



Coweta County Board of Zoning Appeals

Public Hearing

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~ Minutes ~

Lisa Eschman
770.254.2635

Thursday, September 21, 2023

6:00 PM

Commission Chambers

I. Call to Order

Attendee Name	Title	Status	Arrived
George Harper	District 3 - Chairman	Present	
Lisa Mitchum	District 1 - Vice-Chairman	Present	
Royce Williams	District 2	Present	
Billy Cranford	District 4	Absent	
Delia Crouch	District 5	Present	
Jonathan Amason	Community Development Director	Present	
Lisa Eschman	Zoning Coordinator	Present	
Kim Dutton	County Planner II	Present	
Linda Ham	Administrative Assistant	Present	
Marcy Shoup	Administrative Assistant	Present	

II. Approval of Minutes

1. Board of Zoning Appeals - Public Hearing August 24, 2023 6:00 PM

On motion of Board member Mitchum, seconded by Board member Crouch, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to approve the minutes from the Public Hearing held on Thursday, August 24, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman
SECONDER:	Delia Crouch, District 5
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch
ABSENT:	Billy Cranford

III. Public Hearing

A. Petitions

1. Petition # VAR 23-24 Filed by 7E Sales, LLC/RCHS Holdings, LLC Requesting a Rear Yard Setback Variance for Property Located at 53 Johnston Circle, Palmetto
Tax I.D. 117 7064 011
Commission District Commissioner Reidelbach

County Planner II Kim Dutton presented Petition # VAR 23-24 filed by 7E Sales, LLC/RCHS Holdings, LLC requesting two (2) rear setback variances. She explained that the applicant added a "lean-to" to the rear of a building that was originally constructed in 2019. During the COVID pandemic, 7E Sales was deemed an essential business and claims it was necessary to spread out employees for safe social distancing while keeping customers on the road with truck repairs. The applicant failed to obtain the proper

permitting to complete the addition. On February 7, 2023, the applicant experienced a catastrophic loss when the building burned to the ground. In order to return to normal business operations as soon as possible and to keep up morale, the applicant proceeded with construction of a building without obtaining the required building permit. The applicant now realizes the mistake but at the time assumed that because the same building was being constructed, they did not know a new building permit was required. The "addition" encroaches into the required 30-foot rear setbacks. One corner of the addition is 14-feet from the rear property line and the other corner is 24-feet from the property line. She highlighted the following factors submitted by the Community Development Department:

1. Based on staff comments and recommended conditions, the proposed use should not have impact on public facilities or the surrounding area.
2. There is no hardship as needed for support of a variance. The applicant built the structures without obtaining the proper permit, seeking a variance after the fact.

Ms. Dutton explained that should the Board of Zoning Appeals recommend that the Board of Commissioners approve the variances; the Community Development Department recommends that the applicant meet the following conditions:

1. The applicant shall be responsible for providing a stormwater management plan and report giving proof that this site meets or will meet the intent of *Chapter 30, Article IV* of the *Coweta County Code of Ordinances*. The report, plan, and construction shall be approved by staff. The applicant shall also submit upon completion of the project prior to obtaining a Certificate of Occupancy (CO), the Stormwater Management Facility Maintenance Agreement, easement documents, and engineer's certification.
2. The existing building shall not be any closer than 14-feet from the rear property line.

There were no additional questions for staff.

In response to questions from Board member Mitchum, applicants Hollie and Steve Sevigny (75 Walters Lane, Sharpsburg) explained that the building is used for storage of parts. The building was built in 2018 and was properly permitted. COVID caused the need to stockpile parts, so a lean-to was added to the rear of the building without obtaining the required permit. The lean-to encroached into the rear setbacks. The building burned during COVID and was rebuilt without permits to return to normal business as soon as possible. In addition, Mr. Sevigny explained that he spoke with some of his neighbors, and none were opposed to the structure.

Chairman Harper called for any comments in support of or in opposition to the variance requests. There were none.

On motion of Board member Williams, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to close the Public Hearing regarding Petition # VAR 23-24.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Royce Williams, District 2
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch
ABSENT:	Billy Cranford

Petition # VAR 23-24 Filed by 7E Sales, LLC/RCHS Holdings, LLC Requesting a Rear Yard Setback Variance for Property Located at 53 Johnston Circle, Palmetto

Tax I.D. 117 7064 011

Commission District Commissioner Reidelbach

On motion of Board member Mitchum, seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to recommend that the Board of Commissioners approve Petition # VAR 23-24, subject to the following conditions:

1. The applicant shall be responsible for providing a stormwater management plan and report giving proof that this site meets or will meet the intent of *Chapter 30, Article IV* of the *Coweta County Code of Ordinances*. The report, plan, and construction shall be approved by staff. The applicant shall also submit upon completion of the project prior to obtaining a Certificate of Occupancy (CO), the Stormwater Management Facility Maintenance Agreement, easement documents, and engineer's certification.
2. The existing building shall not be any closer than 14-feet from the rear property line.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	10/17/2023 6:00 PM	
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch	
ABSENT:	Billy Cranford	

2. VAR 23-10 U-Haul Corporation - Buffer Reduction VAR 23-11 U-Haul Corporation - Front Yard Setback

Art 25 Buffer Reduction

Art 23 Front Yard Setback

97 Gordon Road, Newnan

Tax I.D. 088 2070 003

Commission District Commissioner McKenzie

Zoning Coordinator Lisa Eschman presented Petitions # VAR 23-10 and # VAR 23-11 filed by U-Haul Corporation requesting buffer and front building setback variances. She explained that the subject site consists of 6.84± acres and is located at 97 Gordon Road, Newnan (Parcel # 088-2070-003). The vacant property is currently zoned *LM w/conditions (Light Industrial with Conditions)* and was formerly utilized as a construction storage area for a Georgia Department of Transportation (GDOT) project for I-85 improvements. In addition to the requested variances, the applicant has filed Petition # REZ 23-07 requesting to rezone the subject parcel from *LM w/conditions (Light Industrial with Conditions)* to *LM (Light Industrial)* for a U-Haul Self-Storage

and Moving Center including a variety of proposed storage buildings dispersed throughout the site. "Building A" is a 3-story interior access, climate-controlled storage building with a total footprint of 109,428 square feet situated at the northern section of the property. "Building B" is a 1-story U-Box storage building with a total footprint of 22,280 square feet situated along the southern property line. Situated in the center of the site, facing Gordon Road, is a total of six (6) mini-warehouse buildings ranging in size from 2,000 square feet to 2,500 square feet. In addition to the proposed structures, the site plan incorporates parking, landscaping, loading docks, and a shunting area. The pending realignment of Gordon Road will abandon a portion of the existing road where it intersects with SR 16; therefore, creating a future cul-de-sac. With that, there are two (2) entrances proposed along Gordon Road. The first site access is recommended to be located at the new cul-de-sac terminus at the northern most part of the site and a second entrance is located at the southeast corner of the property. With the impending realignment of Gordon Road and a small, vacated gravel roadbed zoned *RC (Rural Conservation)* the applicant is requesting the following variances:

- Buffer reduction of 80-feet (from 100-feet to 20-feet) along the southern property line under *Article 25. Buffer Requirements*.
- Front building setback reduction of 50-feet (100-feet to 50-feet) from Gordon Road under *Article 23. Dimensional Requirements*.

Ms. Eschman highlighted the following factors submitted by the Community Development Department for consideration in reviewing the requested buffer reduction along the southern property line for Petition # VAR 23-10:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities or the surrounding area.
2. Consideration of the buffer reduction shall carry great weight with the adjoining property owners to the south.

Ms. Eschman explained that should the Board of Zoning Appeals recommend that the Board of Commissioners approve the requested buffer reduction along the southern property line, the Community Development Department recommends that the applicant meet the following condition:

1. A 20-foot buffer shall be planted along the southern property line and shall incorporate the landscape requirements under *Article 26*. A landscape plan shall be submitted and approved by the Community Development Department to ensure existing and/or planted materials provide appropriate screening and buffer of sound.

Ms. Eschman highlighted the following factors submitted by the Community Development Department for consideration in reviewing the requested front building setback reduction from Gordon Road:

1. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities or the surrounding area.
2. The Public Works Division has no objections to the 50-foot front setback reduction.

Ms. Eschman explained that should the Board of Zoning Appeals recommend that the Board of Commissioners approve the requested front building setback reduction from Gordon Road, the Community Development Department recommends that the applicant meet the following condition:

1. The front building setback shall not exceed 50-feet along Gordon Road.

Chairman Harper asked if there were any questions for the staff.

In response to a question from Board member Mitchum, Community Development Director Jon Amason and Zoning Coordinator Eschman explained that they have not received information regarding when the Gordon Road realignment project will begin.

Chairman Harper called asked for any comments from the applicant.

Mr. Alex McCart, applicant representative (Moore Bass, 1350 Keys Ferry Court, McDonough, GA), explained that he agrees with the staff presentation.

Mr. Jonathon Scoville, applicant and U-Haul representative (12785 GA 109 Hwy, Meansville, GA) explained that he spoke with a local church deacon, Mr. Williams, and exchanged information with him but has not heard back from anyone at the church or local citizens about the proposed variances.

Chairman Harper called for any comments in support of the requested variances. There were none.

Chairman Harper called for any comments in opposition to the requested variances.

Mr. Denton Grady, 156 Carlisle Street, Newnan, explained that he is the pastor at Peachtree Hills Seventh-Day Adventist Church of Newnan located at 171 Gordon Road Newnan and expressed concerns regarding the requested buffer reduction and the proximity to the church's school.

Mr. Grant Wolters, 136 Marsha Way, Sharpsburg, explained that he is the principal at the Peachtree Hills Seventh-Day Adventist Church of Newnan School. The school utilizes the outside area for student sports and is opposed to the requested buffer reduction. In addition, he explained that the church does not have an employee named Mr. Williams.

On motion of Board member Williams, seconded by Board member Crouch, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to close the Public Hearing regarding Petitions # VAR 23-10 and # VAR 23-11.

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

VAR 23-10 U-Haul Corporation - Buffer Reduction VAR 23-11 U-Haul Corporation - Front Yard Setback

Art 25 Buffer Reduction

Art 23 Front Yard Setback

97 Gordon Road, Newnan

Tax I.D. 088 2070 003

Commission District Commissioner McKenzie

Chairman Harper explained that this buffer reduction variance is similar to previous buffer reductions in the county, specifically those located close to railroad tracks.

In response to a question from Board member Mitchum regarding a partial piece of road that will become a future cul-de-sac, Community Development Director Amason and Zoning Coordinator Eschman explained that it is not included in the rezoning application.

On motion of Board member Crouch, seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to recommend that the Board of Commissioners approve Petition # VAR 23-10, subject to the following condition:

1. A 20-foot buffer shall be planted along the southern property line and shall incorporate the landscape requirements under *Article 26*. A landscape plan shall be submitted and approved by the Community Development Department to ensure existing and/or planted materials provide appropriate screening and buffer of sound.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	10/17/2023 6:00 PM	
MOVER:	Delia Crouch, District 5	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch	
ABSENT:	Billy Cranford	

VAR 23-10 U-Haul Corporation - Buffer Reduction VAR 23-11 U-Haul Corporation - Front Yard Setback

Art 25 Buffer Reduction

Art 23 Front Yard Setback

97 Gordon Road, Newnan

Tax I.D. 088 2070 003

Commission District Commissioner McKenzie

On motion of Board member Mitchum, seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to recommend that the Board of Commissioners approve Petition # VAR 23-11, subject to the following condition:

1. The front building setback shall not exceed 50-feet along Gordon Road.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	10/17/2023 6:00 PM	
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch	
ABSENT:	Billy Cranford	

3. VAR 23-25 Ryan West/Slippery When Wet Pools - No Structure Setback Encroachment Encroachment of 26-ft into the required 75-ft No Structure Setback

Art 7. Sec 73.4 RE 2.5 Development
835 Jim Starr Road, Newnan
Tax I.D. 069-8138-017
Commission District Commissioner Blackburn

Zoning Coordinator Eschman presented Petition # VAR 23-25 filed by Ryan West (dba Slippery When Wet Pools) requesting a variance to encroach within the 75-foot "No Structure Setback" boundary. She explained that the subject property is Lot 11 of the Fairwinds Subdivision located at 835 Jim Starr Road and is zoned *RC (Rural Conservation)*. The subject site consists of 2.50± acres as shown on the final plat recorded on August 31, 2018 and was developed under the RE 2.5 Estate Lot development. She further explained that at the March 3, 2020 Commission meeting, the Board voted to amend *Article 7. Sec 73. Subdivision Development Types Allowable by Right* of the *Zoning and Development Ordinance* to implement a land development guidance system (LDGS). The LDGS is based on a point system depending on the location and services offered within a certain area of the county. With this amendment, the RE 2.5 Estate Lot development was eliminated. Under the current ordinance, this development requires a minimum of 5-acres based on the land development guidance system (LDGS). However, the lot is vested under the RE 2.5 Estate development type since it was platted and recorded prior to the ordinance amendment; therefore, all required setbacks are to be met including the 75-foot "No Structure Setback". She explained that the applicant is requesting a variance to encroach 26-feet (from 75-feet to 49-feet) within the required "No Structure Setback" for the installation of a 20-feet x 44-feet inground pool directly behind the home. She highlighted the following factors submitted by the Community Development Department:

1. This situation is unique because of the former RE 2.5 "75-foot No Structure Setback" requirement. However, the proposed pool can be shifted 26-feet to the north which still allows the pool to be located behind the home and outside of the "No Structure Setback" boundary.
2. Consideration of this request shall carry great weight with the most affected property owners to the south and west.

Ms. Eschman explained that should the Board of Zoning Appeals recommend that the Board of Commissioners approve the variance, the Community Development Department recommends that the applicant meet the following condition:

1. The proposed inground pool shall not encroach more than 26-feet within the 75-foot "No Structure Setback" boundary along the southern property line as submitted with the variance application.

There were no additional questions for staff.

Mr. Ryan West, applicant, explained if approved, the pool will be centered with the existing house which will avoid extra grading of the property because of sloping of the land.

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

Chairman Harper called for comments in opposition to the variance.

Ms. Elisa Sanders, 777 Jim Starr Road, Newnan explained that her family owns sixty-seven (67) acres on Bethel Road that borders the applicant's property and five (5) other subdivision lots. She wants to keep the 75-foot separation from this lot as well as any other densely developed subdivisions.

On motion of Board member Williams, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to close the Public Hearing regarding Petition # VAR 23-25.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Royce Williams, District 2
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch
ABSENT:	Billy Cranford

VAR 23-25 Ryan West/Slippery When Wet Pools - No Structure Setback Encroachment Encroachment of 26-ft into the required 75-ft No Structure Setback

Art 7. Sec 73.4 RE 2.5 Development

835 Jim Starr Road, Newnan

Tax I.D. 069-8138-017

Commission District Commissioner Blackburn

Following a brief discussion, Board member Mitchum expressed that this variance request is not because of a hardship. Chairman Harper expressed that the variance request is an aesthetic issue, not a hardship.

On motion of Board member Mitchum, seconded by Board member Crouch, passing by a vote of 4 to 0, with Board member Cranford absent, the Board voted to recommend that the Board of Commissioners deny Petition # VAR 23-25.

RESULT:	RECOMMEND DENIAL [UNANIMOUS]	Next:
	10/17/2023 6:00 PM	
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman	
SECONDER:	Delia Crouch, District 5	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch	
ABSENT:	Billy Cranford	

IV. Additional Business

A. Next BOZA Meeting - October 26, 2023

V. Adjournment

1. Adjourn

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Royce Williams, District 2
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Delia Crouch
ABSENT:	Billy Cranford