



Coweta County Board of Zoning Appeals

Public Hearing

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~ Minutes ~

Angela White
770.254.2635

Tuesday, November 15, 2022

6:00 PM

Commission Chambers

I. Meeting Called to Order

Attendee Name	Title	Status	Arrived
George Harper	District 3 - Chairman	Absent	
Lisa Mitchum	District 1 - Vice-Chairman	Present	
Royce Williams	District 2	Present	
Craig Jackson	District 4	Present	
Delia Crouch	District 5	Present	

II. Approval of Minutes

1. Board of Zoning Appeals - Public Hearing - Oct 27, 2022 6:00 PM

On motion of Board member Crouch, seconded by Board Member Jackson, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to approve the minutes from the Public Hearing held October 27, 2022.

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

III. Public Hearing

A. Petitions

1. VAR # 22-63 - Samuel Birts

Art. 23

Rear Building Setback Reduction (40-ft to 20-ft)

1st District - Commissioner Poole

Tax I.D. 149-1159-046

Commission District Commissioner Poole

The subject property is Lot 2 of the Standing Rock Estates development, located at 2082 Standing Rock Road. The vested lot requires a 40-foot rear building line as shown on the recorded final plat dated July 26, 2004. The site is a corner lot with double road frontage along Standing Rock Road. The front door of the residence faces Standing Rock Road along the western property line, and the driveway access faces Standing Rock Road along the northern property line.

The variance request has been submitted for a rear yard building setback reduction of 20-ft for the placement of a 40' x 50' detached accessory structure. Based on the location of the principal dwelling, the applicant wishes to situate the accessory structure in the side yard along the southeast corner of the property. The proposed location will give the impression, that the

accessory structure is situated in the rear yard.

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

1. Based on staff comments, the proposed use should not have impact on public facilities or on the surrounding area.
2. Accessory structures are common structures associated with residential developments.
3. The most affected property owners to the east and south have submitted letters of support for the placement of the accessory structure.

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

1. The applicant shall meet all applicable requirements of the Building and Environmental Health Departments.
2. The proposed detached garage shall not be located any closer than 20-ft from the rear property line.

There were no questions from the Board for Staff.

The applicant did not wish to address the Board.

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:

Curt Johnson, 2168 Standing Rock Rd., Senoia, Ga. 30276

Lisa Palermo, 2060 Standing Rock Rd., Senoia, Ga. 30276

On motion of Board member Crouch seconded by Board member Jackson, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to close the Public Hearing regarding VARIANCE-22-000063.

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: Delia Crouch, District 5

SECONDER: Craig Jackson, District 4

AYES: Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch

ABSENT: George Harper

VAR # 22-63 - Samuel Birts

Art. 23

Rear Building Setback Reduction (40-ft to 20-ft)

1st District - Commissioner Poole

Tax I.D. 149-1159-046

Commission District Commissioner Poole

On motion of Board member Mitchum, seconded by Board member Jackson, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-22-000063, subject to the following conditions:

1. The applicant shall meet all applicable requirements of the Building and Environmental Health Departments.
2. The proposed detached garage shall not be located any closer than 20-ft from the rear property line.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	12/1/2022 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	Craig Jackson, District 4	
AYES:	Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch	
ABSENT:	George Harper	

2. VAR # 22-48 - Coweta Legacy 180, LLC - Withdrawn on 11/1/2022

Art 24. Sec 246.6 - Street Design

ROW Reduction (50-ft to 36-ft)

4th District - Commissioner Reidelbach

Tax I.D. 119-6077-001

Commission District Commissioner Reidelbach

RESULT:	WITHDRAWN
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3. VAR # 22-59 - Coweta Legacy 180, LLC - Withdrawn on 11/1/2022

Art 9A. Sec 94 A.6

Building Design Standards (Optional for buyer)

4th District - Commissioner Reidelbach

Tax I.D. 119-6077-001

Commission District Commissioner Reidelbach

RESULT:	WITHDRAWN
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4. VAR 22-61 Tabares, Humberto

Art 23 Dimensional Requirements

Front Setback Reduction from 50-ft to 36.7-ft (13.3-ft reduction)

37 East Lake Drive, Newnan (Parcel # 131-6085-018)

4th District - Commissioner Reidelbach

Tax I.D. 131 6085 018

Commission District Commissioner Reidelbach

The subject property is located at 37 East Lake Dr which is Lot 18 Blk B in the East Lake Development. The applicant is requesting a 13.3-ft front yard setback reduction.

When reviewing the site for the septic system, Environmental Health requested that the driveway be moved to the opposite side of the house. As noted, this was needed because all of the suitable soils were on the left side of the lot. Unfortunately, the applicant didn't just move the drive. He also moved the house from its original footprint design. When that happened, the front setback was affected. Instead of waiting for the foundation survey to be done, the applicant ran a tape and measured incorrectly. To compound the problem, the footings were poured, and the framing crew came out and began construction on the residence, prior to any building permit being issued. Then when the survey was completed for the building permit, it showed the front setback as 36.7-ft, not the required 50-ft. Now the applicant has a structure which appears to be 80% framed with sheathing already done on a large portion of the residence, yet no building permit, nor could one be issued without consideration of a variance.

The Community Development Department submits the following Factors:

1. Applicant allowed the foundation to be poured without the foundation survey - Building Code Violation

2. Applicant allowed the framing of the home to be done without a permit - Building Code Violation
3. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities.
4. Stop Work Order has been issued to stop all activity on site.
5. Continued approval without consequences sends a contradictory message to developers/builders.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is recommending that the applicant meet the following conditions:

1. The front yard setback reduction shall not exceed the requested 13.3ft reduction.
2. All building permits shall be obtained, and Stop Work Order removed.
3. The applicant shall pay a fine of \$1335.

Mr. Jackson asked if the \$1,335 was the normal amount for the fine.

Ms. White responded that yes, it is the established fine and the Building Ordinance requirement also doubles the Building Permit fees in these cases. Applicant: Mr. Tabares stated that he had no intention to make the mistake he made, and he thought he was doing the right thing and he is sorry he made the mistake.

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 Williams, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to close the Public Hearing regarding VARIANCE-22-000061.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	Royce Williams, District 2
AYES:	Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch
ABSENT:	George Harper

VAR 22-61 Tabares, Humberto

Art 23 Dimensional Requirements

Front Setback Reduction from 50-ft to 36.7-ft (13.3-ft reduction)

37 East Lake Drive, Newnan (Parcel # 131-6085-018)

4th District - Commissioner Reidelbach

Tax I.D. 131 6085 018

Commission District Commissioner Reidelbach

Mr. Jackson commented that it was good that the applicant presented a sincere apology, and the Board appreciates that.

Ms. Crouch commented that there had been inconvenience to the owner with the Stop Work order and the fines that will be imposed.

On motion of Board member Crouch, seconded by Board member Jackson, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-22-000061, subject to the following conditions:

1. The front yard setback reduction shall not exceed the requested 13.3ft reduction.

2. All building permits shall be obtained, and Stop Work Order removed.
3. The applicant shall pay a fine of \$1335.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	12/1/2022 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	Craig Jackson, District 4	
AYES:	Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch	
ABSENT:	George Harper	

5. VAR 22-000062 Respress, Ben W. & Vacienta W.

Art 23 Dimensional Requirements

Rear Setback Reduction - 9-feet

260 Grand Oak Way, Sharpsburg (Parcel # 122-6069-157)

1st District - Commissioner Poole

Tax I.D. 122 6069 157

Commission District Commissioner Poole

The subject property is located at 260 Grand Oak Way which is Phase 1B Lot 46 in the Timberbrook Development. The applicant would like to cover the poured porch to provide them additional outdoor family space. This would protect them from direct sun into their view as they enjoy their rear yard. Prior to the construction of the residence, Lennar Builders offered an upgrade for the patio. The applicants requested the poured patio be covered with a roof. Lennar advised that "this wasn't a part of their existing plan features". They advised to wait until after closing to build the roof. What Lennar failed to tell the applicants was that the roof would then create a structure that would encroach into the rear setback. Unfortunately, the Respress' did not know this until the builder they hired came in to get the building permit. At that time, they were advised of the variance process. The roof expansion will not create any additional work on the property other than support columns for the roof expansion.

This lot is within the RRCC (Residential Retirement Community & Care District) which allows for 8,500 square foot lots. This provides for up to 12 units per acre versus the typical single-family residence ranging from 1.6 acre to 5 acre lots. This lot size reduction in turn limits the ability for any yard design changes. Unfortunately, the builders desire to close on a property overcame the desire to treat their customer with respect and provide the covered porch they had agreed upon.

In addition, the lot contains a landscape maintenance & drainage swale easement in the rear of the yard. This feature, while part of the development requirements, keeps the neighbors from encroaching upon each other with not only space but landscaping that creates a man-made buffer.

The applicant has reached out to the adjoining property owners for letters of support. They have also submitted the request to Beacon Management Services, LLC the administrative support team for the HOA. The letter of approval is included in the application package.

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.
2. The nature of the RRCC development provides for small lots within the development, thus limiting any expansion once the site is developed.

Should the Board of Zoning Appeals recommend approval for the request, the Community Development Department is recommending that the applicant meet the following conditions:

1. The rear yard setback reduction shall not exceed the requested 9ft reduction.
2. All building permits shall be obtained.

Mr. Williams asked if they are just covering the existing slab?

Ms. White responded, yes, the covering is what has triggered the variance request as the open slab is allowed to encroach the setback where a covered porch is not allowed the encroachment.

Applicant: Ben Respress - we did not know there was an issue until the contractor applied for the permit and was denied. This explains to us why the builder did not complete the construction, saying that a different contractor would be needed to provide this portion of the build after closing.

Vacienta Respress - the neighbors can't see due to the landscaping provided by the development within the berms at the rear of the lots (pictures provided).

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:

Greg & Pam Erath, 220 Grand Oak Way, Sharpsburg, Ga. 30277

William & Margaret McKenzie, 310 Timberview Cir., Sharpsburg, Ga. 30277

Robert & Kim Hess, 270 Grand Oak Way, Sharpsburg, Ga. 30277

On motion of Board member Crouch, seconded by Board member Williams, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to close the Public Hearing regarding VARIANCE-22-000062.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Delia Crouch, District 5
SECONDER:	Royce Williams, District 2
AYES:	Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch
ABSENT:	George Harper

VAR 22-000062 Respress, Ben W. & Vacienta W.

Art 23 Dimensional Requirements

Rear Setback Reduction - 9-feet

260 Grand Oak Way, Sharpsburg (Parcel # 122-6069-157)

1st District - Commissioner Poole

Tax I.D. 122 6069 157

Commission District Commissioner Poole

On motion of Board member Crouch, seconded by Board member Williams, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to recommend that the Board of Commissioners grant the request of VARIANCE-22-000062, subject to the following conditions:

1. The rear yard setback reduction shall not exceed the requested 9ft reduction.
2. All building permits shall be obtained.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	12/1/2022 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	Royce Williams, District 2	
AYES:	Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch	
ABSENT:	George Harper	

IV. Additional Business

A. Next BOZA Meeting - December 13, 2022

B. 2023 Meeting Schedule

Ms. White asked if the current fourth (4th) Thursday of each month at 6:00 pm still worked for the Board members schedule in creating the new meeting schedule for 2023.

The Board members agreed to continue with the same schedule with meeting changes being made to accommodate holidays as necessary.

Ms. White said she would create and distribute the new schedule as soon as possible.

V. Adjournment

1. Adjourn

On motion of Board member Jackson, seconded by Board member Williams, passing by a vote of 4 to 0 with Board member Harper absent, the Board voted to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Craig Jackson, District 4
SECONDER:	Royce Williams, District 2
AYES:	Lisa Mitchum, Royce Williams, Craig Jackson, Delia Crouch
ABSENT:	George Harper