City of Newnan Georgia

CITY HALL

Board of Zoning Appeals

Agenda Book

September 4, 2018

City of Newnan
Board of Zoning Appeals

Agenda for September 4, 2018 Board of Zoning Appeals Meeting
10:00 AM, Richard A. Bolin Council Chambers, City Hall

TAB NUMBER	AGENDA CATEGORY / ITEM
	Convene
TAB #1	Minutes of the June 5, 2018 Board of Zoning Appeals Meeting
TAB #2	Public Hearing – Variance Request – 27 Stones Throw Lane: Donald Daly (2018-12)
	Other Business and Comments by Members of Staff
	Public Comments
	Adjourn

Unless otherwise posted, all Board of Zoning Appeals Meetings
are held in the:
Richard A. Bolin Council Chambers, City Hall
25 LaGrange Street, Newnan, Georgia 30263
Any questions prior to the meeting
should be directed to the Planning and Zoning Department.
Phone: 770-254-2354
E-mail: tdunnavant@cityofnewnan.org

CITY OF NEWNAN
Board of Zoning Appeals
Meeting Minutes
June 5, 2018
10:00 a.m.

Board Members in Attendance:	Cliff Smith Sally Hensley Jim McManus Ken Parker Willie Walton Larry McWhorter
Board Members Absent:	Frank Flournoy
Others in Attendance:	Tracy Dunnavant, Planning & Zoning Director Chris Cole, Planner Brad Sears, City Attorney

CALL TO ORDER

Chairman Smith called the meeting to order at 10:00 a.m. in the Richard A. Bolin Council Chambers, City Hall.

READING OF MINUTES

Chairman Smith asked if everyone reviewed the minutes from the May1, 2018 meeting. Walton motioned to accept the minutes as drafted. Hensley seconded the motion.

MOTION CARRIED (6-0)

Public Hearing – Appeal of Zoning Administrator's Decision – 10 Ray Street: Zareh Najarian and Ben Hill

Chairman Smith continued the public hearing from the May 1, 2018 meeting on 10 Ray Street and asked anyone speaking in favor to come forward. Ronald Smith came forward and was sworn in by Sears. He stated that he had provided a lot of additional information to Chris Cole, Planner, and was hoping the Board would agree to let the structure continue to be used as a duplex. Chairman Smith reminded the Board that they had heard testimony on this request last month and had voted to continue it to this meeting. Ronald Smith provided floor plans and utility bills for the Board to review. Parker asked what Smith's role was on the project. Ronald Smith said he was the project manager. McManus asked if the units were occupied. Ronald Smith said they were not. Hensley asked what improvements had been made to the units to date. Ronald Smith stated that they had been totally renovated and gave specifics on the work that had been completed. Chairman Smith asked how many bathrooms were in the structure. Ronald Smith stated that there were two. Parker asked if one of the bathrooms had been installed recently. Ronald Smith said that both bathrooms were existing prior to the renovations. Walton asked if the Building Department had approved the use of the structure as a duplex. Ronald Smith stated that the Department had not approved the work yet. The Board discussed the square footage of each unit. Ronald Smith mentioned that the total square footage for the entire structure was 1,182 sq ft.

Chris Cole gave background information from his report regarding how the violation was discovered and also discussed the process required to reinstate a grandfather status. Cole mentioned that he had contacted Newnan Utilities to see if they could help determine how long the structure had been used as

a duplex. He said their records indicated at least as far back as 2012. Cole completed his report by recommending the reestablishment of the duplex use. The Board discussed the services that can be billed with meters. Sears defined what constituted a duplex. Parker said he had an issue with the applicant not getting the appropriate permits. Chairman Smith agreed that it did look like the applicant had try to beat the system. He stated that he was leaning toward allowing them to stay a duplex, but also making them go back and get the appropriate permits and inspections. He added that he wanted to make sure all of the work was done correctly.

McManus motioned to approve the appeal to allow the structure to continue to be used as a duplex with all proper permits being obtained and all appropriate inspections being conducted to ensure that the work was done correctly. Hensley seconded the motion.

MOTION CARRIED (5-1) (Parker)

Public Hearing – Variance Request – 931 Lower Fayetteville Road; Prime Ventures, LLC

Chairman Smith recused himself and went to sit in the audience due to ownership of the property.

Vice Chairman Hensley asked anyone speaking in favor of the request to come forward. Proctor Smith, Prime Ventures, LLC, came forward and was sworn in by Sears. He informed the Board that the request involved the last phase of their expansion. Proctor Smith stated they were seeking relief from the Quality Development Corridor (QDC) requirements for the east wall of building "F". He said there was 30 feet of fall from front to back as well as a large buffer which would pretty much keep the building from being seen. Proctor Smith added that the rest of the project did meet the QDC requirements and he was only asking for relief on the one wall. He added that he would be painting the wall to complement the rest of the project. Cole reviewed his report. He described the materials that could be used in the QDC overlay and provided background information on the project. Cole showed photos of the construction area as well as the buffer in between the site and Interstate 85. Cole concluded his report by recommending the granting of the variance request for the east wall of building "F".

Walton motioned to approve the variance request to eliminate the required material percentages in the Quality Development Corridor for the east wall of building "F". Parker seconded by motion.

MOTION CARRIED (6-0)

ADJOURN

McWhorter motioned to adjourn the meeting. Parker seconded the motion.

MOTION CARRIED (6-0)

Meeting was adjourned at 10:47 a.m.

_____

Chairman Cliff Smith

City of Newnan, Georgia – Board of Zoning Appeals

Date: September 4, 2018

Application Number: 2018-12

Agenda Item: Variance Request – Donald Daly

Prepared and Presented by: Chris Cole, Planner

Purpose

Donald Daly is requesting a variance for a reduction of the rear setback requirement, as outlined in Section 4-29(a) and Table 4-A of the City of Newnan's Zoning Ordinance, from 24 feet to 20 feet at 27 Stones Throw Lane. When the application was submitted, the request was for a rear setback reduction from 30 feet to 20 feet. The 30-foot rear setback is required for any property zoned RU-7. Subsequently, however, staff realized that this phase of Stonebridge had open space incentives at the time of subdivision approval and this allowed for rear setbacks of 24 feet. **Accordingly, the applicant is seeking a rear setback reduction from 24 feet to 20 feet (instead of a rear setback reduction from 30 feet to 20 feet that is mentioned in the application).**

Background

Zoning District	RU-7 - Urban Residential Single-Family Dwelling District – High Density
Proposed Land Use	Existing Single-Family Residential
Parcel Size	Approximately 0.28 of an acre (12,086 sq. ft.)

The property owners of 27 Stones Throw Lane, Donald and Linda Daly, wish to construct a screened-in porch on the back of their home. As mentioned above, the applicant is seeking a variance reduction from 24 feet to 20 feet. In terms of hardship, the application states that if the requirements of the ordinance (related to the rear setback) were to be applied, the property owners would be unable to build the screened-in porch. In regards to the characteristics of the land, the application states that the rear yard only measures 37 feet from the rear of the residence to the rear property line and this precludes building the proposed screened-in porch.

The Board of Zoning Appeals approved similar requests at 55 West Washington Street (rear setback reduction from 75.5 feet to 62 feet), 3 Bryce Creek Drive (rear setback reduction from 30 feet to 24 feet), and 56 Woodland Place (rear setback reduction from 20 feet to 10 feet) in 2017, 2016, and 2015, respectively. In each of these cases, the applicant requested a rear setback variance in order to construct an enclosed/covered porch on the back of a home. The request contained in this application is for a lesser degree of encroachment than these previous requests.

Bases for Granting Variance

The Board of Zoning Appeals shall base its required findings of fact upon the particular evidence presented in each specific case where the property owner can show:

A. The strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict utilization of the property because:

   - ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
   - ✓ Such conditions are peculiar to the particular piece of such property involved.
   - ✓ Such conditions were not imposed by the action or will of the owner of the property.
   - ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship other than a financial hardship in which the applicant would receive a lower rate of financial return on the use of the property if the variance is denied.
   - ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

B. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

C. The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Options

A. Approve the variance request
B. Deny the variance request

Recommendation

It should be pointed out that there is a fence that completely surrounds the applicant's back yard. Also, a key point in this case is that many of the neighbors in close proximity to the subject property have similarly sized lots and will possibly have to deal with this same regulation if they choose to do a rear addition. In terms of special conditions, circumstances, or characteristics of the land, staff agrees with the applicant's assertion that the size of the lot (0.28 of an acre), in relation to the home's close proximity to the rear property line, is a key issue.

The desire of the owners to construct a screened-in porch is not unreasonable and should present no impact upon their neighbors. Furthermore, alleviation of the rear setback will pose no danger to future enforcement of the Ordinance, as the intention of the Ordinance is not to irrationally prohibit screened-in porches in residential rear yards.

Staff recommends Option A, approving the variance request, based upon the following standards:

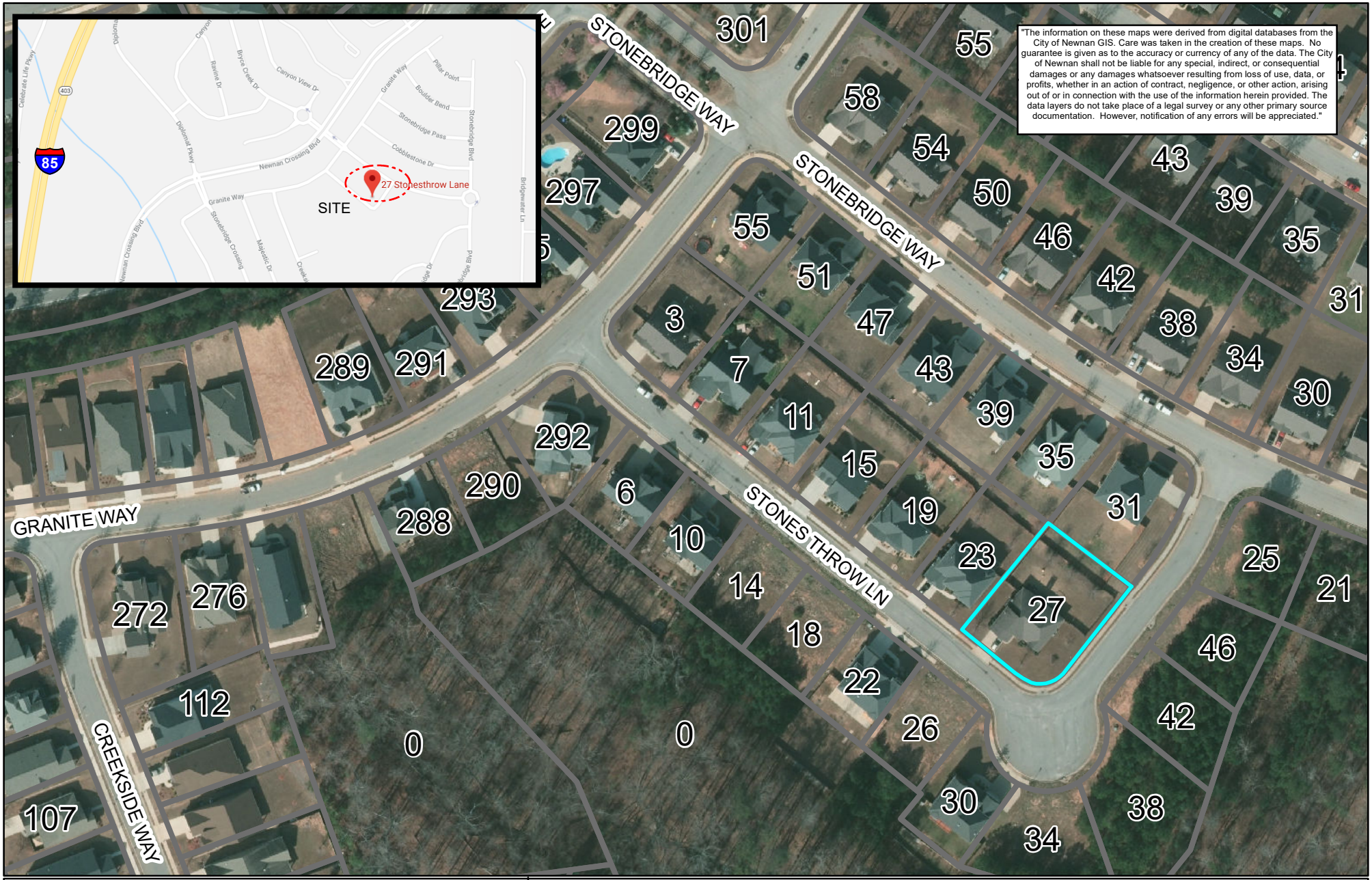
- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- Such conditions are peculiar to the particular piece of such property involved.
- Such conditions were not imposed by the action or will of the owner of the property.
- The strict application of the terms of the Ordinance would *unreasonably* restrict utilization of the property because the application of the Ordinance to the particular piece of property would create a non-financial, *unnecessary* hardship.
- Relief from the Ordinance would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

Attachments

Application
Photographs/Site Plan

Previous Discussions with BZA

None



CITY OF NEWNAN | Project Location

CITY OF NEWNAN
PLANNING DEPT.
25 LAGRANGE STREET
NEWNAN, GEORGIA 30263
www.ci.newnan.ga.us

NORTH

1 inch = 130 feet

LEGEND

- Project Location
- PARCELS
- CITY LIMITS

ADDRESS

27 Stones Throw Lane
NEWNAN GA. 30263

27 Stones Throw Lane - Variance

View of Subject Property

View of Adjacent Property to the west

27 Stones Throw Lane - Variance

View to the west on Stones Throw Lane

View of home under construction across from subject property

27 Stones Throw Lane - Variance

View across from subject property (towards cul-de-sac)

Alternate view across from subject property (towards cul-de-sac)

27 Stones Throw Lane - Variance

View of eastern elevation of subject property

Alternate view of eastern elevation of subject property

27 Stones Throw Lane - Variance

View of subject property's existing fence (with neighbor's fence connecting at the rear)

View of western elevation of subject property

27 Stones Throw Lane - Variance

View of rear façade of subject property (proposed screened-in porch will extend from the existing patio area)

View of subject property's rear yard

27 Stones Throw Lane - Variance

Alternate view of proposed screened-in porch area in subject property's rear yard

Alternate view of subject property's rear yard

CITY OF NEWNAN, GEORGIA

25 LaGrange Street
Newnan, Georgia 30263
770-254-2354

APPLICATION FOR VARIANCE

Name of Applicant DONALD DALY

Mailing Address 27 STONES THROW LANE, NEWNAN, GA. 30265

Telephone 678-386-4573 E-Mail: dondaly@att.net

Property Owner (Use back if multiple names) DONALD / LINDA DALY

Mailing Address SAA

Telephone SAA

Address/Location of Property 27 STONES THROW LANE, NEWNAN, GA. 30265

Tax Parcel No: 098A 457

Present Zoning Classification: RESIDENTIAL RU-7 @ 8-1-18

Present Land Use RESIDENTIAL

Intended Use RESIDENTIAL

Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for variance in regard to such property with the Board.

If you have any questions concerning this process, you may call the Planning and Zoning Department at (770) 254-2354. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Board of Zoning Appeals meets on the first Tuesday of each month. Applications must be submitted by 9:00 a.m. at least thirty (30) days prior to that date. Incomplete applications or applications submitted after the deadline *will not be accepted.*

I (We) hereby request the following variance from the provisions of section(s) 4-29(a) Table 4-A @ 8-1-18 of the Zoning Ordinance/Subdivision Regulations: _____.

In order for the Board to consider the request, it must be claimed "application of the Ordinance to the particular piece of property would create an unnecessary hardship". Please answer the following criteria questions:

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?

   REQUIRES 30 FEET AT BACK OF PROPERTY. AFTER PROPOSED STRUCTURE IS BUILT, THERE WILL ONLY BE 20 FT.

2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?

   RESIDENTIAL

3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?
AT PRESENT, SAID LOT ONLY HAS 37 FEET FROM REAR OF RESIDENCE TO LOT LINE OF NEXT HOME OWNER. THE CHARACTERISTICS OF THE LOT PREVENTS BUILDING OF SUCH AN ITEM.

4. What is the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property?
SEE ATTACHED

5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?
10 FEET

The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the property owner can show:

A. The strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict utilization of the property because:

- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- ✓ Such conditions are peculiar to the particular piece of such property involved.
- ✓ Such conditions were not imposed by the action or will of the owner of the property.
- ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship. Such hardship does not include financial hardship in that if the variance were granted, the applicant could receive a higher rate of financial return on the use of the property and without the variance, a lesser but still reasonable return could be realized.
- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

B. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

C. The condition or situation of the property, which give rise to the need for such variance, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Included with the application, the following information is required:

- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Check for applicable fees (**$250.00 Per Variance Requested**).
- ✓ Legal description of property.
- ✓ List of all the names and addresses of all property owners within 250 feet of subject property. This information can be found at the Coweta County Tax Assessors Office.

N/A

Question 4

The particular hardship that would result is that we would not be able to build a screened in porch.

Prior to moving to Newnan, my wife and I have had a screened in porch for 15 years at our previous residence. It is a wonderful entity to both begin one's morning in prayer in the peaceful calm. Likewise, it is a comforting, place to relax and unwind at the end of a stressful day. It is also a pleasant place to eat meals, entertain guests as well as play with your grandchildren & great grandchildren.

As a hospice chaplain, I can assure you that it is an asset to my ministry and I sincerely, miss having one.

I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand any inaccuracies may be considered just cause for invalidation of this application, and any action taken on this application. I (We) do hereby understand a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations.

DONALD E. DALY
LINDA F. DALY

Applicant(s) Name(s) (Please Print)

Donald E Daly Linda F. Daly

Signature of Applicant(s)

FOR OFFICIAL USE ONLY

RECEIVED BY Caris Cole

DATE OF FILING 7-27-18

BZA MEETING DATE 9-4-18

DATE OF NOTICE PUBLICATION 8-16-18

ACTION TAKEN (DATE) _____

City of Newnan, Georgia
Attachment A

Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for property.

Name of Property Owner DONALD / LINDA DALY

Telephone Number 678-386-4573 / 404-402-5395

Address of Subject Property 27 STONES THROW LANE
NEWNAN, GA. 30265

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Coweta County, Georgia.

Donald Daly
Linda F. Daly
Signature of Property Owner

Personally appeared before me

Donald Daly
Linda F. Daly

who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

MARY CLIFTON THOMAS III NOTARY PUBLIC GEORGIA COWETA COUNTY EXPIRES AUG. 15, 2021

Notary Public

(Affix Raised Seal Here)

7/23/21
Date

APPEARANCE STATEMENT

Public Hearing Attendance Requirements

To process an application for an item requiring a Public Hearing, the applicant or applicant's designated representative must be present and in attendance at said hearing. This includes any items to be presented to the Board of Zoning Appeals; Mayor and City Council; and the Planning Commission.

Failure to appear at a Public Hearing may result in denial of the request, or an extended waiting period before the next available meeting. Certain requests, i.e. variances or special exceptions, if denied cannot be re-submitted for consideration for a term not less than one (1) year from the date of denial by that particular governing body.

The Board of Zoning Appeals will hear your request on September 4 at 10:00 AM

The Mayor and City Council will hear your request on _____ at _____ PM

The Planning Commission will hear your request on _____ at 7:00 PM

IMPORTANT

A zoning sign will be affixed and posted on the property in question. Owner/applicant shall notify the Planning & Zoning Department immediately if the sign is removed, defaced, incorrect, etc. After the Public Hearing date, City personnel will remove the zoning sign.

Applicant's Name: DONALD DACY
(Please Print)

Applicant's Signature: Donald Dacy

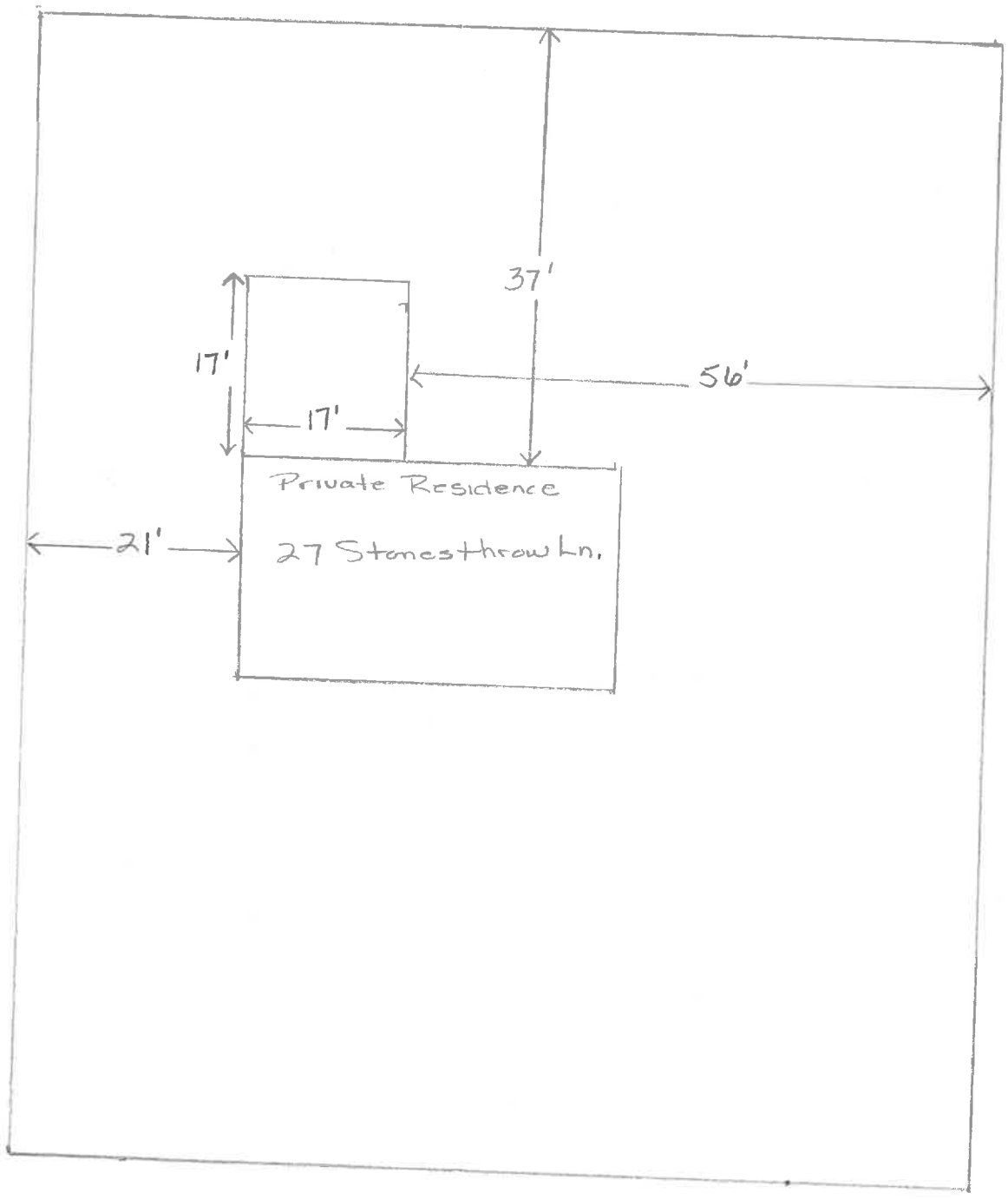
Date: 7/27/18

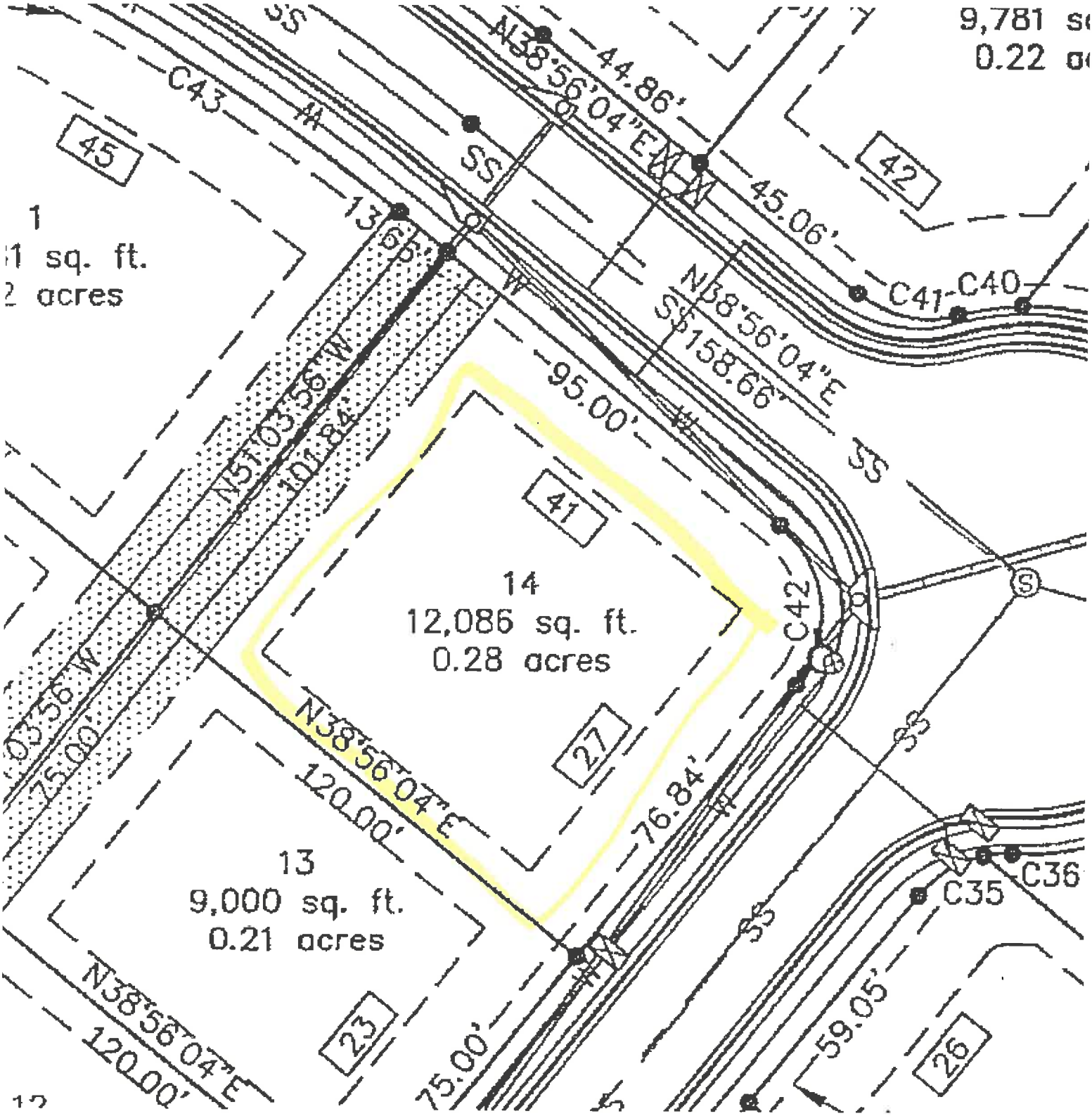
All meetings are held in the Richard A. Bolin Council Chambers located at 25 Lagrange Street, Newnan, GA 30263, unless otherwise stated.

EXHIBIT "A"

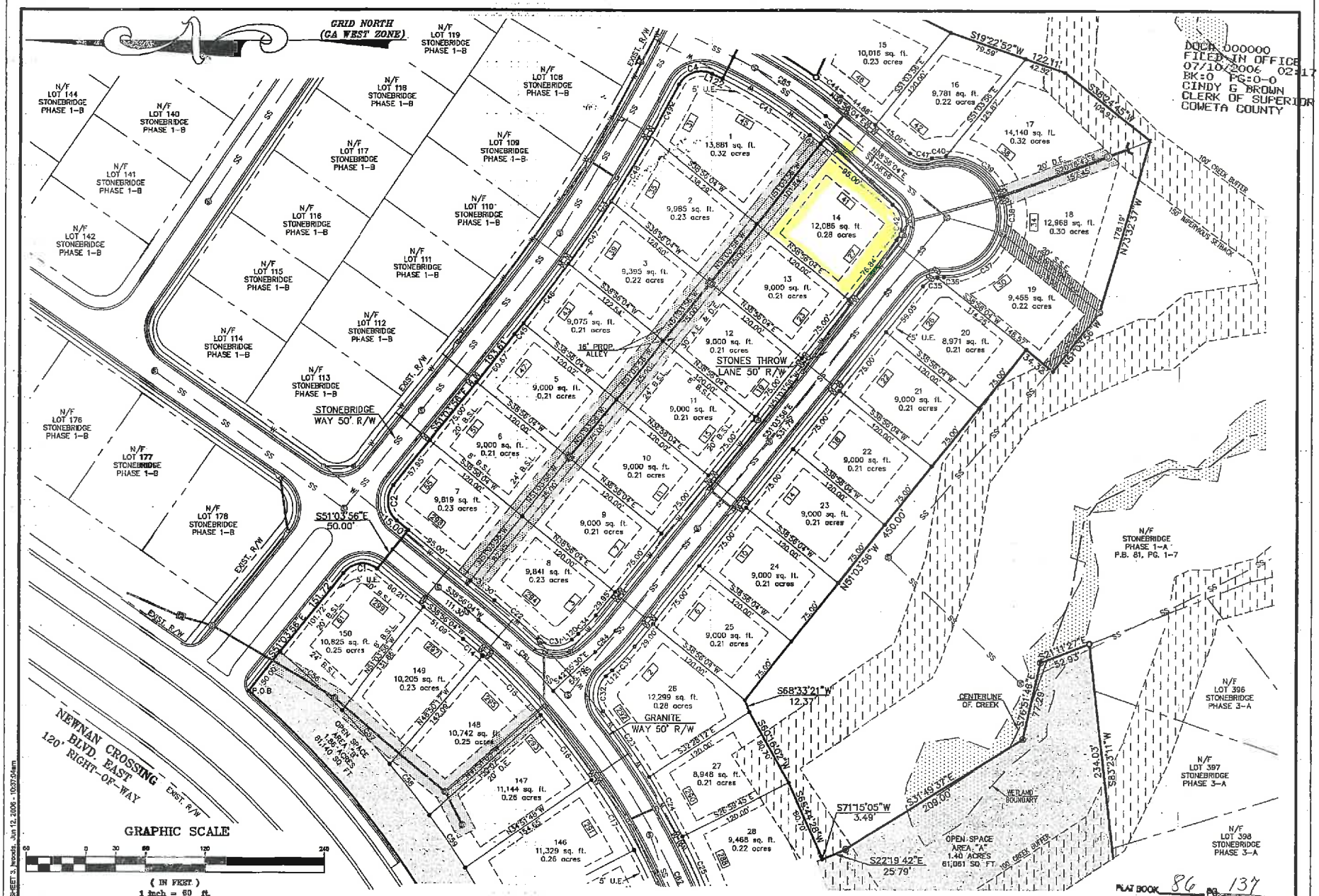
LEGAL DESCRIPTION
To Warranty Deed from Christopher E. Neidhardt and Kathryn Boyer Neidhardt
to Donald Eugene Daly and Linda Francine Daly

All that tract or parcel of land lying and being in Land Lot 45 of the 5th District, City of Newnan, Coweta County, Georgia, being Lot 14 of Stonebridge Subdivision, Phase III-B, as per plat thereof recorded in Plat Book 86, Page 135-141, Coweta County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.


37'
17'
56'
17'
Private Residence
21'
27 Stonesthrow Ln.



9,781 s
0.22 a
1
1 sq. ft.
2 acres
14
12,086 sq. ft.
0.28 acres
13
9,000 sq. ft.
0.21 acres
N38°56'04"E
44.86'
45.06'
95.00'
76.84'
120.00'
75.00'
59.05'
N51°03'56"W
101.84'
N38°56'04"E
158.66'
C43
C41
C40
C42
C35
C36
45
42
41
27
23
26
SS
W



DATE	6-7-06
FILE #	2001-187
CONTRACT #	588.003
DRAWN BY	J. Woods
CHECKED BY	R. Debien
© Moore Bass Consulting	

REVISIONS
6-12-06 - Revised per comments - JRW

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

SHEET TITLE
Final Subdivision Plat
Land Lot 45, 5th District
Coweta County, Georgia

SEAL
REGISTERED No. 2884 ROBERT J. DEBIEN
6-12-06

PROJECT
Stonebridge
Phase III-B

CLIENT NAME
Patrick Malloy Communities
851 Cedar Street
Carrollton, Ga 30117

Moore Bass CONSULTING
TALLAHASSEE DESTIN ATLANTA
www.moorebass.com
324 INDUSTRIAL BLVD. McDONOUGH, GA 30253 PH:(770)914-9394

SHEET 3 OF 7

X:\ASIGNED\588.003-PHS III-PT.dwg, SHEET 3, Woods, Jun 12, 2006 - 10:37:04am