



Board of Zoning Appeals

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Public Hearing

Minutes

Lisa Eschman
770.254.2635

December 19, 2024

6:00 PM

Commission Chambers - 37
Perry Street, Newnan

Board of Zoning Appeals

Call to Order

Attendee Name	Title	Status
Dee Crouch	District 5 - Chairman	Present
Lisa Mitchum	District 1 - Vice Chairman	Present
Royce Williams	District 2	Absent
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, December 19, 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 November 21, 2024

Motion to: **Approve**

The Board voted to approve the minutes from the Public Hearing held on Thursday, November 21, 2024.

RESULT: Passed (UNANIMOUS)

MOVER: Billy Cranford

SECONDER: Lisa Mitchum

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

Petitions

2. Public Hearing Regarding Petition # VAR 24-16 Filed by Gosalia Concrete Constructors, Inc. Requesting a Variance for Property Located at 404 East Newnan Road, Newnan - District 2

Zoning Associate Nicole Blackwell presented Petition # VAR 24-016 filed by Gosalia Concrete Constructors, Inc. requesting a buffer reduction under Article 25 from 100-foot to 0-foot along the northeastern property line for property located at 404 East Newnan Road, Newnan (Parcel # 087C-007). The northeastern side of the property that is requesting the variance is adjacent to railroad tracks and consists of 25.09± acres. Pictures provided show the subject property and a building that is located within the 100-foot buffer zone that the applicant plans to renovate. She highlighted the following factors for consideration in reviewing the variance request submitted by the Community Development Department:

1. This lot was first developed in 1950 prior to zoning laws. The applicant would be renovating a building that has been unused for years.
2. Consideration should be given to adjacent property owners to the northeast.

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

1. The 100-feet buffer required by the *Coweta County Code of Ordinances* shall be left in its natural state with the exception of the encroachments located on the site plan submitted with the application.
2. All existing driveways along East Murphy Road shall be abandoned and permanently removed from the right-of-way.
3. All truck traffic shall access and leave the site from/to the north along East Newnan Road.
4. All work within the right-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO), County, and Georgia Department of Transportation (GDOT) standards.

There were no questions for staff.

Chairman Crouch asked if the applicant was present.

Mr. Cameron Stroud, Honey Tree Lane, Senoia, stated that he is the Operations Manager for Gosalia Concrete Construction, a heavy highway paving contractor. The company is based out of Tampa Florida, has made Atlanta a central hub and is expanding in the area. The subject property will be used as a maintenance facility and storage area for large equipment.

Board member Cranford asked for an estimated number of daily trips in and out of the subject property.

Mr. Stroud stated that the trips should be minimal with only five staffed mechanics.

Chairman Crouch asked if the applicant was in agreeance with the conditions recommended by staff.

Board member Cranford asked what other changes are planned for the subject property.

Mr. Stroud stated that they have no issues with the conditions. An elevation change is needed due to the difference from the building to the concrete pad of about 3 feet. The plan is to grade down to the grade that the building sets at and put an asphalt parking lot around the building and a gravel parking area.

Chairman Crouch asked if there was anyone else present to speak in favor of the request. There were none.

Chairman Crouch asked if there was anyone present wanting to speak in opposition.

1. Mr. James Pease, East Newnan Road, Newnan, stated that he is concerned with whether there will be an hazardous waste, how close the building will be to the property line and the amount of noise on Sundays and Wednesday nights.

In rebuttal, Mr. Stroud addressed Mr. Pease stating that the only hazardous material would be fuel for the equipment, the building would receive minimal remodeling and the noise should be limited with the business being closed on Sundays.

Motion to: **Close Public Hearing**

The Board voted to Close Public Hearing regarding Petition # VAR 24-016 filed by Gosalia Concrete Constructors, Inc. requesting a buffer reduction for property located at 404 East

Newnan Road, Newnan (Parcel # 087C-007).

RESULT: Passed (UNANIMOUS)

MOVER: Billy Cranford

SECONDER: Lisa Mitchum

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

Chairman Crouch asked if there were letters submitted in opposition and where those people live in reference to the subject property.

Ms. Blackwell stated that there were several letters and most reside on Field Street and their concerns were mainly about road damage from the large trucks. This area is zoned M industrial.

Letters in opposition:

1. Peray Hollin (Writing Not Legible on Form), Beaver Court Newnan
2. Brenda Creel, E. Field Street Newnan
3. Brooke Kirby, E. Field Street Newnan
4. Hal Creel, E. Field Street Newnan
5. Stacy Walden, E. Field Street Newnan
6. Jay Creel, E. Field Street Newnan
7. Carol Nestlehutt, E. Field Street Newnan
8. Donald Nestlehutt, E. Field Street Newnan

Board member Cranford stated that he sees this request as an improvement to the property with little negative impact.

Motion to: **Recommend Approval**

The Board voted to recommend that the Board of Commissioners approve Petition # VAR 24-016 filed by Gosalia Concrete Constructors, Inc. requesting a buffer reduction for property located at 404 East Newnan Road, Newnan (Parcel # 087C-007), subject to the following conditions:

1. The 100-foot buffer required by the Coweta County Code of Ordinances shall be left in its natural state with the exception of the encroachments located on the site plan submitted with the application.
2. All existing driveways along East Murphy Road shall be abandoned and permanently removed from the right-of-way.
3. All truck traffic shall access and leave the site from/to the north along East Newnan Road.
4. All work within the right-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO), County and Georgia Department

of Transportation (GDOT) standards.

RESULT: Passed (UNANIMOUS)

MOVER: Russell Berry

SECONDER: Lisa Mitchum

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

3. Public Hearing Regarding Petition # VAR 24-19 Filed by W & W Realty Co, LLP Requesting Variances for Property Located at Hwy 29 S, Newnan - District 2

Zoning Manager Lisa Eschman presented Petition # VAR 24-19 filed by W&W Realty CO, LLP requesting (2) variances for property located at Hwy 29 S, Newnan, behind the McDonalds and Red Roof Inn (Parcels # 076-2072-009; # 077-2089-001; # 088-2071-002B {partial}). The first variance request is a buffer reduction to 25-feet from the required 100-feet from the CSX Railroad along the northern property. The second variance is to allow outdoor storage of the proposed truck parking area to be screened with landscaping instead of the required 6-foot wall or fence. The property has an approximate area of 16.00± acres, consisting of three separate parcels including an 11.03± acre tract and a 4.50± acre tract, both zoned *M-Industrial*, and a 0.505± acre tract zoned *RC (Rural Conservation)* identified as the Old Hwy 29 roadbed. The applicant is proposing to construct a truck parking area with 190 parking spaces. She explained that the proposed truck parking area is bordered by the CSX Railroad to the north and further to the north across the railroad tracks is Foxboro Farms, a large estate residential neighborhood. I-85 is to the west, zoned *RC (Rural Conservation)* and adjacent east of the property is a truck parking area established in 2005, associated with the BP, zoned *M-Industrial*. Adjoining the property to the south is a non-conforming truck parking area with 59 parking spaces, established by the applicant without county approvals or permits. Ms. Eschman explained that the first variance to be discussed is under *Article 25. Sec 251 General Buffer Requirements* which states "Where industrial land uses are contiguous with land zoned *RC* a 100-foot buffer is required". Since the CSX railroad is zoned *RC (Rural Conservation)*, this buffer requirement shall be met per the intent of the ordinance. The applicant is requesting a 25-foot buffer instead of the required 100-foot buffer along the northern property line against the railroad. The second variance to be discussed is under *Article 26. Sec 261. Quality Development Corridor District. Item 5(a). Outdoor Storage and Display* which states "objects not on a permanent foundation shall be considered outside storage. No outside storage will be permitted outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six (6) feet in height above the finished grade". The applicant is requesting the proposed truck parking area to be screened by landscape plantings in lieu of the required fence or wall. She highlighted the following factors for consideration in reviewing the Variance Requests submitted by the Community Development Department:

1. Adhering to Coweta County's Zoning and Development Code, including the

required 100-foot buffer against the CSX Railroad, is beneficial for this project. The challenges of screening the site from the I-85 southbound ramp highlights the need for thoughtful site planning and strategic landscaping to meet visual goals as the ordinance intends.

2. The Board should consider if the request for a buffer reduction is justified by a hardship as the ordinance requires.
3. Due to the location of the subject property being situated below the I-85 southbound ramp, it will be impossible to entirely screen the outdoor storage (truck parking) from the public right-of-way as the ordinance intends.

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

1. A 25-feet natural buffer shall be maintained along the northern property line against the CSX Railroad. Additional plantings may be required at the discretion of the Community Development Department to ensure an acceptable level of adequate screening. A buffer plan shall be submitted and approved by the Community Development Department prior to installation.

Should the Board of Zoning Appeals recommend approval for the outdoor storage to be screened by landscape plantings, the Community Development Department is submitting the following conditions for consideration:

1. As proffered by the applicant, a 25-feet landscape area with additional plantings shall be installed along the western property line lengthwise along all portions of I-85 to help enhance the visual appeal of the development. A landscape plan shall be submitted and approved by the Community Development Department prior to installation.
2. The development shall be restricted to a maximum of 249 rentable parking spaces.
3. The applicant shall install and operate a gated system at all entry points to restrict access, or as approved with rezoning request REZONE 24-012.
4. The applicant shall comply with any additional requirements established by the Georgia Department of Transportation (GDOT).

Board member Cranford asked what the traffic study dictated.

Ms. Eschman explained that the property went through a development of regional impact study that entailed about 177 truck parking spaces. The shaded area on the picture of the property is nonconforming with 59 truck parking spaces and the county is unsure as to when the the lot was established.

Board member Cranford confirmed that the traffic study supported the 177 spaces minus the 59 spaces in the nonconforming lot, resulting in 118 truck parking spaces in the new section.

Ms. Eschman confirmed that number.

Chairman Crouch asked if the applicant was present.

Ms. Melissa Griffis, S Court Square, Newnan, came forward and stated that she was accompanied by John Davis, John Cook, Ed Wyatt of W&W Reality, along with Neil Spradlin who was involved in the DRI and the traffic study. There is a rezoning pending for the property and the applicant is currently trying to bring issues into compliance. Green Oil has been in the area since 1969, that is before most zoning ordinances were in affect. She explained that the first variance is a relaxation of the buffer from 100-foot to 25-foot and the closest residence is 935-feet away in the RC(Rural Conservation) zoned area. The railroad is also in the RC zoning but is not a residential use and that Coweta County acquired the property on the other side of the railroad. The applicant is fine with the staff report from November 27, 2024 and offered additional plantings along the length railroad. The second variance is a relaxation of the Quality Development Corridor District (QDCD) outdoor storage and display due it being impossible to do outdoor screenings with plantings without the use of a fence or wall. After measurements done by Neil Spradlin, they proffer to do plantings of maple and oak trees approximately every thirty-five (35) feet along I-85 where the subject property extends approximately 535 feet beginning with the I-85 ramp. This would be roughly fifteen (15) trees. Ms. Griffis also explained that in the Notice of Decision dated September 14, 2023 in the conditions provided by staff, condition #4 has already been addressed in the traffic study through the DRI process. In the Notice of Decision no further conditions for the project in regard to the roadway site access and roadway improvements is stated indicating the current condition #4 has been met. She also addressed the recent amendments to the Ordinance Article 28, Standard A #3 & #4, Standard B and Standard C, outlining the subject property having extraordinary or exceptional circumstances through no fault of the property owner, strict application of the requirements of the ordinance resulting in technical difficulties and undo hardship upon the property owner and requesting a variance for approval without substantially impairing the intent and purpose of the ordinance. Ms. Griffis explained that because the property owner is not creating a new business and the use predates the ordinance, the amendments for Article 28 Standard A & B have been met and that Article 28 Standard C requesting variance relief for approval without substantially impairing the intent and purpose of the ordinance is met due to QDCD (Quality Development Corridor District) intent is to enhance the view which will occur with the proposed planting of trees.

Mr. Neil Spradlin, Little Road, Sharpsburg, referenced the question of the traffic study and explained that all existing and proposed parking spaces shown on that site plan were

factored into the traffic study that was reviewed by Three Rivers Regional Commission (TRRC) and Georgia Regional Transit Authority (GRTA) was approved with no changes to site access. There was a request for pedestrian connectivity to the various buildings.

Board member Cranford asked for the width of the right of way for the railroad and clarification of the 935-feet from the nearest residence.

Mr. Spradlin stated that the right-of-way is 200 feet wide and the measurement for the nearest residence was a straight line point from the subject property to the nearest adjacent house.

Chairman Crouch asked if there was anyone else wanting to speak in favor of the request. There were none.

Chairman Crouch asked if there was anyone wanting to speak in opposition of the request.

1. Mr. Daniel Zavada, Water Stone Drive, Newnan, stated that he owns twenty-seven (27) acres located across the railroad tracks and adjacent to the subject property. His property contains a barn and a guest house and a future main house. His concerns for this request are about the twenty four hour operations, lights, noise and fencing.

Chairman Crouch asked if there were any letters in opposition. There were none.

Ms. Melissa Griffis addressed Mr. Zavada's concerns by stating that the railroad is zoned RC(Rural Conservation) in Coweta County and after discussions with staff it seems that additional plantings will provide a better noise barrier than a fence and existing lights are for interior use and safety.

Motion to: Close Public Hearing

The Board voted to close the Public Hearing regarding Petition # VAR 24-19 filed by W&W Reality CO, LLP requesting (2) variances for property located at Hwy 29 S, Newnan (Parcels 076-2072-009;077-2089-001;088-2071-002B (partial)), District 2, the first being a buffer reduction to 25-feet from the required 100-feet from the CSX Railroad along the northern property, and second to allow outdoor storage of the proposed truck parking area to be screened with landscaping instead of the required 6-foot wall or fence.

RESULT: Passed (UNANIMOUS)

MOVER: Billy Cranford

SECONDER: Lisa Mitchum

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

Board members Cranford and Mitchum began a discussion about the plantings of hard woods along I-85.

Board member Cranford explained that he had a conversation prior to this meeting with Public Works Administrator Todd Handley including the exact number of truck parking places.

Chairman Crouch suggested that the two requests be voted on separately.

Board member Cranford stated the need to address the neighbor's concern for safety.

Board members discussed the need for the fence and the buffer and the screening aspect along I-85.

Board member Cranford stated that he would like the original traffic study to be adhered to in regards to the number of truck parking spaces.

Chairman Crouch asked what is located across from the railroad tracks, on the other side.

Community Development Assistant Director Ben Sewell stated that there is a wooded undeveloped area and two large land owners.

The board allowed Mr. Zavada to speak again. At which time he stated his concern for pollutants from vehicles in the lake that is on his property and that security is very important.

The board asked Mr. Spradlin to address the runoff and storm water issues. Mr. Spradlin stated that there are drainage patterns and storm water direction that already exists and will be continued. He also stated that the Clean Water Act protects the property, including the neighbor's lake, with water quality standards.

Motion to: Recommend Approval of Buffer Reduction

The Board voted to recommend that the Board of Commissioners approve Petition # VAR 24-19 filed by W&W Reality CO, LLP requesting a buffer reduction variance for property located at Hwy 29 S, Newnan (Parcels 076-2072-009;077-2089-001;088-2071-002B [partial]), subject to the following revised condition:

1. A 50-foot natural buffer shall be maintained along the northern property line against the CSX Railroad with a minimum 6-foot vinyl security chain link fence with barbed wire at the top. Additional plantings may be required at the discretion of the Community Development Department to ensure an acceptable level of adequate screening. A buffer plan shall be submitted and approved by the

Community Development Department prior to installation.

RESULT: Passed (UNANIMOUS)

MOVER: Lisa Mitchum

SECONDER: Billy Cranford

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

Board member Cranford started a lengthy discussion with fellow board members about the exact number of parking spaces and plantings along the interstate. This discussion also included Ms. Griffis speaking again and providing additional numbers from the traffic study.

Zoning Manager Lisa Eschman and board members discussed some confusion about the exact number of truck parking spaces at the present time and the additional spaces that were proffered in the traffic study and agreed that a condition for the request needs to be restricted to the maximum amount of spaces indicated in the traffic study.

Mr. John Cook, Tillinghast Trace, Newnan, Director of Operations for Green Oil, addressed the board explaining the subject property had a scale and septic back in the early 2000's before switching to sewer and there were truck parking spaces then. The purpose of additional parking is to provide somewhere for trucks to park other than on the interstate ramps.

After more discussion amongst the Board members, Board member Cranford stated that the condition, written to protect the county and neighbors, should not include exact numbers but should adhere to the traffic study.

Motion to: Recommend Approval of Screened Landscaping

The Board voted to recommend that the Board of Commissioners approve Petition # VAR 24-19 filed by W&W Reality CO, LLP requesting a screened landscaping variance for property located at Hwy 29 S, Newnan (Parcels # 076-2072-009; # 077-2089-001; # 088-2071-002B [partial]), subject to the following revised conditions:

1. The applicant shall meet the street landscape requirements under Article 26 QDCD (Quality Development Corridor District). The landscaping shall be installed along the western property line lengthwise along all portions of I-85. A landscape plan shall be submitted and approved by the Community Development Department prior to installation.
2. The development shall be restricted to the maximum number of rentable parking spaces as indicated under the traffic study.
3. The applicant shall install and operate a gated system at all entry points to restrict access, or as approved with rezoning request REZONE 24-012.

4. The applicant shall comply with any additional requirements established by the Georgia Department of Transportation (GDOT).

RESULT: Passed (UNANIMOUS)

MOVER: Lisa Mitchum

SECONDER: Billy Cranford

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

Additional Business

The next Coweta County Board of Zoning Appeals meeting is scheduled on Thursday, January 30, 2025 at 6:00 p.m.

Adjournment

Motion to: **Adjourn**

The Board voted to adjourn the meeting.

RESULT: Passed (UNANIMOUS)

MOVER: Russell Berry

SECONDER: Lisa Mitchum

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