



22 East Broad St.  
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**To:** Coweta County Board of Zoning Appeals

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

**Re:** Variance Request – Easement  
*Art 7. Sec 71. Infrastructure & Art 24. Sec. 246.2.3 Item 2 (a)*  
Applicant: Loren G. Taylor/Kimera Garrett  
114 Cannon Road, Sharpsburg, GA (98 Cannon Rd-Garrett)  
Petition # ZA 015-21  
Tax ID #: 125-1045-012 (pt)  
“2<sup>nd</sup>” Commission District

**Date:** April 15, 2021

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The subject property is a 27.36±acre parcel and was established back in the early '70s with several homes. As of this writing, there are seven homes associated within the family complex, connected with 2 other parcels.

In 2018, the applicant inquired about the process of deeding over a 3.00± acre homestead lot to their daughter, Kimera Garrett. The family contacted Ben Sewell for further understanding of the procedures and requirements. At that time, it was determined the homestead lot could be accessed by the established easement along Cannon Road. Unfortunately, the family didn't proceed with the process. Earlier this year, a survey was presented to the Development Review Division to be signed prior to the recording of the plat. However, due to an ordinance amendment in 2019, which changed the easement requirements the survey was denied. Therefore, the applicants are unable to move forward without consideration of a variance.

This request is being submitted by Mr. Taylor, the patriarch, so that he can deed his daughter the property.

The daughter does not plan to make any changes to the existing structure or property, but only acquire ownership of the established residence and land. The proposed 3.00± homestead lot is located in the rear area of the parcel, along the southern property line. The existing easement has provided access to the private residence since 1981 and there are no alternate means of ingress/egress to the property. Also, letters of support have been provided by all the adjoining property owners.

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

## **Public Works**

### *Engineering and Transportation:*

The requested variance does not affect our area of responsibility unless an additional driveway is proposed along Cannon Road.

Therefore, we have no objections to the requested variance.

## **Community Development**

### *Development Review:*

The Development Review Division met with the family on-site in 2018 to discuss the options of creating a 3.0± acre homestead lot and the usability of the existing easement. At that time, the existing easement could access the homestead lot. In June 2019 the easement requirements were amended, which affected the applicant's property.

Our Division has no objections to this request.

### *Zoning Division:*

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

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

*Response: The subject property consists of a 27.36 ± acre tract located off Cannon Road. The property was established in the early 70's with a total of seven homes. The formation of the family complex included ingress/egress access via the existing easement. All surrounding properties are zoned RC (Rural Conservation).*

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

*Response: The 3.00± homestead lot will not alter the established property or create any additional burden on the existing easement; therefore, it will be compatible with the surrounding area. All adjoining property owners have submitted letters of support for the request.*

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

*Response: In 2019, the Ordinance was amended which changed the easement requirements. This property was established prior to the Ordinance amendment; therefore, triggering the need for this variance request.*

4. Whether the variance 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 variance.

*Response: The easement infrastructure has been in place since the creation of the property. There will be no changes made to the property or the existing easement. The request will allow a family member to acquire a 3.00± acre homestead lot on the subject property which has existed since 1981. Letters of support have been submitted by the most affected property owners.*

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

*Response: No. It is the desire of the applicant to deed the daughter a 3.00 ± acre homestead lot on the family property. Without the easement, a homestead lot cannot be created.*

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 Variance Request:**

1. Based on staff comments, the proposed use will not have an adverse impact on the adjacent and surrounding properties. (Factors 1, 2, 3, 4, 5, 6)
2. The proposed request will not create any additional burden on the existing easement infrastructure. (Factors 1, 2, 3, 5, 6)
3. The adjoining property owners have submitted letters of support for the proposed request. (Factors 2, 5)

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

1. There shall be no additional driveway constructed or any changes made to the existing easement.

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 if recommended to attend the Public Hearing.

c: Loren G. Taylor – harryogarrett@gmail.com

