



Coweta County Board of Zoning Appeals

Public Hearing

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~ Minutes ~

Lisa Eschman
770.254.2635

Thursday, December 21, 2023

6:00 PM

Commission Chambers

I. Call to Order

Attendee Name	Title	Status	Arrived
George Harper	District 3 - Chairman	Present	
Lisa Mitchum	District 1 - Vice-Chairman	Absent	
Royce Williams	District 2	Present	
Billy Cranford	District 4	Present	
Delia Crouch	District 5	Present	
Ben Sewell	Assistant Community Development Director	Present	
Jonathan Amason	Community Development Director	Present	
Lisa Eschman	Zoning Coordinator	Absent	
Marcy Shoup	Administrative Assistant	Present	
Nicole Blackwell	Zoning Associate	Present	

II. Minutes Approval

1. Board of Zoning Appeals - Public Hearing - Nov 30, 2023 6:00 PM

On motion of Board member Crouch, seconded by Board member Cranford, passing by a vote of 4 to 0, with Board member Mitchum absent, the Board voted to approve the minutes from the Public Hearing held on Thursday, November 30, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	Billy Cranford, District 4
AYES:	George Harper, Royce Williams, Billy Cranford, Delia Crouch
ABSENT:	Lisa Mitchum

III. Petitions

1. VAR 23-22 Heirloom Homestead, LLC - Buffer Reduction

Art. 25 Sec 251

Buffer Reduction

Tax I.D. 146-6132-019; 146-6132-018; 14-6132-017; 146-6132-016

Commission District Commissioner Poole

Assistant Community Development Director Ben Sewell presented Petition # VAR 23-22 filed by Heirloom Homestead, LLC requesting a buffer reduction along the western property line of property located at 5439 Lower Fayetteville Road, Sharpsburg (Parcels # 146-6132-016, # 146-6132-017, # 146-6132-018, and # 146-6132-019). He explained that Article 25 Section 251 of the Coweta County Zoning and Development Ordinance requires a 200-foot buffer along the property line of all C-9 (Commercial Amusement) districts where they abut single family property. This is an extensive buffer because of possible intense outdoor uses on C-9 property. Proposed on the C-9 portion is a 0.9± acre miniature golf course and parking area. Also proposed by the applicant to mitigate the requested buffer reduction an

additional 200-foot buffer will be implemented on the south and east properties, including along the C-6 (Minor Commercial Shopping) district where a 75-foot buffer is normally required. The closest home is approximately 700-feet away to the west on the other side of the flood hazard district and the homeowners have no objection to this request.

He highlighted the following factors submitted by the Community Development Department:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities or the surrounding area.
2. Consideration of this request shall carry great weight with the adjoining property owner to the west. As the intent of the buffer is to help mitigate the impacts of the differing land uses.
3. The Board should consider if this request is justified by a hardship.

Mr. Sewell also explained that should the Board of Zoning Appeals recommend approval of the request the Community Development Department is recommending that the applicant meet the following conditions:

1. A 200-foot buffer shall be maintained and/or planted as depicted on the conceptual site plan submitted with the application. The buffer area to the south between the pond and the property line shall be planted to ensure adequate screening and to mitigate the impact of noise. A buffer plan shall be submitted and approved by the Community Development Department prior to installation.
2. A 50-foot natural buffer shall be maintained along the western property line. Additional plantings may be required at the discretion of the Community Development Department to ensure adequate screening. A buffer plan shall be submitted and approved by the Community Development Department prior to installation.

There were no additional questions for staff.

Chairman Harper asked if the applicant was present.

Applicant representative Neil Spradlin, 45 Little Road, Sharpsburg, explained that there is no need for an additional buffer on the west side of the property because of the natural buffer that already exists because of the flood plain. The intended use of this property is to include Heirloom Bakery, office space and an indoor and outdoor recreational facility on the C-9 property.

Chairman Harper called for any comments in support of the variance request. There were none.

Both applicants were present.

- Justin Gibson, 4 Meadow Way, Sharpsburg
- Ryan Huber, 24 Red Oak Trail, Sharpsburg

A letter from Mark Hess, 5209 Lower Fayetteville Road, Sharpsburg, was provided to staff.

Chairman Harper called for any comments in opposition to the variance request.

- Shanna Ramsey-Haynes, 6 Brookmont Court, Newnan, explained that her father owns the adjacent property and runs a business on the property that includes boarding and training horses. She is concerned with the noise levels and people trying to pet the horses and possibly spooking the animals.
- Randall Ramsey, 48 Fischer Road, Sharpsburg was present.

Mr. Spradlin explained that people cannot walk to the adjacent property because of the natural buffer flood plain and he does not feel that noise will be an issue.

On motion of Board member Cranford, seconded by Board member Crouch, passing by a vote of 4 to 0, with Board member Mitchum absent, the Board voted to close

the Public Hearing regarding Petition # VAR 23-22 filed by Heirloom Homestead, LLC requesting a buffer reduction (from 200-feet to 50-feet) along the western property line of property located at 5439 Lower Fayetteville Road, Sharpsburg (Parcels # 146-6132-016, # 146-6132-017, # 146-6132-018, and # 146-6132-019).

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER: Billy Cranford, District 4
SECONDER: Delia Crouch, District 5
AYES: George Harper, Royce Williams, Billy Cranford, Delia Crouch
ABSENT: Lisa Mitchum

VAR 23-22 Heirloom Homestead, LLC - Buffer Reduction

Art. 25 Sec 251

Buffer Reduction

Tax I.D. 146-6132-019; 146-6132-018; 14-6132-017; 146-6132-016

Commission District Commissioner Poole

On motion of Board member Williams, seconded by Board member Cranford, passing by a vote of 4 to 0, with Board member Mitchum absent, the Board voted to recommend that the Board of Commissioners approve Petition # VAR 23-22 filed by Heirloom Homestead, LLC requesting a buffer reduction (from 200-feet to 50-feet) along the western property line of property located at 5439 Lower Fayetteville Road, Sharpsburg (Parcels # 146-6132-016, # 146-6132-017, # 146-6132-018, and # 146-6132-019), subject to the following conditions:

1. A 200-feet buffer shall be maintained and/or planted as depicted on the conceptual site plan submitted with the application. The buffer area to the south between the pond and the property line shall be planted to ensure adequate screening and to mitigate the impact of noise. A buffer plan shall be submitted and approved by the Community Development Department prior to installation.
2. A 50-feet natural buffer shall be maintained along the western property line. Additional plantings may be required at the discretion of the Community Development Department to ensure adequate screening. A buffer plan shall be submitted and approved by the Community Development Department prior to installation.

RESULT: RECOMMEND APPROVAL [UNANIMOUS] **Next: 1/23/2024 6:00 PM**
MOVER: Royce Williams, District 2
SECONDER: Billy Cranford, District 4
AYES: George Harper, Royce Williams, Billy Cranford, Delia Crouch
ABSENT: Lisa Mitchum

2. VAR 23-28 BRC Storage - Buffer Reduction

Art. 25 Sec 251

Buffer Reduction

Tax I.D. 100 2061 012

Commission District Commissioner McKenzie

Assistant Community Development Director Sewell presented Petition # VAR 23-28 filed by BRC Storage (Kelvin Brown and Samuel Robertson) requesting a buffer reduction from 100-feet to 25-feet along the western property line (115± feet) of property located off Highway 16 East between E. Willow Drive and RV Drive, Newnan

(Parcel # 100-2061-012). He explained that the subject is currently zoned LM (Light Industrial) and MHP (Manufactured Home Park), is located between Coweta Hills Mobile Home Park, which is zoned RC (Rural Conservation), and several other industrial developments. According to Article 25, Section 251 of the Coweta County Zoning and Development Ordinance, buffers of 100-feet along RC and 25-feet along MHP are required where industrial land uses are contiguous with single-family residential and manufactured home park uses. The applicant is offering to install a 6-foot privacy fence in the 25-foot buffer.

He highlighted the following factors submitted by the Community Development Department:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities or the surrounding area.
2. Consideration of this request shall carry great weight with the adjoining property owner to the west.
3. The Board should consider if this request is justified by a hardship.

Mr. Sewell also explained that should the Board of Zoning Appeals recommend approval of the request the Community Development Department is recommending that the applicant meet the following conditions:

1. As proffered by the applicant, a six (6) feet privacy fence shall be installed along the entire western property boundary line that abuts the Coweta Hills Community. The privacy fence is to stay in good working order and be replaced by the property owner when it becomes damaged or at the County's discretion.
2. A 25-foot buffer shall be planted along the installed six (6) feet privacy fence and shall extend the entire length of the western property line. A landscape plan shall be submitted and approved by the Community Development Department prior to installation of any buffer plantings.

There were no further questions for staff.

Chairman Harper asked if the applicant was present.

Applicant Representative Neil Spradlin, 45 Little Road, Sharpsburg explained that this property is unique in how a small part of the mobile home park is actually zoned RC instead of MHP and that is what triggered the need to reduce the buffer between the two properties. He also explained that the privacy fence will be approximately 277-feet in length.

Chairman Harper called for anyone in support or opposition of the proposed variance. There were none.

On motion of Board member Williams, seconded by Board member Crouch, passing by a vote of 4 to 0, with Board member Mitchum absent, the Board voted to close the Public Hearing regarding Petition # VAR 23-28 filed by BRC Storage requesting a buffer reduction (from 100-feet to 25-feet) along the western property line of property located on Highway 16 East between E. Willow Drive and RV Drive, Newnan (Parcel # 100-2061-012).

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: Royce Williams, District 2

SECONDER: Delia Crouch, District 5

AYES: George Harper, Royce Williams, Billy Cranford, Delia Crouch

ABSENT: Lisa Mitchum

VAR 23-28 BRC Storage - Buffer Reduction

Art. 25 Sec 251

Buffer Reduction

Tax I.D. 100 2061 012

Commission District Commissioner McKenzie

On motion of Board member Cranford, seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Mitchum absent, the Board voted to recommend that the Board of Commissioners approve Petition # VAR 23-028 filed by BRC Storage requesting Buffer Requirements for property located off Highway 16 East between E. Willow Drive and RV Drive, Newnan (Parcel # 100-2061-012), subject to the following conditions:

1. As proffered by the applicant, a six (6) feet privacy fence shall be installed along the entire western property boundary line that abuts the Coweta Hills Community. The privacy fence is to stay in good working order and be replaced by the property owner when it becomes damaged or at the County's discretion.
2. A 25-foot buffer shall be planted along the installed six (6) feet privacy fence and shall extend the entire length of the western property line. A landscape plan shall be submitted and approved by the Community Development Department prior to installation of any buffer plantings.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next: 1/23/2024
	6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Royce Williams, Billy Cranford, Delia Crouch	
ABSENT:	Lisa Mitchum	

3. VAR 23-31 Todd Freeman Builders, LLC & Edwin & Edith Byars - Front Setback Reduction

Art. 7 Sec 73.4 Item 1(d)

Front Setback Reduction

Tax I.D. 128 1070 001; 128 1070 010

Commission District Commissioner McKenzie

Community Development Director Jon Amason presented Petition # VAR 23-31 filed by Tod Freeman Builders, LLC and Edwin and Edith Byars requesting a front building setback reduction from 300-foot to 150-foot for property located at Bear Creek Road, Moreland (Bears Bend Subdivision Lots 1 and 8) [Parcels # 128-1070-001 (Lot 1) and # 128-1070-010 (Lot 8)]. In accordance with Article 7, Section 73.4 Item 1d of the Coweta County Zoning and Development Ordinance under EL-A (Estate Lot Averaging) and RC (Rural Conservation) zoning districts, the subject property requires a front setback of 300-feet along Bear Creek Road. Topography and natural drainage are reasons for the variance request.

Mr. Amason highlighted the following factors for consideration submitted by the Community Development Department:

1. Staff has visited these lots and generally agrees with Mr. Freeman's house locations for lot 1 and lot 8, but still feels obligations stemming from all the input from the community regarding their desire for the County to protect the rural character along the existing rural roadways. Staff feels that it warrants a decision by the Board of Commissioners. Otherwise, it appears that staff is not upholding the ordinances adopted by the Board.
2. The Board should consider if this request is justified by a hardship.

Mr. Amason also explained that should the Board of Zoning Appeals recommend approval of the request; the Community Development Department is submitting the

following conditions for consideration:

1. The front setback reduction shall only apply to Lot 1 and Lot 8 and shall not exceed the requested 150-foot front building setback along Bear Creek Road.
2. As proffered by the applicant, a rustic fence shall be installed along Lot 1 and Lot 8 to enhance the rural aesthetics along Bear Creek Road and the property owners shall maintain the fence located off the County right-of-way in perpetuity.

Chairman Harper recused himself from a decision regarding this Petition, exited the dais, and joined the audience.

Board member Cranford asked if there were any questions for staff. There were none.

Board member Cranford asked if the applicant was present.

Applicant Representative Melissa Griffis, 32 S. Court Square, Newnan explained that these lots were created and after seeing the actual topography it was decided that there is a need to reduce the front setback because of drop offs and potential runoff that will be created onto the lots behind. These lots are shorter and wider than the other lots in the subdivision and there is one other lot on Bears Bend that is built at about 150-feet from the road.

Board member Cranford called for any comments in support of the variance request. Todd Freeman, 23 Waverly Circle, Newnan, agreed with Ms. Griffis' presentation and mentioned that there is a house across the road that is at roughly 160-feet from the road.

Three (3) letters of support were written.

- Kristina Chastain, Lot 13 and 14 Bears Bend, Moreland
- Brandon Croft, Lot 12 Bears Bend, Moreland
- James and Lourie Ashley, Lot 10 and 11 Bears Bend, Moreland

Board member Cranford called for any comments in opposition to the proposed variance.

- Eric Bowen, 2161 Bear Creek Road, Moreland explained that he opposes the clear deficiencies of meeting the criteria set forth by the County hardship variance and lack of protection and preservation of existing zoning if this buffer reduction is approved. He also stated that the house that sits closer to Bear Creek Road that was referenced by Ms. Griffis and the applicant is in Meriwether County, not Coweta County.
- Phil Town, 1539 Bear Creek Road, Moreland informed the Board that several years ago he bought a large amount of land from Todd Freeman when the County approved 106 houses to be built on the land adjacent to his (Mr. Town's). More recently, he bought 183 acres and donated that land to the Southern Conservation Group in Fayetteville to keep the land rural and undeveloped. It is difficult to make a financial commitment if the County is not going to uphold the rules and regulations set forth.
- Brian Leinbach, 764 Fincher Road, Moreland stated that because Mr. Freeman designed the layout of these lots when this subdivision was being built, he does not feel that Mr. Freeman's request should be considered when the topography existed at that time. In addition, he explained that he owns 97 acres in the area and wants to keep the area rural and for the Board to uphold the conditions that exist to keep it that way.

Several more citizens were present in opposition of this Petition:

- Nancy Hydem, 811 Bears Creek Road, Moreland

- Larry and Gail Sellers, 1518 Bear Creek, Road Moreland
- Katie and Tyler Watts, 1759 Bear Creek Road, Moreland
- Mel Sue Bowen, 2775 Bear Creek Road, Moreland
- Melissa Carroll, 2182 Bear Creek Road, Moreland
- Melissa Town, 1539 Bear Creek Road, Moreland

In response to a question from Board member Crouch responded that the proposed placement is the optimal place for the house for it to be attractive and keep with the zoning.

In response to a question from Board member Williams regarding what the hardship is for this variance request, Ms. Griffiths explained that the hardship is the shape of the lots, the topography of Lot 1 and Lot 8 and the runoff generated by moving the houses back to the 300-foot setback.

On motion of Board member Cranford, seconded by Board member Crouch, passing by a vote of 3 to 0, with Board member Mitchum absent and Board member Harper recused, the Board voted to close the Public Hearing regarding Petition # VAR 23-31 filed by Tod Freeman Builders, LLC and Edwin and Edith Byars requesting a front building setback reduction (from 300-feet to 150-feet) for Lot 1 and Lot 8 located in the Bears Bend Subdivision located at Bear Creek Road, Moreland [Parcels # 128-1070-001 (Lot 1) and # 128-1070-010 (Lot 8)].

RESULT:	PUBLIC HEARING CLOSED [3 TO 0]
MOVER:	Billy Cranford, District 4
SECONDER:	Delia Crouch, District 5
AYES:	Royce Williams, Billy Cranford, Delia Crouch
ABSENT:	Lisa Mitchum
RECUSED:	George Harper

VAR 23-31 Todd Freeman Builders, LLC & Edwin & Edith Byars - Front Setback Reduction

Art. 7 Sec 73.4 Item 1(d)

Front Setback Reduction

Tax I.D. 128 1070 001; 128 1070 010

Commission District Commissioner McKenzie

Board members Williams, Cranford, and Crouch discussed the variance request amongst themselves.

On motion of Board member Cranford, seconded by Board member Williams, passing by a vote of 2 to 1 to 0, with Board member Mitchum absent, Board member Harper recused, and Board member Crouch voting in opposition, the Board voted to recommend that the Board of Commissioners deny Petition # VAR 23-031 filed by Tod Freeman Builders, LLC and Edwin and Edith Byars requesting a front building setback reduction (from 300-feet to 150-feet) for Lot 1 and Lot 8 located in the Bears Bend Subdivision located at Bear Creek Road, Moreland [Parcels # 128-1070-001 (Lot 1) and # 128-1070-010 (Lot 8)].

RESULT:	RECOMMEND DENIAL [2 TO 1]	Next: 1/23/2024 6:00 PM
MOVER:	Billy Cranford, District 4	
SECONDER:	Royce Williams, District 2	
AYES:	Royce Williams, Billy Cranford	
NAYS:	Delia Crouch	
ABSENT:	Lisa Mitchum	
RECUSED:	George Harper	

IV. Additional Business

A. Next BOZA Meeting - January 25, 2024

V. Adjournment

1. Adjourn

On motion of Board member Crouch, seconded by Board member Williams, passing by a vote of 3 to 0, with Board member Mitchum absent and Board member Harper away from the dais, the Board voted to adjourn the meeting.

RESULT:	APPROVED [3 TO 0]
MOVER:	Delia Crouch, District 5
SECONDER:	Royce Williams, District 2
AYES:	Royce Williams, Billy Cranford, Delia Crouch
ABSENT:	Lisa Mitchum
AWAY:	George Harper