



Coweta County Board of Zoning Appeals

Public Hearing

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~ Minutes ~

Angela White
770.254.2635

Thursday, July 27, 2023

6:00 PM

Commission Chambers

I. Meeting Called 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	Present	
Delia Crouch	District 5	Absent	

II. Approval of Minutes

1. Board of Zoning Appeals - Public Hearing - Jun 22, 2023 6:00 PM

On motion of Board member Cranford, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to approve the minutes from the Public Hearing held on June 22, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT:	Delia Crouch

III. Public Hearing

A. Petitions

1. VAR 23-18 Malone, Catherine - Rear Yard Setback

Art 23 Dimensional Requirements

Rear Setback Reduction

Tax I.D. 014 4092 033

Commission District Commissioner McKenzie

The subject property is a vacant parcel, located between 1880 and 1778 Mt. Carmel Road. While the parcel contains 5.82±acres, approximately three-fourths of the property contains flood plain as defined by the Dewberry Study and/or undisturbed and impervious setbacks associated with the creek and pond on the property. The southeast corner provides the only true buildable area for a single-family residence.

Ms. Malone has been dealing with health issues and is hoping to build on this property to be near her family, which live approximately 1 mile from the property on Mt. Carmel. This will allow family to assist her as she deals with continued cancer treatments and those related effects.

As of this writing, Community Development has received no communication of opposition from the affected neighbor to the south. The applicant approached the southern property owner about purchasing property to avoid the need for

the variance but at this time, the family does not want to sell any acreage. The Community Development Department submits the following Factors:

1. The impact of the Dewberry Flood Study denoting a large area of floodplain along with the pond and creek on the property limit to the rear of the property an area suitable for building a single-family residence.
2. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities.
3. Any concerns of the most affected neighbor to the south should be considered.

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 40ft reduction.
2. All building permits shall be obtained.

There were no questions from the Board for Staff.

Applicant: Present via telephone - I appreciate the review.

The Chairman called for anyone who wished to speak in favor/opposition of this request. 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 Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-18.

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

VAR 23-18 Malone, Catherine - Rear Yard Setback

Art 23 Dimensional Requirements

Rear Setback Reduction

Tax I.D. 014 4092 033

Commission District Commissioner McKenzie

On motion of Board member Williams, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to recommend that the Board of Commissioners grant the request of VAR-23-18, subject to the following conditions:

1. The rear yard setback reduction shall not exceed the requested 40ft reduction.
2. All building permits shall be obtained.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/8/2023 6:00 PM	
MOVER:	Royce Williams, District 2	
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford	
ABSENT:	Delia Crouch	

2. VAR 22-37 & 22-38 - Quik Trip Corporation - Setback & Parking Variances

Art 23 Front Setback Reduction - 135-ft to 95-ft

Art 24 Sec 246.5 Item 7 - Parking expansion

Tax I.D. 107 6022 003

Commission District Commissioner Reidelbach

The subject property is the proposed site of QuikTrip #1746. The applicant has completed Development of Regional Impact #3753 and is moving forward with the construction of a convenience store with gasoline canopy as well as diesel service and parking for trucks.

VAR-22-37 - Setback Reduction - 135' to 95' ft

The applicant notes three areas for consideration. The northern portion of the property contains a stream that runs the length of the property. In doing so, the applicant must meet the setback regulations from the stream thus pushing the building towards SR 154. The applicant also notes the topography of the site such that there is great fall from SR 154 back towards the northern portion of the property. With that, a tremendous amount of fill that would be required to level off the property. And finally, the applicant asks for recognition of existing convenience stores, built prior to the current Zoning & Development Ordinance, which allowed for the gas canopies to be closer to the road than the current 135' requirements. The two convenience stores closest to the proposed QuikTrip were built in 1997. The current regulations were adopted in 2007 creating the 135' front yard setback.

VAR-22-38 - Parking - Increase from 37 to 73 parking spaces (64 auto & 9 truck)

The applicant notes that the 75% impervious coverage allowance and 37 parking spaces allowed would cause confusion as to where customers could park on the lot. The applicant also notes that due to the natures of the business, the pervious pavers do not support the traffic a convenience store would have in addition to the gasoline service that takes place on the property. As the pavers break down, the applicant notes the potential of the "oil and other corrosive liquids" would "settle into either the property or work thru the soil into the creek".

The Community Development Department submits the following Factors:

1. Based on staff comments and recommended conditions, the proposed use could have negative impacts with the future road widening of SR 154.
2. As noted by Development Review, pervious pavement will prevent the concern of leakage thru individual pavers thus eliminating the concerns over parking.
3. Site redesign of fuel canopy to the west appears to maintain the front setback.

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 diesel pump operation behind the building shall be shifted north to maximize the available area for truck stacking.
2. Height restriction banners shall be placed between the vehicle parking to the north of the building and the truck diesel filling operation to force all truck traffic onto Elzie Johnson Rd.
3. Site shall be limited to the requested 73 parking spaces.
4. Pervious pavement shall be considered to meet parking development requirements.

There were no questions from the Board for Staff.

Applicant: Dan Covell, 952 Old Peachtree Rd. NW., Lawrenceville, Ga. 30043
We wish to get the canopy as close to SR 154 due to customer recognition.
Prefer not to use pervious pavement due to ground contamination, concrete would allow runoff to be directed into pipes that can be cleaned out.

Q: How many additional parking spaces?

A: We are allowed 37 and are requesting 73.

Q: Why does QT need 64 auto parking spots?

A: This will be a travel center and anticipate truck traffic in addition to having 15 employees on duty.

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

The Chairman called for anyone who wished to speak in opposition of this request.

Hakim Hilliard, Attorney, 260 Peachtree St. #401 Atlanta, Ga. 30503 Here on behalf of Sidney Foods LLC property owner adjacent to development site.
There is not a hardship, applicant has stated they want to relocate the canopy for brand recognition.

Tom Johnson, 42 Clover Leaf Ct. Newnan, Ga. 30263 Arbor Springs Subdivision HOA board member. Concern is for public safety due to the amount of traffic and the lack of shoulder access for emergency vehicle use due to the railroad crossing equipment located in the right of way.

Sharon Baker, 85 Primrose Pass, Newnan, Ga. 30265 Arbor Springs Subdivision HOA President.

Letters of opposition were provided by the following citizens:

Mailc Bulani (Chevron), 15 McCollum Village Pkwy. Newnan, Ga. 30265

Sauil Kiimar, 5 McCollum Station Newnan, Ga. 30265

Scott Livingston, 475 Arbor Springs Pkwy, Newnan, Ga. 30265

Beverly Houston, 275 Arbor Springs Pkwy, Newnan, Ga. 30265

The Chairman asked if there were any rebuttal comments the applicant wished to make.

On motion of Board member Cranford, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to close the Public Hearing regarding VAR-22-37 & 22-38.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT:	Delia Crouch

13980 : VAR 22-37 & 22-38 - Quik Trip Corporation - Setback & Parking Variances

On motion of Board member Cranford, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to recommend that the Board of Commissioners deny the request of VAR-22-37 - Setback Reduction from 135' to 95'.

RESULT:	RECOMMENDED DENIAL [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT:	Delia Crouch

13980 : VAR 22-37 & 22-38 - Quik Trip Corporation - Setback & Parking Variances

On motion of Board member Cranford, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to recommend that the Board of Commissioners deny the request of VAR-22-38 - Parking - Increase from 37 to 73 parking spaces (64 auto & 9 truck)

RESULT:	RECOMMENDED DENIAL [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT:	Delia Crouch

3. VAR 23-14 Peachtree City Senior Partners, LLC (dba Celebration Village) - Floors/Height
Article 23 Dimensional Requirements - Floors/Height
Tax I.D. 145 6134 002
Commission District Commissioner Reidelbach

Board Member Cranford recused himself from this discussion.

The subject property is located along the western side of Fischer Rd, north of the Sam's Club and commercial center. Property was rezoned to RRCC (Residential Retirement Community & Care District) in 2014. The subject development will be a 55+retirement community of independent, assisted living and memory care properties. While designing the community, the applicant desires to construct a 4-story independent living building with a height of 53' 9". The applicant was previously granted an administrative

height variance for 55' on January 11, 2021. This would provide for a smaller building footprint and allowing for increased green space within the community. The applicant is looking to increase its independent living availability within this building.

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 proposed structure is part of a 55+ age restricted residential development with an assortment of structures from single story to multi-story with a connecting themed community.

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 proposed structure shall be limited to 4-story and 55-ft.
2. All building permits shall be obtained meeting all applicable codes.

There were no questions from the Board for Staff.

Applicant: Armand Vari & Mark Winchell

Mr. Vari: This request actually results in a reduction of the number of buildings on the site.

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

The Chairman called for anyone who wished to speak in opposition of this request.

James R. Miller 165 Willow Lake Ln. Sharpsburg, Ga. 30277

On motion of Board member Williams, seconded by Board member Mitchum, passing with a vote of 3 to 0, with Board member Cranford being recused and Board member Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-14.

RESULT:	PUBLIC HEARING CLOSED [3 TO 0]
MOVER:	Royce Williams, District 2
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman
AYES:	George Harper, Lisa Mitchum, Royce Williams
ABSENT:	Delia Crouch
RECUSED:	Billy Cranford

VAR 23-14 Peachtree City Senior Partners, LLC (dba Celebration Village) - Floors/Height

Article 23 Dimensional Requirements - Floors/Height

Tax I.D. 145 6134 002

Commission District Commissioner Reidelbach

On motion of Board member Mitchum, seconded by Board member Williams, passing with a vote of 3 to 0, with Board member Cranford being recused and Board member Crouch being absent, the Board voted to recommend that the Board of Commissioners grant the request of VAR-23-14, subject to the following conditions:

1. The proposed structure shall be limited to 4-story and 55-ft.
2. All building permits shall be obtained meeting all applicable codes.

RESULT:	RECOMMEND APPROVAL [3 TO 0]	Next: 8/8/2023
	6:00 PM	
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams	
ABSENT:	Delia Crouch	
RECUSED:	Billy Cranford	

4. 13976 : VAR 23-15 Davis, Stephanie - Additional Easement

The subject property is located off Smokey Rd with George Arnold Road nearby. Past history finds that this area was owned by families that cut property into pieces, recorded it and in some cases, failed to provide access to the various sites.

As you can see on the attached map, Tract 1, 2 and 3 are served via an easement off of George Arnold Rd. While Tract 1 is within the subject parcel with Tract 4, Tract 4 is split off to the southern area with no access, virtually landlocked. At some point, Tract 2 was cut out of the parent parcel and sold, splitting the original parcel (Tract 1) into multiple sections with no access noted for Tract 4. Now regulations require that property be reviewed and signed off on by County staff to prevent this, we must address a section of property that is no longer accessible.

While it would appear that the property could be accessed off of Smokey Road, the property does not have an easement off Smokey nor would the County approve access due to poor site distance as Smokey Road has just made a sharp southward turn.

Now, the applicant is requesting to allow a fourth access off the easement which comes off George Arnold Road to access Tract 4(see map).

The Community Development Department submits the following Factors:

1. Previous property division has taken one large parcel and split it into multiple lots as well as an easement to other parcels without County guidance. Now Tract 4 has been created with no road access.
2. Property cannot be landlocked in Coweta County. New regulations require all property designation to be surveyed and approved by County prior to recording, thus hopefully removing future circumstances such as this.
3. Smokey Road cannot be considered as a potential easement point due to not meeting AASHTO requirements.
4. George Arnold Road can have a cul-de-sac created at the end and then provide access to all properties affected by the previous actions.

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 applicant shall construct a cul-de-sac to County standards at the

end of George Arnold Rd.

2. The applicant shall donate the R/W to where Lot 1(Davis/Ott) could utilize an easement also off the proposed cul-de-sac and Tracts 2,3&4 would have easement rights.
3. No further land division can be done off of Tracts 1,2,3,4
4. The applicant shall be required to obtain written notarized and recorded access easement rights from each of the current property owners that are served by the private easement off George Arnold Road.

Questions from the Board for Staff:

A lengthy discussion and several questions were posed from the Board to staff for clarification of the situation as far as splitting the property and creation of the cul-de-sac to foster easement access. See video recording for specific details.

Applicant: Stephanie Davis

I bought the property in June 2022 and then became aware of all the issues. Consulted with an attorney and the house has existed long enough to have rights to the property. The plan is to gift the portion of the lot to the homeowner, but that landlocks the property and we are asking to utilize the existing easement to be able to access our property. There is no intent to further split the property or develop it in any way except for a single-family residence. The terrain is not conducive to construction of a cul-de-sac and would require too much of the neighbor's front yard and would also be too costly.

The Chairman called for anyone who wished to speak in favor of this request.

James Ford, 185 Wynnward Way, Sharpsburg, Ga. 30277

Brandon Ott, 426 Moore Rd. Newnan, Ga. 30263

Melvin Satterwhite, 43 George Arnold Rd. Newnan, Ga. 30263

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

On motion of Board member Cranford, seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-15.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Royce Williams, District 2
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT:	Delia Crouch

VAR 23-15 Davis, Stephanie - Additional Easement

Art 24 Sec 246.2.3 Item 2 - Additional easement requested

Tax I.D. 038 3003 001

Commission District Commissioner McKenzie

On motion of Board member Cranford, seconded by Board member Mitchum, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to recommend that the Board of Commissioners grant the request of VAR-23-15, subject to the following amended conditions:

Removing conditions 1 and 2

- ~~1. The applicant shall construct a cul-de-sac to County standards at the end of George Arnold Rd.~~
- ~~2. The applicant shall donate the R/W to where Lot 1(Davis/Ott) could utilize an easement also off the proposed cul-de-sac and Tracts 2, 3 & 4 would have easement rights.~~
3. No further land division can be done off of Tracts 1,2,3,4
4. The applicant shall be required to obtain written notarized and recorded access easement rights from each of the current property owners that are served by the private easement off George Arnold Road.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/8/2023 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	Lisa Mitchum, District 1 - Vice-Chairman	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford	
ABSENT:	Delia Crouch	

5. 13955 : VAR 23-16 Cresswind at Spring Haven

The subject property is the future development of Cresswind Spring Haven, a Kolter Home Development. The 359.31± site was rezoned under Petition REZ 022-021 to RRCC in 2022 and will be built in 5 phases with approximately 750 homes over 10+years. The property is located between Newnan Crossing Bypass and US Hwy 29.

Kolter provides different layouts as well as design criteria in their exclusive neighborhoods. To match the future homeowner with their dream retirement home, they provide a Model Home Community to allow their customer to see potential homes and be able to make design decisions. With this, they are proposing a 15-lot model home community which will include a Welcome Center, a Design Center, Model Homes and Parking.

Coweta County recently adopted a Model Home Ordinance in 2022 to provide 3 homes for each every 100 lots proposed. Since this is being done in phases, they would be limited to 3 lots. Cresswind has used this complete model home prototype in other communities such as Peachtree City and have had great success for its customers with it. This variance would allow Cresswind to design & build the complete "Model Home Community" with all 15 lots at once.

The Community Development Department submits the following Factors:

1. The Model Home Ordinance provides for a potential area to showcase the future homes of a community. The applicant needs clarity so he

can build the complex at once and then convert it back to single-family homes after build-out.

2. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities.

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 "Model Home Community" shall be a maximum 15 lots located within the designated section of the development. No other sales lots will be available within the development.
2. The "Community" will be designed as presented to staff.
3. The "Community" will meet all building, fire/emergency and utility codes.

There were no questions from the Board for Staff.

Applicant: Larry Long

The Chairman called for anyone who wished to speak in favor of this request.

Craig Jackson, 58 Fox Hollow Run Newnan, Ga. 30263

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

Letters of support were provided by the following citizens:

Dustin Baker 5241 Hampton Mill Dr. Flowery Branch, Ga. 30542

On motion of Board member Cranford, seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-16.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Royce Williams, District 2
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT:	Delia Crouch

VAR 23-16 Cresswind at Spring Haven - Model Home Community

Art 24 Sec 244 & 246 - Model Home Ordinance

Tax I.D. 088 2058 001A

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 Crouch being absent, the Board voted to recommend that the Board of Commissioners grant the request of VAR-23-16, subject to the following modified conditions:

1. The "Model Home Community" shall be a maximum 15 lots located

within the designated section of the development. No other sales lots will be available within the development.

2. The "Community" will be designed as presented to staff.
3. The "Community" will meet all building, fire/emergency and utility codes as pertains to the Model Home Ordinance.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/8/2023 6:00 PM	
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford	
ABSENT:	Delia Crouch	

6. 13956 : VAR 23-17 Bedford, Marshall - Rear Yard Setback

The subject property is located at 150 Maple Leaf Rd which is Phase 1A Lot 114 in the Timberbrook Development. The applicant would like to cover the existing poured porch to provide them covered outdoor space. This would protect them from direct sun that takes the porch usages away from "4pm to sunset" so the Bedford's are unable to enjoy their back yard.

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.

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.
3. Adjoining neighbors submitted letters of support with the application.

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 10ft reduction.
2. Letter of approval from Beacon Management, LLC/HOA Support Services
3. All building permits shall be obtained.

There were no questions from the Board for Staff.

Applicant: Marshall Bedford

We would just like to cover the back patio because of the afternoon sun.

The Chairman called for anyone who wished to speak in favor/opposition of this request. 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 Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-17.

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

VAR 23-17 Bedford, Marshall - Rear Yard Setback

Art 23 Dimensional Requirements

Rear Setback Reduction

Tax I.D. 122 6069 107

Commission District Commissioner Poole

On motion of Board member Cranford seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to recommend that the Board of Commissioners grant the request of VAR-23-17, subject to the following conditions:

1. The rear yard setback reduction shall not exceed the requested 10ft reduction.
2. Letter of approval from Beacon Management, LLC/HOA Support Services
3. All building permits shall be obtained.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/8/2023 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford	
ABSENT:	Delia Crouch	

7. 13959 : VAR 23-19 - George & Cristina Hamman - Front Yard Setback Reduction

The subject property is Lot A-10 of the Macedonia Woods Subdivision located at 120 Macedonia Woods Drive, zoned RC (Rural Conservation).

The applicant requests a variance of 5-feet from the required 50-foot front building setback under *Article 23. Dimensional Requirements. Residential Districts*. The applicant is proposing to construct an open carport to protect vehicle(s) from debris and inclement weather. The 12' x 20' structure will be situated over an existing driveway turnaround and located 45-ft from the front property line along Macedonia Woods Drive.

The Hamman's have already installed additional landscaping throughout the front yard to help enhance the aesthetics of the home and neighborhood, and to help screen the proposed carport.

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 any adverse impact on public facilities or on the surrounding area.
2. Accessory buildings are common structures associated with residential neighborhoods.

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

1. The proposed open carport shall not be located any closer than 45-ft from the front property line along Macedonia Woods Drive.
2. The applicant shall meet all the requirements of the Building Department.

There were no questions from the Board for Staff.

Applicant: Truck is too large to fit in the garage so would like to add the carport to protect the vehicle.

The Chairman called for anyone who wished to speak in favor/opposition of this request. 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 Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-19.

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

VAR 23-19 - George & Cristina Hamman- Front Yard Setback

Art 23 Front Yard Setback

120 Macedonia Woods Drive, Newnan

Tax I.D. 046 5130 013

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 Crouch being absent, the Board voted to recommend that the Board of Commissioners grant the request of VAR-23-19, subject to the following conditions:

1. The proposed open carport shall not be located any closer than 45-ft from the front property line along Macedonia Woods Drive.
2. The applicant shall meet all the requirements of the Building Department.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/8/2023 6:00 PM	
MOVER:	Lisa Mitchum, District 1 - Vice-Chairman	
SECONDER:	Royce Williams, District 2	
AYES:	George Harper, Lisa Mitchum, Royce Williams, Billy Cranford	
ABSENT:	Delia Crouch	

8. 13960 : VAR 23-20 - Jose Gallegos - Front Yard Setback Reduction

The subject property has a total area of 1.21± acres located at 307 Palmetto Tyrone Road, zoned RC (Rural Conservation). The site is a lot of record and currently contains an established residence originally built in 1962.

The applicant has constructed a 12' x 24' accessory structure without obtaining the appropriate building permits or inspections. The structure is located 54-ft from the right-of-way along Palmetto Tyrone Road; therefore, requesting a front setback reduction of 46-ft from the required 100-ft. According to the applicant, the accessory structure will be utilized for the storage of tools and mechanical parts.

In February 2023, the Code Enforcement division received complaints from several adjoining property owners, in regards, to active construction on site for a structure. On February 15, 2023, a site visit was conducted by the Code Enforcement division which verified that a structure was approximately 90% complete. A stop work order was issued, and the property owner was advised to contact the building division.

After several months, the applicant's daughter visited the Building Department to inquire about the building permit process. After review of the site plan, it was determined the structure encroached on the required 100-ft front building setback. The options to rectify the situation would be to move the structure into compliance or file for a variance.

A variance application was originally filed on 5/10/2023, but was withdrawn on 6/19/2023, due to lack of payment. Code Enforcement issued a citation on 6/21/2023 with a scheduled court date of 7/11/2023. The citation was abated since the applicant filed another variance application on 7/6/2023.

The zoning and code enforcement divisions are receiving weekly complaints regarding the location and propose use of the structure.

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

1. Communication with the Building Division would have educated the property owner on the process of applying for the appropriate building permits and the required setbacks for the placement of the proposed accessory structure within the subject property.
2. The applicant created the hardship by beginning construction without a permit.
3. The Community Development Department is receiving multiple complaints weekly from adjoining property owners.

4. Since the accessory structure is sitting on piers or blocks, the accessory unit can be relocated to the side yard, north of the house to meet the required 100-ft front building setback.

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

1. The accessory structure shall not be located any closer than 54-ft along Palmetto Tyrone Road.
2. The accessory structure shall not be utilized as a residential dwelling.
3. The applicant shall meet all the requirements of the Building and Environmental Health Departments.
4. All appropriate permits and inspections shall be obtained before any construction resumes on the accessory structure.

Questions from the Board for Staff.

Q: What would the structure be used for?

A: Storage of tools and equipment.

Q: Are there electrical or mechanicals installed?

A: No.

Q: Can the building be easily moved?

A: It can be moved as it is on blocks, not sure how easy it would be.

Applicant: Jose Gallegos and daughter/translator Kassandra Gallegos 307 Palmetto Tyrone Rd.

Dad works in maintenance so he wanted a shed to store tools and have a little office. Building can't be moved to the side yard because it is muddy and vehicles get stuck. Builder misinformed them that a permit was not needed. Apologize for any negative impact to the neighbors.

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

The Chairman called for anyone who wished to speak in opposition of this request.

Beth and Jerry Collinsworth, 327 Palmetto Tyrone Rd. Newnan, Ga. 30265

Joshua Boyd, 317 Palmetto Tyrone Rd. Newnan, Ga. 30263

Letter of Opposition

Raymond Pickett, 245 Palmetto Tyrone Rd. Newnan, Ga. 30265

On motion of Board member Mitchum seconded by Board member Williams, passing by a vote of 4 to 0, with Board member Crouch being absent, the Board voted to close the Public Hearing regarding VAR-23-20.

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

VAR 23-20 - Jose Gallegos- Front Yard Setback

Art 23 Front Yard Setback

307 Palmetto Tyrone Rd, Newnan

Tax I.D. 118 6080 002

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 Crouch being absent, the Board voted to recommend that the Board of Commissioners deny the request of VAR-22-20.

RESULT: RECOMMEND DENIAL [UNANIMOUS] Next: 8/8/2023
6:00 PM
MOVER: Lisa Mitchum, District 1 - Vice-Chairman
SECONDER: Royce Williams, District 2
AYES: George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT: Delia Crouch

IV. Additional Business

A. Next BOZA Mtg - August 24, 2023

V. Adjournment

1. Adjourn

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

RESULT: APPROVED [UNANIMOUS]
MOVER: Billy Cranford, District 4
SECONDER: Lisa Mitchum, District 1 - Vice-Chairman
AYES: George Harper, Lisa Mitchum, Royce Williams, Billy Cranford
ABSENT: Delia Crouch