

**JULY 20, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM #5

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their July 14, 2010 Variance Hearing regarding Variance Applications:

V-29 ACR ENGINEERING
V-45 KRISTI A. TRAYLOR

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 cases that were considered at the July 14, 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 cases V-29 ACR ENGINEERING and V-45 KRISTI A. TRAYLOR

ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendations

ASB Engineering, Inc.
 ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
 1000 PHOENIX ROAD
 NORCROSS, GA 30071
 TEL: (770) 291-0000
 FAX: (770) 291-8887

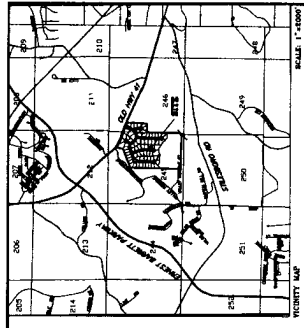
VARIANCE PLAT
 DATE: _____
 BY: _____
 FOR: _____
 NO. _____
 SECTION/TAB: _____

NO.	SECTION/TAB	DATE

LAND LOT(S)	245 & 246
SECTION	200
COUNTY	COBB
CITY	STATE GEORGIA
OWNER	K. GRAY
DATE	

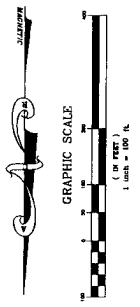
DATE	1
BY	1
SCALE	1" = 100'

**V-29
 (2010)
 *REVISED PLAN**



RECEIVED
 JUN - 3 2010
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

PHASE II
 FUTURE DEVELOPMENT



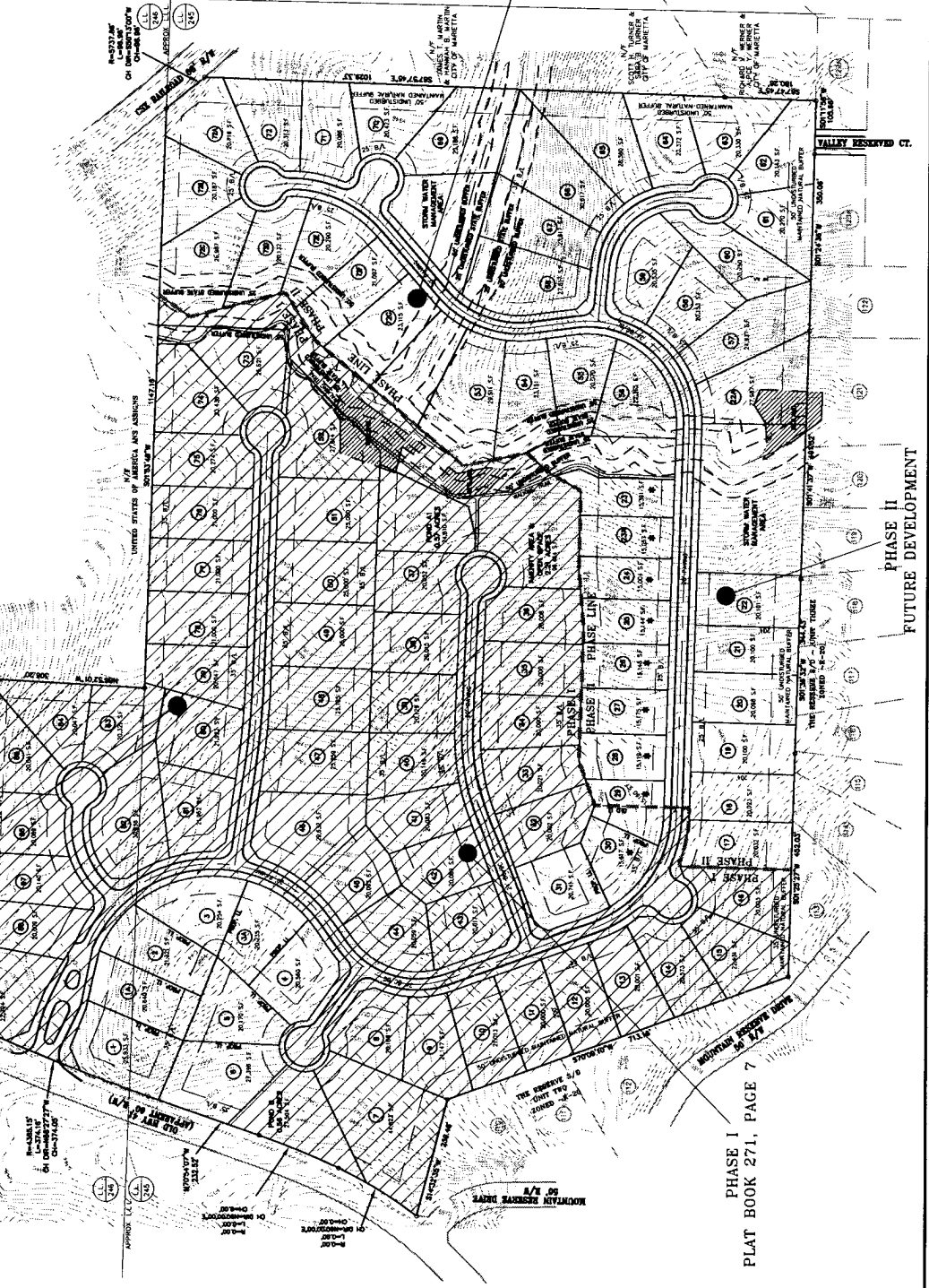
SITE SUMMARY:
 TOTAL SITE AREA: 64.31 A.C.
 PRESENT ZONING: R-20
 TOTAL LOT SHOWN: 99 LOTS (31%)
 NO. OF LOTS BELOW 20,000 S.F.: 15,000 S.F.
 MINIMUM LOT SIZE (75% OF 20,000 S.F.): 15,000 S.F.
 AVERAGE LOT SIZE: 20,800 S.F.
 PROPOSED DENSITY: 1.54 UNITS/AC.
 BUILDING SETBACKS:
 35' FRONT
 35' REAR
 25' MAJOR SIDE
 10' SIDE

(*19 LOTS REQUIRING VARIANCE: MINIMUM LOT SIZE 15,000 S.F.)

LEGEND:
 [Hatched Box] PREVIOUSLY RECORDED AREA
 [White Box] PREVIOUSLY RECORDED AREA TO BE MODIFIED

PHASE I
 PLAT BOOK 271, PAGE 7

NOTES:
 1. BOUNDARY SURVEY FROM DEEDS, TAX MAPS AND OTHERS.
 2. NO ARCHITECTURAL, ARCHAEOLOGICAL OR CEMETERY SITES WERE FOUND ON THIS SITE.
 3. NO WETLANDS EXIST ON THIS SITE OUTSIDE OF SHOWN STREAM BUFFERS.
 4. THIS PAGE IS NOT IN THE (10 YEAR FLOOD) COMMUNITY NUMBER 1, 10002. MAP NUMBER 1, 10020000P. DATE: AUGUST 18, 1994.



PHASE I
 PLAT BOOK 271, PAGE 7

APPLICANT: ACR Engineering **PETITION NO.:** V-29
PHONE: 678-291-0000 **DATE OF HEARING:** 04-14-10
REPRESENTATIVE: Abbas Heidari **PRESENT ZONING:** R-20
PHONE: 678-291-0000 **LAND LOT(S):** 245, 246
PROPERTY LOCATION: Located on the south side of **DISTRICT:** 20
Old Highway 41, east of Barrett Parkway and at the **SIZE OF TRACT:** 26.639 acres
eastern end of Valley Reserve Court. **COMMISSION DISTRICT:** 1

TYPE OF VARIANCE: 1) Waive the lot size of lots 23 through 30 from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for lots 17 through 30 and 53 through 72g.

COMMENTS

TRAFFIC: Noonday Creek Trail is identified as a 2005 SPLOST project consisting of a multi-use trail along the south side of Old 41 Highway. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the road improvement project.

DEVELOPMENT & INSPECTIONS: If this variance request is approved, a subdivision plat revision must be recorded reflecting the conditions of the variance and referencing the variance case. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: The additional proposed lots will result in an increase in stormwater runoff. The hydrologic impact to the existing detention facilities must be evaluated to determine if adequate capacity is available or if modifications to the facilities are required.

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: Applicant should be aware that Code 122-123 (10 foot front and rear, 2 foot side setbacks from edge of Sanitary Sewer Easement) may be more difficult to achieve with smaller lot sizes.

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

BOARD OF APPEALS DECISION

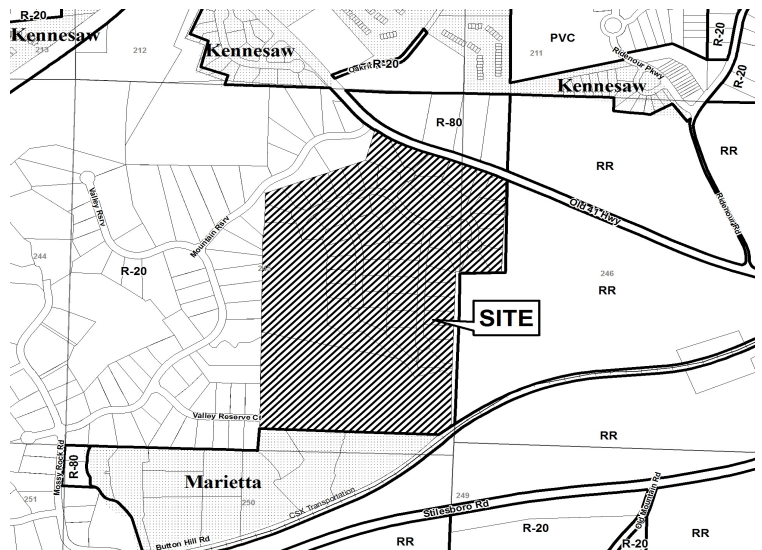
APPROVED **MOTION BY** B. Hovey

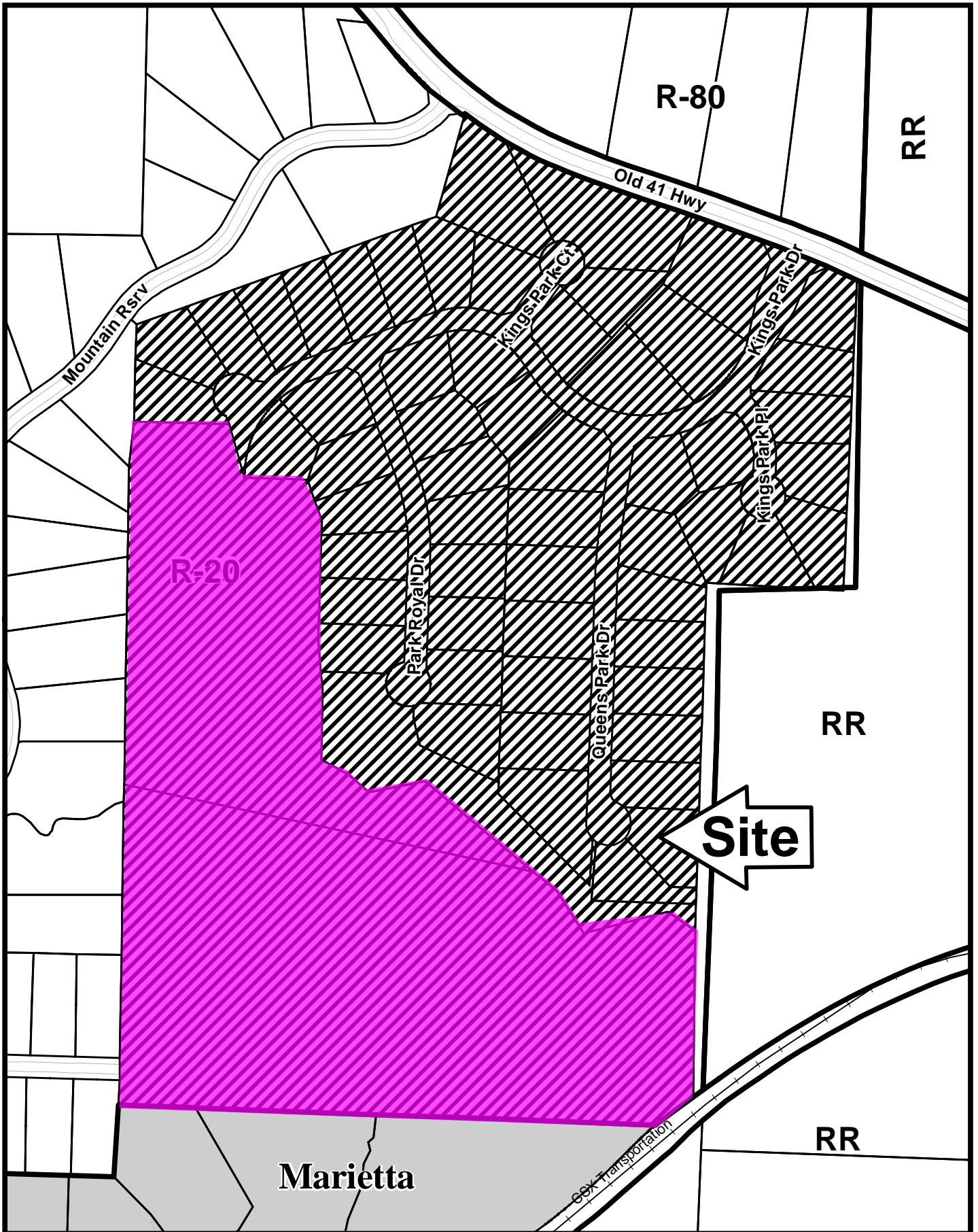
REJECTED **SECONDED** K. Swanson

HELD **CARRIED** 4 - 0

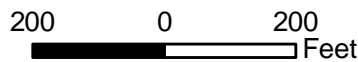
STIPULATIONS: Special Exception granted

with stipulations





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Application for Variance Cobb County

(type or print clearly)

Application No. V-29

Hearing Date: 4-14-10

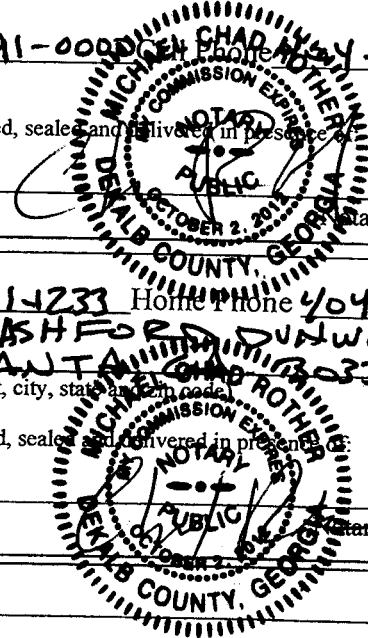
Applicant ACE ENGINEERING Business Phone 678-291-0000 Home Phone 770-622-5969

ABBAS HEIDARI Address 3040 HOLCOM BRIDGE RD., SUITE G-2
(representative's name, printed) NORCROSS, GA. 30071
(street, city, state and zip code)

[Signature] Business Phone 678-291-0000 Home Phone 770-234-7415
(representative's signature)

Signed, sealed and delivered in presence of

My commission expires: Oct 2, 2012



Titleholder QUEENS GATE, LLC Business Phone 770-391-4233 Home Phone 404-409-5007

Signature [Signature] Address: 4828 ASHFORD DUNWOODY ROAD
(attach additional signatures, if needed) ATLANTA, GA 30339
(street, city, state and zip code)

Signed, sealed and delivered in presence of

My commission expires: Oct 2, 2012

Present Zoning of Property R-20

Location OLD HWY. 41

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 245 & 244 District 20 Size of Tract 64.3 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.

We are requesting this variance topographical limitations, in particular a creek, will cause under difficulty for this project we also believe it will be in everyone's interest, including the citizen of Cobb County, to ensure this project becomes a successful portion of the community.

- List type of variance requested:
1. REDUCTION FROM 20,000 SQ.FT. TO 15,000 SQFT. FOR LOTS 17-29, 53, 57-64, 70-72 & 72B.
 2. REDUCTION OF LOT WIDTH FROM 100' TO 75' FOR LOTS 17-29 & 53-724.
 3. REDUCTION OF FRONT BUILDING SET BACK FROM 35' TO 25' FOR LOTS 17-29 & 53-724.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 14, 2010**

**DRAFT
UNOFFICIAL
DOCUMENT**

V-29 **ACR ENGINEERING** (Queen’s Gates, LLC, owner) requesting a variance to: 1) waive the lot size of lots ~~23 through 30~~ 23, 23A, 24-30 from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for lots 17 through 30 and 53 through 72g in Land Lots 245 and 246 of the 20th District. Located on the south side of Old Highway 41, east of Barrett Parkway and at the eastern end of Valley Reserve Court.

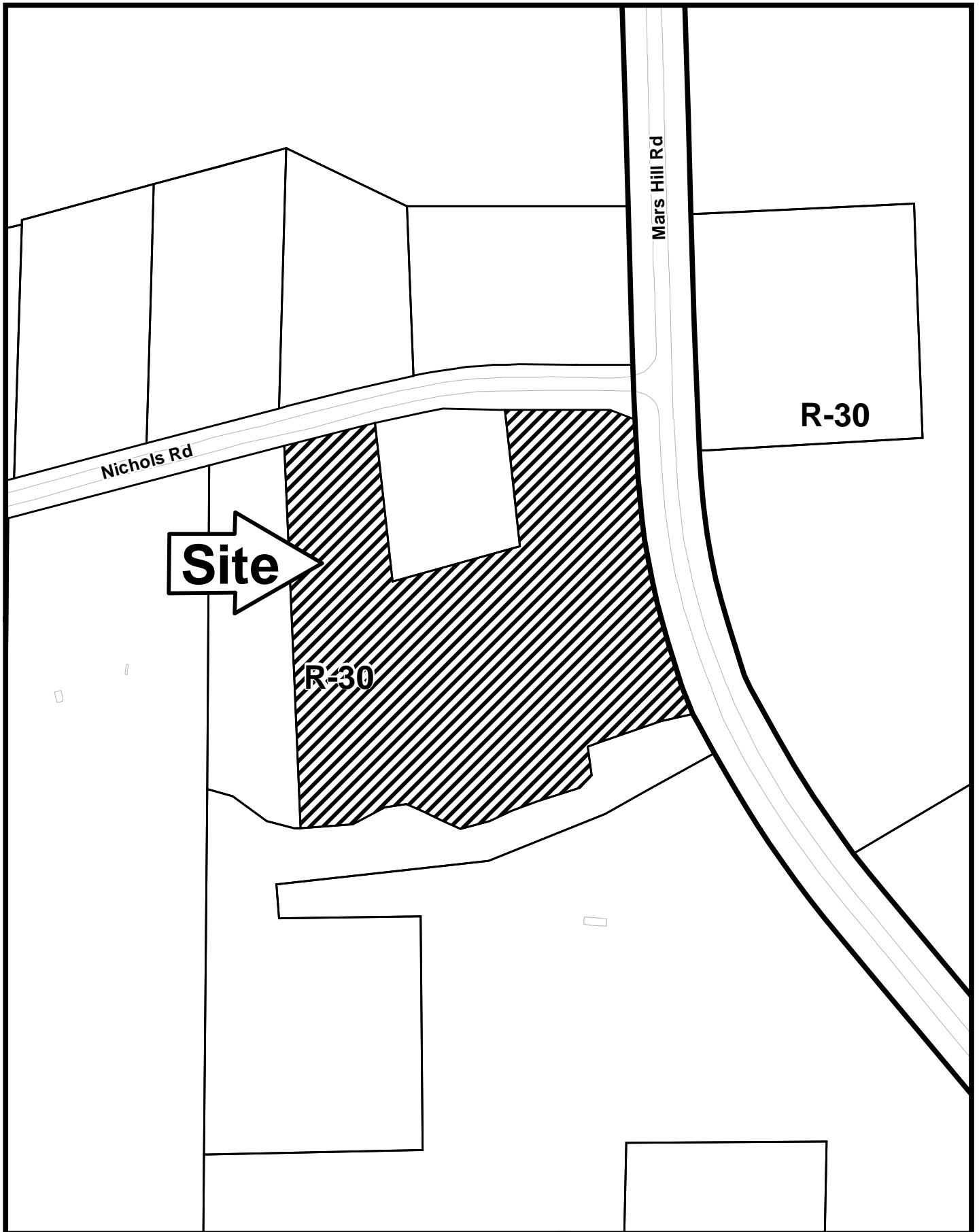
The public hearing was opened and Mr. Blair Schlosberg addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Hovey, second by Swanson, to **approve** variance request **subject to:**

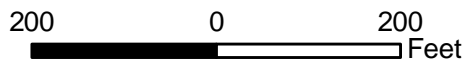
- **revised site plan received by the Zoning Division June 3, 2010 with the District Commissioner to approve minor modifications (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Lane R. Frostbaum dated June 16, 2010 (attached and made a part of these minutes) with the following change:**
 - **Item No. 1 revised to read – “A minimum 50’ “Natural Maintained Buffer” as defined in the Cobb County Code will be created along all Queens Gates Subdivision lots bordering The Reserve and along all lots bordering those residents of Button Hill Road contiguous to the subject property. Additionally, the same “Natural Maintained Buffer” with KMNBP will be created, except to the extent that it shall be a 35’ “Natural Maintained Buffer” as opposed to a 50’ “Natural Maintained Buffer.”**
- **District Commissioner to approve minor modifications**
- **Development and Inspections Division comments and recommendations**
- **Sewer Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on July 20, 2010 at 9:00 a.m.**

VOTE: ADOPTED 4-0

V-45



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



Application for Variance Cobb County

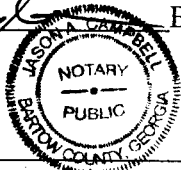
(type or print clearly)

Application No. V-45
Hearing Date: 6-9-10

Applicant Kristi Traylor Business Phone 6783546834 Home Phone 6783546834

Kristi Traylor Address 285 Mars Hill Rd. Powder Springs GA 30127
(representative's name, printed) (street, city, state and zip code)

Kristi Traylor Business Phone 6783546834 Cell Phone 4045129277
(representative's signature)



My commission expires: _____

My Commission Expires
October 31, 2011

Signed, sealed and delivered in presence of:

Jason A. Campbell
Notary Public

Titleholder Kristi Traylor Business Phone 6783546834 Home Phone 6783546834

Signature Kristi Traylor Address: 285 Mars Hill Rd. Powder Springs GA 30127
(attach additional signatures, if needed) (street, city, state and zip code)



My commission expires: _____

My Commission Expires
October 31, 2011

Signed, sealed and delivered in presence of:

Jason A. Campbell
Notary Public

Present Zoning of Property R30

Location 285 Mars Hill Rd. Powder Springs GA 30127
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 0308 District 20 Size of Tract 6.436 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.

I have been providing horseback riding lessons etc. to assist with the cost of feed hay fencing. The hardship would be the financial increase especially with the current economy.

List type of variance requested:
WAIVE THE LOT SIZE FOR A STABLE FROM A MINIMUM REQUIREMENT OF 10 ACRES TO 8.2 ACRES.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 14, 2010**

**DRAFT
UNOFFICIAL
DOCUMENT**

V-45 **KRISTI A. TRAYLOR** (owner) requesting a variance to waive the minimum lot size for a stable from the required 10 acres to 6.5 acres in Land Lot 308 of the 20th District. Located at the southwest intersection of Nichols Road and Mars Hill Road (285 Mars Hill Road).

The public hearing was opened and Mr. Rick Collett addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Hovey, second by Swanson, to **approve** variance request **subject to:**

- **submittal of *revised* site plan to the Zoning Division showing primary access off Nichols Road (Mars Hill Road access is for maintenance purposes *only*)**
- **maximum of twelve (12) horses**
- **install fencing to prohibit livestock access to the stream and 25 foot stream buffer**
- **no expansion of barn from existing footprint**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on July 20, 2010 at 9:00 a.m.**

VOTE: **ADOPTED 4-0**

Clerk's Note: All paddocks should extend at least partially above the 100 year floodplain for safety.