

**AUGUST 19, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

ITEM #2

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their August 13, 2008 Variance Hearing regarding Variance Application:

V-75 Imtiaz Ali

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 13, 2000, and amended on July 8, 2003, Section 134-271 (8), any use proposed for a parcel or tract of land which does not have the minimum lot size required, approval of a Special Exception by the Board of Commissioners is required after approval by the Board of Zoning Appeals. Attached is the Variance Analysis and recommendation of the Board of Zoning Appeals for the case that was considered at the August 13, 2008 Variance Hearing that required a Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for V-75 Amtiaz Ali.

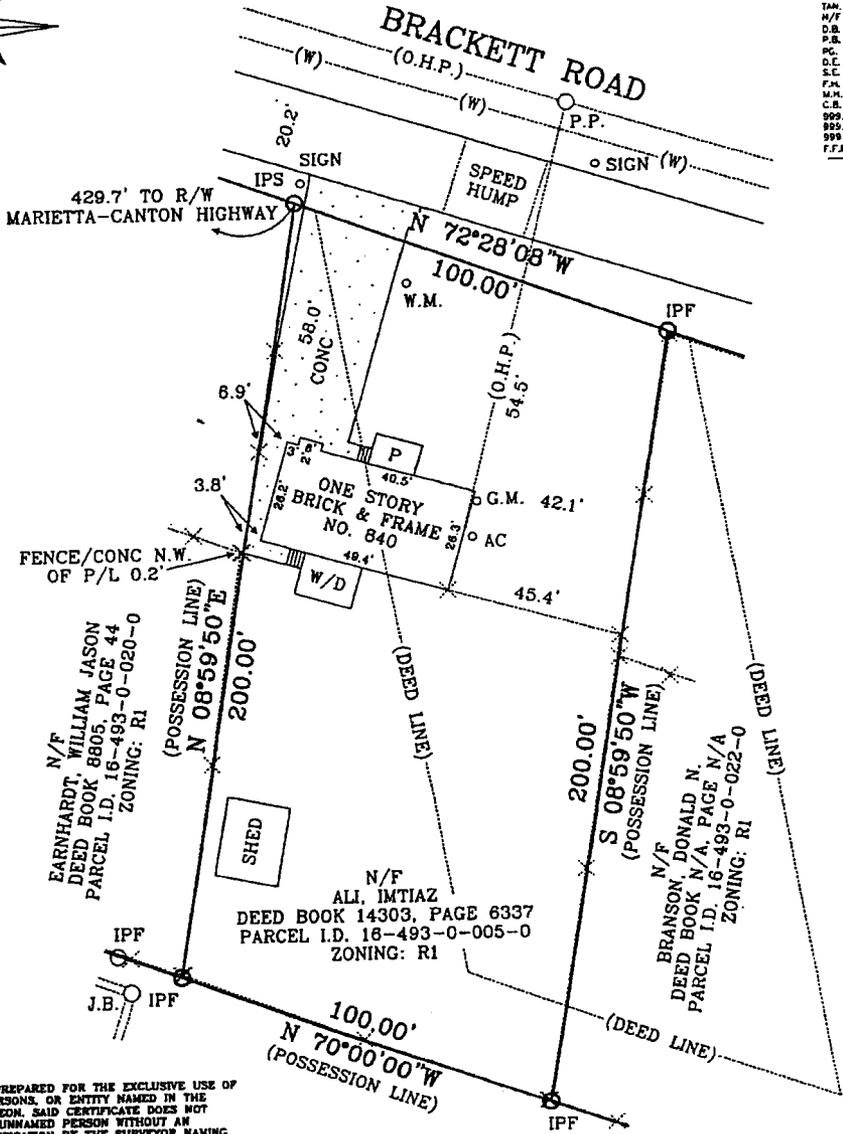
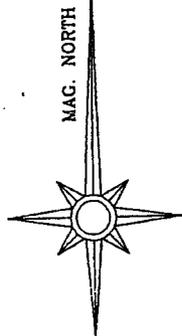
ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendations

V-75
(2008)

LEGEND

- I.P.F. = IRON "IN FOLIO
- I.P.S. = IRON "IN SET
- R.B.F. = RE-B-R FOUND
- R.B.S. = RE-B-R SET
- O.T. = OPEN TOP
- C.T. = CRAMP TOP
- R/W = RIGHT OF WAY
- P.L. = PROPERTY LINE
- C.L. = CENTER LINE
- B.L. = BUILDING LINE
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- G.M.D. = GEORGIA 16TH DISTRICT
- P.F. = POWER POLE
- P- = POWER LINE
- X- = FENCE LINE
- R. = ROAD
- CH. = CHAIR
- TAN. = TANGENT
- N/F = NOW OR FORMERLY
- O.C.B. = OCEAN BOOK
- P.L. = PLAT BOOK
- P.C. = PAGE
- D.E. = DRAINAGE EASEMENT
- S.E. = SEWER EASEMENT
- F.H. = FIRE HYDRANT
- M.H. = MANHOLE
- C.B. = CATCH BASIN
- 999 C.E. = CHECKED SPOT ELEVATION
- 999 D.F. = FINISHED SPOT ELEVATION
- 999 D.P. = PROPOSED SPOT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- - - = SURFACE DRAINAGE FLOW



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN OPEN FEET AND AN ANGULAR ERROR OF - SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO ACCURATE WITHIN ONE FOOT IN 50,000 FEET.

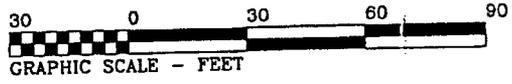
EQUIPMENT USED: TOPCON GTS 300

I HAVE THIS DATE EXAMINED THE "F.E.M.A. OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED HOUSE (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS. COMMUNITY PANEL NO.: 13067C0033 F ZONE: X EFFECTIVE DATE: AUGUST 18, 1992

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

Ricky C. Busbee
RICKY C. BUSBEE, GA. R.L.S. NO. 2497

BUSBEE SURVEYING CO., INC.
3348 HIGHWAY 120
DULUTH, GA. 30096
PHONE: (770) 497-9866
FAX: (770) 497-9881



REZONING SURVEY FOR:

IMTIAZ ALI

AREA = 0.45 ACRE / 19,602 S.F.
DEED BOOK 14303, PAGE 6337
LAND LOT 493, 16TH DISTRICT, 2ND SECTION
COBB COUNTY, STATE OF GEORGIA
DATE: FEBRUARY 12, 2008
SCALE: 1" = 30' JOB NO. 36968A/ALI

APPLICANT: Imtiaz Ali
PHONE: 770-419-3344
REPRESENTATIVE: same
PHONE: same
PROPERTY LOCATION: Located on the south side of
Brackett Road, east of Canton Road
(840 Brackett Road).

PETITION NO.: V-75
DATE OF HEARING: 08-13-08
PRESENT ZONING: R-20
LAND LOT(S): 493
DISTRICT: 16
SIZE OF TRACT: .45 acre
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the lot size from the required 20,000 square feet to 19,602 square feet to allow applicant to apply for rezoning; 2) waive the side setback adjacent to the west property line from 10 feet to 3 feet (existing); and 3) waive the setback for an accessory structure over 144 square feet (existing 320 square foot shed) from 10 feet to 4 feet adjacent to the west property line and from 35 feet to 27 feet adjacent to the south property line.

COMMENTS

TRAFFIC: This request will not have an adverse impact on traffic.

DEVELOPMENT & INSPECTIONS: No comments.

STORMWATER MANAGEMENT: If variance is granted to allow rezoning to commercial use, any improvements to the site must meet all current stormwater management requirements.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

CEMETERY PRESERVATION: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER: No conflict.

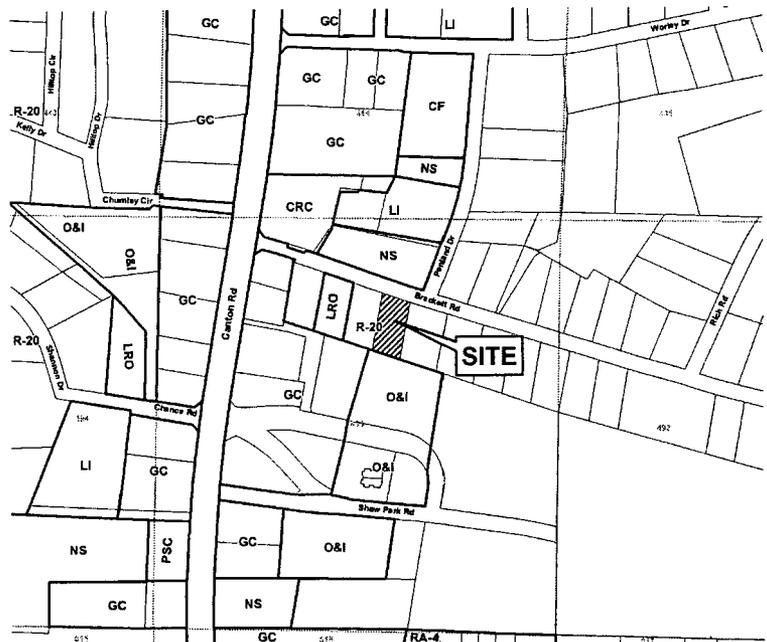
SEWER: No conflict.

OPPOSITION: NO. OPPOSED _____ **PETITION NO.** _____ **SPOKESMAN** _____

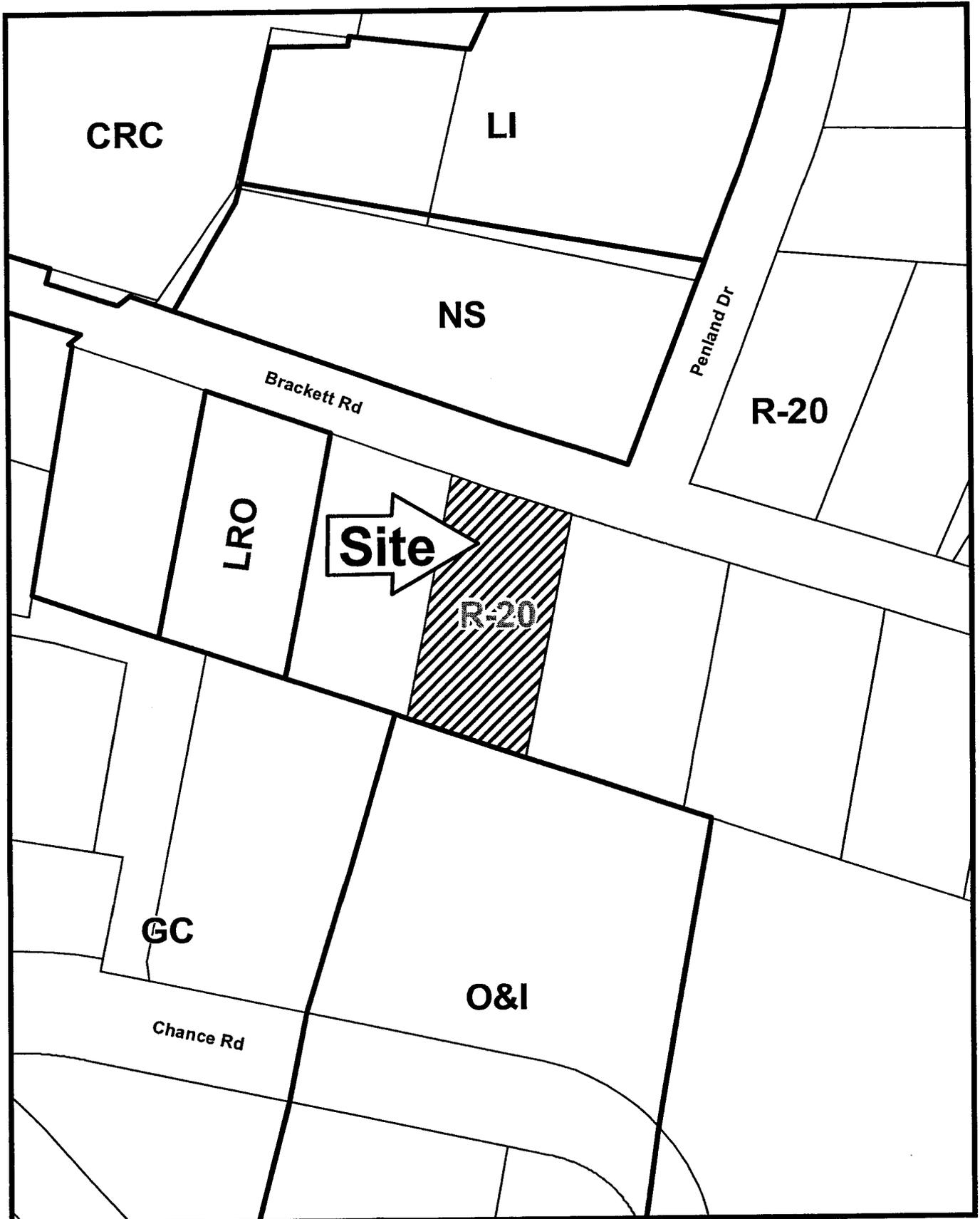
BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** C. Trombetti
REJECTED _____ **SECONDED** T. McCleskey
HELD _____ **CARRIED** 5 - 0

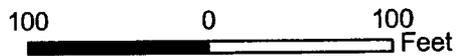
STIPULATIONS: Subject to Board of Commissioners
granting a special exception for reduction in lot size.
(See draft minutes attached)



V-75



This map is provided for display and planning purposes only. It is not meant to be a legal description.



Application for Variance Cobb County

(type or print clearly)

Application No. V-75

Hearing Date: 8-13-08

Applicant + IMTIAZ ALI Business Phone 770 419 3344 Home Phone 678 266 2208

IMTIAZ ALI
(representative's name, printed)

Address 1095 AZALEA CIR. Marietta Ga 30062
(street, city, state and zip code)

[Signature]
(representative's signature)

Business Phone 770 419 3344 Cell Phone 678 266 2208

My commission expires: 6/19/2010



Signed, sealed and delivered in presence of:

Jamesha Bates

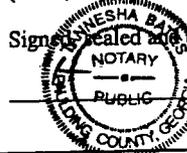
Notary Public

Titleholder IMTIAZ ALI Business Phone 770 419 3344 Home Phone 678 266 2208

Signature [Signature]
(attach additional signatures, if needed)

Address: 1095 Azalea C - Marietta Ga 30062
(street, city, state and zip code)

My commission expires: 6/19/2010



Signed, sealed and delivered in presence of:

Jamesha Bates

Notary Public

Present Zoning of Property R-20

Location 840 BRACKETT ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 493 @ 5 District 16 Size of Tract .45 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other _____

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

+ I need to apply for this rezoning ordinance in order to rezone from residential to commercial.

List type of variance requested: WAIVE THE LOT SIZE FROM REQUIRED 20,000 SQFT TO 19,602 SQFT TO ALLOW APPLICANT TO APPLY FOR REZONING.

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 13, 2008

DRAFT

REGULAR CASES – NEW BUSINESS:

V-75 **IMTIAZ ALI** (owner) requesting a variance to: 1) waive the lot size from the required 20,000 square feet to 19,602 square feet to allow applicant to apply for rezoning; 2) waive the side setback adjacent to the west property line from 10 feet to 3 feet (existing); and 3) waive the setback for an accessory structure over 144 square feet (existing 320 square foot shed) from 10 feet to 4 feet adjacent to the west property line and from 35 feet to 27 feet adjacent to the south property line in Land Lot 493 of the 16th District. Located on the south side of Brackett Road, east of Canton Road (840 Brackett Road).

The public hearing was opened and Mr. Imtiaz Ali, Mr. Don Branson and Mr. Don Bratton addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Trombetti, second by McCleskey, to **approve** variance request **subject to:**

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on August 19, 2008**

VOTE: **ADOPTED** unanimously

Clerk's Note: Based on testimony given by the Applicant as to the use and nature of the property, the owner/applicant was cautioned by the Commission and Staff that unless and until the property is rezoned, businesses are not allowed to operate in a residential R-20 zoned property, unless the resident/property/business meets Cobb County Code requirements for Customary Home Occupations.