



Coweta County Board of Zoning Appeals

Public Hearing

www.coweta.ga.us

~ Minutes ~

Angela White
770.254.2635

Thursday, March 25, 2021

6:00 PM

Commission Chambers

I. Meeting Called to Order

Attendee Name	Title	Status	Arrived
Craig Jackson	District 2 - Chairman	Absent	
George Harper	District 3 - Vice-Chairman	Present	
Lisa Mitchum	District 1	Present	
Billy Cranford	District 4	Present	
Delia Crouch	District 5	Present	

II. Approval of Minutes

1. Board of Zoning Appeals - Public Hearing - Feb 25, 2021 6:00 PM

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to approve the minutes from the Public Hearing held on February 25, 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	George Harper, District 3 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch
ABSENT:	Craig Jackson

III. Public Hearing

A. Petitions

ZA 005-21 - Smith, Richard & Nan - RV - CUP

The subject property is located at 485 Providence Church Rd, Newnan. Unfortunately, the Smith's had a residential fire on December 29, 2020 and their home is no longer habitable. The Smith's contacted our office and working with Administration and Commissioner Lassetter, an emergency permit was granted to the Smith's so they might reside in a camper on their property as the limit for the Red Cross was expiring.

The Smiths have now filed a request to the Board to allow the usage of a Recreational Vehicle on their property. They are awaiting Harbuck Surveying to complete the survey so they can file for a Manufactured Home under the Compatibility Committee. If approved, the Smith's will then close on the manufactured home and have it moved onto the site within 6 months. Otherwise, they will pursue the construction of a stick-built residence.

This request is being considered under a Recreational Vehicle as a temporary residence for a 6-month period under Article 6, Exceptions and Modifications. Sec 67. Parking, Storage or use of certain vehicles and equipment which states, "No recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use".

The Community Development Department submits the following Factors for consideration in the Conditional Use Permit request:

1. The use of the recreational vehicle is temporary for approximately 6 months and usable at this site. (Factors 1, 3, 5, 6)
2. The temporary use of a recreational vehicle should have little impact on the county. (Factors 1, 2, 10, 11)
3. The temporary use of a recreational vehicle shall create no additional impact or service requirement as it serves as a temporary residence on this parcel. (Factors 4, 5, 8, 9)

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department submits the following conditions for consideration:

1. The use of the recreational vehicle as a temporary residence shall be permitted for a maximum period of six (6) months, beginning April 6, 2021 and ending six months from that date (October 6, 2021).
2. Park the RV at least 10 feet away from any structures including the proposed new residential home to be constructed.
3. Ensure the RV has a working smoke and carbon monoxide detector.
4. Ensure the RV has a multipurpose dry chemical fire extinguisher.
5. If this has not already been done, we recommend the property be addressed in accordance with Coweta Counties' address ordinance.
6. A signed maintenance contract with a state approved portable sanitation company to maintain the holding tank for the RV is required to be submitted with the application for an onsite wastewater permit.

There were no questions from the Board for Ms. White.

Applicant: M/M Smith appreciates the consideration of the Board.

The Chairman called for anyone who wished to speak in favor/opposition of this request. There were none.

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to close the Public Hearing regarding Petition ZA 005-21.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	Lisa Mitchum, District 1
AYES:	George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch
ABSENT:	Craig Jackson

1. ZA 005-21 Smith, Richard & Nan - RV - CUP

Commission Lassetter

Tax I.D. 036 4034 012

Commission District Commissioner Lassetter

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition ZA 005-21 subject to the following 6 conditions:

1. The use of the recreational vehicle as a temporary residence shall be permitted for a maximum period of six (6) months, beginning April 6, 2021 and ending six months from that date (October 6, 2021).
2. Park the RV at least 10 feet away from any structures including the proposed new residential home to be constructed.
3. Ensure the RV has a working smoke and carbon monoxide detector.
4. Ensure the RV has a multipurpose dry chemical fire extinguisher.
5. If this has not already been done, we recommend the property be addressed in accordance with Coweta Counties' address ordinance.
6. A signed maintenance contract with a state approved portable sanitation company to maintain the holding tank for the RV is required to be submitted with the application for an onsite wastewater permit.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	4/6/2021 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	Lisa Mitchum, District 1	
AYES:	George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch	
ABSENT:	Craig Jackson	

ZA 006-21 - Atkinson, D'Antionette - Front Setback Red - Var

A Variance Request has been submitted for a front yard setback reduction from 50-ft. to 45-ft. at 45 Martin Girls Rd. This parcel consists of 4.15 acres and will contain a new residence with a covered porch for Ms. Atkinson.

Ms. Atkinson contracted with Southland Homes Corporation to build her new home. When pouring the foundation, the covered porch was not included in the Contractors' dimensions, and the porch is now 5-ft. into the required 50-ft. setback.

Ms. Atkinson is requesting consideration of the 5-ft. reduction to allow for a covered porch on her residence.

Drew Cash, Southland Homes Corporation

Mr. Cash addressed the Board as the Builder for Ms. Atkinson. He acknowledged that when he had the concrete poured, he failed to incorporate the front porch structure.

The Community Development Department submits the following Factors:

1. Based upon the review, the proposed variance would not have impact on public facilities.
2. The location of the residence will be located such that it will not impact the road nor the adjoining property owner as there is over 300-ft between residences with a buffer in between.
3. The error was that of the contractor, not the applicant and is seeking relief to keep the covered porch.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is recommending that the applicant meet the following conditions:

1. The front yard setback shall not exceed the requested 5-ft. front yard reduction.

2. All permits and procedures of the Building Department shall be met.

There were no questions from the Board for Ms. White.

Applicant: Ms. Atkinson noted that she did not have anything to add to the staff presentation.

The Chairman called for anyone who wished to speak in favor of this request.

The following submitted letters in support:

Charles & Patsy Atkinson, 119 Martin Girls Rd, Newnan
 Latressia Shontel Atkinson, 45 Martin Girls Rd, Newnan
 M/M Long, 91 Martin Girls Rd, Newnan

The Chairman called for anyone who wished to speak in opposition to the request. There were none.

On motion of Board member Crouch, seconded by Board member Mitchum, passing by unanimous vote, the Board voted to close the Public hearing regarding Petition ZA 006-21.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	Lisa Mitchum, District 1
AYES:	George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch
ABSENT:	Craig Jackson

2. ZA 006-21 Atkinson, D'Antionette - Front Setback - Variance

Commissioner Lassetter

Tax I.D. 008 4128 012

Commission District Commissioner Lassetter

On motion of Board member Mitchum, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the 5-ft reduction request of Petition ZA 006-21 subject to the following 2 conditions:

1. The front yard setback shall not exceed the requested 5-feet front yard reduction.
2. All permits and procedures of the Building Department shall be met.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	4/6/2021 6:00 PM	
MOVER:	Lisa Mitchum, District 1	
SECONDER:	George Harper, District 3 - Vice-Chairman	
AYES:	George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch	
ABSENT:	Craig Jackson	

3. ZA 007-21 Childress-Klein, Inc - Variances (4)

Commissioner Smith

Art 25 Buffer Reduction - 100-ft to 25-ft on western property line

Art 23 Dimensional Req - Height Variance - 34'11" to 40'56"

Art 23 Dimensional Req - Story Variance - 3 stories to 4 stories for Building A

Art 23 Dimensional Req - Building Materials Variance - Allowance of Metal Doors on Interior Facing Single Story Buildings

Tax I.D. 087 2005 001A, 087B 018, 087B 017
Commission District Commissioner Smith

The applicant, Childress-Klein, Inc, has submitted a rezoning petition (#007-21) request to construct an Indoor Self-Storage Facility incorporating 3 parcels along Poplar Road, Newnan. This request of rezoning 7.28± acres is from RC - Rural Conservation to C-8 Heavy Commercial.

In coordination with the rezoning request, the applicant is requesting 4 Variances as follows:

1. Buffer Reduction from 75-ft to 25-ft along the north and the western property line - Article 25 Buffer Requirements.
2. Height Variance for Building A - 34'11" to 40'56'- Article 23 Dimensional Requirements.
3. Story Variance for Building A - 3 stories to 4 stories - Article 23 Dimensional Requirements.
4. Building Materials Variance - Allowance of Metal for Doors on Single Story Buildings. Art 26 Sec 261 Development Requirements Item 8.

The proposed site is located parallel to the southbound ramp of Exit 44 to the east, Newnan Crossing Place/Poplar Road to the south, and single-family residential properties to the west. The City of Newnan is located to the north of this property and is currently being considered for multi-residential use under their MRH - Multi-Residential Housing Dwelling - Higher Density District.

The two residential parcels associated with 552 and 536 Poplar Road are no longer active residential sites as the homes were removed in the construction of the southbound ramp for Exit 44. These two parcels also contain wooded areas to the north property line. 520 Poplar Road has been modified as part of the road construction but contains a vacant residence near Poplar and is heavily wooded to the north.

The site plan for the proposed Indoor Self Storage Facility contains the following seven buildings: Building A is a proposed three-story 60,000 sq. ft. building near Newnan Crossing Place/Poplar Rd.

Buildings B, C, D, E run parallel with the property and contain 6,600 sq. ft., 10,000 sq. ft., 7,500 sq. ft. and 7,500 sq. ft respectively.

Building F contains 2,500 sq. ft and runs parallel to the western property line in which the buffer reduction is requested.

Building G is a proposed two-story 50,000 sq. ft. building near the northern portion of the property.

The applicant notes that the interior facing elevation of the single-story buildings are going to have metal doors and therefore the materials variance is being requested.

- I. Article 25: Sec. 251. Buffer Reduction Request** to reduce the required 75-ft buffer along the northern and western property lines to 25-ft.

The Community Development Department submits the following for Consideration in reviewing the Buffer Variance Request:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities.
2. Adjoining residential neighbors have submitted letters of support. The City is satisfied with the 25-ft buffer along the northern boundary.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. The buffer reduction will be limited such that a 25-ft buffer is maintained along the northern and western property lines.

II. Article 23. Dimensional Requirements. Height Variance: Building "A" Height From 34'11" to 40'56"

The Community Development Department submits the following for Consideration in reviewing the Height Variance for Building "A":

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities.
2. With the Poplar Road Interchange, commercial and office structures have developed. Inasmuch, the medical complex was granted height variances to support its development.
3. With approval by the airport, building and fire offices, administrative height variances can consider requests of this nature.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. The proposed building elevation for Building "A" shall not exceed the requested 40' 56".

III. Article 23. Dimensional Requirements. Story Variance: Building "A" - Stories from 3 to 4
The Community Development Department submits the following for Consideration in reviewing the Story Variance for Building "A":

1. Based on staff comments, the proposed request should not have any adverse impact on public facilities
2. With the Poplar Road Interchange, commercial and office structures have developed. Inasmuch, the medical complex was granted story variances to support its development.
3. The story variance is limited to Building "A" given that the majority of the basement (65%) is below grade and only three levels are facing Poplar Road.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. The proposed "A" building be limited to the four-stories as requested.

IV. Article 26. Sec 261 QDCD - Development Requirements Item 8 Exterior Architectural

Variance: Applicant is requesting a variance to utilize metal doors for the interior walls of Buildings B, C, D, E, F, G.

The Community Development Department submits the following for Consideration in reviewing the Materials Variance:

1. Based on staff comments, the proposed request should not have any adverse impact on public facilities.

2. The property is within the Quality Development Corridor District which requires 80% brick, stone, or glass. The request is to allow interior walls/overhead door systems of buildings B-G to utilize metal doors facing away from Interstate & Poplar Road.
3. The Ordinance provides for an administrative variance letter in relation to overhead doors.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. The door systems will be located as provided in the application.
2. All metal door systems must be painted to blend in color with the adjacent Category "A" material.
3. Utilize plantings such that any open viewshed of metal door areas are landscaped from Interstate 85, Poplar Road and adjoining residential properties.

The Board had no questions for Ms. White.

Applicant: Attorney George Rosenzweig, Rosenzweig Law, 75 Jackson St, Newnan addressed the Board regarding the project proposed by his client, Childress-Klein. Presented a Powerpoint including a location of the site, renderings of the structures and plans and charts associated with each request.

The applicant would like the height variance to be 50-ft instead of the 40'56" to allow for adjustment in final plans.

The Chairman called for anyone who wished to speak in favor of this request.

Mitchell Taylor, Childress Klein, Inc. spoke in support. Acknowledged the concerns noted during Attorney Rosenzweig's presentation regarding visibility of the metal doors. Would be willing to reverse the order of buildings to adjust for any potential visibility of metal doors within the Quality Development Corridor District.

Also noted that the site would incorporate fencing to keep any trash or other items from blowing from or to the site. Wants to create a positive image with their product in the community.

George Harper, Paramount Engineering, spoke in favor of the project. Advised that the site was designed for a quality product acknowledging the location along I-85 and Poplar Road.

Letters of support were provided by the following citizens:

Harold Terry Quigley Jr. & Debra Lynn Quigley, Property owners at 508/504 Poplar Rd.

Big Poplar II, LLC - Duke Blackburn, Jr., 317 Roscoe Rd. Newnan, Ga. 30263

Cates Family Partnership - Eve Loudenback, 815 Sherlin Ln. Great Falls, VA 22066

Dominium - Shaun Reinhardt, 2095 Northwest Blvd. Ste. 150, Plymouth, MN 55441

Richard & Patricia James, 428 Poplar Rd. Newnan, Ga. 30265

The Chairman called for anyone who wished to speak in opposition of this request.

There were none.

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to close the Public Hearing regarding Petition ZA 007-21.

The Board noted that they did not have any concerns with the 50-ft buffer reduction, the height nor the story. They wanted to ensure that the metal doors along the single-story buildings were not visible along I-85 nor Poplar Road. Motion to address this condition.

RESULT: PRESENTED

ZA 007-21 - Childress-Klein Inc - Art 25 Buffer Reductin - 75-ft to 25-ft

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the 50-ft buffer reduction of Petition ZA 007-21 (variance # 1) subject to the following conditions:

1. The buffer reduction will be limited such that a 25-ft. buffer is maintained along the northern and western property lines.

RESULT: RECOMMENDED APPROVAL [3 TO 0]

MOVER: Delia Crouch, District 5

SECONDER: Lisa Mitchum, District 1

AYES: Lisa Mitchum, Billy Cranford, Delia Crouch

ABSTAIN: George Harper

ABSENT: Craig Jackson

ZA 007-21 - Childress-Klein Inc - Art 23 Dimensional Requirements - Height - 34'11" to 50' - Bldg A

On motion of Board member Mitchum, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition ZA 007-21 (variance # 2) subject to the following conditions:

1. The proposed building elevation for Building "A" shall not exceed the requested 50-ft.

RESULT: RECOMMENDED APPROVAL [3 TO 0]

MOVER: Lisa Mitchum, District 1

SECONDER: Delia Crouch, District 5

AYES: Lisa Mitchum, Billy Cranford, Delia Crouch

ABSTAIN: George Harper

ABSENT: Craig Jackson

ZA 007-21 - Childress-Klein, Inc - Art 23 Dimensional Requirements - 3 stories to 4 stories

On motion of Board member Mitchum, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition ZA 007-21 (variance # 3) subject to the following conditions:

1. The proposed "A" building be limited to the four-stories as requested.

RESULT: RECOMMENDED APPROVAL [3 TO 0]

MOVER: Lisa Mitchum, District 1

SECONDER: Delia Crouch, District 5

AYES: Lisa Mitchum, Billy Cranford, Delia Crouch

ABSTAIN: George Harper

ABSENT: Craig Jackson

ZA 007-21 - Childress-Klein, Inc - Art 26 Bulding Materials Var - Metal for Interior Facing Doors

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition ZA 007-21 (variance # 4) subject to the following conditions:

1. The door systems shall be situated as to avoid exposure along I-85 by extending the length of Building B or swapping the locations of Building C and D.
2. All metal door systems must be painted to blend in color with the adjacent Category "A" material.
3. Utilize plantings such that any open view shed of metal door areas are landscaped from Interstate 85, Poplar Road and adjoining residential properties.

RESULT:	RECOMMENDED APPROVAL [3 TO 0]
MOVER:	Delia Crouch, District 5
SECONDER:	Lisa Mitchum, District 1
AYES:	Lisa Mitchum, Billy Cranford, Delia Crouch
ABSTAIN:	George Harper
ABSENT:	Craig Jackson

4. 008-21 Opus One Properties, LLC - Variance (2)

Commissioner Poole

Art 25 Sec 251 Buffer Reduction 50-ft to 15-ft on north and south

Art 23 Sec 261 Front Setback Reduction - 100-ft to 80-ft

Tax I.D. 121 6070 017 (pt)

Commission District Commissioner Poole

The vacant 1.637± acre tract fronts Ebenezer Church Road, is located approximately 300-ft. from SR 34 and lies within the SR 34 Quality Development Corridor District, zoned **O - I (Office Institutional)**. The subject property is situated between Timberbrook Subdivision, SouthPoint Church, and a professional office building.

The applicant is proposing to construct a 9,000 sq. ft. professional building on the subject site. The proposed structure will expand the existing office complex located to the east and owned by the applicant. In order to accommodate the proposed structure and meet the required development standards the applicant is requesting the following two (2) variances:

1. The applicant is requesting to reduce the required 50-ft buffer between the O-I zoning district and the current RC zoning districts under Article 25.
 - Along the northern property line from the required 50-ft to 15-ft (35-ft reduction)
 - Along the southern property line from the required 50-ft to 15-ft (35-ft reduction)
2. The applicant is requesting a 20-ft front building setback reduction from the required 100-ft along Ebenezer Church Road under *Article 23. Dimensional Requirements*. The proposed building will be positioned 80-ft outside of the right-of way along Ebenezer Church Road.

The site plan shows a proposed professional building situated centrally within the parcel. An underground stormwater facility is located at the southwest corner of the lot. A primary access driveway is located off Ebenezer Church Road. However, the applicant plans to share access with the adjoining property to the east which will allow connectivity and a shared parking area for the office complex.

I. **Article 25. Buffer Requirements. Requesting a reduction from the required 50-ft to 15-ft along the northern and southern property lines.**

The Community Development Department submits the following Key Factors for Consideration in reviewing Variance Request # 1:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities. (Factor 4)
2. The Church has provided a letter of support for the buffer reduction. (Factor 5)

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. A 50-ft. buffer shall be planted along the western property boundary and shall incorporate the landscape requirements under Article 26. A landscape plan shall be submitted and approved by the Community Development Department to ensure existing and/or planted materials provide appropriate screening and buffer of sound.
2. A 15-ft. buffer shall be planted along the northern and southern property boundaries and shall incorporate the landscape requirements under Article 26. A landscape plan shall be submitted and approved by the Community Development Departments to ensure existing and/or planted materials provide appropriate screening and buffer of sound.

II. **Article 23. Dimensional Requirements. Front Building Setback Reduction** - Request a front setback reduction of 20-ft from the required 100-ft for the placement of a professional building.

The Community Development Department submits the following Key Factors for Consideration in reviewing Variance Request #2:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities. (Factor 4).
2. The proposed request should not have an adverse effect on the adjacent and nearby properties. (Factors 1, 2, 5).
3. The lot configuration reduces the buildable area which affects the required development features such as location of the proposed buildings. (Factors 3, 5, 6).
4. The proposed request will provide connectivity and additional access for the complex. (Factors 2, 5, 6).

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. The proposed building shall not encroach any closer than 80-ft. from the right-of-way along Ebenezer Church Rd.
2. The applicant shall comply with the Coweta County Stormwater Management, Soil Erosion and Sedimentation Control and Wetlands Protection Ordinances.
3. An easement agreement from the adjoining property owner may be necessary to construct the proposed new driveway.

The Board had no questions for Ms. Eschman.

Applicant: Neal Spradlin, Capstone Engineering, addressed the Board.

Mr. Spradlin advised that the property had been rezoned last year but the variances were denied as one addressed the Quality Development Corridor District. The Developer, Dr. Humber, was now incorporating all Quality Development Corridor Materials and was simply asking for buffer and setback reductions. He wants to develop it such that it gives the image of one office complex, with symmetry.

Mr. Spradlin also acknowledged letters of support that they had received from SouthPoint Church and School.

The Chairman called for anyone who wished to speak in favor of this request.

Barry Williams, SouthPoint addressed the Board and spoke in support of the request.

Letters of support were provided by the following citizens:

Jim Thomasson/75 Jackson LLC, 3441 E Hwy 34, Sharpsburg

The Chairman called for anyone who wished to speak in opposition of this request.

Ken Lute, 250 Timberview Cir, Sharpsburg

Mr. Lute advised that he lived at Lot 18 Timberbrook Subdivision. He was concerned over water runoff, lighting issues, home values, barriers such that they will see cars. Are there fences and trees. The backyard is our private area and we do not want people looking into our yards. This is our retirement home.

Nelson Harper, 220 Timberview Cir, Sharpsburg

Mr. Harper advised that many of us paid premium for our lots to have privacy. He was concerned with trees and fencing and bedroom facing the lights along with trash in the parking lot.

Stan Smith, 230 Timberview Cir, Sharpsburg

Mr. Smith advised that he lived at Lot 16. He was concerned for security and safety of his neighborhood. The backyard is his personal enjoyment area and didn't want others looking in. Wanted to know about the lighting, parking and debris.

Letters of opposition were provided by the following citizens:

Ken Cospers, 130 Timberview Cir, Sharpsburg

Shawn & Thai Morris, 160 Maple Leaf Rd, Sharpsburg

Linda Dublin, 140 Timberview Cir, Sharpsburg

Denise Brown, 260 Timberview Cir, Sharpsburg

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to close the Public Hearing regarding Petition ZA 008-21.

The Board discussed the concerns.

Mr. Harper addressed the lighting and dumpster. Ms. Eschman advised that lighting had been addressed in the previous rezoning petition.

Mr. Spradlin advised the Board that there was not a separate dumpster for this site.

It was acknowledged that with the 50-ft of Open Space around the Timberbrook RRCC Community and the 50-ft of buffer, there would be 100-ft of separation between property lines and buildable site.

It was also noted that the stormwater management would be underground which would have no impact on the adjoining neighborhood.

RESULT: PRESENTED

ZA 008-21 - Opus One Properties, LLC - Buffer Reduction - 50-ft to 35-ft

On motion of Board member Harper, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition ZA 008-21 (variance # 1) subject to the following conditions:

1. A 50-ft. buffer shall be planted along the western property boundary and shall incorporate the landscape requirements under Article 26. A landscape plan shall be submitted and approved by the Community Development Department to ensure existing and/or planted materials provide appropriate screening and buffer of sound.
2. A 15-ft. buffer shall be planted along the northern and southern property boundaries and shall incorporate the landscape requirements under Article 26. A landscape plan shall be submitted and approved by the Community Development Departments to ensure existing and/or planted materials provide appropriate screening and buffer of sound.

RESULT: RECOMMENDED APPROVAL [UNANIMOUS]

MOVER: George Harper, District 3 - Vice-Chairman

SECONDER: Delia Crouch, District 5

AYES: George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch

ABSENT: Craig Jackson

ZA 008-21 - Opus One Properties, LLC - Setback Reduction 100-ft to 80-ft

On motion of Board member Harper, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition ZA 008-21 (variance # 2) subject to the following conditions:

1. The proposed building shall not encroach any closer than 80-ft. from the right-of-way along Ebenezer Church Road.
2. The applicant shall comply with the Coweta County Stormwater Management, Soil Erosion and Sedimentation Control and Wetlands Protection Ordinances.
3. An easement agreement from the adjoining property owner may be necessary to construct the proposed new driveway.

RESULT: RECOMMENDED APPROVAL [UNANIMOUS]

MOVER: George Harper, District 3 - Vice-Chairman

SECONDER: Delia Crouch, District 5

AYES: George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch

ABSENT: Craig Jackson

5. ZA 009-21 Williams, Page & Beth - Variances (4)

Commissioner Blackburn

Art 20. Sec 201. Item 8a - Guest House Yard Setback Requirements**Art 20. Sec 201. Item 8b - Guest House Acreage****Art 20. Sec 201. Item 8c - Guest House Square Footage****Art 20. Sec 201. Item 8g - Guest House to be utilized for paying guests****Tax I.D. 107 6012 028****Commission District Commissioner Blackburn**

The subject property is Lot 2 G-2 of the Arbor Springs Plantation Development. The subdivision lot has an approximate area of 1.62± acres, zoned CC (Cedar Creek).

The applicants, Page and Beth Williams, constructed a 450-sq. ft. pool house/office structure in the rear yard in 2016. This structure was permitted as an accessory use to the principal dwelling as submitted. However, Mr. and Mrs. Williams converted the pool house into a cottage in 2018 and began advertising on an Airbnb website offering short-term accommodations for paying tourists. It was brought to the attention of the County by the Arbor Springs Homeowners Association, and contact was made to Mr. Williams advising the Airbnb was not a permitted use.

After many conversations regarding the continued activity by the applicants, County Attorney Lee sent a letter to the applicant advising that all rental activity shall cease, and the appropriate approvals shall be requested and approved by the Board of Commissioners before any further usage. Upon receipt of the letter, the applicants have stopped advertising on the Airbnb website.

I. Article 20 Sec 201 Item 8 a: Guest House Yard Setback - Request for the cottage to remain at current location within the rear yard.

The Community Development Department submits the following Key Factors for Consideration in reviewing the Variance Request # 1:

1. Based on staff comments and recommended conditions, the proposed requests should not have any adverse impact on public facilities. (Factor 4).
2. The structure can be converted back into a pool house/office accessory use which will meet the current setback requirements. (Factors 1, 2, 3, 5).

II. Article 20. Sec 201 Item 8 b: Guest House Acreage - Request to reduce the acreage from the required 10 acres to 1.62 acres. This is an acreage reduction of 8.38± acres.

The Community Development Department submits the following Key Factors for Consideration in reviewing the Variance Request # 2:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities. (Factor 4).
2. The subject property has a total area of 1.62 ± acres located within the Arbor Springs Development; therefore, the property owner can't acquire additional property to meet the acreage requirement for the proposed guest house. (Factors 1, 2).
3. The structure can be converted back into a pool house/office accessory use which will meet the current acreage requirements. (Factors 1, 2, 3, 5).

III. Article 20. Sec 201. Item 8 c: Guest House Square Footage - Request a reduction of square footage from the required 500 sq. ft to allow the structure to remain at the current square footage

The Community Development Department submits the following Key Factors for Consideration in reviewing the Variance Request # 3:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities. (Factor 4.).
2. The proposed request could have an adverse effect on the adjacent and nearby

properties. (Factors 1, 2, 3, 5, 7).

IV. Article 20. Sec 201. Item 8 g: Guest House to be utilized as short-term rental

accommodations - Request to allow the applicant to receive payments from the public for accommodations.

The Community Development Department submits the following Key Factors for Consideration in reviewing the Variance Request # 4:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities. (Factor 4).
2. The proposed request could have an adverse effect on the adjacent and nearby properties. (Factors 1, 2, 3, 5, 7).
3. The structure can be utilized as a guest house for family members or non-paying guests. (Factors 3, 5).
4. The structure can be converted back into a pool house/office accessory use. (Factors 1, 2, 3, 5).
5. The request to allow the guest house to accommodate short-term paying guests will challenge the intent of the ordinance and set a precedent throughout the county. (Factors 1, 2, 3, 5, 7).

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is submitting the following conditions for consideration:

1. The applicants shall obtain a Coweta County Business License for the Airbnb.
2. The applicants shall pay the required Hotel/Motel taxes.
3. The applicants shall meet all the requirements of the Public Works Department, Fire Department, Building Department, and Environmental Health Department.
4. No on-street parking shall be allowed along the property frontage of Vinings Trace.
5. The applicants shall receive approval from the Arbor Springs HOA for the rental business.
6. The accommodations for any paying guests shall be located within the cottage structure and not the primary dwelling.

There were no questions from the Board for Ms. Eschman.

Applicant Page Williams addressed the Board. He advised that they had 4 children having adopted 2 with special needs. They'd had over 140+paying guests and had not received any complaints by the immediate neighbors. Advised that this was a way to teach children how to earn money along with offer hospitality to others.

Advised that they have no opposition to Conditions #1-4,6 but does oppose #5 as the HOA will not grant the rental business approval based on the history of this issue.

The Chairman called for anyone who wished to speak in favor of this request. There were none.

The Chairman called for anyone who wished to speak in opposition of this request.

Barbara Nelan, 140 Greenridge Way, Newnan

Ms. Nelan addressed the Board as former chair of the HOA in which she had served for over 20+yrs. The HOA Board is in opposition along with the 66 letters/emails submitted to the Board. The Guest House is in violation of not only County regulations but HOA regulations as well.

Renee Spitzer, 29 Waterstone Cove, Newnan Opposed to an Airbnb business in our neighborhood.

Letter of opposition were provided by the following citizens:

Robert & Holly Ferguson, 81 S. Arbor Shores, Newnan

Mitch and Mary Free, 117 Vinings Trace, Newnan

Bill & Maxine Underwood, 83 Vinings Trace, Newnan
Bruce & Lisa Herman, 130 Arbor Springs Pkwy, Newnan
Veronica Bangsbill, Realtor in Arbor Springs
Susan Annis, Southern Classic Realtors
Fam Foughty, Keller Williams Realty
Karen Sullivan, Southern Classic Realtors
Jayson & Lisa McMath, 222 Arbor Shores North, Newnan
Terry & Patty Christian, 20 Trellis Trace, Newnan
The Bensons, 20 Turnberry Cir, Newnan
Kelly Wasdin, 79 Raintree Ct, Newnan
Lindsey & Steve Witt, 239 Arbor Shores North, Newnan
Tim & Sandy Gross, 323 S Arbor Shores, Newnan
Jeanne & Ross Bushnell, 270 S Arbor Shores, Newnan
Eric Williams, 28 Cypress Trail, Newnan
Walt & Mary Gutierrez, 20 Rose Arbor Ct, Newnan
Gary & Regina May, 9 Arbor Shores, Newnan
Joyce & Chris Wade, 43 Rose Arbor Ct, Newnan
William & Kathryn Lambert, 195 Primrose Pass, Newnan
Jose & Melissa Casablanca, 15 Trillium Way, Newnan
Anthony & Kasey Gizelbach, 637 Arbor Springs Pkwy, Newnan
Sandy Stewart,
Chuck & Cindy Musciano, 281 South Arbor Shores, Newnan
Tad and Morgan VanZile, 155 Arbor Shores North, Newnan
Patrice & Jesse Miles, 65 Woodcliff Ct, Newnan
Joe & Patty Pitstick, 105 Woodcliff Ct, Newnan
Jim & Vicki Cillers, 18 Willow Place, Newnan
Lee Thomas, 891 Arbor Springs Pkwy, Newnan
John Lovell, 40 Primrose Pass, Newnan
Bill & Beth Poindexter, 238 Arbor Shores N, Newnan
Keith Coe & Carlo Chute, 109 Greenridge Way, Newnan
Mark & Maria Doria, 29 WIneberry Ct, Newnan
Nate & Dalentina Robertson, 120 Greenridge Way, Newnan
Tim & Rachelle Chatlos, 126 Raintree Court, Newnan
William & Ethelrine Carter, 51 Evergold Ct, Newnan
Don Reisinger, 167 S Arbor Shores, Newnan
Jennifer Lovell, 40 Primrose Pass, Newnan
Michelle & Jon Polk, 20 Sagewood Court, Newnan
Ansley & Cliff Kersey, 5 Turnberry Cir, Newnan
Linda Wilson, 65 Primrose Pass, Newnan
Mike & Jane Kluttz, 50 Closter Cove, Newnan
Jeff & Becky Floyd, 285 Arbor Springs Plantation, Newnan
Nigel & Kristi Lange, 25 Larkspur Cove, Newnan
Catherine & Milton High, 11 Sky View Ct, Newnan
Mark & Sherry Schmidt, 235 Arbor Springs Pkwy
Rex Springfield, 514 Arbor Springs Pkwy
Jose Caubet, 67 Sagewood Ct, Newnan GA
Ryan & Jacqueline Dobler, Lot 43-M1, Arbor Springs Plantation
Brad & Cathy Freeman, 888 Arbor Spirngs Pkwy
Dave & Vicki Desimone, 451 Arbor Springs Pkwy
Rex & Becca Springfield, 514 Arbor Springs Pkwy
Kara & David Zimmer, 276 Sky View Ct, Newnan
Mike Chapman, 191 S. Arbor Shores, Newnan
Sharon Baker, 85 Primrose Pass, Newnan

Jim & Meresyth Rotlisberger, 124 Greenridge Way, Newnan
Pat & Russ (Arden) Roberts, 35 Water Stone Cove, Newnan
Melissa & David Conti, 424 South Arbor Shores, Newnan
Dan Zavada, 205 Arbor Springs Pkwy, Newnan
Mark Pauly, 10 Rose Arbor Ct, Newnan
John & Helen Orlor, 40 Fern Leaf Way, Newnan
Scarlett Gibson, 21 Arbor Shores, Newnan
Shane Daniel, 29 Lantana Way, Newnan
Donald & Mary Noel Roberti, 295 Arbor Springs Plantation Dr, Newnan
James Wade, 43 Rose Arbor Court, Newnan
Patty Christian, 20 Trellis Trace, Newnan
Patrick Lee & Kori Thomas, 891 Arbor Springs Pkwy, Newnan
David & Michele Seymour, 502 S Arbor Shores, Newnan
Don Reisinger, 167 S Arbor Shores, Newnan
Robert & Mary Knight, 6 Wisteria Way, Newnan
Holbert Hale, 18 Rose Mount Way, Newnan

Chairman Cranford asked if the Williams would like a rebuttal.

Ms. Williams addressed the Board. She noted that they did not dismiss the concerns but questions rather it is a business. The family has a lot of hospitality and gives the kids a job. Appreciates the Boards consideration.

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to close the Public Hearing regarding Petition ZA 009-21.

Ms. Crouch discussed a situation she had dealt with. Board members noted the concern of the neighborhood and opening these types of businesses in the subdivision. Mr. Harper stated that he felt it was a policy decision that the Board of Commissioners needed to set for the entire County.

RESULT: PRESENTED

ZA 009-21 - Var - Art 20 Sec 201 - Guest House Yard Setback, Acreage, Sq. Footage, & Paying Guests

On motion of Board member Mitchum, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners deny the requests of Petition ZA 009-21 (All Variances).

RESULT: RECOMMENDED DENIAL [UNANIMOUS]

MOVER: Lisa Mitchum, District 1

SECONDER: George Harper, District 3 - Vice-Chairman

AYES: George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch

ABSENT: Craig Jackson

IV. Additional Business

A. Next BOZA Mtg - April 22, 2021

Ms. White advised the Board that there were applications submittal for the April 22, 2021 Board of Zoning Appeals Public Hearing.

V. Adjournment

Adjourn

The Board voted to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	George Harper, District 3 - Vice-Chairman
SECONDER:	Lisa Mitchum, District 1
AYES:	George Harper, Lisa Mitchum, Billy Cranford, Delia Crouch
ABSENT:	Craig Jackson