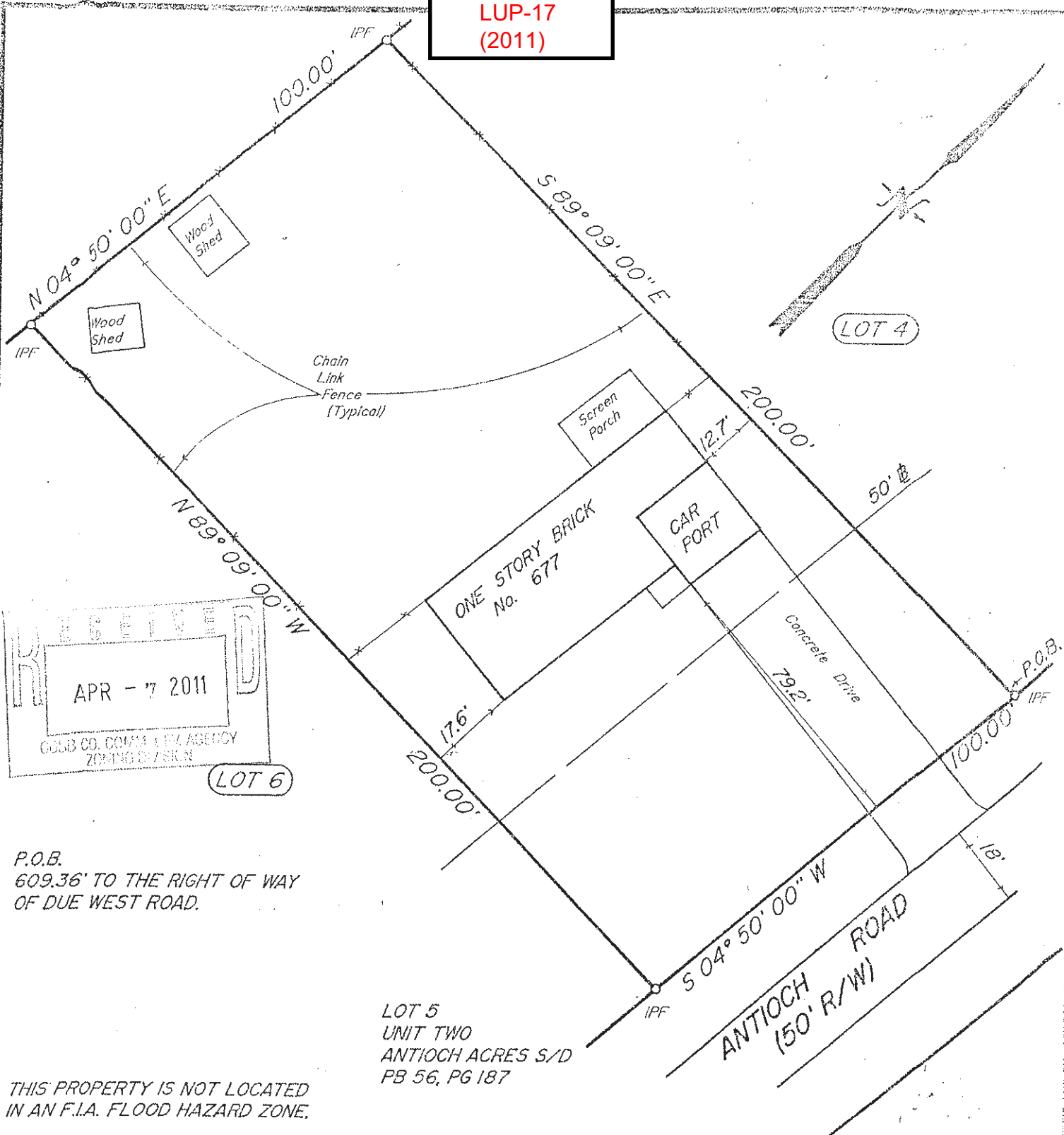


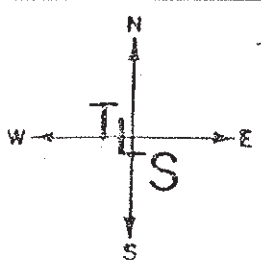
**LUP-17
(2011)**



P.O.B.
609.36' TO THE RIGHT OF WAY
OF DUE WEST ROAD.

LOT 5
UNIT TWO
ANTIOCH ACRES S/D
PB 56, PG 187

THIS PROPERTY IS NOT LOCATED
IN AN F.I.A. FLOOD HAZARD ZONE.



TRU-LINE SURVEYING INC.
1074 Wind Hill Lane
Marietta, Ga. 30064
Office (770) 919-8732
Fax (770) 919-8731



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION
OF THE LAND PLATTED AND HAS BEEN PREPARED IN
CONFORMITY WITH THE MINIMUM STANDARDS AND
REQUIREMENTS OF LAW.

SURVEY FOR
EUGENE MILLSAPP
&
ELIZABETH MILLSAPP

LAND LOT: 268	SCALE: 1" = 50'
DISTRICT: 20th	DATE: 09/21/96
SECTION: 2nd	DRAWN BY: HMK
COUNTY: COBB	CHECKED BY: WEC
STATE: GEORGIA	JOB NO. FT6Z 96-1522

APPLICANT: Floyd E. Millsapp
(678) 653-8678

PETITION NO: LUP-17
HEARING DATE (PC): 06-07-2011

REPRESENTATIVE: Floyd E. Millsapp
(678) 653-8678

HEARING DATE (BOC): 06-21-2011
PRESENT ZONING: R-30

TITLEHOLDER: Marion Eugene Millsapp and
Elizabeth Millsapp (deceased)

PROPOSED ZONING: Land Use
Permit

PROPERTY LOCATION: On the west side of Antioch Road,
south of Due West Road

PROPOSED USE: Allow More Motor
Vehicles and Adults than County Code Allows

ACCESS TO PROPERTY: Antioch Road

SIZE OF TRACT: 0.442 acre

PHYSICAL CHARACTERISTICS TO SITE: Existing
single family house

DISTRICT: 20

LAND LOT(S): 268

PARCEL(S): 21

FUTURE LAND USE MAP: Rural Residential

TAXES: PAID DUE

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-30/Single-family residential
- SOUTH:** R-30/Single-family residential
- EAST:** R-30/Single-family residential
- WEST:** R-20/Single-family residential

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

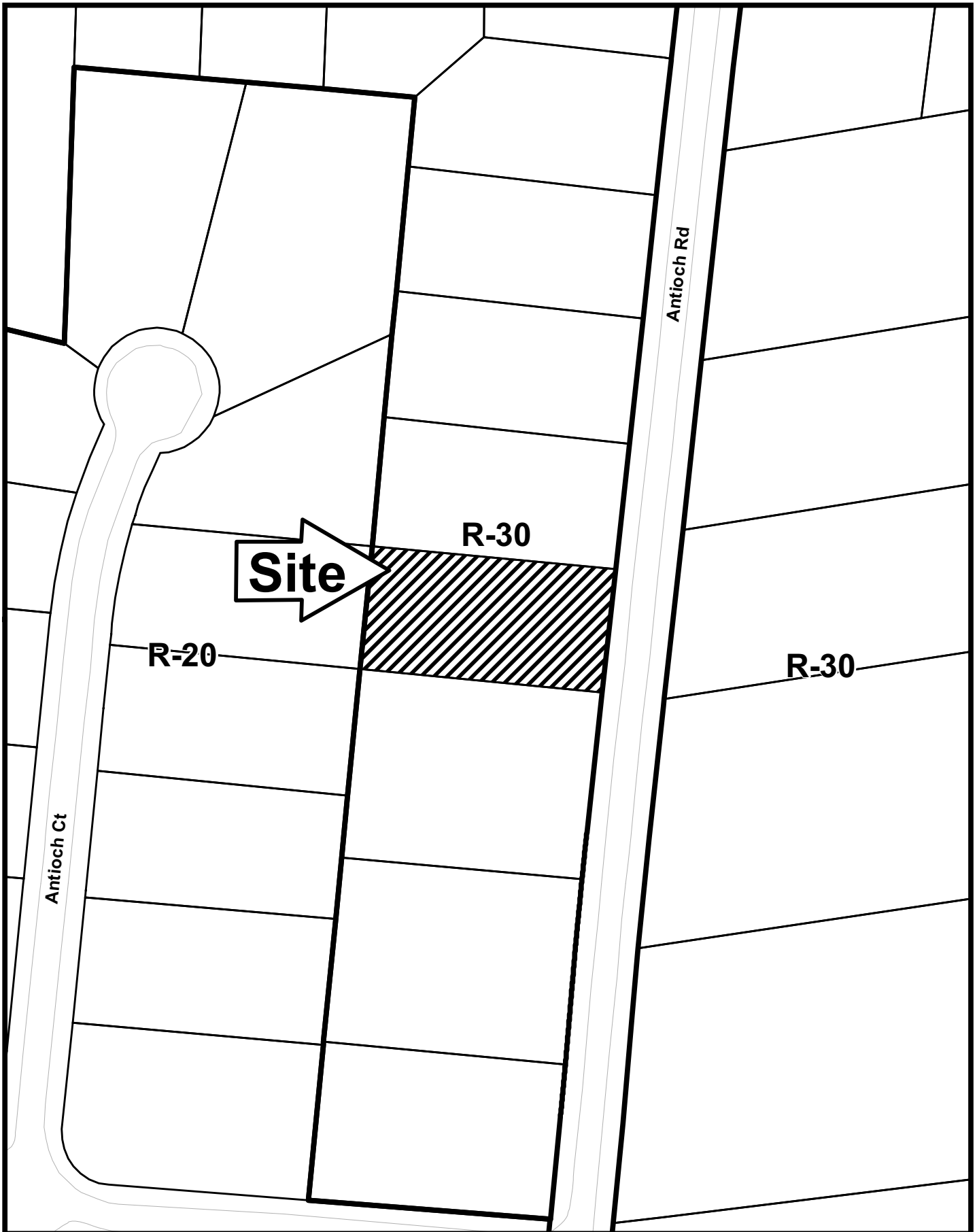
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

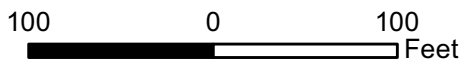
STIPULATIONS:





LUP-17



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Floyd E. Millsapp

PETITION No.: LUP-17

PRESENT ZONING: R-30

PETITION FOR: LUP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

The applicant is the son of the titleholder, Marion Millsapp, who has moved himself and wife and two adult children into his elderly father's home after the passing of his mother and increasing medical needs of his father. Based on the County Code, Sec. 134-1 "Definitions," a "dwelling unit" requires 390 square feet of area within the home as determined by the Tax Assessor's records for each adult occupant as well as vehicle. The applicant's home contains 1,524 sq. ft. according to County records. Resulting from a complaint, the Code Enforcement Division advised Mr. Millsapp that, per the Code, only three (3) related adults and three (3) vehicles were allowed to reside at the property. The applicant has asked for allowance of a "minimum of a 3 year temporary land use permit" so that his family may continue to reside on the property. The applicant has five adults and five vehicles at the property.

Historic Preservation: No comments.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Address connected to water. Sewer not available. Health Dept approval required for on-site sewage management.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

FIRE COMMENTS:

GROUP HOME: No comments for this request, however, not to be used for a group home or personnel care home, without Fire Department approval. If there are four or more unrelated occupants, the structure must meet NFPA 101 Occupancy requirements.

APPLICANT: Floyd E. Millsapp

PETITION NO.: LUP-17

PRESENT ZONING: R-30

PETITION FOR: LUP

DRAINAGE COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-17 Floyd E. Millsapp

The applicant's request is located within a platted subdivision and in an area designated as Rural Residential on the *Cobb County Comprehensive Plan*. The applicant, Mr. Floyd E. Millsap, along with his family of wife and two adult children, moved into his father's home to provide needed care. Therefore, as a result, there are five (5) adults and five (5) vehicles residing at the property. Yet, as a result of a complaint, the Code Enforcement Division notified the applicant that per *Code* Section 134-1, based on the Tax Assessor's estimate of square footage within the home, only three (3) occupants and vehicles will be allowed at the property. While it should be noted that the applicant has provided a petition of support signed by all immediately adjacent neighbors on either side as well as neighbors across the street, this case began as a result of a complaint. Therefore, 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.

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Application #: LUP-17
PC Hearing Date: 6-7-11
BOC Hearing Date: 6-21-11

TEMPORARY LAND USE PERMIT WORKSHEET



1. Type of business? N/A
2. Number of employees? N/A
3. Days of operation? N/A
4. Hours of operation? N/A
5. Number of clients, customers, or sales persons coming to the house per day? N/A ; Per week? N/A
6. Where do clients, customers and/or employees park?
Driveway: N/A ; Street: N/A ; Other (Explain): N/A
7. Signs? No: N/A ; Yes: N/A . (If yes, then how many, size, and location): N/A
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 5 see attached list.
9. Deliveries? No N/A ; Yes N/A (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
10. Does the applicant live in the house? Yes ; No
11. Any outdoor storage? No N/A ; Yes N/A (If yes, please state what is kept outside):
12. Length of time requested: 3 years
13. Any additional information? (Please attach additional information if needed):
See attached letter

Applicant signature: Floyd E Millsapp Date: 4/6/11

Applicant name (printed): Floyd E Millsapp

LUP-17
2011

Vehicles parked and owned by residents at 677 Antioch Rd



1997 Mercury Grand Marquis - Gene Millsapp (73) - Tag # DP2ZY8
Policy # 609 0983-A30-11L State Farm Ins 770-345-8004

1989 Mercury (mother's old vehicle) - Floyd Millsapp - (53) - Tag # BME 8773
Policy # 331 6845-F04-11J State Farm Ins 770-974-4221

1991 Volvo - Floyd Millsapp (53) - Tag# BQP 4968
Policy # 280 9654-C04-11J State Farm Ins 770-974-4221

2002 Ford F-150 Pam Millsapp (49) Tag # BKX 2605
Policy # 900 7813-A09-11P State Farm Ins 770-974-4221

1995 Jeep Chad Millsapp (23) Tag # C MILLS
Policy # 431 6290-C18-11A State Farm Ins 770-974-4221

LUP-17
2011

March 31, 2011

To: Cobb County Zoning Division



RE: Application for Temporary Land Use Permit for 677 Antioch Rd

My parents Marion (Gene) and Elizabeth Millsapp purchased 677 Antioch Rd Powder Springs, GA in 1996 and have occupied the property since. In September 2008 my mother Elizabeth passed away. My father would not entertain at the time moving from his home and attempted to live alone unsuccessfully. His health spiraling in the fall of 2010 and his insistence to remain in his residence I, Floyd Millsapp, (Mr. Millsapps only child) and my wife Pam decided to move our family in with my father. Our family consist of myself, my wife and our two sons Chad and Brandon ages 23 and 21 respectively. This has also resulted in each of our personal vehicles being parked at the address. (List attached)

My Father fell in December 2010 breaking his hip. He has since had a hip replacement and a corrective surgery. The daily home health professional s attending to his needs have added to the vehicles observed by complainant as well as any family visitors (he has 6 siblings).

We were not aware of permitted use neither of a single family dwelling nor of parking standards. We are now pleading for a temporary land use permit for our family's medical hardship. We have no problem complying with all vehicles to be parked on a hardened/treated surface. We are praying for your allowance of our family unit of 5 within the square footage of 1684 per the attached prior appraisal of the property in lieu of the tax record. We have also attached the signed consent of all our contiguous occupants or land owners. The future being unpredictable we would like to acquire a minimum of a 3 year temporary land use permit.

Thanking you in advance for your cooperation and approval.

Sincerely,

Floyd Millsapp

Floyd Millsapp