



Coweta County Board of Zoning Appeals

Public Hearing

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~ Minutes ~

Angela White
770.254.2635

Thursday, July 22, 2021

6:00 PM

Commission Chambers

I. Meeting Called to Order

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

II. Approval of Minutes

1. Board of Zoning Appeals - Public Hearing - Jun 24, 2021 6:00 PM

On motion of Board member Cranford, seconded by Board member Crouch, the Board voted to approve the minutes from the Public Hearing held on June 24, 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Delia Crouch, District 5
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

III. Public Hearing

A. Petitions

1. ZA 025-21 Ramuji, LLC - 3 Variance Requests

Building Height of 52'8" from 34'11"

Building Floors of 4 stories from 3 stories

Buffer reduction along eastern and southern property & replace with 10-ft landscape strip

869 Poplar Rd, Newnan

Tax I.D. 099 2004 094

Commission District Commissioner Lassetter

Zoning Coordinator Eschman presented Petition # ZA 025-21 filed by Ramuji, LLC requesting variances from Article 23 and Article 25 associated with building height, building stories, and buffer variances for property located at 869 Poplar Road, Newnan (Parcel # 099-2004-094). She explained that the subject property is located at 869 Poplar Road, zoned **RC (Rural Conservation)**. The subject site has a total area of 1.82± acres, lies within the Poplar Road Quality Development Corridor District and contains a vacant single-family residence. The parcel adjoins the Piedmont Newnan Hospital to the west, zoned **O-I (Office-Institutional)**.

The applicant is requesting the C-4 (Commercial Service) zoning district for a hotel under Rezoning Petition # 014-21. The proposed hotel will be a 4-story

structure with a building height of 52'-8" and will serve the nearby Piedmont Newnan Hospital and travelers along I-85, Exit 44. If the applicant is successful with the rezoning, the C-4 property will adjoin a RC (Rural Conservation) zoning district which requires a 50-ft buffer.

The following variance requests have been submitted:

I. Article 23. Structural Stories & Height Requirements

- Increase Floors/Stories from 3 to 4
- Increase Building Height from 34'-11" to 52'-8" (Increase of 17'-9")

The Community Development Department submits the following Key Factors for Consideration in reviewing the Variance Request #1 & #2:

1. The Coweta County Fire Department, Building Department and Airport Manager do not object to the increase in stories or building height for the proposed structure. (Factor 4)
2. The proposed request is common for the lodging industry design when located on major highways for the traveling public.
3. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities. (Factor 4)
4. The Poplar Road Quality Development Corridor is transitioning to a commercial and office presence around the Interstate Interchange Exit 44.

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 the requirements of County and State Fire Marshals, Development Review (QDCD), Building, and the Environmental Health Departments.
2. The overall height of the structure shall not exceed 52'-8" in height and 4 stories.

II. Article 25 Sec 251: Buffer Requirements

- Request to eliminate the required 50-ft buffer to a 10-ft landscape strip along the eastern and southern property lines.

The Community Development Department submits the following Key Factors for Consideration in reviewing the Variance Request # 3:

1. The subject property is located within the Commercial Corridor and Interstate Gateway Character Area as defined in the Future Development Map. (Factors 1, 2, 3, 5)
2. While not currently developed, the surrounding RC property to the east could be affected by the proposed requests. (Factors 3, 5)

3. Based on staff comments and recommended conditions, the proposed request should not have any adverse impact on public facilities. (Factor 4)

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

1. A 10-ft landscape strip shall be planted along the eastern and southern property boundaries and shall incorporate the landscape requirements under Article 26 (QDCD). A landscape plan shall be submitted and reviewed by the Community Development Department prior to installation.

There were no questions from the Board for Staff.

Applicant: Kip Oldham - All of this area is growing and this is no contradiction of use. This will actually cause a reduction in traffic since there are no facilities of this type in the area. While the guarantee of this franchise is not available, the facility that will be built will be a hotel of the type that provides the same level of service.

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

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to close the Public Hearing regarding Petition # ZA 025-21 filed by Ramuji, LLC requesting building height, building floors, and buffer variances for property located at 869 Poplar Road, Newnan (Parcel # 099-2004-094).

RESULT: PUBLIC HEARING CLOSED [UNANIMOUS]

MOVER: Delia Crouch, District 5

SECONDER: George Harper, District 3 - Vice-Chairman

AYES: Jackson, Harper, Mitchum, Cranford, Crouch

Building Height Variance - Article 23

Ms. Eschman explained that the applicant is requesting a variance from Article 23 to increase the building height from the maximum allowable height of 34'11" to 52'8".

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant a building height increase from 34'11" to 52'8" as requested in Petition # ZA 025-21 filed by Ramuji, LLC for property located at 869 Poplar Road, Newnan (Parcel # 099-2004-094), subject to the following

conditions:

1. The applicant shall meet all the requirements of County and State Fire Marshals, Development Review (QDCD), Building, and the Environmental Health Departments.
2. The overall height of the structure shall not exceed 52'8" in height and four (4) stories.

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

Number of Stories Variance - Article 23

Ms. Eschman explained that the applicant is requesting a variance from Article 23 to increase the maximum allowable number of stories/floors from three (3) to four (4).

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant an increase in the number of stories/floors from three (3) to four (4) as requested in Petition # ZA 025-21 filed by Ramuji, LLC for property located at 869 Poplar Road, Newnan (Parcel # 099-2004-094), subject to the following conditions:

1. The applicant shall meet all the requirements of County and State Fire Marshals, Development Review (QDCD), Building, and the Environmental Health Departments.
2. The overall height of the structure shall not exceed 52'8" in height and four (4) stories.

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

Buffer Variances Article 25, Section 251

Ms. Eschman explained that the applicant is requesting a variance from Article 25, Section 251 to eliminate the required 50-foot buffers along the eastern and southern property boundaries and proposes to replace them with 10-foot landscape strips.

Mr. Cranford noted that the property to the south is still zoned RC.

Ms. White stated that we have received no communication from any of those property owners in response to this variance.

On motion of Board member Crouch, seconded by Board member Harper, passing unanimously, the Board voted to recommend that the Board of Commissioners grant elimination of the 50-foot buffers along the eastern and southern property boundaries and replacement of each with a 10-foot landscape strip as requested in Petition # ZA 025-21 filed by Ramuji, LLC for property located at 869 Poplar Road, Newnan (Parcel # 099-2004-094), subject to the following condition:

1. A 10-ft. landscape strip shall be planted along the eastern and southern property boundaries and shall incorporate the landscape requirements under Article 26 (QDCD). A landscape plan shall be submitted and reviewed by the Community Development Department prior to installation.

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

2. 9357 : ZA 026-21 McCarthy & Civita-Garcia - Variance

Zoning Coordinator Eschman presented Petition # ZA 026-21 filed by Brian McCarthy and Carla Civita-Garcia requesting a variance from Article 7, Section 72 associated with setback requirements for a barn on Lot 109 located on Blalock Lakes Drive, Newnan (Parcel # 040-3009-032). She explained that the subject property consists of 1.87± acres, is zoned *RC (Rural Conservation)*, and is designated as a Jr. Equestrian Lot by the Blalock Lakes Development. The applicants are in the process of constructing their primary residence on the subject property and would like to construct a 20-feet by 40-feet two-stall run-in stable/barn. Because of the shape and size of the parcel, the proposed location of the barn encroaches on the northern (rear) and western (side) property lines by 50-feet from the required 100-foot separation.

Mr. Brian McCarthy, applicant, explained the lot is designed for equestrian use although there is limited area for pasture. The house on the other lot would greatly exceed the required distance.

The Blalock Lakes HOA Board submitted approval of the request.

Chairman Jackson called for any comments in support of or in opposition to the requested variances. There were none.

On motion of Board member Cranford, seconded by Board member Crouch, passing unanimously, the Board voted to close the Public Hearing regarding Petition # ZA 026-21 filed by Brian McCarthy and Carla Civita-Garcia requesting

barn setback variances for Lot 109 located on Blalock Lakes Drive, Newnan (Parcel # 040-3009-032).

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Delia Crouch, District 5
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

ZA 026-21 McCarthy & Civita-Garcia Distance requirements for barn

Lot 109 Blalock Lakes Dr, Newnan

Tax I.D. 040 3009 032

Commission District Commissioner Lassetter

During the discussion it was encouraged that the fence be located 10 ft from the property line.

On motion of Board member Cranford, seconded by Board member Mitchum, passing unanimously, the Board voted to recommend that the Board of Commissioners grant 50-foot barn setback reductions as requested in Petition # ZA 026-21 filed by Brian McCarthy and Carla Civita-Garcia for Lot 109 located on Blalock Lakes Drive, Newnan (Parcel # 040-3009-032), subject to the following conditions:

1. The barn setback reduction shall not exceed the requested reduction as follows:
 - Reduction of 50-feet along the northern (rear) property line.
 - Reduction of 50-feet along the western (side) property line.
2. The applicant shall provide an elevation certification showing the barn location above the floodplain limits.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/10/2021 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	Lisa Mitchum, District 1	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

3. 9345 : ZA 027-21 Bothe, Steven & Susan - Art 4 Variance

Assistant Community Development Director White presented Petition # ZA 027-21 filed by Steven and Susan Bothe requesting a variance from Article 4, Section 47 associated with distance between structures for property located at 37 StoneCrop Common, Senoia (Parcel # 158-1199-016).

She explained that the applicants wish to construct a 16-feet wide by 42-feet long detached garage/storage building. Because of stream buffer setbacks, a side yard setback, existing septic system, topography, and an existing driveway, there is a 9-foot separation between the proposed structure and the existing residence. Therefore, the applicant is requesting a 1-foot variance to allow for

construction of the new structure.

Mr. Steven Bothe, applicant, explained that the original house plan was changed, and the driveway was moved.

Chairman Jackson called for any comments in support of or in opposition to the requested variance.

Steve Haralson, Property Manager of Bradshaw Farms stated that the HOA voted to approve the request.

Letters of support were provided by the following citizens:

Matt & Angie Darcy, 72 StoneCrop Common, Senoia, Ga. 30276

Ronald & Mary Ann Moon, 45 StoneCrop Common, Senoia, Ga. 30276

On motion of Board member Crouch, seconded by Board member Mitchum, passing unanimously, the Board voted to close the Public Hearing regarding Petition # ZA 027-21 filed by Steven and Susan Bothe requesting a distance between structures variance for property located at 37 StoneCrop Common, Senoia (Parcel # 158-1199-016).

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

ZA 027-21 Bothe, Steven & Susan - Art 4 Variance

Art 4 - Separation Variance Request

37 StoneCrop Common, Senoia

Tax I.D. 158 1199 016

Commission District Commissioner Poole

On motion of Board member Harper, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant a distance between structures reduction as requested in Petition # ZA 027-21 filed by Steven and Susan Bothe for property located at 37 StoneCrop Common, Senoia (Parcel # 158-1199-016), subject to the following condition:

1. The separation reduction is limited to the requested 1 ft. between the proposed detached garage/storage building and the existing residential structure.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/10/2021 6:00 PM	
MOVER:	George Harper, District 3 - Vice-Chairman	
SECONDER:	Delia Crouch, District 5	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

4. 9346 : ZA 028-21 Swartz, Kimber - Neighborhood Agribusiness C.U.P.

Assistant Community Development Director White presented Petition # ZA 028-21 filed by Kimber Swartz requesting a Neighborhood Agribusiness Conditional Use Permit (CUP) for property located at 1357 Stallings Road, Senoia (Parcel # 161-1257-002).

She explained that the subject property consists of 5.32± acres, zoned RC (Rural Conservation). The applicant is in the business of raising horses and providing training lessons for riders. In addition, she would like to incorporate day camps and birthday parties.

Because the subject property does not consist of the required minimum of twenty (20) acres for commercial use under Article 7, Section 72, Ms. Swartz is requesting the Neighborhood Agribusiness Conditional Use Permit to operate the equestrian business.

In closing, Ms. White explained that Code Enforcement had received complaints from a neighbor regarding traffic to the subject property and negative effects to their yard.

Ms. Kimber Swartz, applicant, explained she was asked to provide a range of hours on the application, but did not have that many customers. She might have one or two kids on two or three days per week. The children are like family and have always been welcome to use the restroom facilities inside the house. She explained she would be willing to give up the camps to continue giving the lessons. The neighbor complained, but his fence come into the easement and he is more worried about the grass. They have a total of 10 horses.

Chairman Jackson called for any comments in support of or in opposition to the Neighborhood Agribusiness Conditional Use Permit.

Dawn Miklosovic, 200 Lee Lassetter Rd., Newnan, Ga. 30263 addressed the board in favor of the business.

Letters of opposition were provided by the following citizens:

D A Snelling, 1353 Stallings Rd., Senoia, Ga. 30276

Applicant rebuttal comments: The fence is down in the paddock that is not in use because they are letting the grass grow. The horses have gotten out, but that's what happens when you have livestock. There was one horse hit 15 years

ago, but care is provided, and the vet and farrier were out just a few days ago. We feed top of the line supplements and purchase 2-3 bales of hay a week and I can provide invoices for all of it. The drive is shared maintenance easement and was regraded within the last year.

On motion of Board member Cranford, seconded by Board member Crouch, passing unanimously, the Board voted to close the Public Hearing regarding Petition # ZA 028-21 filed by Kimber Swartz requesting Neighborhood Agribusiness Conditional Use Permit for property located at 1357 Stallings Road, Senoia (Parcel # 161-1257-002).

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Billy Cranford, District 4
SECONDER:	Delia Crouch, District 5
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch

ZA 028-21 Swartz, Kimber - Neighborhood Agribusiness C.U.P.

Neighborhood Agribusiness C.U.P. - Equestrian Programs

1357 Stallings Rd, Senoia

Tax I.D. 161 1257 002

Commission District Commissioner Poole

Mr. Cranford stated that we could legislate people to death.

Ms. Crouch said it sounded like the complaint had nothing to do with the lessons being given.

Mr. Jackson noted there were a lot of things in the conditions to be addressed.

On motion of Board member Cranford, seconded by Board member Crouch, passing unanimously, the Board voted to recommend that the Board of Commissioners grant a Neighborhood Agribusiness Conditional Use Permit as requested in Petition # ZA 028-21 filed by Kimber Swartz for property located at 1357 Stallings Road, Senoia (Parcel # 161-1257-002), subject to the following amended conditions:

1. No use permitted shall exceed a noise level of 45dBa, as measured at the property line.
2. The days/hours of operation and activities shall be limited to those specified in the application, except no camp activities.
3. The site must meet agricultural best management practices and ensure that all the activities shall not impair the quality of the drinking water system.
4. Prior to any further business activity on site, a Business License shall be obtained.
5. All business activity must take place on the applicant's property with

access only via the existing easement, with all parking being located on the applicant's property.

6. Applicant would be required to meet all State of Georgia Agriculture Requirements, Equine Health Management.
7. Activity will be limited to private lessons only, with no camp activities being offered.
8. Add and maintain all fencing as necessary to protect the livestock and the adjoining owner's property.

RESULT:	RECOMMEND APPROVAL [UNANIMOUS]	Next:
	8/10/2021 6:00 PM	
MOVER:	Billy Cranford, District 4	
SECONDER:	Delia Crouch, District 5	
AYES:	Jackson, Harper, Mitchum, Cranford, Crouch	

IV. Additional Business

A. Next BOZA Mtg - August 26, 2021

V. Adjournment

1. Adjourn

On motion of Board member Harper, seconded by Board member Crouch, the Board voted to adjourn the meeting.

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