



Board of Zoning Appeals

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Public Hearing

Minutes

Lisa Eschman
770.254.2635

September 26, 2024

6:00 PM

Commission Chambers

Board of Zoning Appeals Call to Order/Roll Call

Attendee Name	Title	Status
Dee Crouch	District 5 - Chairman	Present
Lisa Mitchum	District 1 - Vice Chairman	Present
Royce Williams	District 2	Present
Russell Berry	District 3	Present
Billy Cranford	District 4	Present
Jon Amason	Community Development Director	Present
Ben Sewell	Assistant Community Development Director	Present
Lisa Eschman	Zoning Manager	Present
Nicole Blackwell	Zoning Associate	Present
Marcy Shoup	Administrative Assistant	Present

The Coweta County Board of Zoning Appeals conducted a Public Hearing on Thursday, September 26, 2024.

Chairman Dee Crouch called the meeting to order at 6:00 p.m.

Approval of Minutes

1. Request Approval of the Minutes from the Public Hearing Held on August 22, 2024

Motion to: **Approve**

The Board voted to approve the minutes from the Public Hearing held on Thursday, August 22, 2024.

RESULT: (UNANIMOUS)

MOVER: Cranford

SECONDER: Mitchum

AYES: Dee Crouch, Lisa Mitchum, Royce Williams, Russell Berry, Billy Cranford

Petitions

2. Petition # VAR 24-03 Filed by Racetrac, Inc. Requesting a Buffer Variance for Property Located at the Intersection of Hwy 29 South and April Court, Newnan - District 2

Zoning Manager Lisa Eschman presented Petition # VAR 24-003 filed by RaceTrac, Inc., represented by Steve Rothman with Wilson, Brock & Irby, LLC requesting a variance to eliminate the required 100-foot buffer on property located at the northeast corner of the intersection of S Hwy 29 and April Court in Newnan (Parcels # 089-2090-003 (partial) and # 089-2090-004 (partial)) The property is currently zoned RC (Rural Conservation); however rezoning Petition REZONE 24-002 has been filed proposing the LM (Light Industrial) zoning district for a truck stop development. The rezoning request will be heard by the Board of Commissioners at the October 15, 2024 public hearing. She explained that the discussion tonight only pertains to the elimination of the 100-foot buffer requirement along the northern and eastern property boundaries. The subject property has a total area of 4.8± acres originating from the portion of two (2) separate parcels. The creation of the subject tract forms a 3.2± acre lot remnant to the north and a 19.167± lot remnant to the east, zoned RC (Rural Conservation). The subject site and the surrounding property are currently under a common ownership. However, if the applicant is successful with the zoning amendment change to LM (Light Industrial), the common ownership will no longer exist and the property to the north and east will remain RC (Rural Conservation); therefore, requiring a 100-foot buffer under Article 25. Section 251.

She highlighted the following factors for consideration submitted by the Community Development Department in reviewing the variance request:

1. The intent of the buffer is to help mitigate the impacts of the differing land uses between the proposed industrial property and the remaining residential property.
2. The Board should consider if this request is justified by a hardship.

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

1. Staff recommends that the applicant provide necessary mitigation in the form of a natural buffer, fencing, or berms etc. or a combination of all to help reduce any negative impact to the remaining residential property to the north and east. The applicant shall submit a mitigation plan to the Community Development

Department for approval.

Board member Williams asked if there is already a gas station across from this property. Zoning Manager Lisa Eschman stated that there is a gas station across Highway 29 to the west.

Board member Williams asked the use of the subject property.

Ms. Eschman explained that the intended use is a truckstop.

Board member Williams also asked the number of truck parking spaces.

Ms. Eschman stated that the applicant is purposing 41 truck parking spaces, 8 diesel pumps, an 8100 square feet of convenience store with gasoline pumps and associated parking.

Board member Williams stated that it looks as though the property will be a fueling station and another truckstop like the one located across the street and asked for the amount of truck parking spaces for that business.

Ms. Eschman stated that she believes there are approximately 55 truck spaces.

Chairman Crouch asked if there were other questions for staff. There were none.

Chairman Crouch asked if the applicant was present.

Steve Rothman, 2849 Paces Ferry Rd SE Atlanta 30339, explained that the applicant is purposing a RaceTrac gas station and truck fueling and that some trucks may park overnight. As the design process begins, meeting State of Georgia requirements will require a widening of April Court and a drainage area which will force the development toward the highway where the buffer is required. The applicant is fine with staff's suggestions and would like to clear and replant foliage and install a fence that will allow for the design the way that it has been drawn up.

Board member Cranford asked if the property owner to the north and east is the same property owner that signed the application for this property.

Mr Rothman stated that it is the same property owner.

Samantha Jones, 200 Galleria Pkwy Atlanta Ga 30339, employed by RaceTrac, reiterated that the seller owns all the land and that the applicant would be buying a portion of two tracts and parts would retain the RC (Rural Conservation) zoning. They also own the industrial area to the east and the properties on April Court as well.

Board member Cranford asked if all the land is owned by the same owner, why it is a hardship.

Ms Jones stated that there are business needs and topography issues, and they are required by GDOT to install a signal light. They need the county to be flexible.

Board member Mitchum asked why this should be considered a hardship and why they can't reconfigure the site to meet the buffer requirements.

Mr Rothman stated that this is the land that is under contract. Engineering requirements and setbacks are included in the development of that segment of land, which is to go before the Board of Commissioners for rezoning.

Board member Cranford asked if the applicant felt that further acquisition of the property would alleviate the burden.

Ms Jones explained that, unfortunately, that is not an option. The seller's development goals and future uses for the land does not include the permitted uses of the RC (Rural Conservation) zoning district.

Chairman Crouch opened the public hearing and asked if there was anyone present that wanted to speak in favor of the petition.

1. Richard Ferry 270 North Jeff Davis Dr Fayetteville Ga came forward and stated that he is the manager of the adjoining property and does not feel that the buffer reduction will harm that property.

Chairman Crouch called for anyone in opposition to this petition. There were none.

Chairman Crouch asked staff if there were any letters in support or opposition.

Ms Eschman stated that there were none.

Motion to: Close Public Hearing

The Board voted to close the Public Hearing regarding Petition # VAR 24-03 filed by RaceTrac, Inc. requesting a buffer variance for property located at the intersection of Hwy 29 South and April Court, Newnan.

RESULT: Passed (UNANIMOUS)

MOVER: Lisa Mitchum

SECONDER: Royce Williams

AYES: Dee Crouch, Lisa Mitchum, Royce Williams, Russell Berry, Billy Cranford

Board members Cranford and Mitchum agreed that nothing is safeguarding the rest of this property to remain zoned RC (Rural Conservation).

Board member Cranford stated that the Board of Zoning Appeals first job is to protect the county, second is to protect the neighbors and third is to accommodate the applicant.

Board member Mitchum stated that this is not a hardship.

Motion to: Recommend Denial

The Board voted to recommend that the Board of Commissioners deny Petition # VAR 24-03 filed by RaceTrac, Inc. requesting a buffer variance for property located at the intersection of Hwy 29 South and April Court, Newnan.

RESULT: Passed (UNANIMOUS)

MOVER: Lisa Mitchum

SECONDER: Royce Williams

AYES: Dee Crouch, Lisa Mitchum, Royce Williams, Russell Berry, Billy Cranford

3. Public Hearing Regarding Petition # CUP 24-06 Filed by St Barnabas Anglican Church -

William Houser Requesting a Conditional Use Permit for Property Located at 53 Country Club Road, Newnan - District 3

Zoning Associate Nicole Blackwell presented Petition # CUP 24-06 filed by William Houser representing St Barnabas Anglican Church located at 53 Country Club Road, Newnan (Parcel : 085-5106-004A) requesting a conditional use permit under Article 7 Section 75 Item 7 for a church expansion in RC (Rural Conservation) zoning. The existing church building was constructed in 1970 and at that time Conditional Use Permits were not required. Adjacent property to the north is Mills Chapel Baptist Church, and they have a Conditional Use Permit. Photos provided show the location of the first addition to the side of the church and the second addition located to rear of the church. The site plan for this CUP is approximately 3.56± acres and the existing church is approximately 3,300 square feet. The church plans on completing the expansion in two phases. The first phase will include a 1,800 square foot sanctuary attached to the eastern portion of the building with additional parking and the second phase includes a two-story, 20,000 square foot addition along with additional parking.

She highlighted the following factors for consideration submitted by the Community Development Department:

1. The proposed use should not have an adverse effect on the aesthetic value of the surrounding area.
2. The proposed use will provide additional space for a church site that has existed for over 50 years.

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

1. All Coweta County Code of Ordinances shall be adhered to unless a variance is granted through the normal review process.
2. A church/place of worship expansion by up to 25,000 square feet shall be permitted without requiring additional approval. Expansions beyond this 25,000 square feet limit shall require the submittal of a new Conditional Use Application in accordance with Article 28. *Criteria for Variances and Conditional Use Application of the Coweta County Zoning and Development Ordinance.*
3. The applicant shall obtain a septic system addition permit from the Environmental Health Department prior to the approval of any proposed additions to the property.
4. Any site and building lighting installed shall incorporate downcast, full cutoff fixtures to prevent adjacent properties and streets from being affected by glare or direct illumination.
5. The primary exterior material for any additions to the facility shall be primarily brick to match the existing building.
6. The permit applicant shall be responsible for stormwater management meeting

the requirements of Chapter 30 of the Coweta County Code of Ordinances. Additionally, if Runoff Reduction practices are required, then they shall be implemented upgradient from the detention/retention ponding to help avoid maintenance concerns and provide a treatment train approach as intended by the ordinance.

Chairman Crouch asked if there were any questions for staff. There were none. Chairman Crouch opened the public hearing and asked if the applicant was present.

1. Father Joey Fitzgerald 390 Jackson St Newnan is the Director of St Barnabas Church. St Barnabas Church is in the process of purchasing this building from Christ Presbyterian Church. There is no timeline for building the additions, which will depend on fund-raising efforts, and they do not want to make the purchase and not be able to expand the building currently under contract for purchase.

Chairman Crouch asked if the applicant had any objections to the staff recommendations. Father Fitzgerald stated that they are not fond of the white brick and would like to see the building have a more modern look.

Chairman Crouch asked if there was anyone present to speak in favor or in opposition of this petition. There were none.

Motion to: Close Public Hearing

The Board voted to close the Public Hearing regarding Petition # 24-06 filed by William Houser representing St Barnabas Anglican Church located at 53 Country Club Road, Newnan (Parcel : 085-5106-004A) requesting a conditional use permit for a church expansion.

RESULT: Passed (UNANIMOUS)

MOVER: Russell Berry

SECONDER: Billy Cranford

AYES: Dee Crouch, Lisa Mitchum, Royce Williams, Russell Berry, Billy Cranford

Board member Cranford asked staff what is the intent of condition #5.

Ms Blackwell stated that it is so that the building matches.

Assistant Community Development Director Ben Sewell stated that there were no architectural drawings submitted with the application and the existing building is brick. There was no set of elevation drawings to condition it to, so staff had to use what was provided.

Board member Cranford asked staff if they have an issue with providing more flexibility to the applicant for the future plans for the outside appearance of the church.

Mr Sewell stated that staff does not object but wants to keep this building exterior consistent with others in the area.

Board members and staff discussed how to word the condition to include similar QDCD

(Quality Development Corridor District) standards.

Board member Cranford offered that the condition could include that the building shall meet the criteria having 80% Class A and 20% Class B building materials.

Further discussion ended with Board member Mitchum stating the wording of the condition.

Motion to: Recommend Approval

The Board voted to recommend that the Board of Commissioners approve Petition # 24-06 filed by William Houser representing St Barnabas Anglican Church located at 53 Country Club Road, Newnan (Parcel : 085-5106-004A) requesting a conditional use permit for a church expansion, subject to the following conditions:

1. All Coweta County Code of Ordinances shall be adhered to unless a variance is granted through the normal review process.
2. A church/place of worship expansion by up to 25,000 square feet shall be permitted without requiring additional approval. Expansions beyond this 25,000 square feet limit shall require the submittal of a new Conditional Use Application in accordance with Article 28. *Criteria for Variances and Conditional Use Application of the Coweta County Zoning and Development Ordinance.*
3. The applicant shall obtain a septic system addition permit from the Environmental Health Department prior to the approval of any proposed additions to the property.
4. Any site and building lighting installed shall incorporate downcast, full cutoff fixtures to prevent adjacent properties and streets from being affected by glare or direct illumination.
5. The primary exterior material for the existing facility and any additions to the facility shall meet QDCD (Quality Development Corridor District) standards.
6. The permit applicant shall be responsible for stormwater management meeting the requirements of Chapter 30 of the Coweta County Code of Ordinances. Additionally, if Runoff Reduction practices are required, then they shall be implemented upgradient from the detention/retention ponding to help avoid maintenance concerns and provide a treatment train approach as intended by the ordinance.

RESULT: Passed (UNANIMOUS)

MOVER: Billy Cranford

SECONDER: Russell Berry

AYES: Dee Crouch, Lisa Mitchum, Royce Williams, Russell Berry, Billy Cranford

Additional Business

The next Coweta County Board of Zoning Appeals meeting is scheduled on Thursday,

October 17, 2024, at 6:00 p.m.

Coweta County Community Development Director Jon Amason discussed the Article 28 ordinance amendment with the Board of Zoning Appeals members.

Adjournment

Motion to: **Adjourn**

The Board voted to adjourn the meeting.

RESULT: (UNANIMOUS)

MOVER: Cranford

SECONDER: Mitchum

AYES: Dee Crouch, Lisa Mitchum, Royce Williams, Russell Berry, Billy Cranford