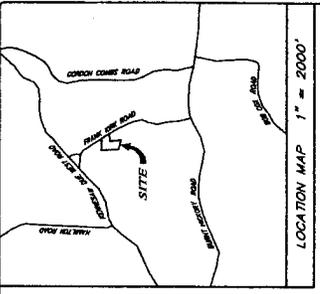


**LUP-6
 (2009)**

PROJECT ID:	FIELD BOOK:
PROJECT NAME:	PROJECT DATE:
DRAWN BY:	CHECKED BY:
SCALE:	ISSUE DATE:
1"=50'	9/14/05
SHEET NUMBER:	2



LOCATION MAP 1" = 2000'

ALL INFORMATION OF THE COB COUNTY ZONING DIVISION IS BASED ON THE RECORDS OF THE COB COUNTY ZONING DIVISION. THE ZONING DIVISION IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER SOURCE. THE ZONING DIVISION IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER SOURCE.

STREET LIGHT RETAINMENT FOR NEW SUBDIVISION

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REGULATIVE

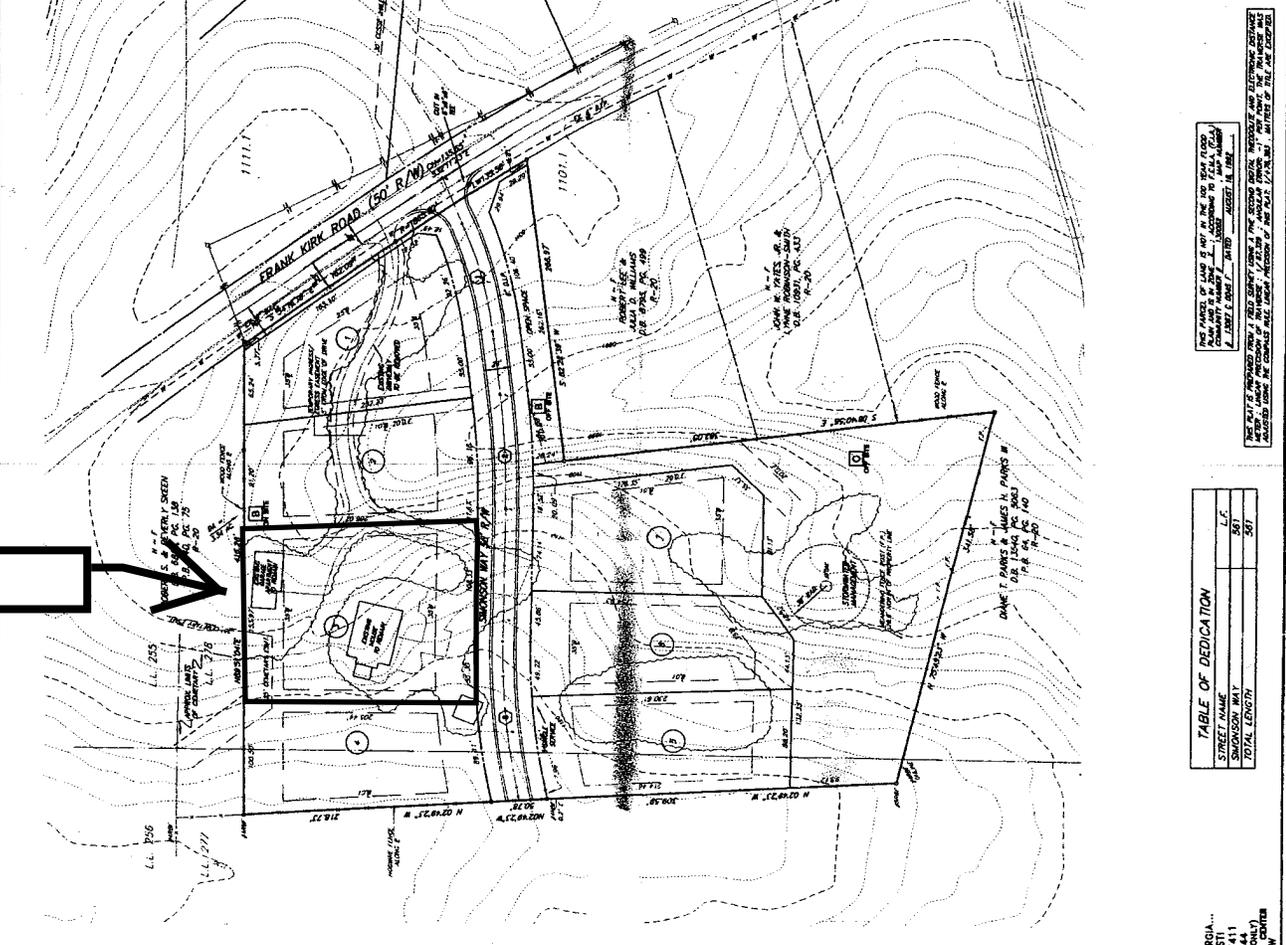
DEC - 3 2008

**COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION**

404-519-1639
 TONY WILKER
 ZONING DIVISION

SCALE 1" = 50'

SITE



LOT AREA DATA

LOT	AREA	AC
1	10,000	0.23
2	10,000	0.23
3	10,000	0.23
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49	10,000	0.23
50	10,000	0.23

CURVE TABLE

Curve	Radius	Length	Area
1	100'	100'	10,000'
2	100'	100'	10,000'
3	100'	100'	10,000'
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49	100'	100'	10,000'
50	100'	100'	10,000'

TABLE OF DEDICATION

STREET NAME	WIDTH	SECTION
SHAVOON WAY <td>50'</td> <td>50'</td>	50'	50'
TOTAL LENGTH <td>50'</td> <td>50'</td>	50'	50'

IF YOU DO GEORGIA...
 CALL US FIRST!
 1-800-282-7411
 (404) 421-4344
 (404) 421-4344
 UTILITY LOCATION CENTER
 IT'S THE LAW

APPLICANT: Susan F. White
770-421-8211

REPRESENTATIVE: Moore, Ingram, Johnson & Steele, LLP
J. Kevin Moore 770-429-1499

TITLEHOLDER: Susan F. White

PROPERTY LOCATION: Located on the west side of Frank Kirk Road, south of Kennesaw Due West Road and on the north side of Simonson Way (under construction) (889 Frank Kirk Road).

ACCESS TO PROPERTY: Frank Kirk Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house and detached garage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Single-family house
- SOUTH:** R-20/ wooded
- EAST:** R-20/ Fallwood subdivision
- WEST:** R-20/ Subdivision under construction

PETITION NO: LUP-6

HEARING DATE (PC): 02-03-09

HEARING DATE (BOC): 02-17-09

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Allowing Two Separate Dwelling Units On The Same Lot

SIZE OF TRACT: 0.75 acre

DISTRICT: 20

LAND LOT(S): 278

PARCEL(S): 133

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

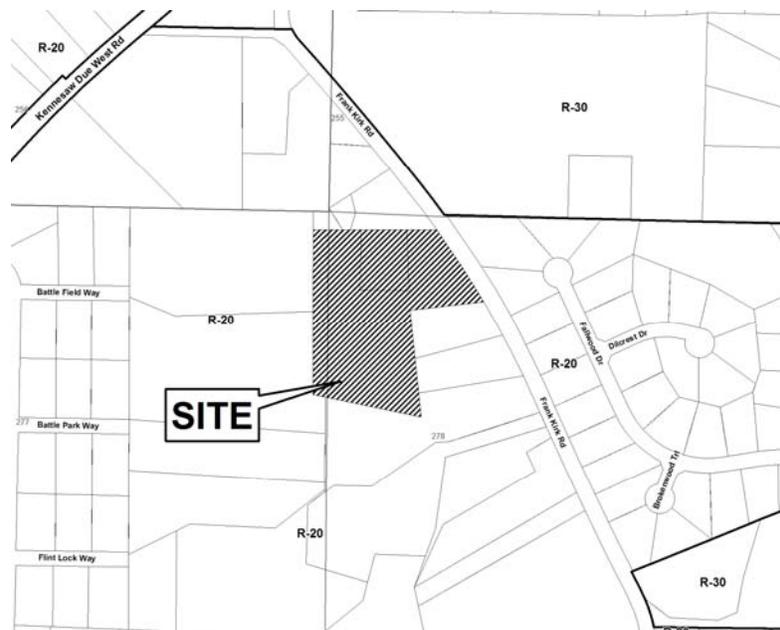
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

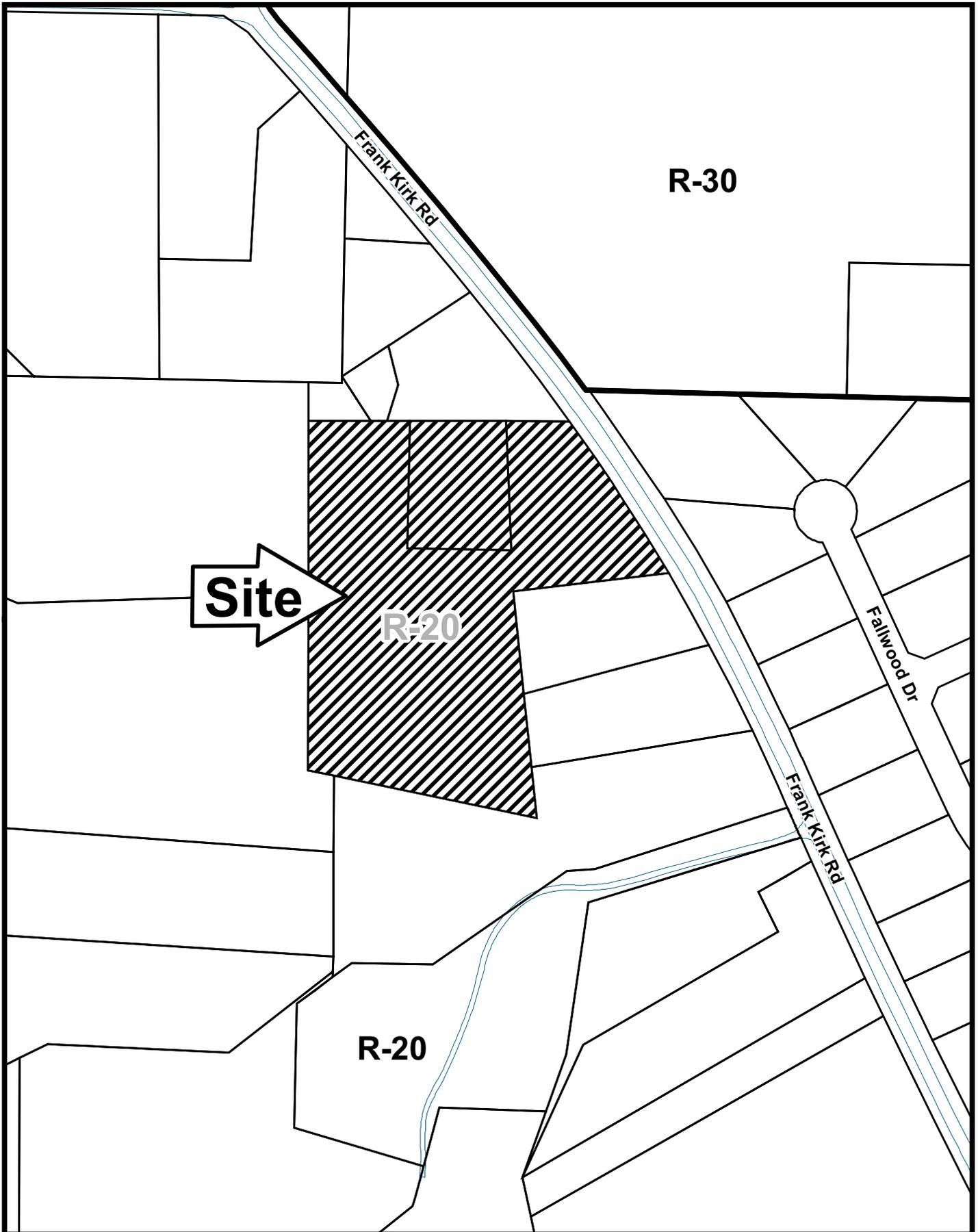
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

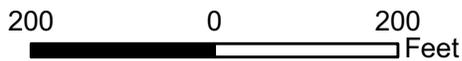
STIPULATIONS:



LUP-6



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Susan F. White

PETITION NO.: LUP-6

PRESENT ZONING: R-20

PETITION FOR: LUP

PLANNING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

The applicant is requesting a Temporary Land Use Permit to allow two separate dwelling units on the same lot. The lot contains a house and a three-car detached garage. The second dwelling unit would be in the detached garage, which is approximately 2,200 square-feet in size. The detached garage is two-stories in height, with living quarters on the second floor. The detached garage previously received a variance for its location, which is attached for review (see Exhibit "A").

Historic Preservation: No comment.

Cemetery Preservation: The Cobb County Cemetery Preservation Commission has no objection to this Land Use Permit as long as the current boundaries for the cemetery, cemetery buffer, and cemetery access easement are unchanged and accurately recorded for any new lot. We ask that a copy of the legal description of the property and a plat be provided to us as soon as it is available, so we may update our records

WATER & SEWER COMMENTS:

Records show address (889 Frank Kirk Road) connected to water, but not connected to sewer.

TRAFFIC COMMENTS:

Recommend no on-street parking.

FIRE COMMENTS:

Fire Apparatus Access Road

Driveway access to a single family home must be 10 feet wide. A hammer head turnaround or cul-de-sac is required when a driveway exceeds 1000 feet. (See requirements for dimensions under residential subdivision).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

Fire Hydrant

Residential: Fire hydrant within 500 feet of structure.

STORMWATER MANAGEMENT COMMENTS:

This parcel is currently just under the maximum impervious coverage limit (35%) at 32.4%.

STAFF RECOMMENDATIONS

LUP-6 SUSAN F. WHITE

The applicant's proposal is located in a platted subdivision. The applicant's request is located in an area designated as Low Density Residential on the *Cobb County Comprehensive Plan*. The R-20 zoning district is primarily intended for single-family residential uses. The proposal could encourage additional requests in this residential area. Staff is reluctant to recommend approval of this LUP, because it is difficult to remove a dwelling unit once established. Based on the above analysis, Staff recommends DENIAL.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Application for Variance Cobb County

LUP-6/2009 Exhibit "A"
Previous variances
Page 1 of 5

(type or print clearly)

Application No. V-108
Hearing Date: 8-11-99

Applicant Dean White Day Phone 770-425-9191 Home Phone 770-421-8211
Dean White Address 889 Frank Kirk Road, Kennesaw GA 30152
(representative's name, printed) (street, city, state and zip code)
[Signature] Day Phone (770) 425-9191
(representative's signature)

My commission expires: _____
Notary Public, Cobb County, Georgia
My Commission Expires May 29, 2002

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Titleholder Dean White Day Phone (770) 425-9191 Home Phone (770) 421-8211
Signature [Signature] Address 889 Frank Kirk Rd, Kennesaw GA 30152
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____
Notary Public, Cobb County, Georgia
My Commission Expires May 29, 2002

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Present Zoning of Property R 20
Location 889 Frank Kirk Rd.
(street address, if applicable; nearest intersection, etc.)
Land Lot(s) 277 + 278 District 20th Size of Tract 5.59 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. Pursuant to the purchase of this property we made sure that the conditions effecting our neighbor were met. Upon purchasing this property I thought that having my neighbors support was all I needed for me to finish the building as is. We eventually plan to build a covered walkway connecting the two structures (see landscape plan.) However, adding this extra \$15,000 to our costs of finishing the garage would create an extreme financial hardship at this time.

List type of variance requested: Detached 2200' Structure
-Waive setback for detached accessory structure (existing) from the required 100' to 6.1' along the northern property line.

Page 2 of 2

APPLICATION NO.: V-108

ORIGINAL DATE OF APPLICATION: 8-99

APPLICANT'S NAME: DEAN WHITE

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY
BOARD OF ZONING APPEALS**

THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY BOARD OF ZONING APPEALS ON AUGUST 11, 1999: DEAN WHITE requests a variance to: (1) allow an accessory structure (existing garage) to be located to the front of the primary structure; (2) waive the setback for a 2,200 square foot accessory structure from required 100 feet to 6 feet adjacent to the north property line in Land Lots 277 and 278 of the 20th District. 5.59 acres. Located on the west side of Frank Kirk Road, south of Kennesaw Due West Road (889 Frank Kirk Road). The Board of Zoning Appeals, as part of the Consent Agenda, **approved** variance requests **subject to: 1) *removal and waiver of previous stipulations placed on this property by means of variance application #V-111 of 1996 (Suzanne Boudreaux); 2) no construction is allowed to encroach upon the cemetery easement or buffer.*** Motion by Dawson, carried 4-0.

tal memo 7671 # pages 2

From TERESA E.

Co. To: Suzanne

Phone #

Fax # 431-9669

Application for Variance Cobb County

LUP-6/2009 Exhibit "A"
Previous variances
Page 3 of 5

(type or print clearly)

Application No. 11-111
Hearing Date: 8-14-96

Applicant Suzanne Boudreaux Day Phone (770) 431-0675 Home Phone (770) 590-1891

(representative name, printed) Address 889 Frank Kirk Rd, Kennesaw, GA 30152
(representative signature) Day Phone _____
(street, city, state and zip code)

Notary Public, Paulding County, Georgia.
My Commission Expires May 8, 2000.

My commission expires: _____

Signed, sealed and delivered in presence of:

Charlotte R. Hall
Notary Public

Titleholder Suzanne Boudreaux Day Phone (770) 431-0675 Home Phone (770) 590-1891

Signature Suzanne Boudreaux Address _____
(attach additional signatures, if needed)
(street, city, state and zip code)

Notary Public, Paulding County, Georgia.
My Commission Expires May 8, 2000.

My commission expires: _____

Signed, sealed and delivered in presence of:

Charlotte R. Hall
Notary Public

Present Zoning of Property R20
Location 889 Frank Kirk Road
(street address, if applicable, nearest intersection, etc.)
Land Lot(s) 277 & 278 District 20+h Size of Tract 559 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 3-28-9.12A 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. due to a possible error in estimating the actual property line & assumptions from the adjacent neighbor that the structure was not a problem, we proceeded under a conventional permit for construction upon completing 85% of the structure neighbor has informed us he has changed his mind and is reasserting a property line we do not agree with that makes us impossible violation of setback requirements.

List type of variance requested: Structure setback restriction from property 10' to 8' From property line

PAGE 3 OF 4

APPLICATION NO. V-111

ORIGINAL DATE OF APPLICATION: 8/96

APPLICANTS NAME: SUZANNE BOUDREAU

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF ZONING APPEALS

THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY BOARD OF ZONING APPEALS ON SEPTEBER 11, 1996

V-111 SUZANNE BOUDREAU requests a variance to waive the side yard (north) setback from required 10 feet to 4± feet (revised -- reported to be 4.13 feet) in Land Lots 277 and 278 of the 20th District. 5.59 acres. Located on the west side of Frank Kirk Road, north of Stoney Acres Drive, (889 Frank Kirk Road).

BZA DECISION OF 9-11-96: The Zoning Division Manager, Mark Danneman, distributed copies of a plat which was described as better representing the proposed improvements/additions to the house (copy on file in the Zoning Offices). Mr. Danneman then reported on the following: a) permitting of a one-story 1,200 square foot attached garage; stating that what was built is approximately 2,200 square feet, is 2-stories and includes living quarters; b) lack of inspections of the structure, c) the need for certifications for trusses and foundation; and, c) outcome of meeting and negotiations between the applicant and the opposition. Mr. Danneman then offered his recommendation. Following this presentation and lengthy discussions the following motion was offered: Motion to approve revised variance subject to: 1) installation of appropriate landscaping as identified in the landscape plan presented, 2) boarding-up and enclosing all windows on the northern property line, 3) all permits/fees are to be paid (upgraded permit and paying of

PAGE 4 OF 4 APPLICATION NO. V-111

ORIGINAL DATE OF APPLICATION: 8/96

APPLICANTS NAME: SUZANNE BOUDREAUX

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF ZONING APPEALS

BZA DECISION OF 9-11-96 (CONT'D): re-permitting penalty); 4) fine to be levied in reference to the construction of garage (misrepresentation of permit and lack of inspections). There followed questions regarding stipulation #4. Legal counsel stated that the Board of Zoning Appeals could not impose a fine, but upon direction of the Board the County could forebear the issuance of a citation upon payment by the applicant of an additional fee or the Staff could be directed to issue a citation. Following these discussions stipulation #4 was amended to now state: 4) direction to the Community Development Department Staff to issue a citation to the property owner(s)/permit taker for violation of the building permitting process and erection of structure without required inspections. There then followed additional discussions pertaining to the landscaping, and stipulation #1 was amended to now read: (1) for the purpose of screening the structure from the Skeen property - installation on the Skeen property of trees purchased by the applicant and installed by a contractor approved of by Mr. Skeen (the number, location and height of trees are to be determined by County Staff). Motion by Paetau, second by Homan, carried 3-1, Dawson opposed.