

**SEPTEMBER 18, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**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 August 8, 2012 Variance Hearing regarding Variance Application:

V-63 Land Investment Partners, LLC 10

**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 is attached for review. The Board of Zoning Appeals considered this variance at the August 8, 2012 Variance Hearing and recommended approval of the 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-63 Land Investment Partners, LLC 10

**ATTACHMENTS**

Variance Analysis and Variance minutes



Design - Development - Construction Management  
 1400 Peachtree Street, N.E.  
 Atlanta, GA 30309  
 Tel: (770) 438-3400  
 Fax: (770) 438-3484

OWNER/DEVELOPER:  
 Land Investment  
 Partners, LLC 10 Phyllis  
 Adams, GA 30308  
 Tel: (770) 438-3400  
 Fax: (770) 438-3484

3rd FLOOR CONTACT:  
 Wayne Isaac  
 Phone: (770) 280-5736

PROJECT:

**FORD CREEK  
 ESTATES**  
 LAND LOT 235  
 20th DISTRICT, 2nd SECTION  
 COBB COUNTY, GEORGIA

**V-63 (2012)**  
 VARIANCE  
 CONCEPT  
 PLAN



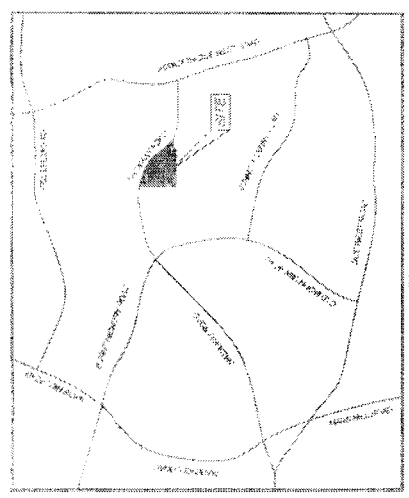
DRAWING SCALER:  
 HORIZONTAL SCALE: 1" = 100'  
 VERTICAL SCALE: 1" = 100'

DRAWING CREATED: JUNE 14, 2012

DRAWING LAST REVISED: JUNE 14, 2012

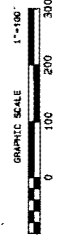
SHEET REVISIONS

SHEET EXB-1



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JUN 14 2012



APPROXIMATE FLOOD PLAIN  
 PER FEMA FIRM PANEL NO.  
 1306700010G, DATED 12/16/2008

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\* THE GREYED BACKGROUND IMAGE OF THIS EXHIBIT REPRESENTS THE LAST REVISED PRELIMINARY PLAN FOR THIS PROJECT AS PREPARED BY THIS FIRM

**APPLICANT:** Land Investment Partners, L.L.C., 10  
**PHONE:** 770-436-3400  
**REPRESENTATIVE:** Wayne Isaac  
**PHONE:** 770-280-5736  
**TITLEHOLDER:** Land Investment Partners, L.L.C., 10  
**PROPERTY LOCATION:** On the west side of  
Hadaway Road, west of Acworth Due West Road  
(4539 Hadaway Road).

**PETITION No.:** V-63  
**DATE OF HEARING:** 08-08-12  
**PRESENT ZONING:** R-30  
**LAND LOT(S):** 235  
**DISTRICT:** 20  
**SIZE OF TRACT:** 30.54 acres  
**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1) Waive the minimum lot sizes not more than 25% of the required minimum for lots 1, 2, 5, 7, 8, 12, 13, 16, 18, 26, and 27 as shown on submitted plan; 2) waive the front setback from the required 45 feet to 35 feet for all lots (1-30); and 3) waive the required 40 foot perimeter construction buffer as needed and depending on a demonstrated need of the encroachment.

**OPPOSITION:** No. OPPOSED \_\_\_\_\_ **PETITION No.** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**BOARD OF APPEALS DECISION**

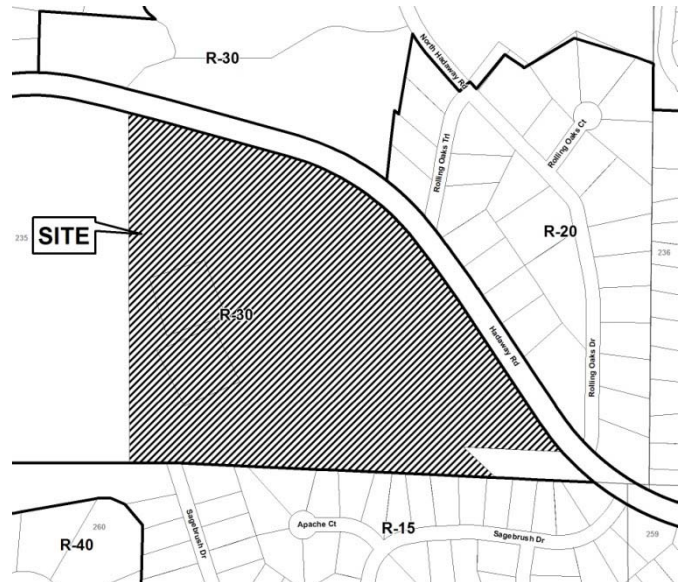
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_



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**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** If this variance request is approved, a revision to the land disturbance permit approved plan set must be submitted to the Site Plan Review Section for review and approval. Also, the recorded plat must reference any approved provisions of this variance.

**STORMWATER MANAGEMENT:** The number of lots is the same as the approved subdivision layout. Reconfiguration of the lots will allow improved grading on the site.

**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.

**DESIGN GUIDELINES:** No comment.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

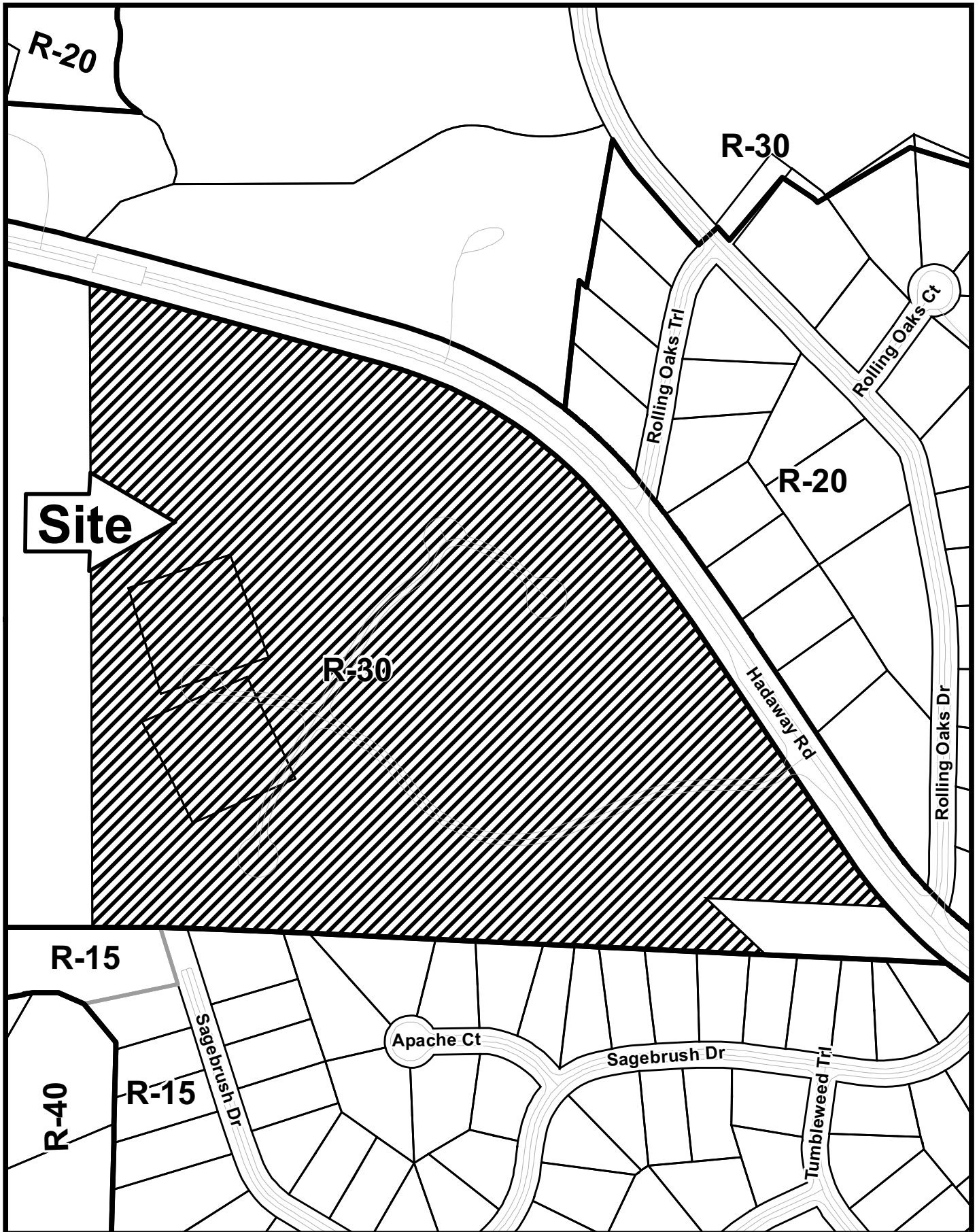
**SEWER:** No conflict.

**APPLICANT:** Land Investment Partners L.L.C., 10 **PETITION No.:** V-63

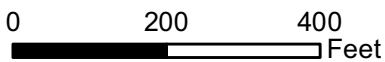
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-63



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

JUN 14 2012

(type or print clearly)

Application No. V-63  
Hearing Date: 8-8-12

Applicant LAND INVESTMENT PARTNERS LLC 10 Phone # (770) 436-3400 E-mail wisaac@resourcere.com

Wayne Isaac (representative's name, printed) Address 2303 Cumberland Pkwy., Suite 1000 Atlanta, GA 30339  
(street, city, state and zip code)

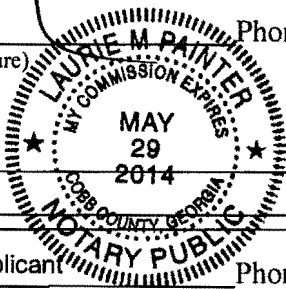
(representative's name, printed)

(street, city, state and zip code)

(representative's signature)

Phone # (770) 280-5736 E-mail wisaac@resourcere.com

My commission expires: \_\_\_\_\_



Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

Titleholder Same as Applicant Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

Signature \_\_\_\_\_ Address: \_\_\_\_\_  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_  
Notary Public

Present Zoning of Property R-30

Location 4539 Hadaway Road., Kennesaw, GA 30152  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 235 District 20th Size of Tract 30.54 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 X Other Floodplain

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 respectfully request the minimum area reduction for select lots to allow better home sites on a tract that has very steep topography. The lot size reduction is also requested to avoid the need to place fill within the floodplain located in the northwest corner of the tract. The request to reduce front yard setbacks of this property from 45-feet to 35-feet is intended to reduce the extent of grading on this tracts steep topography that would be required with the 45-foot setback. The request to allow Staff the ability to approve minimal encroachments into the 40-Undisturbed Construction Buffer is also to allow the individual lots to be better graded to deal with the extreme topography of the site.

- List type of variance requested:
1. Lot size reduction for select lots as shown on the concept plan for \_\_\_\_\_  
(Lots 2,5,7,8,12,13,16,18,26,&27). 1
  2. A project wide reduction of the front setback from 45-feet to 35-feet.
  3. Allowance for Staff to be able to approve grading into the 40-undisturbed construction buffer as needed and depending on a demonstrated need of \_\_\_\_\_  
the encroachment.

**MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
AUGUST 8, 2012**

**V-63**      **LAND INVESTMENT PARTNERS, L.L.C., 10** (owner) requesting a variance to: 1) waive the minimum lot sizes not more than 25% of the required minimum for lots 1, 2, 5, 7, 8, 12, 13, 16, 18, 26, and 27 as shown on submitted plan; 2) waive the front setback from the required 45 feet to 35 feet for all lots (1-30); and 3) waive the required 40 foot perimeter construction buffer as needed and depending on a demonstrated need of the encroachment in Land Lot 235 of the 20<sup>th</sup> District. Located on the west side of Hadaway Road, west of Acworth Due West Road (4539 Hadaway Road).

The public hearing was opened and Mr. Wayne Isaac addressed the Board and revised variance requests. Following presentation and discussion, the following motion was made:

MOTION: Motion by Hovey, second by Homan, to **approve** variance requests No. 1 (as revised) and No. 2, and to **hold** variance request No. 3 until no later than the October 10, 2012 Board of Zoning Appeals Variance hearing, **subject to:**

- **approval of lot size reductions on lots 1, 2, 5, 12, 13, 26 and 27 only, with final ratification of lot size reduction by the Board of Commissioners as required by Code**
- **new lot layout for Ford Creek Estates per revised site plan received by the Zoning Division August 7, 2012 (attached and made a part of these minutes)**
- **reduction of front setback by 10 feet and increase by 10 feet to the rear setbacks on all 30 lots, moving building box forward on each lot**
- **regarding hold of request No. 3 for waiver of 40 foot construction buffer on Lot No. 9: Applicant to develop grading/lot layout plan and landscape mitigation proposal and specifically to contact adjoining property owners which abut to Lot No. 9 and obtain signed agreements**

VOTE: **ADOPTED** unanimously