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Steve Horton, Mayor
Scott Andrews, City Manager

City of Covington
BOARD OF ADJUSTMENTS AND APPEALS
Special Called Meeting January 19th, 2022 @ 5:20 PM
Meeting Minutes

Zoom Link: <https://us06web.zoom.us/j/85697548175>
Dial in: +1 646 558 8656 Member ID: 856 9754 8175

I. ROLL CALL

MEMBERS PRESENT

Roger Tingler
Buddy Adams
Bill Campbell
Lakeisha Thurman
Elizabeth Harwell (zoom)

STAFF PRESENT

Marc Beechuk
Renee Criswell

MEMBERS ABSENT

Lucinda Faulkner

II. DETERMINATION OF QUORUM

Chair confirmed quorum.

III. OPENING REMARKS

None.

IV. CALL TO ORDER

No quorum presented for hearing.

V. OLD BUSINESS

A. Approval of November 16th, 2021 Minutes. No hearing held month of December 2021.

VI. NEW BUSINESS

A. CASE# PVA21-0007 thru 0012:

Request: Variance for relief to specific ordinances related to one-bedroom multifamily units as found within Chapters 16.16 Space dimensions and 16.28 Civic Design, to include roof pitch, gross floor area, cladding, and parking overlook stipulations.

10200 & 10020 City Pond Road

Tax Map Parcel Numbers: **C080 035A & 043**

Applicant: Emory Equity, LLC c/o Arthur Lynn

Owner: Callaway/Sigman

STAFF PRESENTATION

Staff presented to the board applicant/developer was proposing a project that included twelve (12) stacked flat buildings along with a clubhouse, dog park, a pool, fitness center and walking trails. The total build-out was planned to have 396 units with 685 bedrooms. The project would have surface parking around the buildings at a ratio of 1.87/unit. The plan was adjacent to Covington Town Center (CTC) and development intentions were to connect to that development.

Staff went over below variance requests via PowerPoint:

- A) Per the Space Dimensions Table in city ordinance Chapter 16, section 16.16.030 The minimum gross floor area for a dwelling in the proposed Neighborhood Mixed- Use zone was 900 sqft. **The applicant was seeking a variance to reduce the size to 645 sq ft.**

- B) Per city ordinance Chapter 16, section 16.28.025 G. 2. g. – For the proposed multi- family development over 5 acres a maximum of twenty (20) percent of the total building wall area, with each façade being calculated independently, could contain the following materials:
 - i. Fiber cement siding, at least 3/8-inch thick;
 - ii. Natural wood siding;
 - iii. Natural wood shake. **The applicant was seeking a variance to allow varying amounts of these siding products per location on site (see attached plans).**

- C) Per city ordinance Chapter 16, sec 16.28.025 G. 2. f. – For the proposed multi-family development over 5 acres a minimum of two and a maximum of four of the following exterior finished materials may be used on a multi-family dwelling:
 - i. Clay masonry brick;
 - ii. Natural stone;
 - iii. Manufactured stone;
 - iv. Traditional stucco. **The applicant was seeking a variance to reduce to reduce the minimum to 1.**

- D) Per city ordinance Chapter 16, section 16.28.025 G.2. d.i., for the proposed multi-family development over 5 acres pitched roofs shall be sloped no less than 6:12, except that pitched roof structures for attached sheds, porches, patios and balconies may be sheds, with pitches no less than 2:12. **The applicant was seeking a variance to reduce the pitch to 5:12.**

Staff continued to explain that the 39-acre combined site was currently underdeveloped with two single family structures, an old farm pond and a reasonable amount of tree coverage throughout. The two parcels were two of the remaining 3 in the larger block that forms Covington Town Center. Those 3 were the only ones remaining within that larger area zoned industrial. The adjacent parcels in Covington Town Center include two of the stormwater ponds, trails and an approximately 10-acre tract planned for office space.

The two parcels sat in the southwestern corner of the larger block, which included most of the Right-of-way used by large trucks between Bob Williams Pkwy and Alcovy Rd/I-20. Planned access for the site would be at 3 locations, a main entrance through Tract 11 of CTC (office), a second entrance along the southern portion of City Pond Rd across from the entrance to Hometowne Studios and a final access point would go to one building on the western side of City Pond Rd near Roberts Way. The site was partially encumbered by wetlands, flood plain and streams flowing toward the southwestern corner.

STAFF RECOMMENDATION

Staff read over BOAA Criteria for variance decisions, per Sec. 16.12.170 A. 3.

Staff concluded that the proposed development would bring an influx of units to an area that was developing out and needed residential rooftops. It was seeking to mix the existing highway commercial and industrial uses with a residential product. To find the right balance for a large-scale project like proposed to succeed, would mean examining our code and finding areas where compromise would make sense and wouldn't diminish the end product. Staff felt that flexibility in design and personal preference regarding the applications on this project would make for sensible cooperation.

The proposed development would be a contributing factor to the area and **Staff recommended the following actions:**

- A) **Staff recommended approval for the request to reduce the unit size from 900 sq ft to 645 sq ft, per city ordinance Chapter 16, section 16.16.030** stating, unit size dictated a few elements of a project including the target audience and market preferences. Constructing units that weren't geared towards families was in line with current sentiments in Covington. Allowing smaller units (which this size was allowed in other zones) was a response to were the current housing market was in our nation;
- B) **Staff recommended approval with conditions (listed below) for the request of allowance for varying amounts of siding products per location on site, per city ordinance Chapter 16, section 16.28.025 G. 2. g.**
Staff reported that the material choices were important for two major reasons, product longevity and aesthetic appeal. The materials proposed would meet the first of those two points as well or better than what the code required. The second point was more a matter of choice and response to what the market wanted. The applicant had revised their plans multiple times to get closer to what staff had asked, while still proposing a product the market would support.
 - 1. **Condition** – Design must meet or exceed the percentages shown in the attached document titled “Callaway variances and exterior percentages”;
- C) **Staff recommended approval for the request to reduce the requirement for exterior finishes from minimum of two and max of four, per city ordinance Chapter 16, sec 16.28.025.G.s.f., to a minimum of one (1);**
Staff explained that similar to the reasoning in request B, allowing designers to make flexible decisions, as long as they use materials that stood up to a similar or longer amount of time to those in the code, was a sensible practice.
- D) **Staff recommended approval for the request of variance to reduce the required roof pitch from 6:12 to 5:12, per city ordinance Chapter 16, section 16.28.025 G. 2. d. I;**
Staff determined that the difference in roof pitch allowed for a product that the applicant had demonstrated to meet the spirit of the corresponding code. The change would nearly be imperceptible to the public and would still allow for a quality design.

APPLICANT PRESENTATION

Applicant and representative for Emory Equity, LLC, Arthur Lynn and Thomas & Hutton Landscape Architect for project, Matt Mitchell, presented PowerPoint to board showing project elevations, proposed facades, etc. Reported they intended to develop a really nice product that would compliment the adjacent Covington Town Center development and most importantly, incorporate pleasing and functional green space; therefore, abiding by the property owner's, Callway/Sigman, wishes to not have their land industrially development

and continue some aspects of nature/agricultural presence, as the land was originally zoned for, prior to the city's re-zoning of property from agriculture to Heavy Industrial (M2).

Board member Tingler posed a question to P&D Mgr., Beechuk as to why there was an allowance for these items in this particular zoning. Beechuk went over zoning area designs and urban planning focuses, as well as that this ordinance had been in place since 2008 with those requirements.

Board member Campbell asked for an explanation on the request for one (1) material versus the use of two (2). What masonry will be used and how many material options for apartments. Beechuk explained that the developer wanted a more flexible option for the use of just one quality, long-lasting product throughout project was a sensible practice as opposed to two (2) or more products that may not be as long-lasting.

PUBLIC COMMENT

Mr. & Mrs. Callaway reiterated to the board the desire for this property to be utilized as proposed and not some large industry. Further explained how the property was re-zoned without their desire and now just wanted to make the best use of their property and felt that Mr. Lynn and Emory Equity's proposed project would do just that. They also stated they knew there would be a time that the land would have to be sold and that time is now, but they wanted to leave their family land has a continued benefit to Covington/Newton County and was happiest with this proposal.

MOTION

- A) Request from required variance under city ordinance Chapter 16, section 16.16.030 for the allowance of unit size reduction from 900 sq ft to 645 sq ft.

Bill Campbell motioned to approve. Lakeisha Thurmond seconded. Motion carried 3/2 with Tingler/Adams opposing.

- B) Request from required variance under city ordinance Chapter 16, section 16.28.025 G. 2. g. for the allowance for varying amounts of siding products per location on site.

Roger Tingler motion to approve with the staff condition that design must meet or exceed the percentages shown in the attached document titled "Callaway variances and exterior percentages". Buddy Adams seconded. Motion carried unanimously.

- C) Request from required variance under city ordinance Chapter 16, sec 16.28.025.G.s.f for the allowance of a minimum of one (1) high quality, long-lasting, P&D approved exterior finish.

Roger Tingler Motioned to approve. Buddy Adams seconded. Motion carried unanimously.

- D) Request from required variance under city ordinance Chapter 16, section 16.28.025 G. 2. d. for the allowance of roof pitch reduction from 6:12 to 5:12.

Roger Tingler motion to approve. Lakeisha Thurmond seconded. Motion carried unanimously.

VII. ANNOUNCEMENTS/DISCUSSION

None.

IX. ADJOURNMENT

Bill Campbell motioned to adjourn. Buddy Adams seconded. Motion carried unanimously.

Respectfully Submitted,

Renee' Criswell, City Planner
Planning & Development

Marc Beechuk, Presiding Chair
Planning Commission Board