAY & NEWMAN CROSSING BLVD EAST

CITY OF NEWMAN
COWETA COUNTY, GEORGIA

Project Number: Scale:
GSLGA23-168 1" = 20'
Drawn By: Approved By:
A.P.P. G.P.G.

Drawing Name:

SITE PLAN LAYOUT

Drawing Number:

C-300

1 OF 1

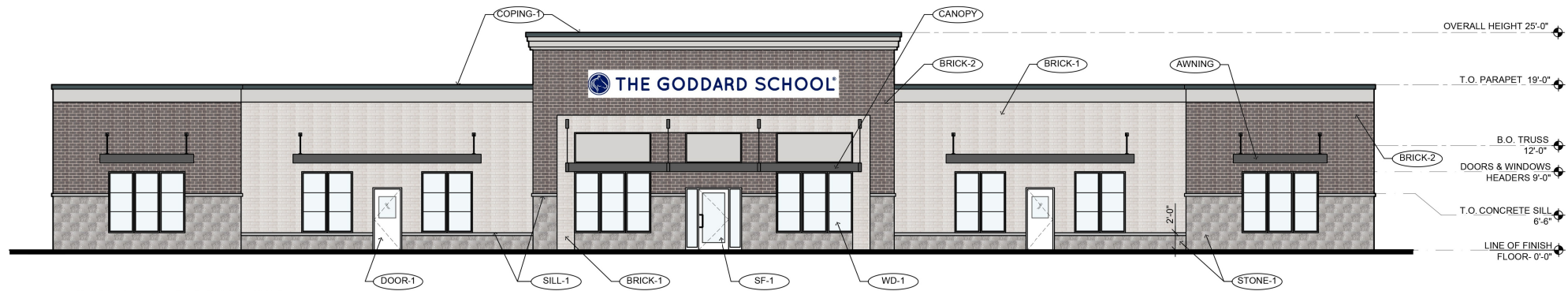
Initial Date: OCTOBER 14, 2024

ARCHITECT OF RECORD

MATTHEW B. JARMEL, AIA, MBA

GA 1C 80111484

H:\DRAWINGS\GODDARD\GA24-249 - GODDARD SCHOOL NEWMANGA DIPLOMAT PKWYS\SPACE PLANS\SLGA24-249-SA-1.DWG AMARTINUCCI PLOTTED: 10/14/2024



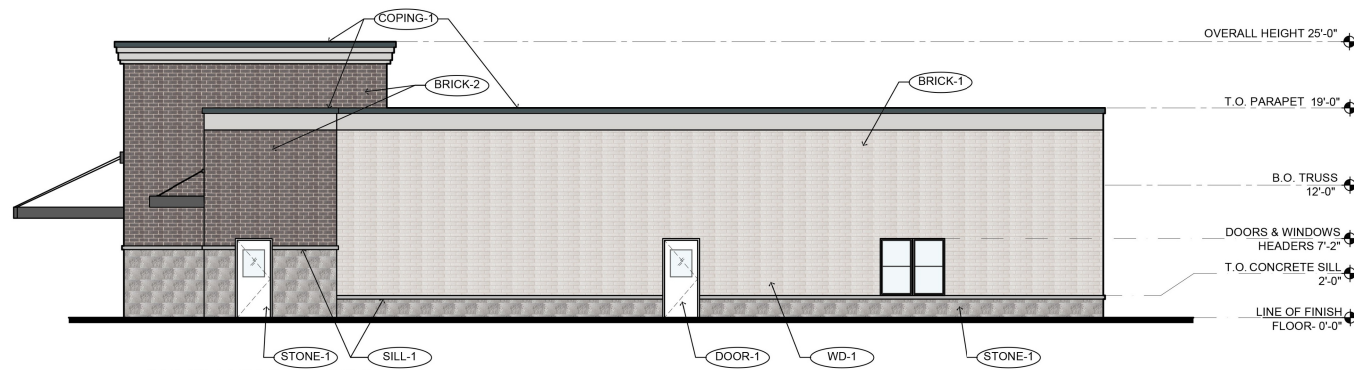
1 NORTH ELEVATION

SCALE : 1/8" = 1'-0"



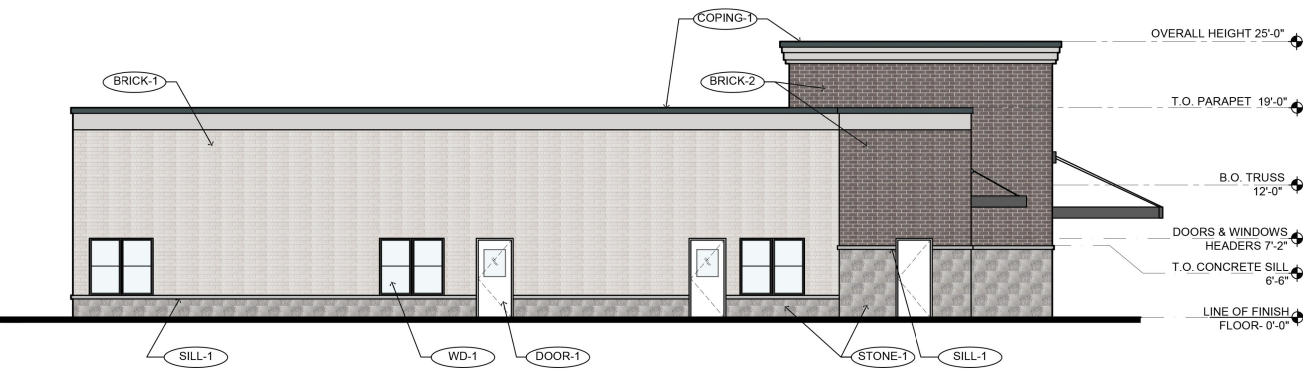
2 SOUTH ELEVATION

SCALE : 1/8" = 1'-0"



3 WEST ELEVATION

SCALE : 1/8" = 1'-0"



4 EAST ELEVATION

SCALE : 1/8" = 1'-0"



STONE-1



BRICK-1



BRICK-2

EXTERIOR MATERIAL SCHEDULE

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

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



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REVISION

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Project:

GODDARD SCHOOL
NEWMAN, GA

Project Number:
GSLGA24-249

Scale:
1/8"=1'-0"

Drawn By:
AM

Approved By:
MBJ

Drawing Name:

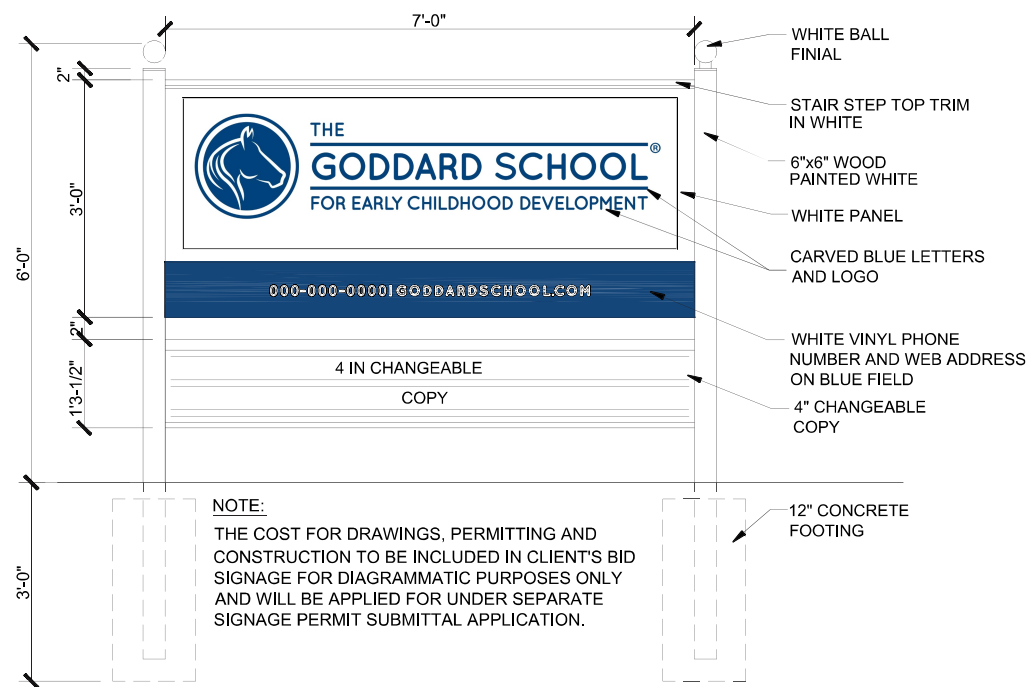
PROPOSED ELEVATIONS

Drawing Number:

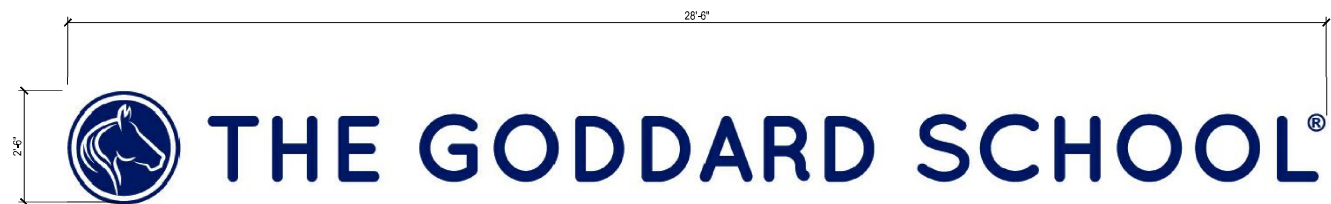
SA-1.2

Initial Date: 10/14/24

LUK-ARCHIS\SHARE\DRAWINGS\GODDARD\GSLGA23-168 - GODDARD SCHOOL NEWNAN GA 61 BELL TREE CIRCLE\SPACE PLANS\GSLGA23-168-SA-1.1.dwg GSESAR0 PLOTTED: 03/15/2024



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



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



Jarmel Kizel

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ARCHITECTS & ENGINEERS

BEATRICE BARRERES, RA

ARMEN B. BOHOSIAN, PE

JEREMY D. BOYER, AIA

ANDREJ B. BRZDOWSKI, PE

SHANNON CROWNOVER, PE

ANDRE E. DIBL, PE

GERARDO P. GESARDO, PE

JONATHAN KUYBIDA, AIA

BRENDAN LEADBEATER, AIA

YIMMIN LIANG, PE

KAROLINA POZKANOWICZ, AIA

CHERYL SCHWENKER, AIA

JOHN W. STRANDER, AIA

STEVEN J. VAZ, PE

Project:

GODDARD SCHOOL
NEWNAN, GA

Project Number:

GSLGA23-168

Scale:

AS NOTED

Drawn By:

AM

Approved By:

MBJ

Drawing Name:

SIGNAGE DETAILS

Drawing Number:

SA-1.3

Initial Date: 02/02/24



CITY OF NEWMAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant Ronak Patel

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

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

Property Owner (Use back if multiple names) ASF TAP GA IV, LLC

Mailing Address 3565 Piedmont Road NE, Building One #200, Atlanta, GA 30305

Telephone 404-477-6803

Address/Location of Property Parcel identified as Tract 3 at northeast corner of Diplomat Parkway intersection with Newnan Crossing Blvd.

Tax Parcel No: 098 5054 004

Present Zoning Classification: QDC Overlay District

Present Land Use Vacant

Intended Use Daycare

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 regarding 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 & Article 7 of the Zoning Ordinance/Subdivision Regulations: Section 3-16 Table 3-D \ Table 7-A.

In order for the Board to consider the request, there must be required findings of fact upon the 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. Please answer the following criteria questions:

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?
The proposed childcare center will have a refuse enclosure located within a front yard.
The parcel is a corner lot having 2 front yards and 2 street side yards.
Project also requests a parking variance to provide 46 parking stalls where 50 are required by code.

-
-
2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
CGN with QDC Overlay

_____.
 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 parcel is a corner lot having 2 front yards and 2 street side yards.

_____.
 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 trash enclosure would not be permitted as the site is a corner lot.

_____.
 5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?
A variance to allow for a trash enclosure in a front yard would be needed.
A variance for a parking reduction of 4 vehicles is needed.

_____.

The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the 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 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 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.

Application For Variance

City of Newnan, Georgia

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.
- ✓ Check for applicable fees (\$250.00).

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

Ronak J Patel

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


Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia
Attachment A

Property Owner's Authorization

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

Name of Property Owner ASF TAP GA IV, LLC

Telephone Number 404-477-6803

Address of Subject Property Parcel identified as Tract 3 located at the northeast corner of Diplomat Parkway
intersection with Newnan Crossing Boulevard.

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.

Signed by:

0E4B0B0435684F6...
Signature of Property Owner

Personally appeared before me

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

Notary Public

(Affix Raised Seal Here)

Date



City of Newnan, Georgia – Board of Zoning Appeals

Date: December 3, 2024

Application Number: 2024-25

Agenda Item: 19 Millard Farmer Industrial Boulevard

Prepared and presented by: Dean Smith, Senior Planner

Purpose: To hear a variance request seeking approval to locate a dumpster to be in a front yard on a corner lot.

Applicant: Roger Y. Young, Jr.
HRP Newnan, LLC
3 Keel Street, Unit #2
Wrightsville Beach, NC 28480

Property Owner: HRP Newnan, LLC
3 Keel Street, Unit #2
Wrightsville Beach, NC 28480

Zoning: Heavy Commercial District (CHV)

Overlay Districts: Quality Development Corridor

Present Use: Shopping Center (built in 1987)

Proposed Use: Redevelopment to add a grocery store component and future tenant space/renovation of existing shopping center building.

Pertinent Regulations: Article 3, Section 3-16, Table 3-D -Dumpsters must be located in rear or side yards

Applicant's Position:

The applicant states, in part, "...this particular [zoning] requirement would prevent the tenants planned for this western side of the 19 Millard Farmer Industrial Boulevard site to have access to a dumpster...Tenants would then have to traverse to the eastern side of the site to throw away any and all trash for the providers to pick up...Small receptacles for trash (even with regular pickup) given the long standing tenants we are placing here that have larger needs for boxes, etc., is problematic....per Newnan's consideration, this site has 2 front yards....We find that the front yard should be off the major thoroughfare of Millard Farmer Industrial Boulevard, however, City of Newnan is considering Werz [Werz Industrial Boulevard] a front yard as well....The current layout of the site and position of the building does not provide substantial use of the rear yard to allow for a dumpster, so this is limited to only the eastern side/rear yard for dumpsters....the tenants, such as Once Upon a Child and Plato's Closet would have full trash receptacles outside of their space on a daily basis...These types of tenants produce large amounts of waste in form of boxes and larger items so this would be an eyesore to the community and the visitors of other tenants....We would request a variance to allow for 1-2 dumpsters in the front yard of Werz Industrial [Boulevard]....We would maintain the requirement of the ordinance by not placing dumpsters in the front yard along Millard [Farmer Industrial Boulevard]....our team would provide maximum screening with the use of walls/fencing, awnings (per code) and screening trees to maintain a visual screen from the road at all times...."

Basis for Granting Variances: - Responses in **Red** indicate staff's analysis of the request and where it meets a particular hardship standard.

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 the 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; **Agree with applicant-see responses below**
2. Such conditions are peculiar to the particular piece of such property involved; **Agree with applicant-see responses below**
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; **Agree with applicant-see responses below**
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; **Agree with applicant-see responses below**
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.

Applicant's response to hardship standards:

"...The site, 19 Millard Farmer Blvd, has several hardships that encourage the need for this variance to allow for a dumpster in the front yard of the parcel. As shown in the application, we find that the site meets four (4) of the seven (7) listed hardships (Hardships 1, 2, 4 & 5). This condition of zoning does not allow for dumpsters in the front yard and this site is constrained by its location along two road frontages, which creates two "front yards": one on Millard Farmer Blvd. and a second on Werz Industrial. Secondly, the development team's intent is to utilize the existing conditions of the site to the best of their abilities, so the orientation of the building creates a constraint coupled with the location of the front yards. Without an enclosed dumpster on this western side of the building and if the future tenants on the west side create increased amounts of larger trash, they will have to traverse to the eastern side of the site, in front of the other various retail spaces to access the dumpster. This would greatly increase safety concerns with vehicular and pedestrian conflicts based on the path to the eastern side of the site. Based on experiences, this could cause these western tenants to pile up the trash outside of their businesses and cause an unsightly view from Werz. We find that an enclosed dumpster would create a clean environment and a better experience for the future tenants of this development, without it we feel it could cause environmental concerns if the trash is either piled up until the end of the day or if the valet trash system is not

swift enough and causes overflowing trash cans. Lastly, the addition of a dumpster as shown in the illustration, will not negatively impact any surrounding sites, environmental aspects, or any aspects of hardship number 5.

In conclusion, we find that the site meets four of the seven hardships based on the explanation above and the following: (1) site constraints due to shape, building orientation and two front yards, (2) this is particular to this site as not many sites have two frontages and elongated buildings such as this that would create the need for dumpsters on both sides, (4) this would not create a financial hardship but rather a day to day retail tenant usability and environmental concerns, and lastly (5) this would not cause substantial detriment to the public good, but rather would increase the opportunity of a local trash spot and would not impact any environmental aspects or impact any surrounding parcels.

We hope that with this explanation and the visual illustrations provided that with the use of structural screening and vegetative screening the location of this dumpster will positively service this site and will not negatively impact any aspect of the surrounding areas or the County. Thank you for your consideration...."

Planning Department's Review and Findings:

Corner lots present design challenges. The BZA has previously approved one variance to locate a dumpster in a front yard or street side yard in 2021 (prior to the adoption of 2024 changes to variance hardship standards), for the Frazier's gas station at the corner of Sprayberry Road and Jackson Street.

In 2023, 19 Millard Farmer Industrial Boulevard received approval by the Board of Zoning Appeals to increase its degree of non-conformity on the rear setback by agreeing to allow for the building to expand towards the rear property line and reducing the rear building setback. Additionally, in 2023, this project was approved by the Planning Commission to deviate from the architectural requirements of the Quality Development Corridor Overlay District and was granted a Master Sign Plan to deviate from the standard sign regulations.

There are limitations with redevelopment of an existing site and need to be factored in. There is inadequate room behind the buildings to provide dumpster access and trash truck access. The proposed dumpster's location, with both the masonry dumpster enclosure and additional landscape plantings, should provide adequate screening from street view.

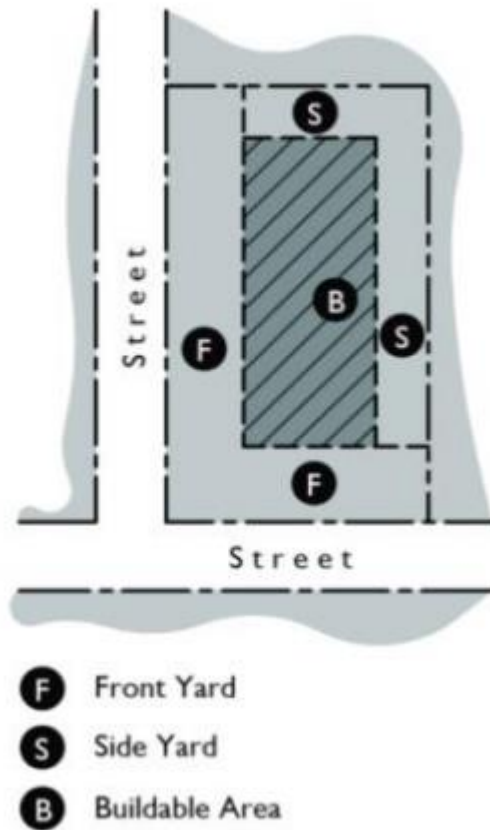
Options:

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

The issue before the Board of Zoning Appeals is whether or not a variance should be granted giving permission to place a dumpster and dumpster enclosure in a front/street side yard. The staff's assessment of this request coincides with Option A, to approve the variance request as presented by the applicant.

Attachments: Application

City's zoning definition of yards on a corner lot.





Area of
proposed
dumpster









NEWNAN
GEORGIA

CITY OF NEWNAN, GEORGIA

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

APPLICATION FOR VARIANCE

Name of Applicant HRP Newnan, LLC c/o Roger L. Young Jr., Partner

Mailing Address 3 Keel Street - Unit #2, Wrightsville Beach, NC 28480

Telephone (910) 619-7600 E-Mail: ryoung@harboure.com

Property Owner (Use back if multiple names) _____

Mailing Address 3 Keel Street - Unit #2, Wrightsville Beach, NC 28480

Telephone (910) 619-7600

Address/Location of Property 19 Millard Farmer Industrial Blvd.

Tax Parcel No: N57A 065

Present Zoning Classification: CHV

Present Land Use CHV

Intended Use CHV

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 regarding such property with the Board.

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

I (We) hereby request the following variance from the provisions of section(s) 3 and/or 5 of the Zoning Ordinance/Subdivision Regulations: Dumpsters must be located in the rear or side yards.

In order for the Board to consider the request, there must be required findings of fact upon the 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. 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?
This particular requirement would prevent the tenants planned for this western side of the 19 Millard Farm site to have access to a dumpster. Tenants would then have to traverse to the eastern side of the site to throw away any and all trash for the providers to pick up. Small receptacles for trash (even with regular pickup) given the long standing tenants we are placing here that have larger needs for boxes, etc. is problematic

2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?
The existing zoning of the property is CHV and that is not intended to change. This site has been previously approved of a reduced rear setback line per special exception application # 2023-12.
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?
Per Newnan County's consideration, this site has 2 front yards. We find that the front yard should be off of the Major thoroughfare of Millard Farmer Industrial Blvd, however, City of Newnan is considering Werz a front yard as well. The current layout of the site and position of the building, does not provide substantial use of the rear yard to allow for a dumpster, so this is limited to only the eastern side/rear yard for dumpsters.
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 tenants, such as Once Upon a Child and Plato's Closet would have full trash receptacles out side of their space on a daily basis. These types of tenants produce larger amounts of waste in the form of boxes and larger items, so this would be an eye sore to the community and the visitors of the other tenants.
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 would request a variance to allow for 1-2 dumpsters in the front yard of Werz Industrial. We would maintain the requirement of this Ordinance by not placing dumpsters in the front yard along Millard. Our team would provide maximum screening with the use of walls/fencing, awnings (per code) and screening trees to maintain a visual screen from the road at all times.

The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the 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 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 surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare off 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.

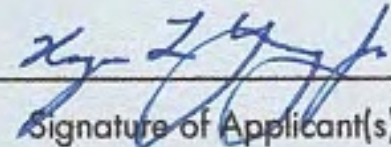
Included with the application, the following information is required and must also be furnished in digital, pdf format:

- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Legal description of property.
- ✓ 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.

HRP Newnan, LLC c/o Roger L Young Jr., Partner

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


Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY _____

DATE OF FILING _____

BZA MEETING DATE _____

DATE OF NOTICE PUBLICATION _____

ACTION TAKEN (DATE) _____



City of Newnan, Georgia
Attachment A

Property Owner's Authorization

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

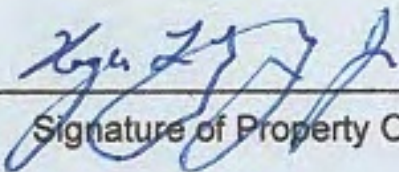
Name of Property Owner HRP Newnan, LLC

Telephone Number 910-619-7600

Address of Subject Property 19 Millard Farmer Industrial Drive, Newnan, GA 30263

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.

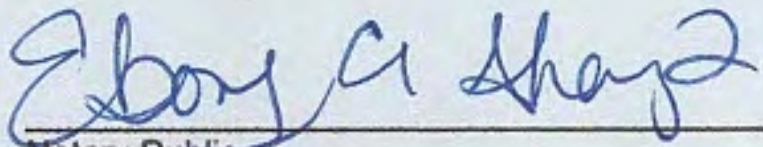


Signature of Property Owner

Personally appeared before me

Roger Linwood Young Jr

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



Notary Public

10/21/2024
Date



(Affix Raised Seal Here)



City of Newnan, Georgia
Attachment B
Attorney's Authorization

Note: *If an attorney-at-law has prepared this application, please fill out the information below:*

I swear as an attorney-at-law, I have been authorized by the owner(s) to file the attached application for a variance of property.

(Signature of Attorney)

Name of Attorney _____

Address _____

Telephone _____

Date _____

Property Description
19 Millard Farmer Industrial Boulevard
(Date: 08-06-2024)

Tract A

All that tract or parcel of land lying or being in Land Lots 54 and 75, 5th District, The City of Newnan, Coweta County, Georgia, and being more particularly described as follows:

COMMENCING at a concrete right-of-way monument found at the intersection of the northerly right-of-way Georgia State Highway 34 (variable right-of-way) and the easterly right-of-way of Millard C. Farmer Industrial Boulevard (variable right-of-way), said monument have State Plane Coordinate value Northing:1,235,705.97; Easting:2,114,944.46; Georgia West Zone; thence continuing with said right-of-way North 47 degrees 43 minutes 06 seconds West, a distance of 288.79 feet to a concrete right-of-way monument found, thence North 47 degrees 37 minutes 27 seconds West, 125.00 feet to a 5/8-inch rebar set, and the **POINT OF BEGINNING**. Thence North 47 degrees 37 minutes 15 seconds West, a distance of 332.73 feet to a concrete right-of-way monument found; thence North 13 degrees 51 minutes 40 seconds West, a distance of 35.94 feet to a concrete right-of-way monument found on the eastern right-of-way of Werz Industrial Boulevard (variable right-of-way); thence continuing with the said right-of-way along a curve to the left, said curve having an arc length of 243.86 feet with a radius of 415.12 feet, being subtended by a chord bearing of North 21 degrees 39 minutes 37 seconds East, a distance of 240.37 feet to a 1/2-inch rebar found; thence departing said right-of-way South 89 degrees 07 minutes 24 seconds East, a distance of 441.37 feet to a 5/8-inch rebar set; thence South 00 degrees 44 minutes 22 seconds West, a distance of 231.77 feet to a nail set; thence North 89 degrees 18 minutes 04 seconds West, a distance of 11.93 feet to a nail set; thence South 00 degrees 40 minutes 31 seconds West, a distance of 100.45 feet to a nail set; thence South 62 degrees 01 minutes 00 seconds West, a distance of 256.03 feet to a nail set; thence South 54 degrees 44 minutes 32 seconds West, a distance of 40.95 feet to a 5/8-inch rebar set, said point being the **POINT OF BEGINNING**.

Said tract of land contains 4.324 Acres.

Tract B

All that tract or parcel of land lying or being in Land Lots 54 and 75, 5th District, The City of Newnan, Coweta County, Georgia, and being more particularly described as follows:

COMMENCING at a concrete right-of-way monument found at the intersection of the northerly right-of-way Georgia State Highway 34 (variable right-of-way) and the easterly right-of-way of Millard C. Farmer Industrial Boulevard (variable right-of-way), said monument have State Plane Coordinate value Northing:1,235,705.97; Easting:2,114,944.46; Georgia West Zone; thence continuing with said right-of-way North 47 degrees 43 minutes 06 seconds West, a distance of 288.79 feet to a concrete right-of-way monument found, and the **POINT OF BEGINNING**. Thence continuing with said right-of-way North 47 degrees 37 minutes 27 seconds West, a distance of 125.00 feet to a 5/8-inch rebar set; thence departing said right-of-way North 54 degrees 44 minutes 32 seconds East, a distance of 40.95 feet to a nail set; thence North 62 degrees 01

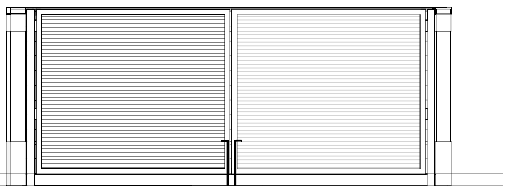
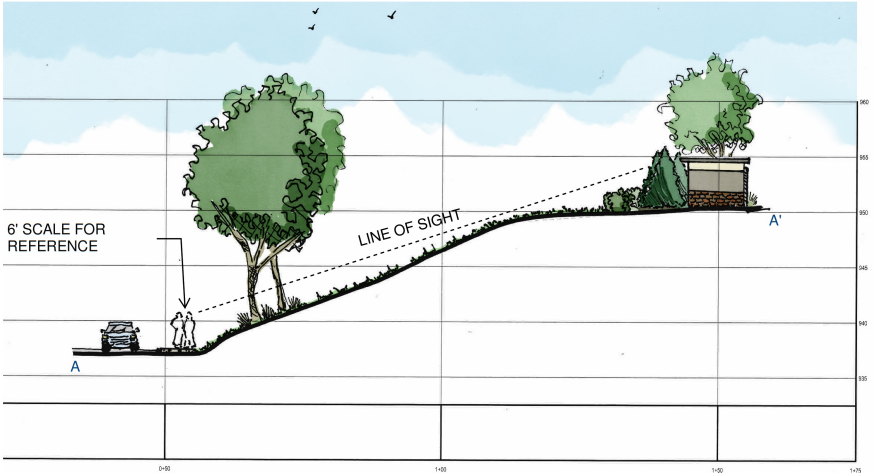
minutes 00 seconds East, a distance of 256.03 feet to a nail set; thence North 00 degrees 40 minutes 31 seconds East, a distance of 100.45 feet to a nail set; thence South 89 degrees 18 minutes 04 seconds East, a distance of 11.93 feet to a nail set; thence North 00 degrees 44 minutes 22 seconds East, a distance of 231.77 feet to a 5/8-inch rebar set; thence South 89 degrees 07 minutes 24 seconds East, a distance of 234.63 feet to a 1/2-inch rebar found; thence South 00 degrees 18 minutes 28 seconds West, a distance of 340.17 feet to a 1.5-inch open top pipe; thence South 00 degrees 08 minutes 33 seconds West, a distance of 299.43 feet to a 3/8-inch rebar found on the northern right-of-way of Georgia State Highway 34; thence departing said right-of-way North 29 degrees 51 minutes 04 seconds West, a distance of 55.33 feet to a nail found; thence North 61 degrees 23 minutes 48 seconds East, a distance of 14.00 feet to a nail found; thence North 29 degrees 03 minutes 57 seconds West, a distance of 224.55 feet to a nail set; thence South 61 degrees 07 minutes 41 seconds West, a distance of 114.56 feet to a nail set; thence South 61 degrees 13 minutes 04 seconds West, a distance of 55.11 feet to a nail set; thence South 60 degrees 56 minutes 24 seconds West, a distance of 110.54 feet to a nail found; thence South 54 degrees 46 minutes 12 seconds West, a distance of 55.99 feet to a concrete right-of-way monument found, said point being the **POINT OF BEGINNING**.

Said tract of land contains 3.246 Acres.



LOCATION MAP

SCALE: 1" = 250'
SOURCE: NEARMAP



DUMPSTER ENCLOSURE FRONT ELEVATION

Scale: 1/4" = 1'-0"

CONCEPT PLAN NOTES

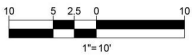
(Rev. 1/2020)

1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
2. THE CONCEPT DEPICTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND AFTER THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A ZONING OR CONSTRUCTION DOCUMENT.
4. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS PROVIDED TO THE ENGINEER, AT THE TIME OF THE ENGINEER'S PREPARATION OF THIS CONCEPT PLAN, BY THE OWNER AND OTHERS NOT UNDER ENGINEER'S CONTROL, AND IS SUBJECT TO CHANGE AFTER PERFORMANCE OF ADDITIONAL DUE DILIGENCE, FIELD SURVEY OR BOTH.
5. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT, AS THE OWNER HAS DESCRIBED IT.

BOHLER 
GA LSF No. 001403
211 PERIMETER CENTER PKWY NE,
SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

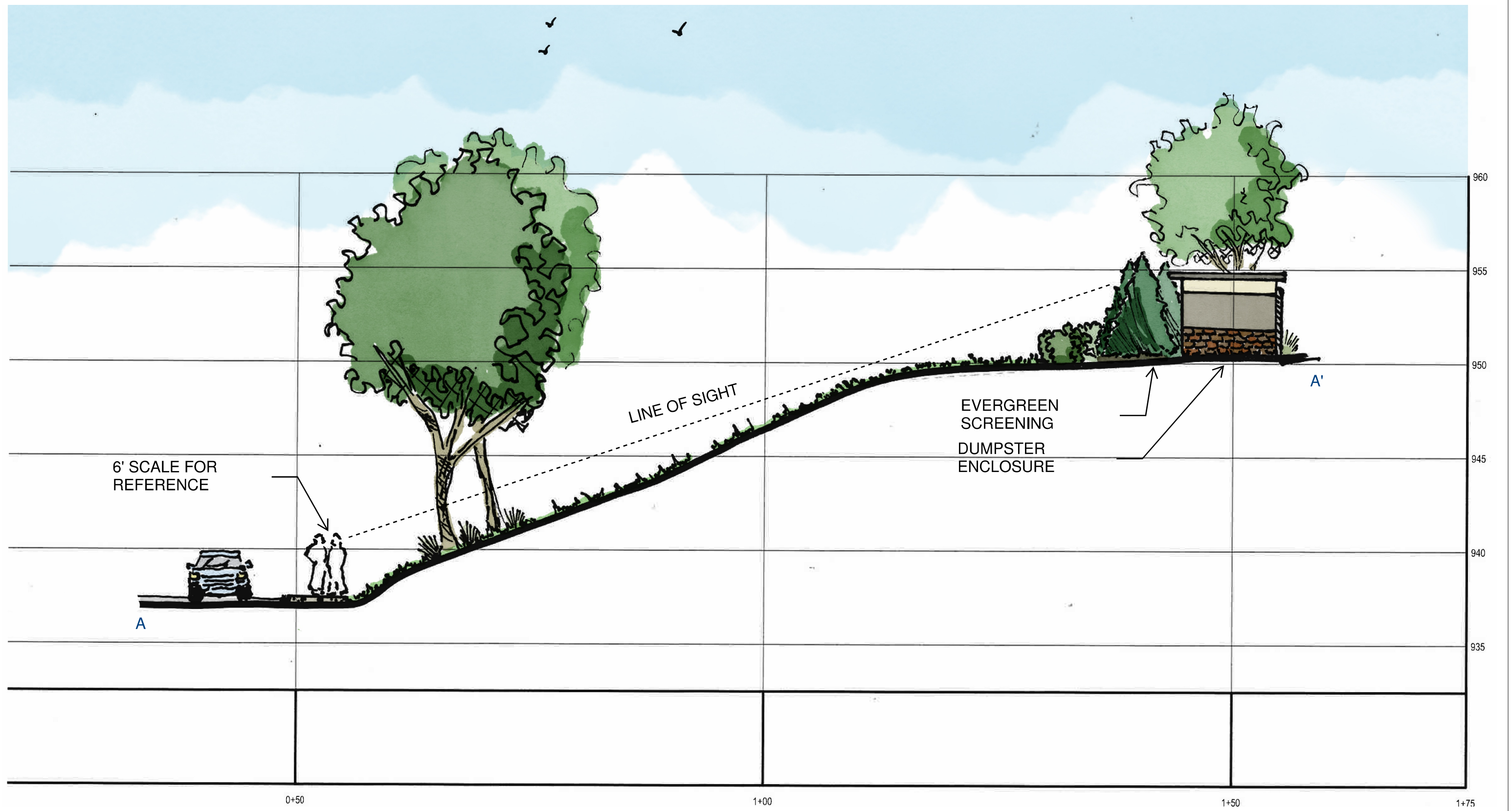
SPROUTS DUMPSTER EXHIBIT

19 MILLARD FARMER INDUSTRIAL BLVD., NEWNAN GA. 30263 | CPTA-0



10-23-24 | CA | GAA240117.00 | CPTA-0

H:\2023\GAA2303033.00\CAD\DRAWINGS\CONCEPTS\GAA2303033.00 - CPTA-1---LAYOUT: CONCEPT



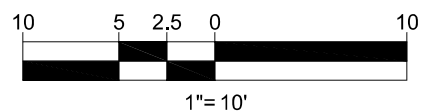
BOHLER //

211 PERIMETER CENTER PKWY NE,
SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

SPROUTS DUMPSTER & FRONTAGE SECTION

19 MILLARD FARMER INDUSTRIAL BLVD., NEWNAN GA. 30263 | CPTA-0

10/23/2024 | CA | GAA240117.00 | Rev A-0

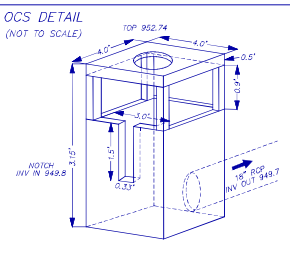


AERIAL IMAGE



(CLERK OF COURT RECORDING INFORMATION)

ORTHOMOSAIC IMAGE CAPTURE DATE: JUNE 8, 2024. SOURCE: NEARMAP



IF YOU DIG

Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AD: AIR DUCT/TOWER	OVERHEAD TRAFFIC SIGNAL LIGHT
BI: BORE HOLE	POWER POLE
CL: CURB INLET	GUY WIRE
CM: CORRUGATED METAL PIPE	POWER LINE
CMP: CONCRETE MONUMENT FND	LIGHT POLE
CS: SANITARY CLEANOUT	ELECTRIC TRANSFORMER
CTP: COMMUNICATION CABLE	WATER VAULT
CTD: CURVED TOP PIPE	GAS VALVE
DN: DOWN INLET	GAS METER
DIP: DUCTILE IRON PIPE	WATER VALVE
DWB: DOUBLE WING CATCH BASIN	WATER METER
FNC: FENCE	FIRE HYDRANT
FM: FOUND	UNDERGROUND ELECTRIC LINE
GM: GAS METER	UNDERGROUND GAS LINE
INV: INVERT	UNDERGROUND WATER LINE
JB: JUNCTION BOX	PHOTO POSITION INDICATOR
MA: MANHOLE	REGULAR PARKING SPACE COUNT
NS: NAIL SET	HANDICAP PARKING SPACE
NSC: NAIL SET CONTROL STRUCTURE	TREE POSITION INDICATOR
OP: OPEN TOP PIPE	SIDE
PM: POWER METER	
POB: POINT OF BEGINNING	
POC: POINT OF COMMENCEMENT	
RCP: REINFORCED CONCRETE PIPE	
RFR: IRON REINFORCING BAR	
RES: 5/8" IRON SET CAPTED LSF 621	
SACB: SINKING WING CATCH BASIN	
TRANS: ELECTRIC TRANSFORMER	

PROPERTY DESCRIPTION - PARCEL A

All that tract or parcel of land lying or being in Land Lots 54 and 75, 5th District, The City of Newnan, Coweta County, Georgia, and being more particularly described as follows:

COMMENCING at a concrete right-of-way monument found at the intersection of the westerly right-of-way Georgia State Highway 34 (variable right-of-way) and the easterly right-of-way of Millard C. Farmer Industrial Boulevard (variable right-of-way), said monument have State Plane Coordinate value Northing:1235,705.97; Easting:114,944.46; Georgia West Zone, thence continuing with said right-of-way North 47 degrees 43 minutes 06 seconds West, a distance of 283.79 feet to a concrete right-of-way monument found, thence North 47 degrees 37 minutes 27 seconds West, 125.00 feet to a 5/8-inch rebar set, and the POINT OF BEGINNING, thence North 47 degrees 37 minutes 15 seconds West, a distance of 332.73 feet to a concrete right-of-way monument found, thence North 13 degrees 51 minutes 40 seconds West, a distance of 35.94 feet to a concrete right-of-way monument found on the eastern right-of-way of Werz Industrial Boulevard (variable right-of-way), thence continuing with said right-of-way along a curve to the left, said curve having an arc length of 243.86 feet with a radius of 415.12 feet, being subtended by a chord bearing of North 21 degrees 39 minutes 37 seconds East, a distance of 240.37 feet to a 1/2-inch rebar found, thence departing said right-of-way South 89 degrees 07 minutes 24 seconds East, a distance of 44.37 feet to a 5/8-inch rebar set, thence South 02 degrees 44 minutes 22 seconds West, a distance of 231.77 feet to a nail set, thence North 89 degrees 18 minutes 04 seconds East, a distance of 119.1 feet to a nail set, thence South 02 degrees 40 minutes 17 seconds East, a distance of 103.45 feet to a nail set, thence North 62 degrees 01 minutes 00 seconds West, a distance of 256.03 feet to a nail set, thence South 34 degrees 44 minutes 12 seconds West, a distance of 40.89 feet to a 5/8-inch rebar set, said point being the POINT OF BEGINNING.

Said tract of land contains 4,324 Acres.

PROPERTY DESCRIPTION - PARCEL B

All that tract or parcel of land lying or being in Land Lots 54 and 75, 5th District, The City of Newnan, Coweta County, Georgia, and being more particularly described as follows:

COMMENCING at a concrete right-of-way monument found at the intersection of the northerly right-of-way Georgia State Highway 34 (variable right-of-way) and the easterly right-of-way of Millard C. Farmer Industrial Boulevard (variable right-of-way), said monument have State Plane Coordinate value Northing:1235,705.97; Easting:114,944.46; Georgia West Zone, thence continuing with said right-of-way North 47 degrees 43 minutes 06 seconds West, a distance of 283.79 feet to a concrete right-of-way monument found, thence North 47 degrees 37 minutes 27 seconds West, a distance of 125.00 feet to a 5/8-inch rebar set, thence departing said right-of-way North 47 degrees 44 minutes 52 seconds East, a distance of 40.89 feet to a nail set, thence North 62 degrees 01 minutes 00 seconds East, a distance of 256.03 feet to a nail set, thence North 02 degrees 40 minutes 17 seconds East, a distance of 103.45 feet to a nail set, thence South 02 degrees 44 minutes 22 seconds West, a distance of 231.77 feet to a nail set, thence North 89 degrees 18 minutes 04 seconds East, a distance of 119.1 feet to a nail set, thence South 02 degrees 40 minutes 17 seconds East, a distance of 103.45 feet to a nail set, thence South 34 degrees 44 minutes 12 seconds West, a distance of 40.89 feet to a 5/8-inch rebar set, said point being the POINT OF BEGINNING.

Said tract of land contains 3,246 Acres.

N/E PROPERTY OF
HRP Newnan LLC
DEED BOOK 5560 / PAGE 170
PLAT BOOK 97 / PAGE 92

PARCEL A AREA
4,324 Acres
188,135 of
ZONED CHV

PARKING SUMMARY
148 REGULAR
8 HANDICAP
156 TOTAL

N/E PROPERTY OF
HRP Newnan LLC
DEED BOOK 5560 / PAGE 170
DEED BOOK 97 / PAGE 92

PARCEL B AREA
3,246 Acres
141,409 of
ZONED CHV

PARKING SUMMARY
121 REGULAR
1 HANDICAP
122 TOTAL

SURVEYOR CERTIFICATION (ALTA)

To: CIBC Bank USA
HRP NEWNAN, LLC, a Delaware limited liability company
Old Republic National Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2001 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 11(a), 13, 14, 16, 17, 18, & 19 of Table A thereof. The field work was completed on August 6, 2024.

Date: August 6, 2024



SURVEYOR CERTIFICATION (GEORGIA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are compliant with LOCAL REGULATIONS OR REQUIREMENTS, OR SUFFICIENCY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

David L. Hester
Georgia Registered
Land Surveyor #3042

TITLE EXCEPTIONS - PARCEL A & B

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMENT FOR TITLE INSURANCE, AS PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 4-4800(XM), EFFECTIVE DATE AUGUST 12, 2024.

(a) Indemnity Agreement by and between West Equipment Company and Georgia Department of Transportation, dated August 13, 1990, filed for record May 15, 1991, at 11:27 a.m., recorded in Deed Book 612, Page 81, Records of Coweta County, Georgia.

AFFECTS SITE AS PLOTTED - PARCELS A AND B

(b) Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by and between D.M. Neas, LLC, a Georgia limited liability company, Hay 34/Millard Farmer Blvd. LLC, a Georgia limited liability company, and Coby Swanson, III and Richard A. Shaper, Trustees of the Trust for the Lineal Descendants of Vee S. Swanson, dated June 9, 1980, dated June 27, 2005, filed for record July 11, 2005 at 12:00 Noon, recorded in Deed Book 2772, Page 44, of record Records.

AFFECTS SITE AS PLOTTED - PARCELS A AND B

(c) Easement rights as contained in that certain Order and Judgment as entered in that certain Condemnation - Department of Transportation vs. 0.176 acres of land, and certain easement rights, and D. M. Neas, LLC, et al., being Udolet, Inc. 08-18-86, dated May 27, 2008, filed for record May 27, 2008 at 1:06 p.m., recorded in Deed Book 3351, Page 563, of record Records.

AFFECTS SITE AS PLOTTED - PARCELS A AND B

(d) Declaration of Covenant and Reservation of Cross-Parking Easements by Newnan MORE, LLC, a Texas limited liability company, dated as of January 17, 2019, filed for record January 18, 2019 at 12:23 p.m., recorded in Deed Book 4805, Page 833, of record Records.

AFFECTS SITE AS PLOTTED - PARCELS A AND B

(e) All matters as shown on that certain survey entitled "ALTA/NSPS Land Title Survey for ORF Millard Shops LLC, a Georgia limited liability company, Inactive Capital Advisors, LLC, and/or their successors and assigns, as their interest may appear & Old Republic National Title Insurance Company by Scanlon Engineering Services, Inc., bearing the seal and certification of Mark A. Bucner, GLS #16,242, dated January 16, 2019.

SURVEY NOT PROVIDED

(f) All matters as shown on that certain survey entitled "ALTA/NSPS Land Title Survey for ORF Millard Shops LLC, a Georgia limited liability company, Inactive Capital Advisors, LLC, and/or their successors and assigns, as their interest may appear & Old Republic National Title Insurance Company by Scanlon Engineering Services, Inc., bearing the seal and certification of Mark A. Bucner, GLS #16,242, dated January 16, 2019.

SURVEY NOT PROVIDED



N/E PROPERTY OF
CCO Transfers, LLC
DEED BOOK 4196 / PAGE 849
ZONED - ILT

PARCEL A AREA
4,324 Acres
188,135 of
ZONED CHV

19 MILLARD FARMER INDUSTRIAL BOULEVARD
1-STORY BLOCK
65,330 SF. (DISPENSE)

PARCEL B AREA
3,246 Acres
141,409 of
ZONED CHV



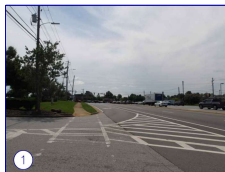
N/E PROPERTY OF
GTD Coweta 2 LLC
DEED BOOK 5501 / PAGE 477
PLAT BOOK 88 / PAGE 68

N/E PROPERTY OF
Levine Family Trust
DEED BOOK 5380 / PAGE 631
PLAT BOOK 88 / PAGE 228
ZONED - CGN

N/E PROPERTY OF
Clover Industrial, LLC
DEED BOOK 4916 / PAGE 513
ZONED - CGN

N/E PROPERTY OF
CAV COM LLC
DEED BOOK 4851 / PAGE 176
ZONED - CHV (NOT INCLUDED)

SITE PHOTOGRAPHS



VICINITY MAP

SITE LOCATION - LATITUDE: 33° 23' 48" LONGITUDE: 84° 45' 44"



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE SURVEY DATE SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1307700440, AND THE DATE OF SAID MAP IS FEBRUARY 6, 2011. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY ADPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD83)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL, PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. PARCELS A & B (SEBACKS SHOWN PER SURVEY REFERENCE 1) THE SITE IS ZONED "CHV" (GENERAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF NEWNAN. THE MINIMUM YARD SETBACKS ARE: FRONT - 40 FEET; SIDE - 15 FEET; AND REAR - 15 FEET.

PARCEL C (SEBACKS SHOWN PER SURVEY REFERENCE 2) THE SITE IS ZONED "CGN" (GENERAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF NEWNAN. THE MINIMUM YARD SETBACKS ARE: FRONT - 35 FEET; SIDE - 12 FEET; AND REAR - 12 FEET.

ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SURVEYED PARCELS ARE SHOWN GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

PLEASE NOTE: HARDWOOD TREES 24-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER, FINE TREES 35-INCH DBH AND LARGER, UNDER-STORY TREES 8-INCH DBH AND LARGER WERE LOCATED FOR THIS SURVEY.

ALTA CERTIFICATION TABLE "A" NOTES:

ITEM 16 - NO EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WAS OBSERVED AT DATE OF SURVEY.

ITEM 17 - NO EVIDENCE WAS OBSERVED INDICATING CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED.

SURVEY REFERENCES

1-ALTA/NSPS LAND TITLE SURVEY FOR HWY 34-MILLARD FARMER BLVD, L.L.P., ET AL., PREPARED BY ROCHESTER & ASSOCIATES, INC., DATED MAY 18, 2006, LAST REVISED NOVEMBER 18, 2008.

2-ALTA/NSPS LAND TITLE SURVEY FOR HWY 34-MILLARD FARMER BLVD, L.L.P., ET AL., PREPARED BY ROCHESTER & ASSOCIATES, INC., DATED MAY 18, 2006, LAST REVISED NOVEMBER 18, 2008.

3-ALTA/NSPS LAND TITLE SURVEY FOR ORF MILLARD SHOPS, LLC, ET AL., PREPARED BY GEOGRAPHY, LTD., DATED AUGUST 25, 2024, LAST REVISED APRIL 4, 2022, GEOGRAPHY JOB #20217092-01.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

MC UTILITY SURVEYING, LLC
160 CHANTILLY LANE
LAWRENCEVILLE, GA 30043

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES, AS WELL AS UNDERGROUND STORAGE TANKS) LOCATED BY UTILITY SURVEYING, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN. ANY DISCOVERY FOUND UPON EXCAVATION, THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACCORDING FROM THE UTILITY OWNERS.

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A SINGLE "X" SYMBOL TOTAL STATION AND TRIMBLE 1055-04 COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 14,000. FIELD CLOSURE: .288 - INT.

ALTA/NSPS LAND TITLE SURVEY

19 Millard Farmer Industrial Boulevard

FOR

CIBC Bank USA

HRP Newnan, LLC

Old Republic National Title Insurance Company

SS JOB NO:	20217092	DRAWING SCALE:	1" = 40'	SURVEY DATE:	08-06-2024
FIELD WORK:	ZT	CITY:	NEWNAN	STATE:	GA
PROJ. MGR:	CAB	COUNTY:	COWETA	REVISIONS:	
REVIEWED:	DLH	LAND LOT:	54 & 75	No. Date Description	
DWG FILE:	20217092-02.dwg	DISTRICT:	5TH	1. 8/7/24 Add: Issued Title Commitment.	



Land Surveying • 3D Laser Scanning

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Marietta, Georgia 30062

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Fax: (770) 795-8880

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EMAIL: info@geosurvey.com

Certificate of Authorization #LSF-000621