

**MARCH 18,2008 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM #2

PURPOSE

To consider amending the site plan for Mr. Michael E. Boozer regarding Application #110 (J. D. King) of September 3, 1975, for property located in Land Lots 133, 134, 155 and 156 of the 16th District at the end of Dover Street, southwest of Shallowford Road.

BACKGROUND

The subject property is zoned PUD (Planned Unit Development) which is site plan specific. The Board of Commissioners decision and recorded subdivision plat are attached. This request is to allow removal of the amenity from the overall development so Mr. Boozer may apply for rezoning on the abandoned amenity area. The amenity area was sold at a tax sale and later conveyed to Mr. Boozer. Staff refused to accept an application for rezoning on the abandoned amenity area since the existing zoning on the property is site plan specific, the overall density of the existing subdivision would be increased and the open space requirements would be reduced. Staff requested Mr. Boozer to contact the homeowners association to provide them notice of his intentions and it was discovered the homeowners association had been dissolved. The other business application and supportive documentation are attached. The photographs mentioned in the letter from Mr. Garvis L. Sams showing the present condition of the abandoned amenity area were too dark to copy so they will be available at the hearing.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the request.

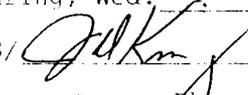
ATTACHMENTS

Board of Commissioners Decision
Approved Subdivision Plat
Other Business Application

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application July 30, 1975 Date of Hearing, Wed. Sept. 3, 1975 1:00 P.M.

Title Holder J. D. King /s/ 

Address 3060 Mountain Trace, Roswell, Georgia 30075 Phone 993-1610

Applicant J. D. King /s/ 

Address Same as above Phone _____

To Zone From R-20 Planned Unit Development LAMP USE _____
To Development

FOR THE PURPOSE OF reducing minimum square footage requirements

Land Lot (s) 133, 134, 155, 156, District 16th, Sec., 2nd Cobb County, Ga.

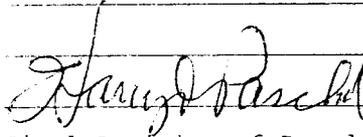
CONTAINING 90.14 acres

LOCATED at end of Dover Street, 1500 feet from Hwy. 5

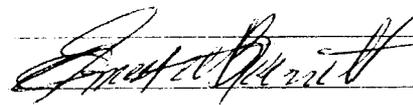
This property being more particularly described as follows:

See legal on attached warranty deed

Recommendation of Planning Commission: 9/2/75. Planning Commission recommended applica-
tion be approved. Motion by Nixon, seconded by Diemer; Carried 6-0. No opposition at
hearing.

 , Chairman

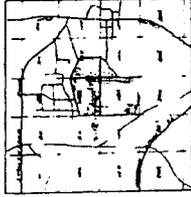
Final Decision of Board of Commissioners: 9/3/75. Board of Commissioners approved
application. Motion by Lankford, seconded by Barrett; Carried 4-1, Brown - opposed.

 , Chairman

REVISION: THIS PLAN SUBSTITUTES THE PLAN APPROVED IN PLAT BOOK 84 PAGE 19. THE REVISION MARK WAS REVISED THE PARALLEL EASEMENT BETWEEN LOTS 18 & 19 IN BLOCK "C".

APPROVED *Frank D. Beecher*
DATE 4/14/77

HARRIS & JOHNS
SURVEYING CO.



NO.	DESCRIPTION	DATE
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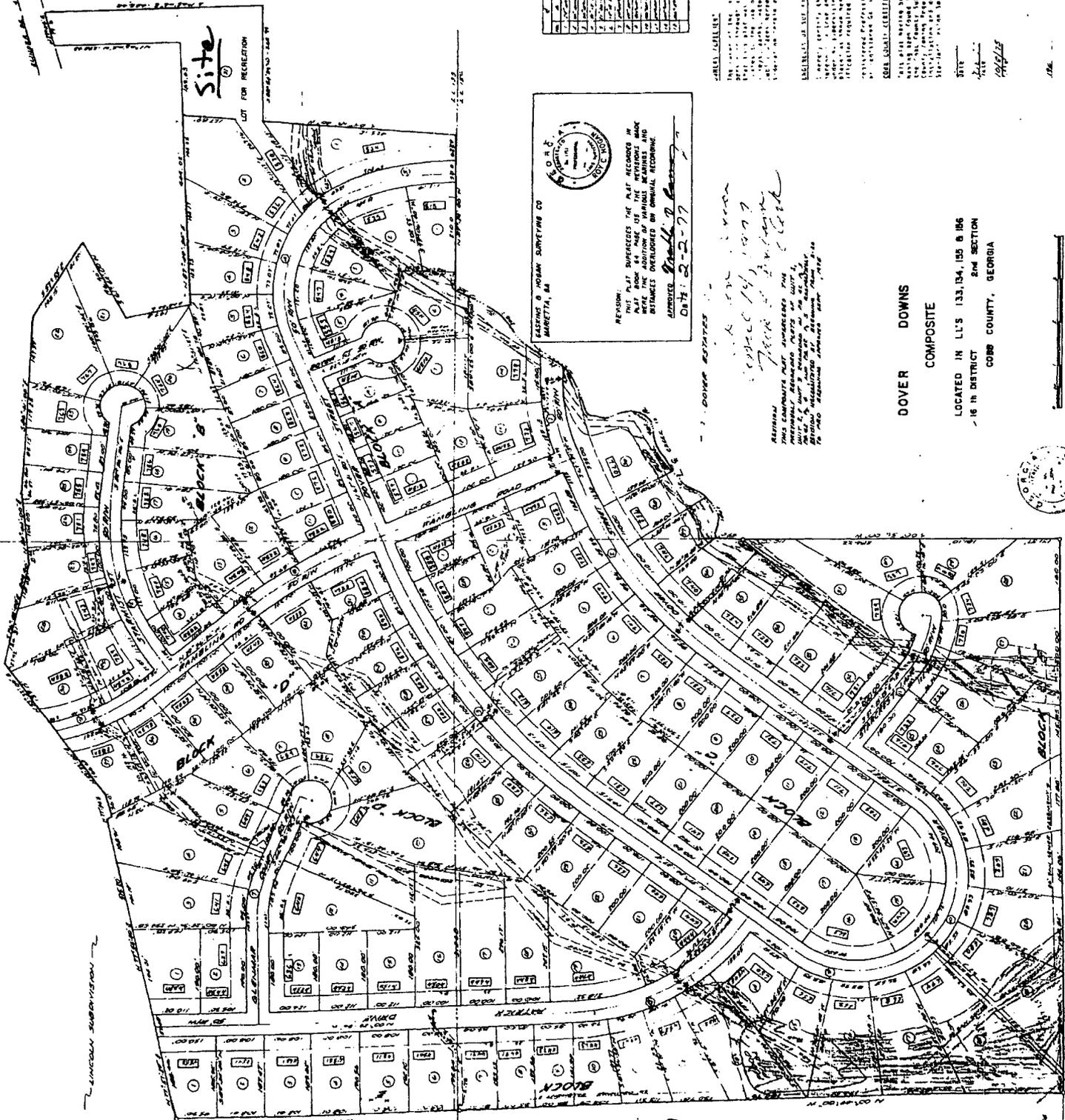
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DATE 4/14/77

**DOVER DOWNS
COMPOSITE**

LOCATED IN L.L.'S 133, 134, 135 & 136
- 16 IN DISTRICT 244 SECTION
COBB COUNTY, GEORGIA



OWNER - J.D. KING
2450 WY. TRACE
ROSWELL, GEORGIA

TOTAL NO. LOTS - 148

RECORDED IN PLAT BOOK 84 PAGE 19
RECORDED IN PLAT BOOK 84 PAGE 19

H.B.H. SURVEYING CO., INC. MARIETTA, GEORGIA

H.B.H. SURVEYING CO., INC. MARIETTA, GEORGIA

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 03/18/08

Applicant: Michael E. Boozer Phone #: 404/216-9037
(applicant's name printed)

Address: 14225 Old Course Drive, Roswell, GA 30075 E-Mail: mikeboozer@readyssetmerchandising.com

SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100

Garvis L. Sams, Jr. Address: Marietta, GA 30064

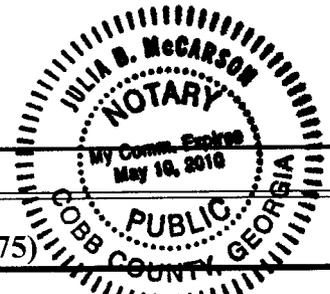
(representative's name, printed)

By: Garvis L. Sams, Jr. Phone #: 770/422-7016 E-Mail: gsams@samslarkinbuff.com

Garvis L. Sams, Jr., Attorney for Applicant

Signed, sealed and delivered in presence of:

Julia B. McCarson My commission expires: _____
Notary Public



Commission District: Tim Lee (3) Zoning Case: 110 (1975)

Date of Zoning Decision: 9/3/75 Original Date of Hearing: 9/3/75

Location: South side of Elnora Drive; west of Shallowford Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 133 District(s): 16th

State specifically the need or reason(s) for Other Business: _____

Site plan modification from original PUD rezoning (No. Z-110 [1975]).

(List or attach additional information if needed)

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

770-422-7016
TELEPHONE

770-426-6583
FACSIMILE

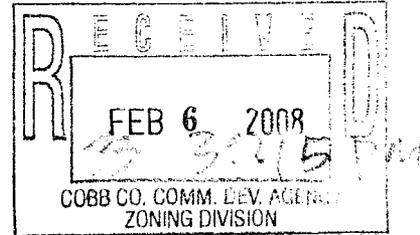
February 6, 2008

SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
191 Lawrence Street
Suite 300
Marietta, Georgia 30060-1661



Re: Other Business Agenda Application for Modifications
to Site Plan on behalf of Michael E. Boozer

Dear Mark:

As you know, through your conversations this week with Community Development Director Rob Hosack, I represent Michael E. Boozer. You will recall that Mr. Boozer attempted to file an application to rezone an approximate 1.91 acre tract which formerly served as an amenity area, with swimming pool and cabana, for Dover Downs Subdivision. Originally, the subdivision was rezoned under the PUD classification in 1975 (No. Z-110). However, ultimately, the amenity area fell into a state of disrepair; the Dover Downs Homeowners Association dissolved; and, the amenity area was sold at a tax sale and later conveyed to Mr. Boozer in December of 2007. You and Mr. Hosack have discussed the matter and determined that an application to rezone the subject property can not be filed until such time as the original Dover Downs PUD site plan is amended to approve the deletion of the abandoned amenity area.

I have enclosed copies of the original minutes and the Dover Down Subdivision plat recorded on the Cobb County deed records at Plat Book 67, Page 163. Also enclosed are copies of an excerpt from the Zoning Block Map, tax plat and aerial photo depicting the positioning of the property. Lastly, enclosed are photographs showing the present condition of the abandoned amenity area owned by Mr. Boozer.

I have scheduled a meeting with Commissioner Tim Lee to discuss this matter but wanted to ensure that we met the "Other Business" application deadline so that the matter can be heard in March and thus position my client to file an application to rezone the subject property to the

VIA HAND DELIVERY

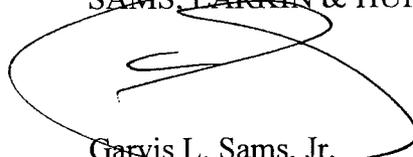
Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
Page 2
February 6, 2008

Office & Institutional (O&I) classification which will have sole access to Elnora Drive next to the Comcast LI property.

Please do not hesitate to call should you have any questions whatsoever regarding these matters. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to be 'G. Sams, Jr.', enclosed within a large, loopy oval scribble.

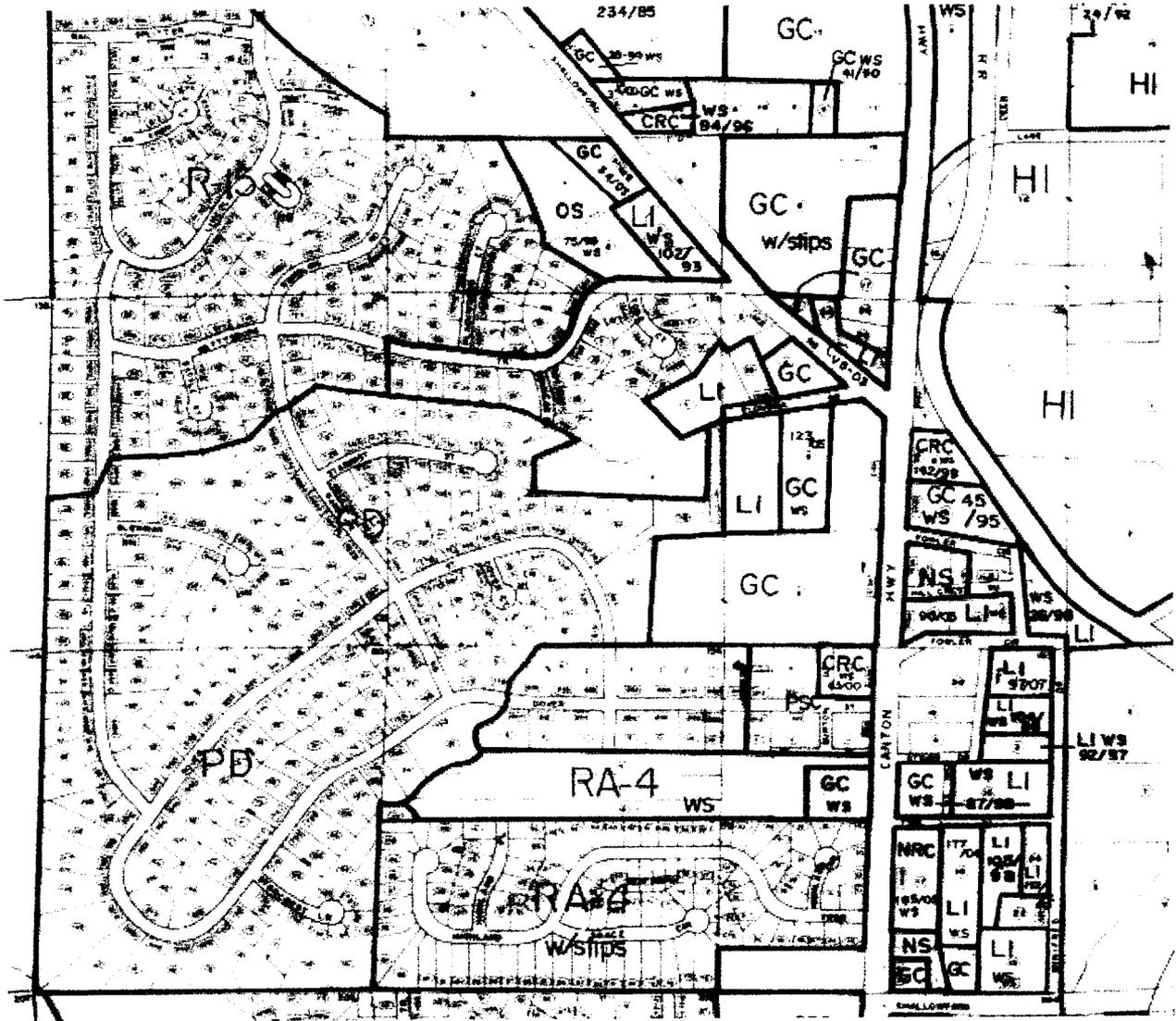
Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

Enclosures

cc: Mr. Michael E. Boozer – w/enclosures

ZONING BLOCK MAP - D-1



16-133

±

Legend

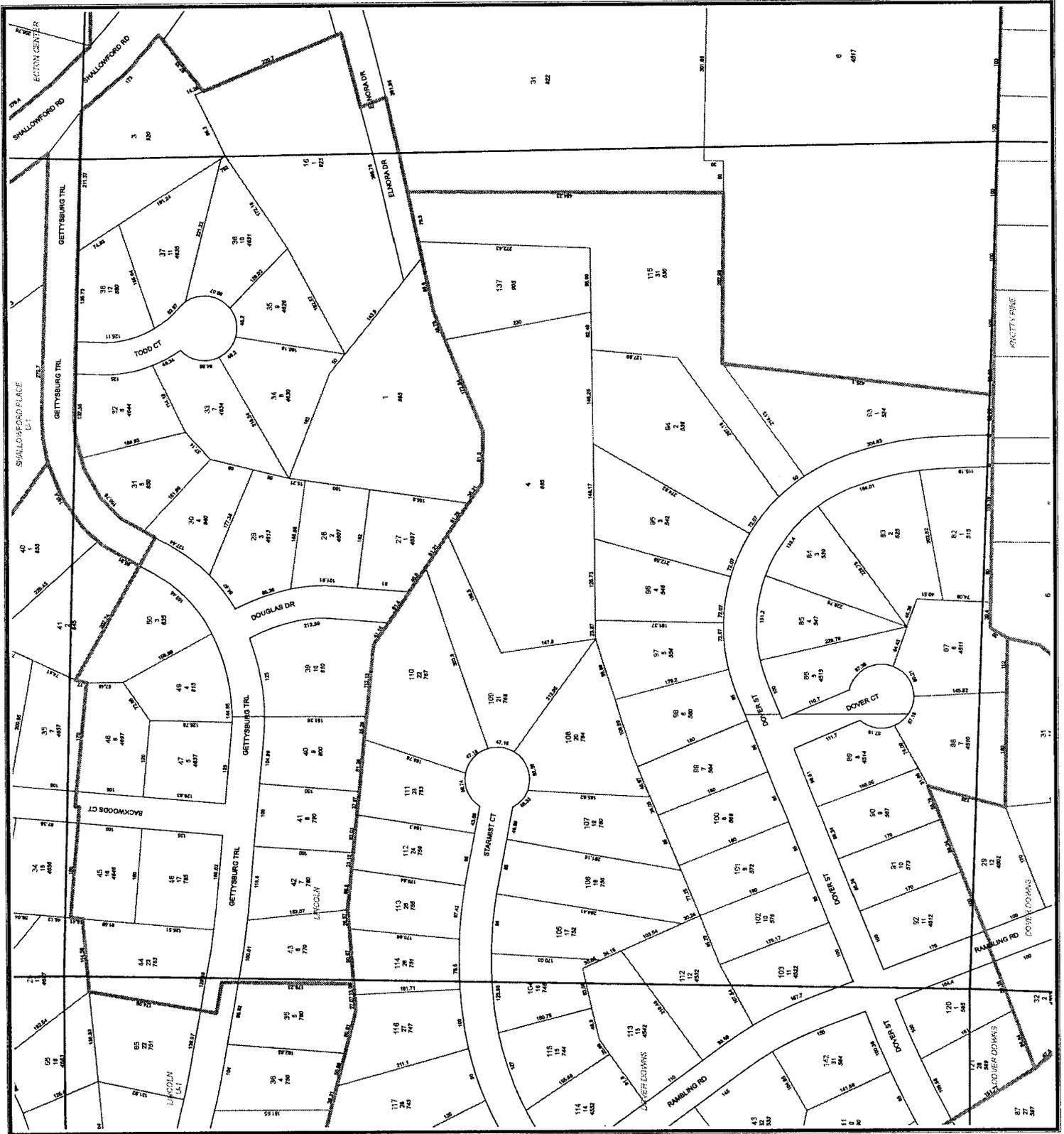
- Parcel
- Railroad ROW
- Trail ROW
- Water Region
- Land Use
- Subdivision
- Cobb Boundary
- City Limits**
 - Acworth
 - Avondale
 - Kennesaw
 - Marietta
 - Powder Springs
 - Smyrna
 - Unincorporated
- CJJD Limits**
 - Cumberland Hill
 - Town Center
- Misc**
 - Land Hook
 - Water Property Line

72	83	84	86	88
318	134	133	132	119
188	186	187	184	202

Cobb County
 Georgia Department of Transportation
 Mapping Division
 738 Whitehall Ave., Ste 200
 Marietta, Georgia 30064
 770-575-3100



Rich Doss
 Jun 22, 2007
 1 inch equals 100 feet



Dover Downs Amenity Area



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Scale: 1:2,516