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**To:** Coweta County Zoning Board of Appeals

**From:** Lisa J Eschman, Zoning Coordinator

**Re:** Variance Request – *Article 7. Sec 75. Item 5. Public Recreation Area*

Applicant: Southeastern Trust for Parks and Land, Inc. – Bill Jones

Location: Cannongate Road, Newnan, GA

Petition # ZA 013-21

Tax ID #: 130-6112-150; -151; -152; -153; -154; -155, -156, -157, -158 & 130-6111-217, -218

“4<sup>th</sup>” Commission District

**Date:** April 15, 2021

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The subject property is approximately 18.696 ± acres located off Cannongate Road, zoned RC (Rural Conservation). The applicant purchased eleven (11) lots from Cannongate Village in December 2020. The individual lots were combined into one tract and is currently in a permanent deed restriction to remain in a natural state.

The applicant is proposing to incorporate a passive recreation area for public use such as walking, biking, bird watching, and the pure enjoyment of nature. The passive area will be a natural surface loop trail approximately 3’ wide and less than 2 miles in length.

Any recreational area utilized for public use must be located 200-ft from all property lines. Based upon the lot dimensions a setback reduction is needed for the proposed use.

With that, the applicant has filed the following two (2) variances for the passive recreation area on the subject property:

1. Reduction of 10-ft along I-85 (northern property line).
2. Reduction of 50-ft along the eastern and western property lines.

The nature preserve/passive park will be operated and maintained by a non-profit organization referred to as STPAL

Brief descriptions of staff comments regarding this request are as follows:

## **Public Safety**

### *Fire:*

Our Division has no objections to the variance request.

### *Public Works:*

In response to the variance requests, the Public Works Department offers the following recommended requirements/conditions:

1. The parking area shall be properly designed and paved.
2. Intersection sight distance from the proposed driveway must meet AASHTO intersection sight distance requirements.
3. No parking will be allowed within the County right of way.

## **Recreation**

With continued growth in Coweta County, there is a definite need for passive recreation areas within our community.

We have experienced a rapid increase in use within our existing passive park areas and only expect this demand to grow in the future.

These types of parks are typically low impact and low maintenance. However, I feel they are best operated in a manner consistent with similar parks in the area to provide an enjoyable experience for all users.

## **Utilities**

### *Environmental Health:*

The CCEHD has no objection to the request for a nature preserve park.

## **Community Development**

### *Building:*

Our division has no objections to this request.

### *Development Review:*

Our Division has no objections to the variance requests.

The consideration for a Conditional Use Request must be reviewed through the following eleven factors as provided under *Article 28. Section 284.1 of the Coweta County Zoning and Development Ordinance.*

1. Whether the conditional use will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*Response: The subject property was a collaboration of eleven (11) lots, once part of the Cannongate Village. The site was recently purchased and combined into one tract totaling 18.96±*

acres. The parcel is located between I-85 to the north and Cannongate Road to the south. All surrounding properties are part of the Cannongate Village Development, zoned RC (Rural Conservation).

2. Whether the conditional use will adversely affect the existing use or usability of adjacent or nearby property.

*Response: The subject property is in a permanent deed restriction which allows the property to be utilized as a natural land passive recreation park; therefore, the proposed use should be compatible with the adjacent and nearby properties. A letter of support has been submitted by the Canongate Village Homeowners Association.*

3. Whether or not the special circumstances contribute to the request are peculiar to the particular property involved.

*Response: Although several parcels were combined for an increase in acreage, the lot dimensions are peculiar for the site. The subject property is approximately 260' in width and 360' in length which presents a challenge with meeting the 200-ft requirement for the proposed nature park/trail.*

4. Whether the conditional use will result in a use, which will or could cause an excessive, or burdensome use of existing streets, transportation facilities, utilities, or schools.

*Response: N/A*

5. Whether there is existing or changing conditions affecting the use and development of the property, which gives supportive grounds for either approval, or disapproval of the conditional use permit request.

*Response: The setback reductions will have little impact on the property since the proposed use is a nature preserve park. After the purchase of the property by STPAL, it was placed into a permanent deed restriction which only allows the property to be utilized as a natural passive recreation park. Priority must be given to minimize any land disturbance and to preserve all existing trees. The proposed use will keep the property in a natural state while allowing the public to enjoy a nature preserve trail and park.*

6. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant.

*Response: The site is limited due to the lot dimensions; therefore, the requested setback reductions are needed for the placement of the trail.*

7. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance.

*Response: N/A*

**The Community Development Department submits the following Factors for Consideration in reviewing the Conditional Use Request:**

1. Based on staff comments and recommended conditions, the proposed use should not have any adverse impact on public facilities or the surrounding area. (Factors 1, 2, 4, 5)
2. The site is limited due to the lot dimensions. (Factors 3, 6)
3. The Canongate Village Homeowners Association has provided a letter of support for the proposed nature preserve park. (Factors 2)

**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 the Development Review and Public Works Department.
2. The setback reduction shall not exceed 10-ft along the northern property line against I-85.
3. The setback reduction shall not exceed 50-ft along the eastern and western property lines.

The Public Hearing for this request is scheduled for **Thursday, April 22, 2021 at 6:00PM** in the Commission Chambers located at 37 Perry Street, Newnan, GA 30263.

The applicant or his/her designated representative's presence is recommended to attend the Public Hearing.

c: Bill Jones, Executive Director STPL – [bill.jones@stpal.org](mailto:bill.jones@stpal.org)