

**MARCH 15, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM #6

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their March 9, 2011 Variance Hearing regarding Variance Application:

V-80 (2010) Jose Medina

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 March 9, 2011 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-80 (2010) Jose Medina

ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendation

V-80
(2010)

ACME AMERICAN, LLC
300 North St., St. Simons Island, Georgia 30080
Architects/Construction Managers/Engineers
Phone: (770) 425-6900 - Fax: (770) 425-5711



108 PEARL STREET
SITE PLAN

108 PEARL STREET
LAND LOT 292
17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17,100 S.F.
0.3903 AC



C-1
94 HOUR POINT OF CONTACT
JESSICA MEDINA
PL. 770 837-6347

LEGEND

1	EXISTING BUILDING
2	EXISTING DRIVE
3	EXISTING DRIVE
4	EXISTING DRIVE
5	EXISTING DRIVE
6	EXISTING DRIVE
7	EXISTING DRIVE
8	EXISTING DRIVE
9	EXISTING DRIVE
10	EXISTING DRIVE
11	EXISTING DRIVE
12	EXISTING DRIVE
13	EXISTING DRIVE
14	EXISTING DRIVE
15	EXISTING DRIVE
16	EXISTING DRIVE
17	EXISTING DRIVE
18	EXISTING DRIVE
19	EXISTING DRIVE
20	EXISTING DRIVE
21	EXISTING DRIVE
22	EXISTING DRIVE
23	EXISTING DRIVE
24	EXISTING DRIVE
25	EXISTING DRIVE
26	EXISTING DRIVE
27	EXISTING DRIVE
28	EXISTING DRIVE
29	EXISTING DRIVE
30	EXISTING DRIVE
31	EXISTING DRIVE
32	EXISTING DRIVE
33	EXISTING DRIVE
34	EXISTING DRIVE
35	EXISTING DRIVE
36	EXISTING DRIVE
37	EXISTING DRIVE
38	EXISTING DRIVE
39	EXISTING DRIVE
40	EXISTING DRIVE
41	EXISTING DRIVE
42	EXISTING DRIVE
43	EXISTING DRIVE
44	EXISTING DRIVE
45	EXISTING DRIVE
46	EXISTING DRIVE
47	EXISTING DRIVE
48	EXISTING DRIVE
49	EXISTING DRIVE
50	EXISTING DRIVE
51	EXISTING DRIVE
52	EXISTING DRIVE
53	EXISTING DRIVE
54	EXISTING DRIVE
55	EXISTING DRIVE
56	EXISTING DRIVE
57	EXISTING DRIVE
58	EXISTING DRIVE
59	EXISTING DRIVE
60	EXISTING DRIVE
61	EXISTING DRIVE
62	EXISTING DRIVE
63	EXISTING DRIVE
64	EXISTING DRIVE
65	EXISTING DRIVE
66	EXISTING DRIVE
67	EXISTING DRIVE
68	EXISTING DRIVE
69	EXISTING DRIVE
70	EXISTING DRIVE
71	EXISTING DRIVE
72	EXISTING DRIVE
73	EXISTING DRIVE
74	EXISTING DRIVE
75	EXISTING DRIVE
76	EXISTING DRIVE
77	EXISTING DRIVE
78	EXISTING DRIVE
79	EXISTING DRIVE
80	EXISTING DRIVE
81	EXISTING DRIVE
82	EXISTING DRIVE
83	EXISTING DRIVE
84	EXISTING DRIVE
85	EXISTING DRIVE
86	EXISTING DRIVE
87	EXISTING DRIVE
88	EXISTING DRIVE
89	EXISTING DRIVE
90	EXISTING DRIVE
91	EXISTING DRIVE
92	EXISTING DRIVE
93	EXISTING DRIVE
94	EXISTING DRIVE
95	EXISTING DRIVE
96	EXISTING DRIVE
97	EXISTING DRIVE
98	EXISTING DRIVE
99	EXISTING DRIVE
100	EXISTING DRIVE

SURVEY FOR VARIANCE
108 PEARL STREET
LAND LOT 292
17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17,100 S.F.
0.3903 AC

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

PREPARED BY: [Name]
DATE: [Date]

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

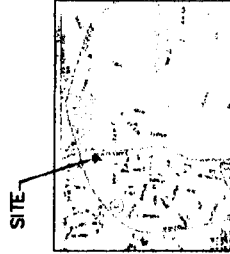
17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA



LOCATION MAP

RECEIVED
SEP 9 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Jose Medina **PETITION NO.:** V-80
PHONE: 770-527-3947 **DATE OF HEARING:** 11-10-10
REPRESENTATIVE: same **PRESENT ZONING:** HI
PHONE: same **LAND LOT(S):** 292
PROPERTY LOCATION: Located on the north side of Pearl Street, east of Atlanta Road (108 Pearl Street). **DISTRICT:** 17
SIZE OF TRACT: .393 acre
COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Waive the lot size from the required 40,000 square-feet to 17,000 square-feet; 2) waive the side setback on either side from the required 20 feet to 5 feet; and 3) waive the rear setback from the required 40 feet to 5 feet.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: Any portion of a building less than 5 feet from the property line will be required to have a One Hour Fire Rating.

STORMWATER MANAGEMENT: No significant stormwater management impacts are anticipated. The building addition will be located over an existing concrete pad. The proposed building will enclose an existing body work area that is currently exposed to weather and potential runoff.

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.

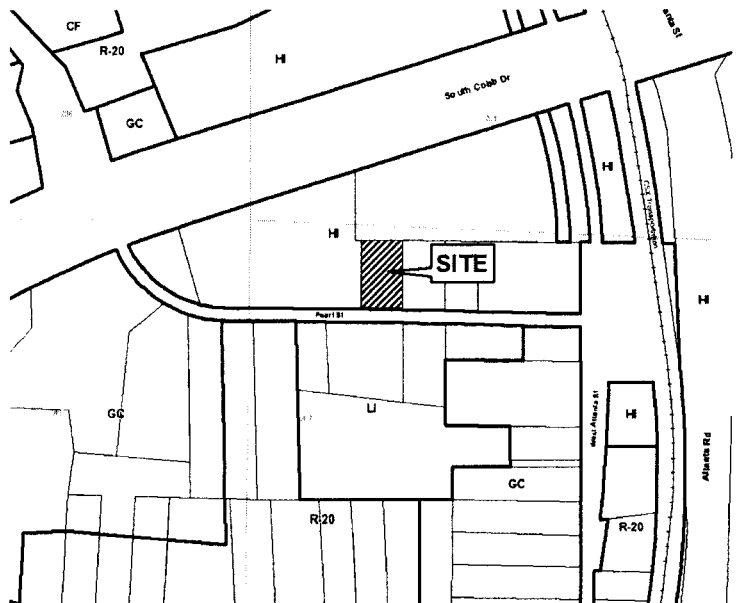
SEWER: No permanent structures shall be constructed within ten (10') feet of the edge of permanent water or sanitary easements on front or rear setbacks, or within two (2') feet on side setbacks, per Code 122-123. Existing building may already be within sewer easement.

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

BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** M. Homan
REJECTED **SECONDED** B Hovey
HELD **CARRIED** 5 - 0

STIPULATIONS: 1) site plan received by the Zoning Division September 9, 2010, 2) Applicant to execute a Hold Harmless Agreement for encroachment on sanitary sewer easement prior to issuance of any permits, 3) Fire Department comments and recommendations, 4) Development and Inspections Division comments and recommendations, 5) Sewer Division comments and recommendations



Cobb County Fire and Emergency Services

Applicant Name: Jose Medina

Petition Number: V-80

Date: 10/21/2010

Fire Marshal Comments

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum width of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

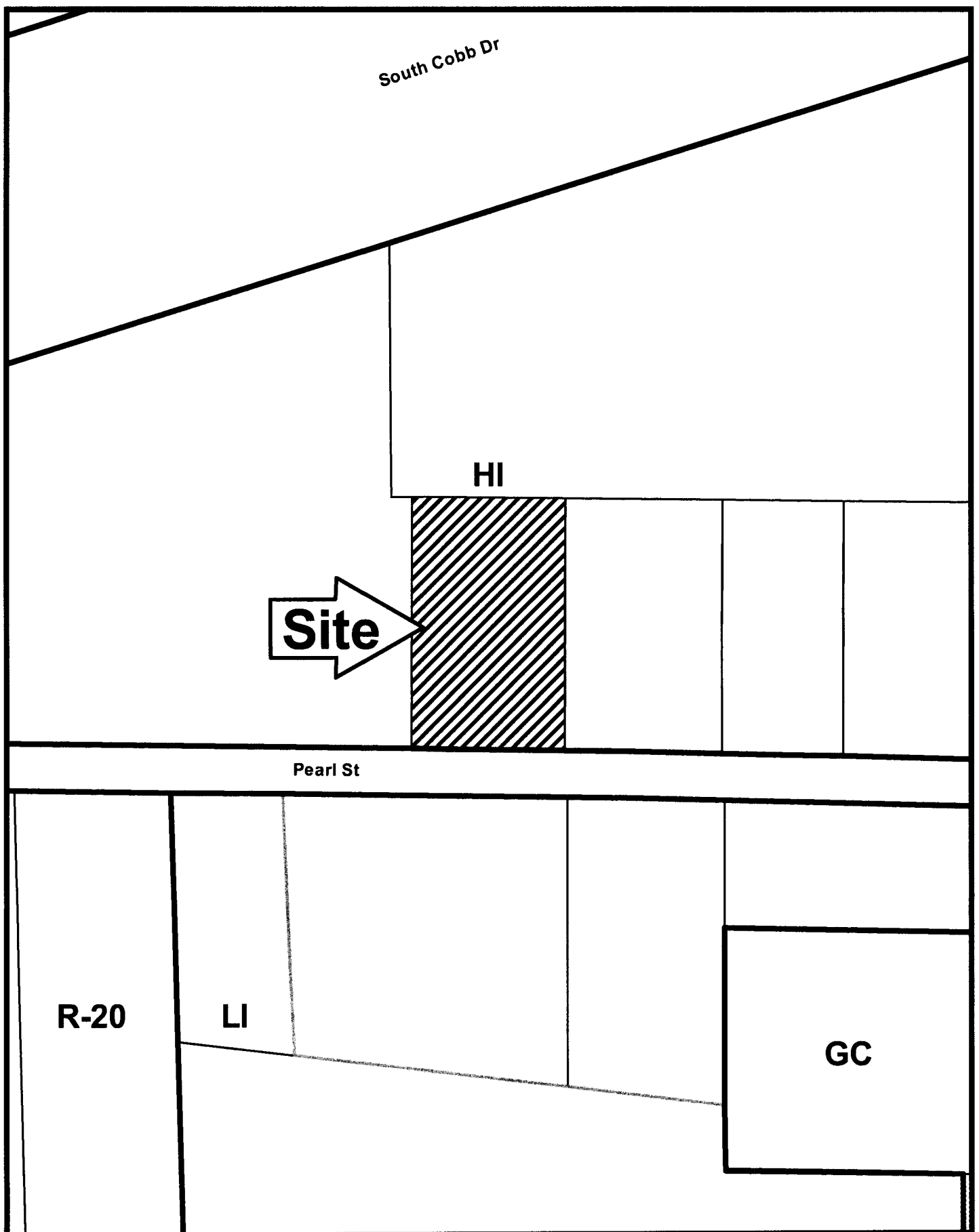
Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

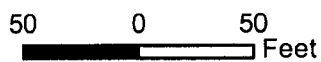
Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices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



All fuel tanks must be submitted to Cobb County Fire Marshal's Office for approval call 770-528-8328.

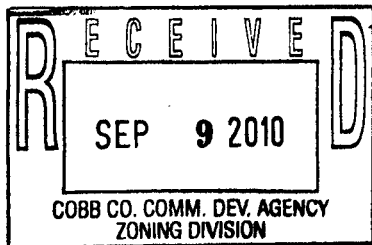
V-80



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



-  City Boundary
-  Zoning Boundary



Application for Variance Cobb County

(type or print clearly)

Application No. V-80
Hearing Date: 11-10-10

Applicant J JOSE MEDINA Business Phone 770-527-3947 Home Phone _____

Address 1443 ANGUS TRAIL, MARIETTA, GA 30008
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone 770-425-6890 Cell Phone 770-347-8454
(representative's signature)

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

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

Titleholder [Signature] Business Phone [Signature] Home Phone _____

Signature [Signature] Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

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

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

Present Zoning of Property HI

Location 108 PEARL STREET
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 285, 292 District 17 Size of Tract _____ 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.

Building is required additional storage for body shop.

List type of variance requested: WAIVE THE LOT SIZE FROM
REQUIRED 40,000 SQ FT TO 17,100 SQ FT
WAIVE THE SIDE SETBACK ON EITHER SIDE
FROM REQUIRED 20FT TO 5FT; 3) WAIVE THE
REAR SETBACK FROM REQUIRED 40FT TO 5FT

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MARCH 9, 2011**

HELD CASE:

V-80^{'10}

JOSE MEDINA (Medina Classic Curb, Inc., owner) requesting a variance to: 1) waive the lot size from the required 40,000 square-feet to 17,000 square-feet; 2) waive the side setback on either side from the required 20 feet to 5 feet; and 3) waive the rear setback from the required 40 feet to 5 feet in Land Lot 292 of the 17th District. Located on the north side of Pearl Street, east of Atlanta Road (108 Pearl Street).

The public hearing was opened and Mr. Jose Medina and Mr. Jasper Proctor addressed the Board. Following presentation and discussion, the following motion was made:

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

- **site plan received by the Zoning Division September 9, 2010 (attached and made a part of these minutes)**
- **Applicant to execute a Hold Harmless Agreement for encroachment on sanitary sewer easement prior to issuance of any permits**
- **Fire Department comments and recommendations**
- **Development and Inspections Division comments and recommendations**
- **Sewer Division comments and recommendations**

VOTE: **ADOPTED** unanimously