

**COBB COUNTY BOARD OF COMMISSIONERS'
ZONING HEARING "OTHER BUSINESS"
JUNE 15, 2010**

ITEM#1

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their June 9, 2010 Variance Hearing regarding Variance Application:

V-46 TIMOTHY F. PILGRIM

**JUNE 15, 2010 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM #1

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their June 9, 2010 Variance Hearing regarding Variance Applications:

V-46 TIMOTHY F. PILGRIM

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 12, 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 June 9, 2010 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 Variance case V-46 TIMOTHY F. PILGRIM.

ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendation

APPLICANT: Timothy F. Pilgrim **PETITION NO.:** V-46
PHONE: 404-456-3393 **DATE OF HEARING:** 06-09-10
REPRESENTATIVE: same **PRESENT ZONING:** GC
PHONE: same **LAND LOT(S):** 743
PROPERTY LOCATION: Located on the east side of **DISTRICT:** 17
Atlanta Road, south of Paces Ferry Road **SIZE OF TRACT:** .3788 acre
(3689 Atlanta Road). **COMMISSION DISTRICT:** 2
TYPE OF VARIANCE: Waive the minimum lot size from the required 20,000 square feet to 16,377 square feet to allow applicant to file for rezoning to NRC.

COMMENTS

TRAFFIC: Recommend no parking on the right-of-way.

DEVELOPMENT & INSPECTIONS: No comment.

STORMWATER MANAGEMENT: No comment.

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: No comment.

WATER: No conflict.

SEWER: No conflict.

OPPOSITION: NO. OPPOSED PETITION NO. SPOKESMAN

BOARD OF APPEALS DECISION

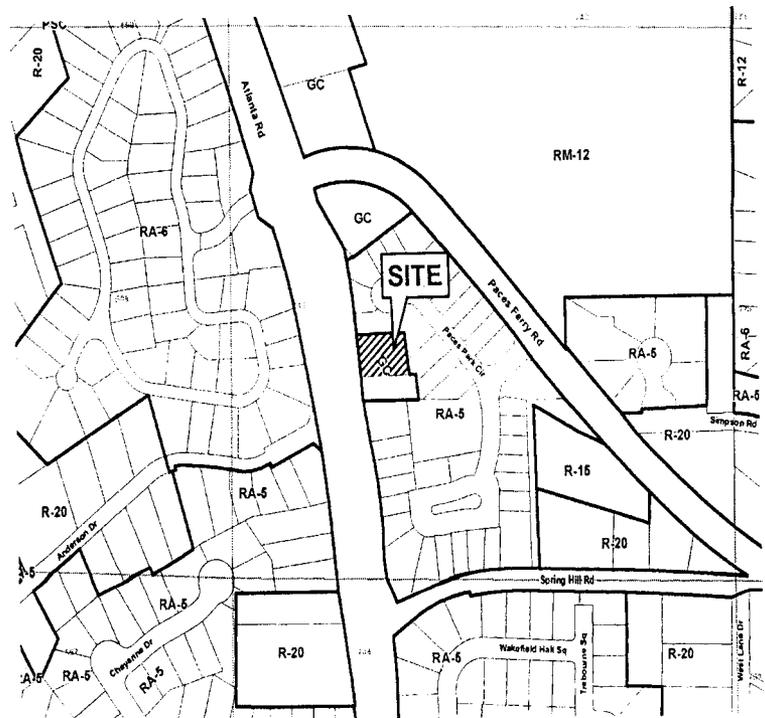
APPROVED X MOTION BY J. Williams

REJECTED SECONDED C. Trombetti

HELD CARRIED 4 - 0

STIPULATIONS: Special Exception granted

 with stipulation.



Application for Variance Cobb County

(type or print clearly)

Application No. V-46

Hearing Date: 6-9-10

Applicant Timothy F. Pilgrim Business Phone 404-456-3393 Home Phone 678-309-1343

Address 3710 Atlanta Rd, Smyrna, GA 30080

(representative's name, printed)

(street, city, state and zip code)

(representative's signature)

Business Phone 404-456-3393 Cell Phone _____

Notary Public, Cobb County, Georgia
My Commission Expires February 3, 2011

Signed, sealed and delivered in presence of:

My commission expires: _____

J. Bowman
Notary Public

Titleholder IB Property Holdings, LLC Business Phone 404.681.5826 Home Phone _____

Signature Joel Callins, Esq. Address: 101 Marietta Street, #1030, Atlanta, GA 30303

(attach additional signatures, if needed)

(street, city, state and zip code)

My commission expires: 8/13/2012

Signed, sealed and delivered in presence of:

Sirena S. Burt
Notary Public

Present Zoning of Property _____

Location 3689 ATLANTA RD
(street address, if applicable, or street intersection, etc.)

Land Lot(s) 743 District 17 Size of Tract 3.788 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.

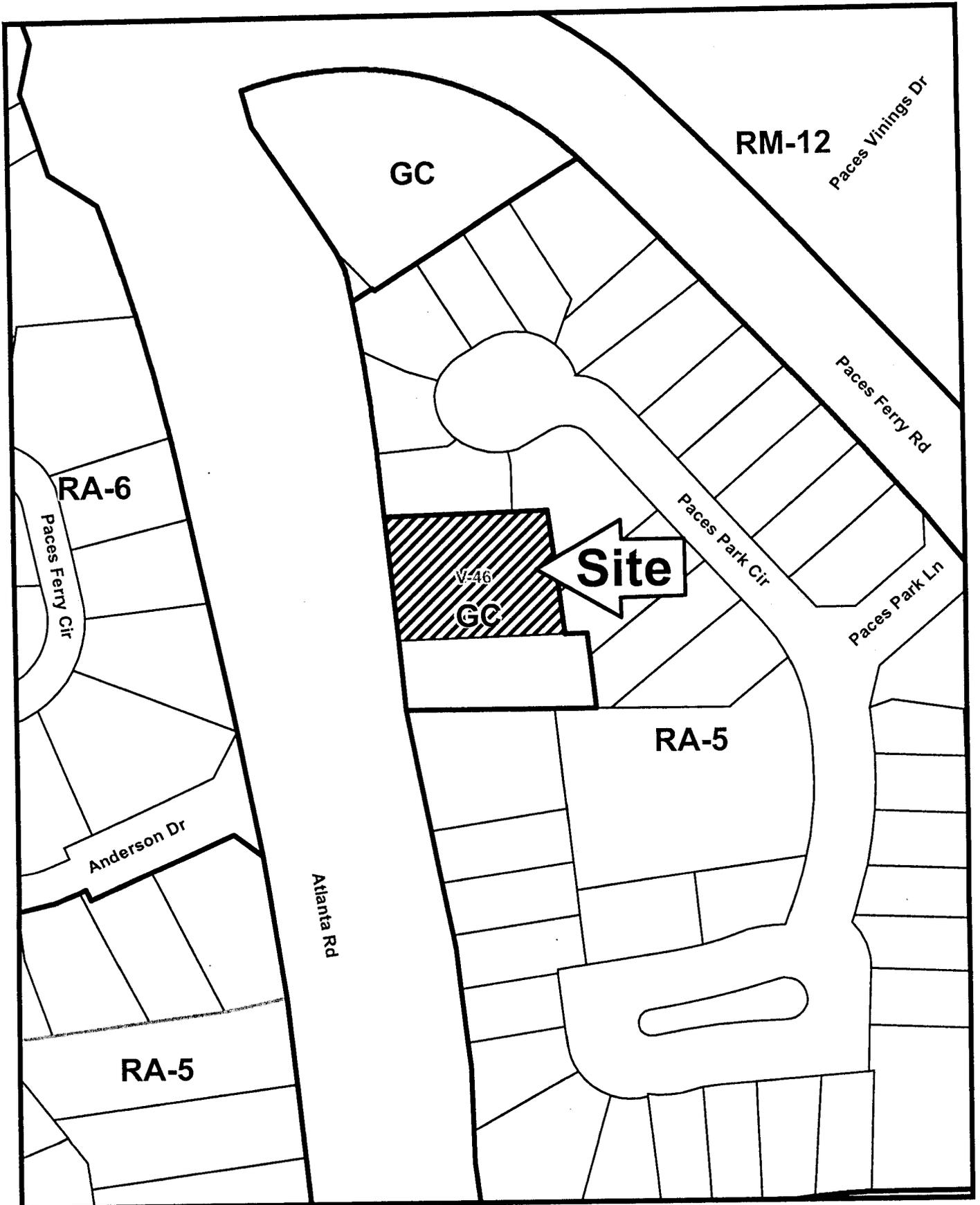
Size of Property X Shape of Property _____ Topography of Property _____ Other _____

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.

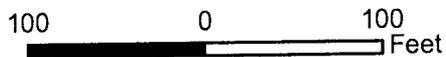
Per Zoning Ordinance, 5 acres are required to apply for re-zoning of the property. Since a portion of the property was deeded to Cobb County Right-of-way the property is less than the required 5 acres.

List type of variance requested: Land size (Acreage) Variance
WAIVE THE LOT SIZE FROM REQUIRED 20,000
TO 16,377 SQFT TO ALLOW APPLICANT TO
FILE FOR REZONING TO NRC

V-46



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



MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JUNE 9, 2010

DRAFT

V-46

TIMOTHY F. PILGRIM (IB Property Holdings, LLC, owner) requesting a variance to waive the minimum lot size from the required 20,000 square feet to 16,377 square feet to allow applicant to file for rezoning to NRC in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road (3689 Atlanta Road).

MOTION: Motion by Williams, second by Trombetti, as part of the Consent Agenda, to approve variance request **subject to:**

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on June 15, 2010 at 9:00 a.m.**

VOTE: **ADOPTED** unanimously