



Coweta County Board of Zoning Appeals

Public Hearing

www.coweta.ga.us

~ Minutes ~

Angela White
770.254.2635

Thursday, December 16, 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. Approve the minutes of November 18, 2021

On motion of Board member Mitchum, seconded by Board member Harper, the Board voted to approve the minutes of the November 18, 2021 Board of Zoning Appeals meeting.

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

III. Public Hearing

A. Petitions

1. 12716 : VAR 21-010025 Yokogawa

The subject property is located at 2 Dart Rd in the Shenandoah Industrial Park. Since 1979, Yokogawa has been part of the Industrial community in Coweta County. At this time, an expansion is planned with a 30,000 gallon above-ground water tank for testing flow meters built at the plant. With this expansion, the applicant is requesting the following 2 variances:

1. Height Variance Requesting 40-ft

Article 23 Dimensional Requirements provide for a 34'11" height

Due to the proximity of the existing tank, the new tank will have a smaller diameter, thus additional height is needed.

2. Distance between structures Requesting 3-ft

Art 4 Sec 47 provides for a 10-ft requirement

For the pressure testing utilized in the tank and the adjacent buildings, the proposed new pressurized water tank would need the 7-ft reduction.

The Community Development Department submits the following Factors:

1. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities. (Factors 1, 2)
2. International Building Code and International Fire Code will take precedent as to the allowance of design and activity upon submittal of actual plans for review. (Factors 3)
3. Industrial Parks are noted for activities such as this plant. (Factor 1,2)

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

1. All applicable requirements of the International Building Code shall be implemented in design and construction.
2. All applicable requirements of the International Fire Code shall be implemented in design and construction.

There were no questions from the Board for Staff.

Applicant: The Flow meters we manufacture need to be calibrated and the 15,000-gallon tank in place now is undersized. New tank is a smaller diameter which requires more height.

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 VARIANCE-21-010025.

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

12716 : VAR 21-010025 Yokogawa - Motion - Article 23 Dimensional Requirements and Article 4 Sec. 47 Distance Between Structures 1

Art 23 Dimensional Requirements - 40-ft
 Art 4 Sec 47 Distance between Structures - 3-ft
 Tax I.D. 097 5083 001
 Commission District Commissioner Blackburn

On motion of Board member Cranford, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of Petition VAR-21-010025, subject to the following modified conditions:

1. All applicable requirements of the International Building Code shall be implemented in design and construction.
2. All applicable requirements of the International Fire Code shall be implemented in design and construction.
3. Height of tank is not to exceed 40 ft.
4. Placement of tank shall be no less than 3 ft.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	1/20/2022 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	George Harper, District 3 - Vice-Chairman	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

2. 12745 : VAR 21-010006 & 7 - ForCAST Real Estate Development

ForCAST Real Estate Development has filed a rezoning request for Tract 15 of the Fischer Crossing Development. The request is for C-8 (Heavy Commercial) for the development of a three-story self-storage facility on the 1.85-acre square lot.

Prior to this request, the site was granted a Conditional Use Permit for a Daycare in 2010. However, the site was never developed. Now with the C-8 rezoning consideration, the applicant is asking for consideration of variances related to the side and rear yard setbacks and a buffer reduction.

Tract 15 is located south of CSH Fischer Crossing, a future RRCC multi-story development for the 55+ community. To the east and south is the COSTCO Retail complex with a fueling station. Across Fischer Rd to the west is the SAM's Club Center, also with a fueling station.

With the RRCC Development to the north, there would be a requirement for a 75-ft buffer against it. However, with the recent variance request (VAR 21-010003), the RRCC Development requested a reduction of its required 50-ft buffer against this property and a replacement of a 10-ft landscape strip. In turn, the applicant, with this request, is asking for a

65-ft buffer reduction and a replacement of the 10-ft buffer with a landscape strip adjoining the RRCC.

In addition to the buffer reduction, the applicant is requesting a side and rear yard setback reduction from 20-ft to 10-ft. The site would be accessed from the south. With previous variance requests, the front setback was reduced to 50-ft. The applicant notes that with access to the building on the southern and western side, it would provide ease of access to the site for storage trucks with a reduction on the north side and rear setback down to 10-ft. The applicant states "this would allow for the building to be tucked into the northeast corner of the outparcel tighter and allow more room for loading and drive aisles, so trucks have more room for turning movements while another truck or vehicle is unloading".

With this, the applicant is requesting the following 2 variances:

A. Side & Rear Yard Setback Reduction - 10-ft

Article 23 - Reduce the 20-ft to 10-ft

B. Buffer Reduction - 65-ft

Article 25 - Reduce the 75-ft buffer down to a 10-ft landscape strip.

The Community Development Department submits the following Factors:

1. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities. (Factors 1, 2)
2. Reduction of building size would allow the setbacks to be met. (Factors 2,3)
3. Buffer reductions have been sought by the property to the north with a 10-ft landscape strip, equivalent to the request before the applicant. (Factor 1,5)

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

1. The north side and rear setback reductions shall not be greater than 10-ft.
2. The buffer reduction shall be replaced with a 10-ft landscape strip, approved by the Community Development Department prior to planting.

There were no questions from the Board for Staff.

Applicant representative: Nick Sawka - MASS Engineering

Mr. Cranford asked what materials will the building be constructed with?

Mr. Sawka replied all materials will be non-combustible QDCD Materials, brick façade, steel and storefront glass, and the building will have a sprinkler system.

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

On motion of Board member Mitchum, seconded by Board member Crouch, passing unanimously, the Board voted to close the Public Hearing regarding VARIANCE-21-010006 & VARIANCE-21-010007.

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

12745 : VAR 21-010006 & 7 - ForCAST Real Estate Development - Motion - Article 23 Side & Rear Setbacks and Article 25 Buffer Reduction

BOZA MINUTES: DECEMBER 16, 2021

Tract 15 is located south of CSH Fischer Crossing, a future RRCC multi-story development for the 55+ community. To the east and south is the COSTCO Retail complex with a fueling station. Across Fischer Rd to the west is the SAM's Club Center, also with a fueling station.

With the RRCC Development to the north, there would be a requirement for a 75-ft buffer against it. However, with the recent variance request (VAR 21-010003), the RRCC Development requested a reduction of its required 50-ft buffer against this property and a replacement of a 10-ft landscape strip. In turn, the applicant, with this request, is asking for a 65-ft buffer reduction and a replacement of the 10-ft buffer with a landscape strip adjoining the RRCC.

In addition to the buffer reduction, the applicant is requesting a side and rear yard setback reduction from 20-ft to 10-ft. The site would be accessed from the south. With previous variance requests, the front setback was reduced to 50-ft. The applicant notes that with access to the building on the southern and western side, it would provide ease of access to the site for storage trucks with a reduction on the north side and rear setback down to 10-ft. The applicant states "this would allow for the building to be tucked into the northeast corner of the outparcel tighter and allow more room for loading and drive aisles, so trucks have more room for turning movements while another truck or vehicle is unloading".

With this, the applicant is requesting the following 2 variances:

- A. Side & Rear Yard Setback Reduction - 10-ft
Article 23 - Reduce the 20-ft to 10-ft
- B. Buffer Reduction - 65-ft

Article 25 - Reduce the 75-ft buffer down to a 10-ft landscape strip.

The Community Development Department submits the following Factors:

1. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities. (Factors 1, 2)
2. Reduction of building size would allow the setbacks to be met. (Factors 2,3)
3. Buffer reductions have been sought by the property to the north with a 10-ft landscape strip, equivalent to the request before the applicant. (Factor 1,5)

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

1. The north side and rear setback reductions shall not be greater than 10-ft.
2. The buffer reduction shall be replaced with a 10-ft landscape strip, approved by the Community Development Department prior to planting.

There were no questions from the Board for Staff.

Applicant representative: Nick Sawka - MASS Engineering

Mr. Cranford asked what materials will the building be constructed with.

Mr. Sawka replied all materials will be non-combustible QDCD Materials, brick façade, steel and storefront glass, and the building will have a sprinkler system.

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

On motion of Board member Mitchum, seconded by Board member Crouch, passing unanimously, the Board voted to close the Public Hearing regarding VARIANCE-21-010006 & VARIANCE-21-010007.

Tax I.D. 145 6153 026

Commission District Commissioner Reidelbach

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 Petitions VAR-21-010006 & VAR-21-010007, subject to the following conditions:

1. The north side and rear setback reductions shall not be greater than 10-ft.
2. The buffer reduction shall be replaced with a 10-ft landscape strip, approved by the Community Development Department prior to planting.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	1/6/2022 6:00 PM	
MOVER:	George Harper, District 3 - Vice-Chairman	
SECONDER:	Delia Crouch, District 5	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

3. VAR 21-010010, 14, 15 - Cott, Chris

Art 23 Front Yard Setback
Art 25 Buffer Reduction
Art 26 Bldg Materials
Commissioner Poole
Tax I.D. 133 6101 003
Commission District Commissioner Poole

The subject property is located at 4237 E Hwy. 34, Sharpsburg. The applicant is proposing to renovate the interior of the 1955 ranch home for a retail facility. The applicant currently operates the Atlanta Brick Co Lego Store at 2826 Hwy. 154 and would like to move the business into his own building. The applicant has Rezoning Petition REZ 21-01006 submitted for C-3 (Commercial Retail) zoning.

With this, the applicant is requesting the following 3 variances:

1. Front Setback Reduction - 135-ft to 109-ft

Article 23 Dimensional Requirements provide for a 135-ft front setback.

The applicant is requesting the reduction to utilize the existing residential structure.

2. Buffer Reduction - 75-ft to 10-ft Landscape Strip

Art 25 Buffer Requirements

3. Article 24/26 Existing Materials

The applicant is requesting the allowance of materials of the existing residential structure

The Community Development Department submits the following Factors:

1. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities. (Factors 1, 2)
2. The applicant will have to renovate the interior structure to meet the building codes of a commercial structure.
3. Input from adjoining neighbor to the west is important in considering the buffer reduction.
4. One of the goals of the Zoning & Development Ordinance was to create design criteria to separate residential living from commercial development. These reductions would not support those goals. (Factor 1,2)

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

1. All applicable requirements of the International Building Code shall be implemented in renovation.
2. All applicable requirements of the International Fire Code shall be implemented in renovation.
3. No additional structures shall be constructed/placed in front of the existing lot.
4. A 10-ft landscape strip shall be planted along the western property boundary meeting the Quality Development Corridor District requirements.
5. A 75-ft buffer shall be maintained or planted along the southern property boundary. The site will need to be evaluated by Community Development to determine if additional supplemental plantings will be required to provide screening adjacent to the Harvest Trace Subdivision.
6. Any renovations to the exterior or new structures on the site shall meet the Quality Development Corridor District requirements.

Questions from the Board for Staff:

Ms. Mitchum asked what the setback would be for a new structure? Ms. White responded that the front setback would be 135 ft.

Mr. Cranford noted that the new build would have to meet the existing QDCD requirements. Ms. White said that was correct.

Applicant representative: Kip Oldham

The applicant is asking to reduce the volume of plantings for a buffer that will probably go away when the adjoining property gets zoned commercial. The prospective owner has no plans to do anything to the outside of the building other than what is required by QDCD regulations.

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

On motion of Board member Mitchum, seconded by Board member Crouch, passing unanimously, the Board voted to close the Public Hearing regarding VAR-21-010010, VAR-21-010014, and VAR-21-010015.

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

Motion - Article 23 Front Yard Setback

Article 23 - Front Yard Setback

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 VARIANCE-21-010010, VARIANCE-21-010014, and VARIANCE-21-0100015 subject to the following condition (# 3):

- ~~1. All applicable requirements of the International Building Code shall be implemented in renovation.~~
- ~~2. All applicable requirements of the International Fire Code shall be implemented in renovation.~~
3. No additional structures shall be constructed/placed in front of the existing lot.
- ~~4. A 10-ft landscape strip shall be planted along the western property boundary meeting the Quality Development Corridor District requirements.~~
- ~~5. A 75-ft buffer shall be maintained or planted along the southern property boundary. The site will need to be evaluated by Community Development to determine if additional supplemental plantings will be required to provide screening adjacent to the Harvest Trace Subdivision.~~
- ~~6. Any renovations to the exterior or new structures on the site shall meet the Quality Development Corridor District requirements.~~

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

Motion - Article 25 Buffer Reduction

Article 25 - Buffer Reduction

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 VARIANCE-21-010010, VARIANCE-21-010014, and VARIANCE-21-0100015 subject to the following conditions (# 4 and # 5):

- ~~1. All applicable requirements of the International Building Code shall be implemented in renovation.~~
- ~~2. All applicable requirements of the International Fire Code shall be implemented in renovation.~~
- ~~3. No additional structures shall be constructed/placed in front of the existing lot.~~
4. A 10-ft landscape strip shall be planted along the western property boundary meeting the Quality Development Corridor District requirements.
5. A 75-ft buffer shall be maintained or planted along the southern property boundary. The site will need to be evaluated by Community Development to determine if additional supplemental plantings will be required to provide screening adjacent to the Harvest Trace Subdivision.
- ~~6. Any renovations to the exterior or new structures on the site shall meet the Quality Development Corridor District requirements.~~

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

Motion - Article 26 Building Materials

Article 26 - Building Materials

On motion of Board member Cranford, seconded by Board member Mitchum, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-21-010010, VARIANCE-21-010014, and

VARIANCE-21-0100015 subject to the following conditions (#1, #2 and amended #6):

1. All applicable requirements of the International Building Code shall be implemented in renovation.
2. All applicable requirements of the International Fire Code shall be implemented in renovation.
- ~~3. No additional structures shall be constructed/placed in front of the existing lot.~~
- ~~4. A 10-ft landscape strip shall be planted along the western property boundary meeting the Quality Development Corridor District requirements.~~
- ~~5. A 75-ft buffer shall be maintained or planted along the southern property boundary. The site will need to be evaluated by Community Development to determine if additional supplemental plantings will be required to provide screening adjacent to the Harvest Trace Subdivision.~~
6. Any renovations to the exterior or new structures on the site shall meet the Quality Development Corridor District requirements. A minimum of 60% of the North face of the existing structure shall have a façade 6:12 roof pitch with the design submitted for review and approval of QDCD requirements.

RESULT: RECOMMENDED APPROVAL [UNANIMOUS]

MOVER: Billy Cranford, District 4

SECONDER: Lisa Mitchum, District 1

AYES: Jackson, Harper, Mitchum, Cranford, Crouch

4. 12703 : VAR 21-010023 & VAR 21-010024 - GeoTom

The property is Tract S-5 located west of 140 Herring Road within Shenandoah Industrial Park. The site contains 7.708 ± acres, zoned M (Industrial) and is currently a vacant, wooded tract situated between a small island of residential dwellings to the north and the Cargill Distribution Center to the south. Cargill is proposing to utilize the vacant lot as a gravel storage area for tractors trailers to serve the current warehouse facility.

Based on the location and access of the gravel storage lot, the applicant is requesting the following variances:

- Art 25. Sec 251 - Reduction of 50-ft from the required 100-ft buffer along the northern property line.
- Art 26. Sec 246.5.2 - Requesting the elimination of asphalt paving along the right-of-way of Herring Road.

According to the site plan, the only access to the proposed gravel storage lot will be through the existing Cargill site with no proposed driveway off Herring Road. A 20-ft screening buffer will be planted along the western property boundary fronting along Herring Road, and the entire lot will be secured with an 8-ft chain link privacy fence.

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

1. Based on staff comments, the proposed request should not have impact on public facilities or on the surrounding area. (Factors 1, 2, 4, 5)
2. The proposed request will allow Cargill to utilize the property as tractor trailer storage area to serve the facility operations. (Factors 2, 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 20-ft screening buffer shall be planted the entire length along the western property boundary fronting Herring Road. A landscape plan shall be submitted and approved by the Community Development Department prior to any installation.
2. A 50-ft buffer shall be maintained or planted along the northern property boundary. A landscape plan shall be submitted and approved by the Community Development Department prior to an installation.
3. An 8-ft privacy chain link fence with opaque screening shall be installed around the entire perimeter of the gravel storage lot. The fence shall stay in good working order and be replaced by the property owner when it becomes damaged or at the County's discretion.
4. No truck idling shall be allowed on site.

There were no questions from the Board for Staff.

Applicant representative: George Harper Paramount Engineering
11 East Broad St. Newnan, Ga. 30263

Cargill is a large meat producer, and the loaded trucks must be monitored 24/7 while in storage for safety and security purposes. The use of this property will eliminate the need for their current offsite storage location and additional employees.

The applicant would like to have the requirement for the opaque screening removed, as the fence will be sitting 8-12 ft. above grade due to the topography of the land.

There will be no trucks stored on the site, so no truck idling will take place, but the refrigeration units will be required to run 24/7.

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

Letters of support were provided by the following citizens:

E Taggart, 57 Beasley Rd., Newnan, Ga. 30263

W L Taggart, 57 Beasley Rd., Newnan, Ga. 30263

Mozell Stevenson, 51 Herring Rd., Newnan, Ga. 30263

On motion of Board member Cranford, seconded by Board member Crouch, passing unanimously, with Board member Harper being recused, the Board voted to close the Public Hearing regarding VARIANCE-21-010023 and VARIANCE-21-010024.

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

12703 : VAR 21-010023 & VAR 21-010024 - GeoTom - Motion - Article 25 Buffer Reduction and Article 26 Sec. 246.5.2 3(vi) Elimination of setback
Art. 25 - Buffer Reduction from the required 100-ft

Art 26. Sec 246.5.2 3(vi) A - Elimination of 100-ft setback for storage area and asphalt paving from ROW off Herring Road

Commissioner "Chairman" Bob Blackburn

Tax I.D. 085 5085 005

Commission District Commissioner Blackburn

Coweta County does not have a noise ordinance.

Ms. White stated that the County's Code Enforcement Department has the equipment and certified personnel to measure the noise level at various wedding venues. Out of curiosity for this case, they performed a measurement on a truck refrigeration unit, and it measured at 50 - 85 dB. A normal voice conversation measures about 45 dB.

There will be the ability to park 80 trailers in the proposed parking lot.

On motion of Board member Cranford, seconded by Board member Mitchum, passing unanimously, with Board member Harper being recused, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-21-010023 and VARIANCE-21-010024 subject to the following amended conditions:

1. A 20-ft screening buffer shall be planted the entire length along the western property boundary fronting Herring Road. A landscape plan shall be submitted and approved by the Community Development Department prior to any installation.
2. A 50-ft buffer shall be maintained or planted along the northern property boundary. A landscape plan shall be submitted and approved by the Community Development Department prior to an installation.
3. An 8-ft ~~privacy~~ chain link fence ~~with opaque screening~~ shall be installed around the entire perimeter of the gravel storage lot. Opaque fence screening shall be provided on the entire West side and 100 ft of the North side of the gravel storage lot. The fence and screening shall stay in good working order and be replaced by the property owner when it becomes damaged or at the County's discretion.
4. No truck idling shall be allowed on site.
5. The applicant shall work with the County in good faith to mitigate any complaints that may be received.

RESULT:	RECOMMEND APPROVAL [4 TO 0] Next: 1/20/2022 6:00 PM
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1
AYES:	Craig Jackson, Lisa Mitchum, Billy Cranford, Delia Crouch
RECUSED:	George Harper

5. 12701 : VAR 21-010009 - Forestar

The subject property consists of two parcels for a combined total area of approximately 106± acres. The subject site has two different zoning classifications, C-6 (Commercial Minor Shopping District) and RC (Rural Conservation). The C-6 zoning district is approximately 24.709± acres, and the RC zoning district makes up the remaining 81± acres.

The applicant is requesting the RD (Two-Family Residential) zoning district under Petition # REZ 21-010003 for a proposed 187-lot development for the construction of single-family dwellings.

In conjunction with the zoning amendment, the applicant is requesting a variance for a right-of-way reduction from 50-ft to 36-ft. The request will allow placement of the required pedestrian sidewalks to be located 5-ft behind the back of the curb so that cars parked in the driveway will not obstruct the sidewalks.

The proposed right-of-way reduction will encompass all streets within the proposed 187-lot development and will move the sidewalks closer to the street; therefore, allowing the residents to enjoy the sidewalk and provide more front yard usage for the homeowners.

All utilities would be placed within a 14-ft utility easement behind the proposed right-of-way.

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

1. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities or on the surrounding area. (Factors 1, 2, 3, 4, 5)

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

1. The recorded final plat and the homeowner's association covenants shall state that the maintenance of sidewalks shall be the responsibility of the Homeowners Association.
2. The front building setback line shall remain 30-feet as shown on the exhibit submitted with the variance application VAR 21-10009 for all lots that front on streets with right-of-way widths less than 50-feet.
3. There shall be a 14-foot sidewalk and utility easement at

the edge of the right-of-way line along all streets with right-of-way less than 50-feet in width.

There were no questions from the Board for Staff.

Applicant representative: Melissa Griffis, Attorney

Granting this request will allow a larger front yard for additional plantings if the homeowner chooses that option.

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

On motion of Board member Cranford, seconded by Board member Harper, passing unanimously, the Board voted to close the Public Hearing regarding VARIANCE-21-010009.

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

12701 : VAR 21-010009 - Forestar - Motion - Article 24 Right of Way reduction

Art. 24 - R-O-W Reduction from 50-ft to 36-ft

Commissioner Al Smith

Tax I.D. 048 5030 001B & 049 5003 001

Commission District Commissioner Smith

On motion of Board member Cranford, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-21-010009, subject to the following conditions:

1. The recorded final plat and the homeowner's association covenants shall state that the maintenance of sidewalks shall be the responsibility of the Homeowners Association.
2. The front building setback line shall remain 30-feet as shown on the exhibit submitted with the variance application VAR 21-10009 for all lots that front on streets with right-of-way widths less than 50-feet.
3. There shall be a 14-foot sidewalk and utility easement at the edge of the right-of-way line along all streets with right-of-way less than 50-feet in width.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	1/20/2022 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	George Harper, District 3 - Vice-Chairman	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

6. 12702 : VAR 21-010021 - Jeff Lindsey

The subject property is Lot 25 of the Wimberly Estates subdivision located off Ulas Court, zoned RC (Rural Conservation). The subject site has an approximate area of 1.01-acres. The elongated triangular lot is affected by a cul-de-sac as shown on the final plat recorded on 5-29-2019. The lot was reviewed and designed under the RCSD-A design.

According to the applicant, the required setbacks and configuration of Lot 25 will not allow for a house to fit in the designated lot area; therefore, the applicant requests a reduction of 10-ft from the required 50-ft front building setback, and a reduction of 6-ft from the required 40-ft rear building setback.

Based on the site plan, the proposed residence will be located 40-ft from the front property line along Ulas Court and 34-ft from the rear property line. The proposed residence is situated within the side yard 10.9-ft from the eastern property line.

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

1. Based on staff comments and recommended conditions, the proposed request should not have impact on public facilities or on the surrounding area. (Factors 1, 2, 4, 5, 6)
2. The proposed request will only impact the subject property. (Factors 1, 2)
3. Based upon the lot configuration, the placement of the proposed residence is limited due to street design, location of underground utilities, and required 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 front building setback shall be 40-ft from the right-of-way of Ulas Court.
2. The rear building setback shall be 34-ft from the rear property line.
3. The applicant shall meet all the requirements of the Building Department.

There were no questions from the Board for Staff.

Applicant: Richard Nix - Jeff Lindsey Communities, Inc.

This is an odd-shaped lot and none of the house plans we build will fit. We have chosen the smallest house plan that will meet the house size requirements and maintain the style of the subdivision, and it is still too large to fit the required setbacks.

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 VARIANCE-21-010021.

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

12702 : VAR 21-010021 - Jeff Lindsey - Motion - Article 23 Front and Rear setback reduction
Art. 23 - Reduction of 10-ft from 50-ft front building setback; Reduction of 6-ft from 40-ft rear building setback.

Commissioner "Chairman" Bob Blackburn
Tax I.D. 059 5196 025
Commission District Commissioner Blackburn

On motion of Board member Cranford, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-21-010021, subject to the following conditions:

1. The front building setback shall be 40-ft from the right-of-way of Ulas Court.
2. The rear building setback shall be 34-ft from the rear

property line.

3. The applicant shall meet all the requirements of the Building Department.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	1/20/2022 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	Delia Crouch, District 5	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

12700 : VAR 21-010008 - Fischer Automotive

The subject property is located at 195 Fischer Road, lies within the Hwy 34 Quality Development Corridor District, zoned RC (Rural Conservation). The subject site has a total area of approximately 34± acres and is currently being utilized as the Immanuel Bible College campus. Plans are underway for the property to be divided into two separate tracts. "Parcel A" as a 16.002± acre tract, and "Parcel B" as a 12.508± acres.

The applicant is requesting to rezone the 16.002± acre tract "Parcel A" to the C-8 (Heavy Commercial) zoning district for two proposed car dealerships under Petition REZ 21-010007.

Based on an uneven property boundary and the existing right-of-way along SR 34, the applicant is requesting a variance under *Article 26. Sec 261. (b). Street Planting Requirements. The street planting area shall be a minimum of 20-ft in depth, as measured from the edge of the public right-of-way toward the center of the lot.*

As noted on the site plan, the property line projects into the site on the northwest side, to accommodate approximately 60-ft of right-of-way along SR 34 for an existing drainage system; therefore, requesting elimination of the required street planting within this segment.

Also, on the northeast side along SR 34, the right-of-way has an irregular geometry for a distance of approximately 120-ft; therefore, requesting a reduction of 11-ft from the required street planting requirements. The street plantings along this segment of SR 34 will be 9-ft. All other site development and landscaping requirements will be met.

The Community Development Department submits the following

Factors for Consideration in reviewing the Variance Request:

1. Based on staff comments and recommended conditions, the proposed request should not have an effect on public utilities or the surrounding area. (Factors 1, 2, 4)
2. The site is limited along two segments of SR 34 within the right-of-way, an uneven property line on the northwest side and an irregular right-of-way geometry on the northeast side. (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 street planting requirements shall be eliminated (0-ft) along the 60-ft segment on the northwest side where the existing drainage system is currently located within the right-of-way along SR 34 as shown on the conceptual site plan dated 10-6-2021
2. The street planting requirements shall be 9-ft along the 120-ft segment on the northeast side to accommodate the existing right-of-way along SR 34 as shown on the conceptual site plan dated 10-6-2021.
3. All other landscaping within the subject site shall meet the Quality Development Corridor District (QDCD) requirements.

There were no questions from the Board for Staff.

Applicant representative: Brian Pelham, Atwell Engineering

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

On motion of Board member Mitchum, seconded by Board member Harper, passing unanimously, the Board voted to close the Public Hearing regarding VARIANCE-21-010008.

Board member Harper stated there have been similar issues

elsewhere that variance has been granted.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Lisa Mitchum, District 1
SECONDER:	George Harper, District 3 - Vice-Chairman
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

7. 12700 : VAR 21-010008 - Fischer Automotive - Motion - Article 26 Sec. 261 Street Planting Elimination

Art 26. Sec 261 - Street Planting Elimination from 20-ft to 0-ft along two segments of SR 34

Commissioner Paul Poole

Tax I.D. 146 6154 003, -004

Commission District Commissioner Poole

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 VARIANCE-21-010008, subject to the following conditions:

1. The street planting requirements shall be eliminated (0-ft) along the 60-ft segment on the northwest side where the existing drainage system is currently located within the right-of-way along SR 34 as shown on the conceptual site plan dated 10-6-2021.
2. The street planting requirements shall be 9-ft along the 120-ft segment on the northeast side to accommodate the existing right-of-way along SR 34 as shown on the conceptual site plan dated 10-6-2021.
3. All other landscaping within the subject site shall meet the Quality Development Corridor District (QDCD) requirements.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	1/6/2022 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	Lisa Mitchum, District 1	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

IV. Additional Business

A. Next BOZA Mtg - January 27, 2022

V. Adjournment

1. Adjourn

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch