

**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

TERRA

Survey - Development - Construction Management  
1000 Peachtree St NE  
Atlanta, GA 30309  
Tel: (770) 438-3400  
Fax: (770) 438-3484

OWNER/DEVELOPER:  
Land Investment  
Partners, LLC 10 Pkwy  
Atlanta, GA 30328  
Tel: (770) 438-3400  
Fax: (770) 438-3484

3rd PARTY 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



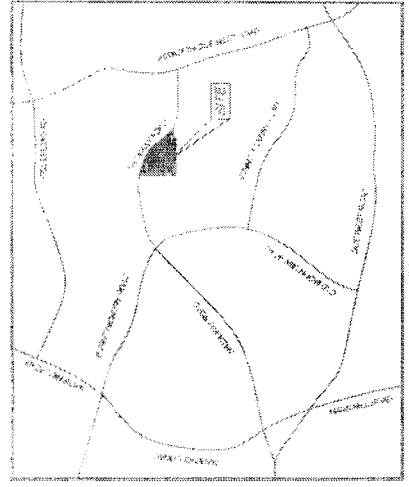
DRAWING SCALER:  
HORIZONTAL SCALE: 1" = 100'  
VERTICAL SCALE: N/A

DRAWING CREATED: JUNE 14, 2012  
DRAWING LAST REVISED: JUNE 14, 2012

SHEET REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUE FOR LOT SUBDIVISION WITH ZONING MAP	6.14.12

SHEET EXB-1



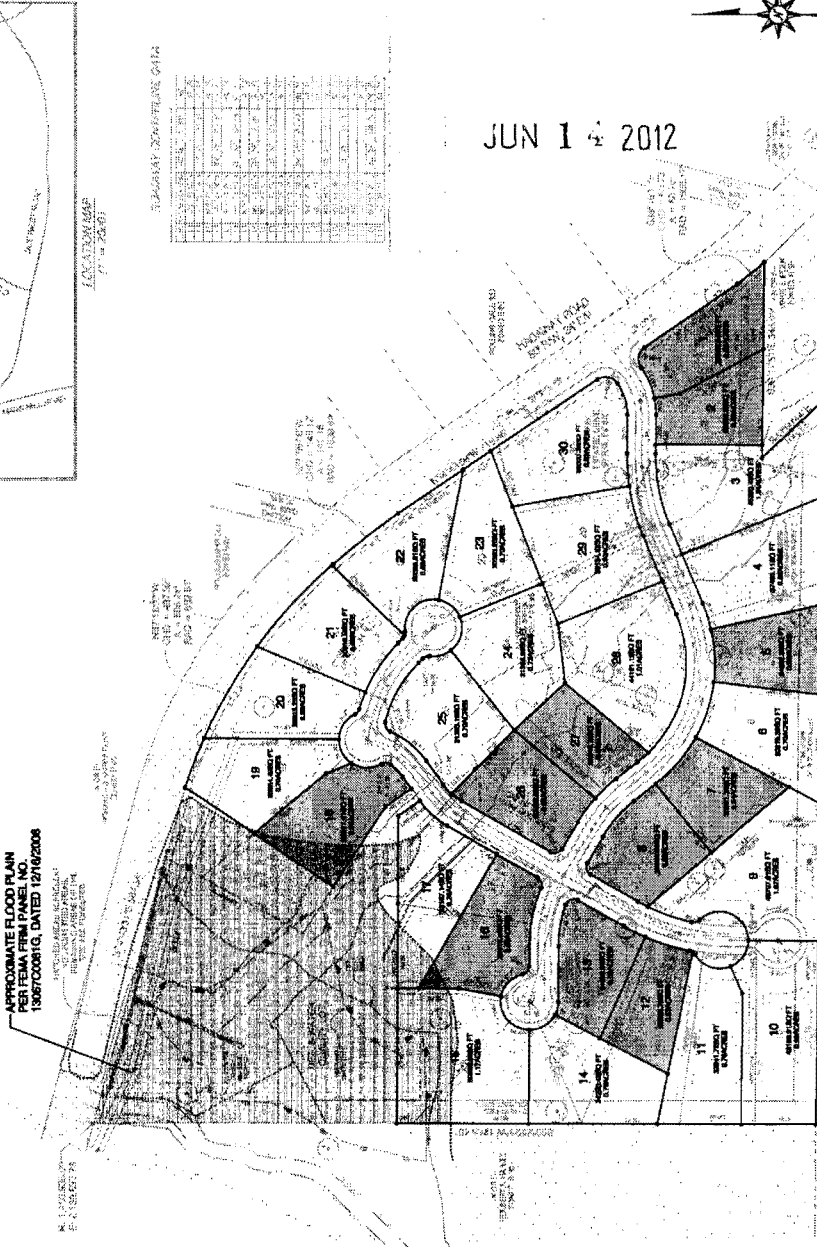
JUN 14 2012



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

OWNER'S TITLE CHANGE

NO.	DATE	DESCRIPTION
1	06/14/12	ISSUE FOR LOT SUBDIVISION WITH ZONING MAP



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

**APPLICANT:** Land Investment Partners, L.L.C., 10

**PETITION No.:** V-63

**PHONE:** 770-436-3400

**DATE OF HEARING:** 08-08-12

**REPRESENTATIVE:** Wayne Isaac

**PRESENT ZONING:** R-30

**PHONE:** 770-280-5736

**LAND LOT(S):** 235

**TITLEHOLDER:** Land Investment Partners, L.L.C., 10

**DISTRICT:** 20

**PROPERTY LOCATION:** On the west side of Hadaway Road, west of Acworth Due West Road (4539 Hadaway Road).

**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**

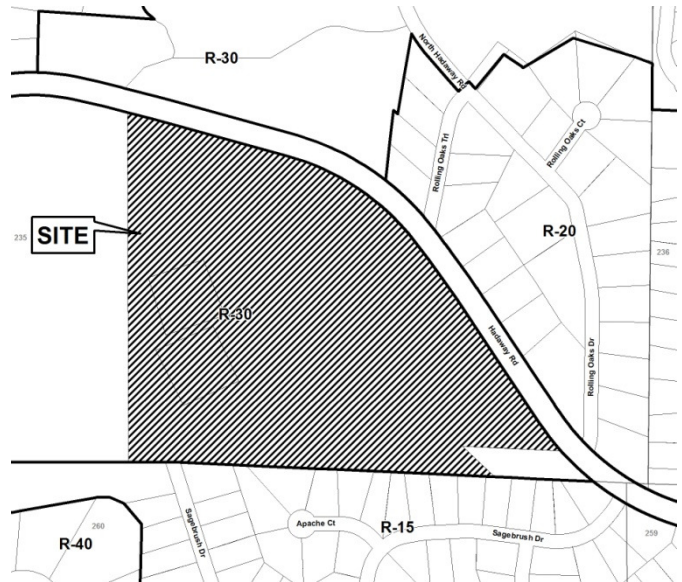
**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**       



\*\*\*\*\*

**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.

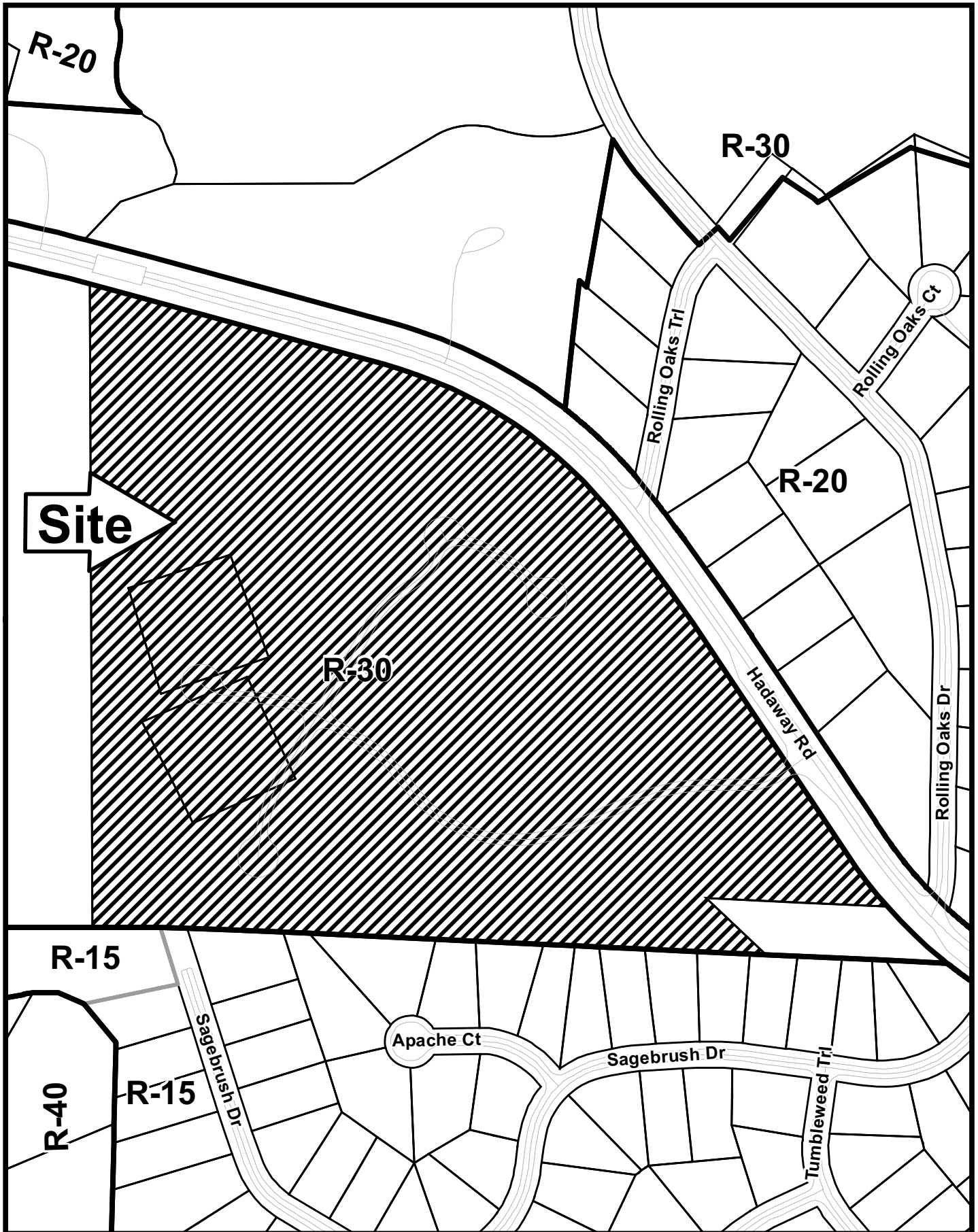
**SEWER:** No conflict.

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

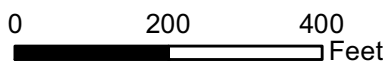
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

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

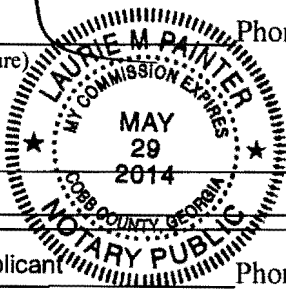
(representative's name, printed)

(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.