



Coweta County Board of Zoning Appeals

Public Hearing

www.coweta.ga.us

~ Minutes ~

Angela White
770.254.2635

Thursday, February 25, 2021

6:00 PM

Commission Chambers

I. Meeting Called to Order

Attendee Name	Title	Status	Arrived
Craig Jackson	District 2 - Chairman	Present	
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 - Jan 28, 2021 6:00 PM

On motion of Board member Cranford, seconded by Board Member Harper, passing unanimously, the Board voted to approve the minutes from the Public Hearing held on January 28, 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	George Harper, District 3 - Vice-Chairman
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

III. Public Hearing

A. Petitions

ZA 003-21 Bevington, Thomas & Robin

1. ZA 003-21 Bevington, Thomas & Robin

Easement Variance - Art. 7 Sec. 71 Infrastructure & Art. 24 Sec. 246.2.3 Item 2(a)

471 Parks Rd., Sharpsburg, Ga. 30277

Tax ID # 123 1050 004

1st Commission District - Commissioner Paul Poole

The subject property has a total area of 35.91± acres located off Parks Road, zoned RC (Rural Conservation). The existing residential lot is accessed by a private easement through the adjoining parcel which also provides ingress/egress access to two other parcels. As configured, there are a total of three (3) residential lots associated with the recorded easement, the maximum allotment by Ordinance.

The applicant is proposing to establish an 8.979± acre tract from the existing parent tract and construct an additional residential dwelling; therefore, requesting a fourth ingress/egress access off the existing easement.

The private easement which provides access to the 35±-acre tract crosses through property owned by another individual. After numerous conversations

with the County Attorney Jerry Ann Conner, it was determined that permission from that property owner was not required for the filing of the variance.

The configuration of the properties and creation of the easement was done prior to the county's subdivision regulations which has made this a confusing situation for all property owners involved. The allowance of an additional access will undermine the intent of the Zoning and Development Ordinance and will set a precedent throughout the County, especially considering recent conversations on multiple easements.

The adjoining property owner to the east has inquired regarding access to her property via the private easement. County Attorney Jerry Ann Conner provided an email which noted that she would be required to put her own driveway in and not utilize the private easement as it is already full with 3 lots.

Coweta County has historically been conservative with both road frontage and easement limit variances with few being granted. If the Board were to be gracious and grant an exception to accommodate the applicants desire to build at this site, we believe that an exception to the private road limitation would be more desirable to prevent crossing the private road with a separate driveway. Otherwise, a road frontage variance could be requested to accommodate a building site at the front of the property.

The configuration of the property and the adjacent properties were outside of our subdivision regulations and is confusing and provides confusion related to the various properties.

The consideration for a Variance Request must be reviewed through the following seven factors as provided under Article 28. Section 284.1 of the Coweta County Zoning and Development Ordinance.

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

1. Based on staff comments, the proposed use could have an adverse impact on the adjacent and surrounding properties. (Factors 1, 2, 3, 4, 5, 6)
2. The request for an additional access along a recorded easement will challenge the intent of the ordinance and set a precedent throughout the county. (Factors 3, 5, 6)

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

Applicant: We have lived there for 30 years and wish to build a house for a sibling. Without access to the easement it would be necessary to build a 1/2 mile long driveway. This request does not impinge on anyone else or set a precedent.

Attorney Brad Sears: Homes here were built in the 1980s and have access from another 50' easement along the top portion of the other lots.

The variance request would not adversely affect the existing use or usability of adjacent or nearby properties which are large acreage tracts developed with three single family residences.

The variance request will not result in a use which will or would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, since the development will consist of one single family residence.

The variance request will facilitate the principles of smart development so highly valued by Coweta County.

The resulting lot development will exceed 8.9 acres of land.

Chairman Jackson called for any comments in support of Petition ZA 003-21.

Richard and Wendy Tomlinson, 475 Parks Rd. Sharpsburg, Ga. 30277 provided a letter of support for the variance on the condition that it not create a legal possibility of someone else adding another house without their approval.

Chairman Jackson called for any comments in opposition Petition ZA 003-21.

Jeremy Wood, 497 Parks Rd. Sharpsburg, Ga. 30277 addressed the board stating that his neighbor was previously denied access to the easement for her property, so this access should not be granted either. The property owner has an opportunity to build a driveway and there are already 4 houses on this easement.

Letters of opposition were provided by the following citizens:

Jim Whitworth, 493 Parks Rd. Sharpsburg, Ga. 30277
Adam Wilbanks, 40 Springfield Dr. Newnan, Ga. 30265
Elizabeth Fletcher, Executor, PO Box 1302, Cashiers, NC 28717

Chairman Jackson asked Attorney Brad Sears if there were any rebuttal comments he wished to make. Mr. Sears responded that this was not the best of developments done while there were few rules in place, and it was a confusing situation.

On motion of Board member Harper, seconded by Board member Cranford, passing by unanimous vote, the Board voted to close the Public Hearing regarding Petition ZA 003-21.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	George Harper, District 3 - Vice-Chairman
SECONDER:	Billy Cranford, District 4
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

1. ZA 003-21 Bevington, Thomas & Robin Easement Variance - Art 7 Sec 71 Infrastructure & Art 24 Sec 246.2.3 Item 2(a)
471 Parks Rd, Sharpsburg
Tax I.D. 123 1050 004

Commission District Commissioner Poole

On motion of Board member Cranford, seconded by Board member Mitchum, passing with a vote of 4 to 1 with Board member Crouch voting in opposition, the Board voted to deny the variance request for an additional easement access for establishment of an 8.979± acre tract filed by Thomas and Robin Bevington.

RESULT:	RECOMMEND DENIAL [4 TO 1] Next: 3/9/2021 6:00 PM
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1
AYES:	Craig Jackson, George Harper, Lisa Mitchum, Billy Cranford
NAYS:	Delia Crouch

ZA 001-21 Goodson, Scott & Kate

2. ZA 001-21 Variance Front Setback Request - Art. 23

Goodson, Scott & Kate

Haynie Rd., Moreland, Ga. 30259

Tax ID # 103 2191 009

2nd Commission District - Commissioner Tim Lassetter

The subject property has a total area of 14.653± acres located off Haynie Road, zoned RC (Rural Conservation). The applicant also owns the adjoining parcel to the north consisting of 39.235± acres which is currently in the Conservation Use Program until 2023.

The applicant wishes to proceed with the construction of their single-family home. With the desired placement of the home related to the two parcels, the applicant is requesting a front setback variance from the required 50ft.

The proposed structure will be located 3.18-ft from the internal property line of this parcel. With the proposed placement and future property combination, the home will be in the center of their property.

Upon expiration of the Conservation Use (CUVA) program, the applicant plans to combine the two parcels, which will then total approximately 54± acres. The combination of the separate tracts will eliminate the internal property line, centrally locate the structure, and meet the front setback requirements.

The applicant does not want to wait two years for expiration of CUVA nor pay the penalties associated with breaking the 10-year requirement before building their home.

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

1. Based on staff comments, the proposed use should not have impact on public facilities or on the surrounding area. (Factors 1, 2, 4, 5)
2. The internal property line will be eliminated when the separate parcels are combined upon the 2023 expiration of the CUVA agreement and the home will meet the required front building setbacks. (Factors 3, 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 home shall not be located any closer than 3.18-ft from the internal property line along the northern property boundary of Tract B containing 14.653-acres.
2. The proposed home, as measured from the internal property line at 3.18-ft, will require a rated wall assembly on any wall located less than 5 feet to the interior property line and will also limit openings (windows and doors) to 25% of the wall area where closer than 5 feet to the property line (see attached code).
3. The applicant shall combine the separate parcels into one tract upon the expiration of the CUVA agreement in 2023. A revised plat shall be filed and recorded with the Clerk of Superior Court.

Applicant: We could not previously merge properties due to ownership and conservation use issues. If necessary we will move the porch back to meet the 5 ft. setback for requirement #2 and will comply with all 3 conditions. Thank you for your consideration.

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 to this request. There were none.

On motion of Board Member Crouch, seconded by Board member Harper, passing by unanimous vote, the Board voted to close the Public Hearing regarding Petition ZA 001-21.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	George Harper, District 3 - Vice-Chairman
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

2. ZA 001-21 Goodson, Scott & Kate - Variance Front Setback Request - Art 23
Haynie Rd, Moreland
Tax I.D. 103 2191 009
Commission District Commissioner Lassetter

Board member Cranford questioned requirement number 2 from the Building Official, why have this requirement if building line is eliminated?

Ms. White explained that the Building Official is tasked with looking at codes only, and this would be what the building code would require.

Board member Harper questioned how the plat combination requirement would be enforced.

Ms. White indicated that the Community Development Department would set

a calendar reminder for parcel combination when the CUVA expiration date occurs.

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant a Variance for a Front Setback Reduction as requested in Petition ZA 001-21 filed by Scott & Kate Goodson, Haynie Rd. subject to the following 3 conditions:

1. The proposed home shall not be located any closer than 3.18-ft from the internal property line along the northern property boundary of Tract B containing 14.653-acres.
2. The proposed home, as measured from the internal property line at 3.18-ft., will require a rated wall assembly on any wall located less than 5 feet to the interior property line and will also limit openings (windows and doors) to 25% of the wall area where closer than 5 feet to the property line.
3. The applicant shall combine the separate parcels into one tract upon the expiration of the CUVA agreement in 2023. A revised plat shall be filed and recorded with the Clerk of Superior Court.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	3/9/2021 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	George Harper, District 3 - Vice-Chairman	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

ZA 002-21 Smith, Kris

3. ZA 002-21 Variance Request - Art. 23 Dimensional Requirements. Front Setback Reduction
Smith, Kris

20 Breckenridge Dr., Sharpsburg, Ga. 30277

Tax ID # 123-1085-120

1st Commission District - Commissioner Paul Poole

The subject property is located at 20 Breckenridge Dr. in the Bedford Forest Subdivision, Lot B-24. The property has an approximate area of 0.81 acres and is zoned RC (Rural Conservation).

The applicant is requesting a variance under Article 23 Dimensional Requirements. Front Yard Setback. The vested lot requires a 50-foot front building setback. Mr. Smith has begun construction of a 16' x 40' pole barn with a concrete pad for the storage/parking of a RV (camper).

The applicant wanted to move the camper from the drive to allow easier access to the basement. Mr. Smith is currently a caretaker for a parent residing in the lower level of the residence and would like to ensure easier emergency access.

No building permits were obtained prior to any construction of the pole barn. At this time, the structure is 90% constructed and is located approximately 5-ft from the right-of way along Breckenridge Drive.

After a visit from Code Enforcement, all construction was stopped. The applicant has started the process of obtaining the appropriate building permits. However, the encroachment within the front yard setback must be resolved before the appropriate permits can be issued and construction allowed to resume.

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

1. Based on staff comments, the proposed use could have impact on public facilities or on the surrounding area especially the subdivision street. (Factors 1, 2, 4)
2. The site has ample room for the location of the accessory structure which in turn would meet the required front building setback. (Factors 3, 5)
3. Obtaining the appropriate building permits prior to construction would have prevented the encroachment of the required front yard building setback. (Factors 3, 6, 7)

Applicant: I am guilty as charged and will pay the fine. At this point, I am at the mercy of this Board and will do my best to comply with any requests.

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 to this request. There were none.

On motion of Board Member Harper, seconded by Board member Crouch, passing by unanimous vote, the Board voted to close the Public Hearing regarding Petition ZA 002-21.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	George Harper, District 3 - Vice-Chairman
SECONDER:	Delia Crouch, District 5
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

3. ZA 002-21 Smith, Kris - Variance Front Setback Reduction - Art 23

20 Breckenridge Dr., Sharpsburg

Tax I.D. 123 1085 120

Commission District Commissioner Poole

The neighbor that called Code Enforcement has had no further communications with County Departments.

The applicant fielded questions from the Board members regarding the choice of location for the pole barn due to the 80-year-old parent in a wheelchair residing there, and the topography of the lot. He stated he could not utilize the other driveway due to his wife and daughters using it as access to the garage. The rear yard of the house was not an option due to the location of the septic system.

Board member Harper said there seems to be other options. The applicant

stated that the former creek on the property had the yard sinking in the back and he wanted a solid foundation for the slab.

Board member Cranford said the priorities were first to protect the County, second to protect the neighbors and finally to accommodate the applicant if possible.

Board member Crouch indicated no other neighbors had complained and eventually the structure would seem invisible.

Board member Harper suggested adding a condition of planting sufficient screening vegetation. Community Development Director Jon Amason indicated that staff could provide information to the applicant regarding typical plantings to accomplish the goal of sufficient screening.

On motion of Board member Harper, seconded by Board member Cranford, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the front setback variance as requested in Petition ZA 002-21 filed by Kris Smith 20 Breckenridge Dr., Sharpsburg with the following 6 conditions:

1. The partially constructed accessory structure shall not encroach any closer to the right-of-way along Breckenridge Drive.
2. The applicant shall meet all the requirements of the Coweta County Building Department and Public Works Director.
3. The removal of concrete from the curb and gutter shall be inspected and approved by the Public Works Division.
4. All appropriate permits and inspections must be obtained before any construction resumes on the structure.
5. A penalty fine in the amount of \$1095.00.
6. Provide a landscape plan to the Community Development Director for review and approval prior to planting.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	3/9/2021 6:00 PM	
MOVER:	George Harper, District 3 - Vice-Chairman	
SECONDER:	Billy Cranford, District 4	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

ZA 004-21 Piedmont Hospital Newnan

4. ZA 004-21 Piedmont Hospital Newnan

Conditional Use Permit Request - Amend Condition # 4 (ZA 017-20)

Piedmont Hospital Newnan - (1) Temporary Modular Building

745 Poplar Rd., Newnan, Ga. 30265

Tax ID # 087 2005 006

2nd Commission District - Commissioner Tim Lassetter

The subject property is the 93.83 ± acre campus of Piedmont Newnan Hospital, zoned O-I (Office/Institutional). The applicant was originally granted a Conditional Use Permit under Petition ZA 010-18 in April 2018 for 3 temporary modular units.

Under Petition ZA 017-20, the Board of Commissioners granted an extension of an eight-month Conditional Use Permit for 3 modular units until December 31, 2020 for the renovation of Piedmont Hospital. Currently, the applicant is requesting an extension for one (1) modular unit to remain on site until December 31, 2021.

Piedmont Newnan Hospital is at full capacity and the additional space is needed to support the response during the COVID-19 pandemic.

The one modular unit will remain in the existing location at the rear of the hospital, not visible from the transportation corridor of Poplar Road or Interstate 85.

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

1. Based on staff comments and recommended conditions, the proposed extension should not have any adverse impact on public facilities. (Factors 2, 4, 8, 9)
2. The proposal should not have an adverse effect on the aesthetic value of the surrounding area as the modular unit is located to the rear of the existing building, out of view from surrounding offices and transportation corridor, (Factors 10, 11)
3. The modular unit is temporary and will be removed in December 2021. (Factors 1,2,3,5,6,10, 11)

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 to this request. There were none.

On motion of Board Member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to close the Public Hearing regarding Petition ZA 004-21.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	George Harper, District 3 - Vice-Chairman
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

4. ZA 004-21 Piedmont Hospital Newnan - C.U.P. Temporary Modular Bldg
745 Poplar Rd., Newnan
Tax I.D. 087 2005 006
Commission District Commissioner Lassetter

On motion of Board member Harper, seconded by Board member Mitchum, passing unanimously, the Board voted to recommend that the Board of Commissioners amend Condition # 4 of Conditional Use Permit Request as requested in Petition ZA 004-21 filed by Piedmont Newnan Hospital 745 Poplar Road with the following 5 conditions:

1. The hospital shall agree to work with the county, in good faith, to address any concerns or complaints related to odor, glare, noise, or similar objectionable features.
2. All applicable fire marshal requirements are met.
3. All ADA requirements are met.
4. The one modular unit shall be removed from the campus no later than December 31, 2021.
5. Placement of the one modular must meet applicable zoning, building, and fire codes and be properly permitted in advance.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	3/9/2021 6:00 PM	
MOVER:	George Harper, District 3 - Vice-Chairman	
SECONDER:	Lisa Mitchum, District 1	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

IV. Additional Business

Next Board of Zoning Appeals Public Hearing will be March 25, 2021

A. Next BOZA Mtg - Mar 25, 2021

V. Adjournment

Adjourn

On motion of Board member Harper, seconded by Board member Crouch, passing unanimously, the Board voted to adjourn the meeting.

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