

**JUNE 21, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM #3

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their June 8, 2011 Variance Hearing regarding Variance Application:

V-43 Charles and James Vaughters

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. The Variance Analysis and original subdivision plat from June 1944 are attached for review. The Board of Zoning Appeals considered this variance at the June 8, 2011 Variance Hearing and recommended approval of the Special Exception subject to the following stipulations:

- 1. Increase the side setback on lot 154 from 10 feet to 15 feet adjacent to south property line;**
- 2. Add landscaping along the south property line of lot 154;**
- 3. Development and Inspections comments; and**
- 4. Final ratification of the lot size reduction by the Board of Commissioners at the Zoning Hearing on June 21, 2011 at 9:00 a.m.**

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-43 Charles and James Vaughters

ATTACHMENTS

Variance Analysis
Plat for property from 1944

**V-43
(2011)**

LEGEND

⊕	P.P. - POWER POLE
⊗	L.P. - LIGHT POLE
⊕	F.H. - FIRE HYDRANT
⊗	M.H. - SANITARY SEWER MANHOLE
(WM)	W.M. - WATER METER
(GM)	G.M. - GAS METER
○	RBS - REINFORCING BAR SET
○	RBF - REINFORCING BAR FOUND
○	CTF - CRIMP TOP PIPE FOUND
○	OTF - OPEN TOP PIPE FOUND
□	R/W MON. - RIGHT-OF-WAY MONUMENT
-x-	TYPE OF FENCE
■	D.I. - DROP INLET / YARD INLET
△	C.B. - CATCH BASIN
==	R.C.P. - REINFORCED CONCRETE PIPE
==	C.M.P. - CORRUGATED METAL PIPE
○	C.O. - SEWER CLEAN OUT
—	OVERHEAD POWER LINES
1234	STREET ADDRESS

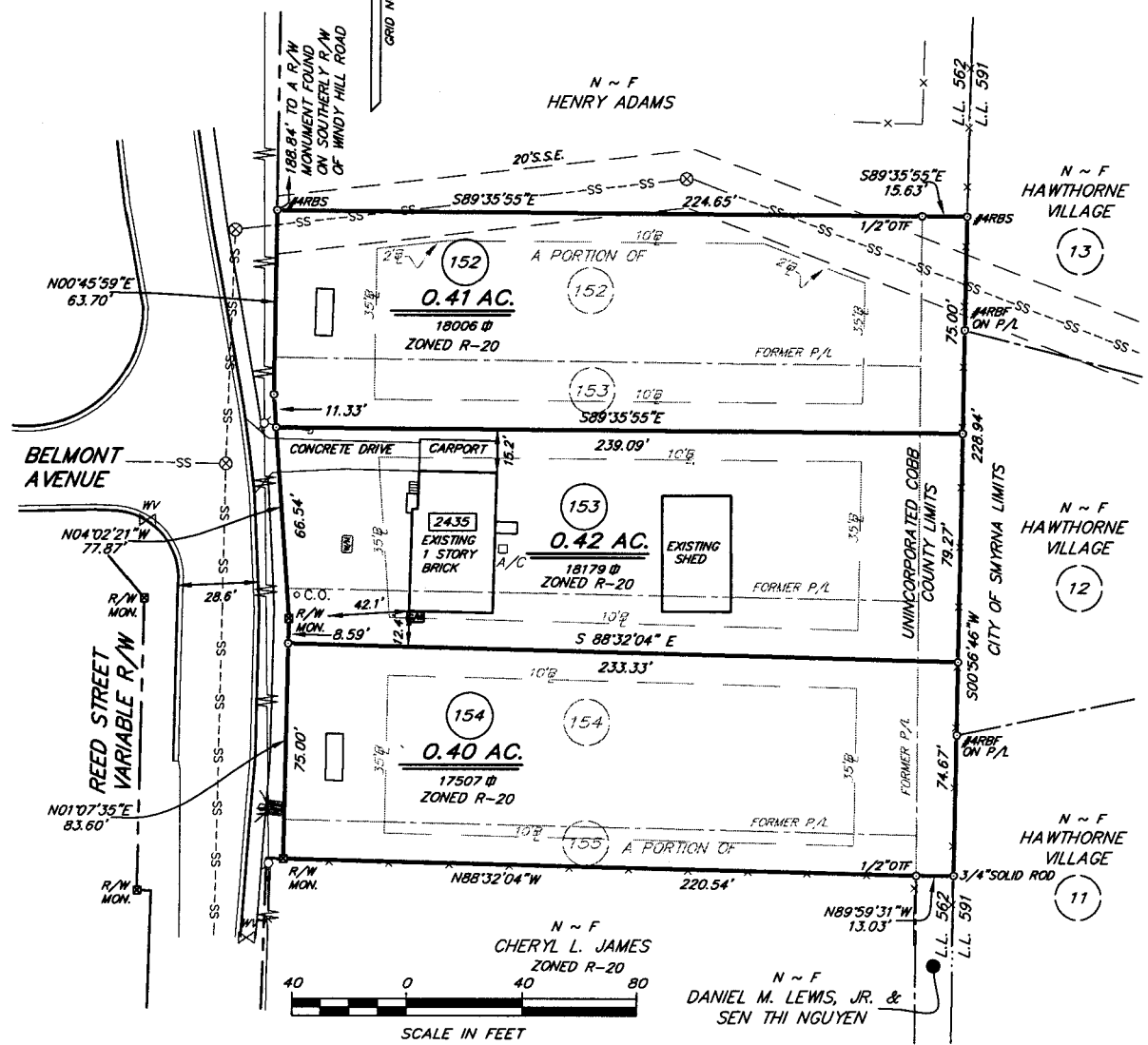
- 1.) NO ARCHITECTURAL, ARCHEOLOGICAL OR CEMETARY FEATURES APPEAR TO BE ON THIS SITE.
- 2.) NO WETLANDS APPEAR TO BE ON THIS SITE.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X, ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER 130052, MAP NUMBER 13067 C 0119 G DATED DECEMBER 16, 2008.

SURVEYOR NOTES:

- 1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.
- 2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.



THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/10,000+; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/197,666. MATTERS OF TITLE ARE EXCEPTED.

DATE	: 3-23-11	REVISIONS	
SCALE	: 1" = 40'		
DRAWN BY	: MAN		
CHECKED BY	: CAE		
FIELD BOOK	: 546		

**ZONING VARIANCE FOR
THE LOT LINE REVISION FOR:
LOIS MARJORIE VAUGHTERS**

J. H. TAYLOR PROPERTY S/D
A PORTION OF LOT 152, 153, 154
& A PORTION OF LOT 155
2435 REED STREET

LOCATED IN L.L. 562
17th DISTRICT, 2nd SECTION
COBB COUNTY, GA.



Gaskins
ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL

1266 Powder Springs Rd Marietta, Georgia 30064 www.gscsurvey.com Phone: (770) 424-7168 Fax: (770) 424-7593

Drawing name: S:\Bnd\C0BB\1717_0562\2435 reed street.dwg\2435 reed street resplit.dwg Plotted on: Apr 11, 2011 - 9:38am Plotted By: Matt Noel

APPLICANT: Charles Larry Vaughters and James **PETITION NO.:** V-43
PHONE: Bobby Vaughters 770-853-0636 **DATE OF HEARING:** 06-08-11
REPRESENTATIVE: Jim Payne **PRESENT ZONING:** R-20
PHONE: 770-853-0636 **LAND LOT(S):** 562
PROPERTY LOCATION: On the east side of Reed **DISTRICT:** 17
Street, east of Belmont Avenue **SIZE OF TRACT:** 1.23 acres
(2435 Reed Street). **COMMISSION DISTRICT:** 4

TYPE OF VARIANCE: 1) Waive the lot size from the required 20,000 square feet to 18,006 square feet for lot 152, to 18,179 square feet for lot 153, and to 17,507 square feet for lot 154; 2) waive the setback for an accessory structure over 650 square feet (existing 1,000 square foot shed) from the required 100 feet to 20 feet adjacent to the northern property line, 80 feet adjacent to the eastern property line and 15 feet adjacent to the southern property line on lot 153; and 3) waive the side setback on lot 153 from 10 feet to 3 feet adjacent to the north property line.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: If the variance is approved on lot 153 building inspections will require a one hour rating on the underside of all projections less than 4 feet from the property line as specified in Table R302.1 in the 2006 International Residential Code. Lot 153 has an existing structure located 3 feet off the north property line. The change in the property lines makes this code applicable to the existing structure if the variance is approved. If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. 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: No comments.

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: Smyrna service area.

SEWER: Smyrna service area.

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

BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** Homan

REJECTED _____ **SECONDED** Hovey

HELD _____ **CARRIED** 5-0

STIPULATIONS: 1. Increase the side setback on lot 154 from 10 feet to 15 feet adjacent to south property line; 2. Add landscaping along the south property line; 3. Development and Inspections comments; and 4. Final ratification of the lot size reduction by the Board of Commissioners at the Zoning Hearing on June 21, 2011 at 9:00 a.m.



Cobb County Fire and Emergency Services

Fire Marshal Comments

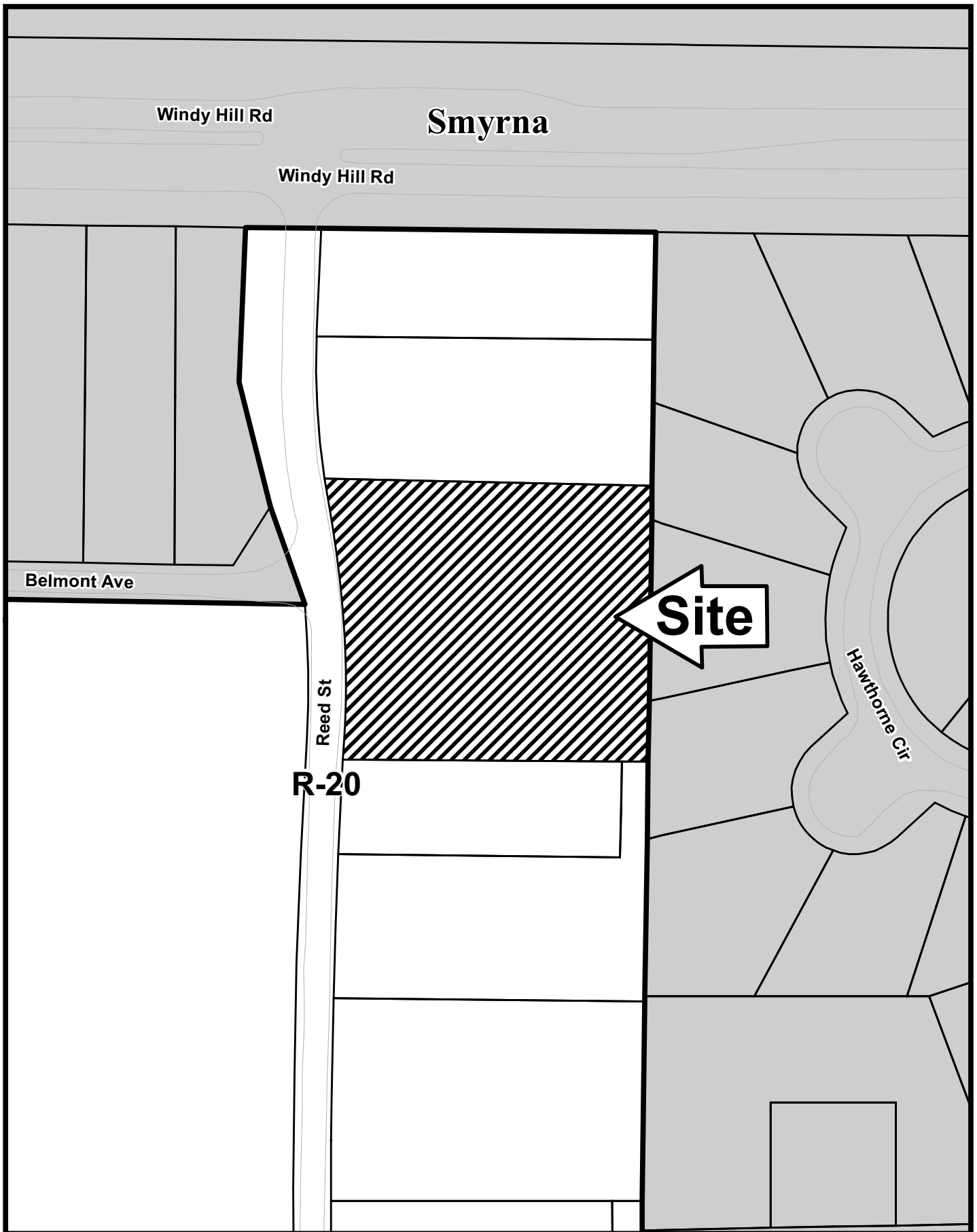
Applicant Name: **Charles and James Vaughters**

Petition Number: V-43

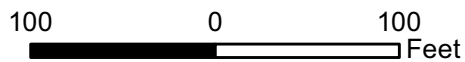
Date: 5/24/2011



NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-43



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-43

Hearing Date: 6-8-11

Applicant CHARLES LARRY & JAMES BOBBY VAUGHTERS Phone # 770-853-0636 E-mail jclandfinder@aol.com

Signature Jim Payne (representative's name, printed) Address 1750 Old Hwy 41 NW, KENN, GA 30152 (street, city, state and zip code)

Signature Jim Payne (representative's signature) Phone # 770-853-0636 E-mail jclandfinder@aol.com

Signed, sealed and delivered in presence of:

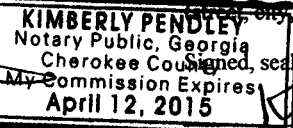
My commission expires: _____

Notary Public

Titleholder CHARLES LARRY & JAMES BOBBY VAUGHTERS Phone # 770-853-0636 E-mail jclandfinder@aol.com

Signature Charles Larry Vaughters Address: 1750 Old Hwy 41 NW, Kenn, GA 30152 (attach additional signatures, if needed) (street, city, state and zip code)

Signature James B. Vaughters My commission expires: April 12, 2015



Signed, sealed and delivered in presence of:
Kimberly Pendley
Notary Public

Present Zoning of Property R-20

Location 2435 Reed St, Smyrna, GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 562 District 17 TH Size of Tract 1.23 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 1.23 AC Shape of Property RECT Topography of Property SLOPING 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.

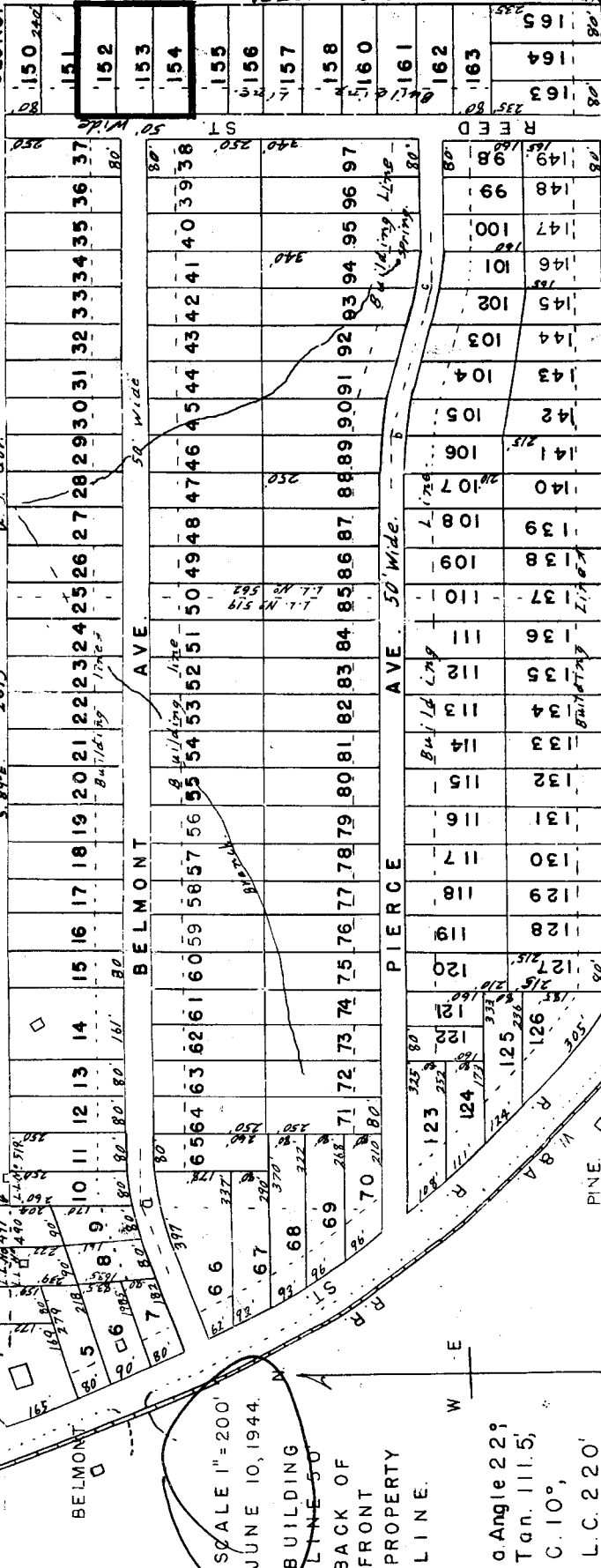
Belmont S/D was recorded 6/10/1944. Mr. Bill Adams sold a portion of Lots 152, 153 & 154. He later sold the retainage to Mr. Vaughters. The land would be best utilized by recording the variance plat as shown. This would closely conform to the original plat and conform to the lots in the surrounding area.

List type of variance requested: 1) WAIVE THE LOT SIZE FROM THE REQUIRED 20,000 SQ FT TO 18006 FOR LOT 152, 18179 FOR LOT 153 AND 17507 FOR LOT 154. 2) WAIVE THE SETBACK FOR AN EXISTING ACCESSORY STRUCTURE OVER 650 SQ FT ON LOT 153.

BELMONT

PROPERTY OF J. H. TAYLOR

PART OF LAND LOTS N490, 491, 519 B 562. 17 DISTRICT, 2 SECTION, COBB COUNTY, GEORGIA.



SCALE 1" = 200'
JUNE 10, 1944.

BUILDING
LINE 5.0'
BACK OF
FRONT
PROPERTY
LINE

a. Angle 22°;
Tan. 111.5';
C. 10°;
L.C. 2.20'
Ext. 10.7'

b. & c.

Angle 15° 40', C. 10°, Tan. 78.8', L.C. 156.6', Ext. 5.4'
Property line 25' from E Poswell Road & Hawthorn Ave.
83' from W & A. R. R.

SURVEY & PLAT by *R.E. Smith* Dalton, G. a.
Registered Surveyor No. 262
Registered Civil Engineer No. 725.

I, J.H. Taylor, owner of the shown here on, here by adopt this plan for subdivision, establish the minimum building line as shown, and dedicate the roads or streets to public use to be maintained as county roads or streets.

There are no suits of actions, leases or trusts on the property included in this plat.

Betty Selmer
R.E. Smith
R.P. State at large

J.H. Taylor

V-43 (June 8, 2011)

Plat From June 1944.