

**NOVEMBER 20, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

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 October 10, 2012 Variance Hearing regarding Variance Application:

V-78 RJM LANDSCAPING SERVICES, INC.

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 October 10, 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-78 RJM LANDSCAPING SERVICES, INC.

ATTACHMENTS

Variance Minutes and Analysis

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
OCTOBER 10, 2012**

V-78 **RJM LANDSCAPING SERVICES, INC.** (owner) requesting a variance to: 1) waive the front setback from the required 40 feet to 30 feet for existing building footprint; 2) waive the side setback from the required 10 feet to 5 feet on the eastern side for existing building footprint; 3) waive the minimum number of required parking spaces from 5 to zero to allow proposed gravel parking; and 4) waive the minimum lot area from the required 20,000 square feet to 10,861 square feet in Land Lot 1242 of the 16th District. Located on the north side of Hazelwood Drive, between Scott Drive and Hamby Road (1765 Hazelwood Drive).

The public hearing was opened and Mr. Garvis L. Sams, Jr. addressed the Board. Following presentation and discussion, the following motion was made:

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

- **Final ratification of lot size reduction by the Board of Commissioners as required by Code**
- **Site plan submitted received by Zoning Division September 24, 2012 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated September 24, 2012 (attached and made a part of these minutes), with the following changes:**
 - **Add Item No. 4 – to read: “*There will be a maximum of three (3) low-boy type trailers, with no equipment larger than those trailers. Small machinery will be stored in the 16’ x 16’ barn located within the parking area.*”**
 - **Add Item No. 5 – to read: “*Approval of request No. 3 (to waive the minimum number of required parking spaces from 5 to zero to allow proposed gravel parking) is for this Applicant and this use only.*”**
- **Cobb DOT comments and recommendations**
- **Development and Inspections Division comments and recommendations**
- **Site Plan Review Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

VOTE: ADOPTED unanimously

APPLICANT: <u>RJM Landscaping Services, Inc.</u>	PETITION No.: <u>V-78</u>
PHONE: <u>404-234-0083</u>	DATE OF HEARING: <u>10-10-2012</u>
REPRESENTATIVE: <u>Garvis L. Sams, Jr.</u>	PRESENT ZONING: <u>GC</u>
PHONE: <u>770-422-7016</u>	LAND LOT(S): <u>1242</u>
TITLEHOLDER: <u>RJM Landscaping Services, Inc.</u>	DISTRICT: <u>16</u>
PROPERTY LOCATION: <u>On the north side of</u>	SIZE OF TRACT: <u>0.249 acre</u>
<u>Hazelwood Drive, between Scott Drive and Hamby Road</u>	COMMISSION DISTRICT: <u>2</u>
<u>(1765 Hazelwood Drive).</u>	

TYPE OF VARIANCE: 1) Waive the front setback from the required 40 feet to 30 feet for existing building footprint; 2) waive the side setback from the required 10 feet to 5 feet on the eastern side for existing building footprint; 3) waive the minimum number of required parking spaces from 5 to zero to allow proposed gravel parking; and 4) waive the minimum lot area from the required 20,000 square feet to 10,861 square feet.

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

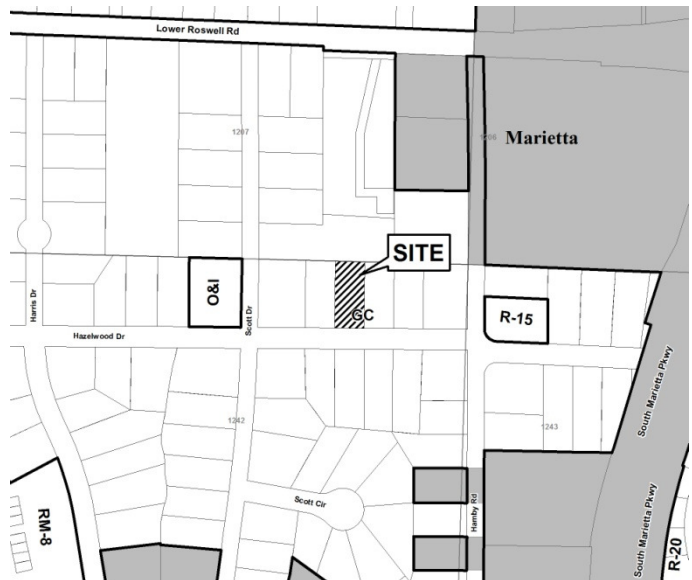
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



COMMENTS

TRAFFIC: Recommend applicant coordinate with Cobb County DOT prior to construction of a second driveway.

Recommend second driveway be a minimum of 20 feet from property line.

Recommend driveway be paved with a treated hardened surface a minimum of 25 feet or to the edge of the County right-of-way, whichever is greater.

DEVELOPMENT & INSPECTIONS: Barn requires a permit. GIS maps indicate that it was built within the last year. Any portion of a structure that is closer than 5 feet to a property line will require a 1 hour fire rating.

SITE PLAN REVIEW: 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: The large proposed gravel parking area will significantly increase the stormwater runoff from the site. A detention facility will be required to meet stormwater management requirements for 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 (Marietta water service area).

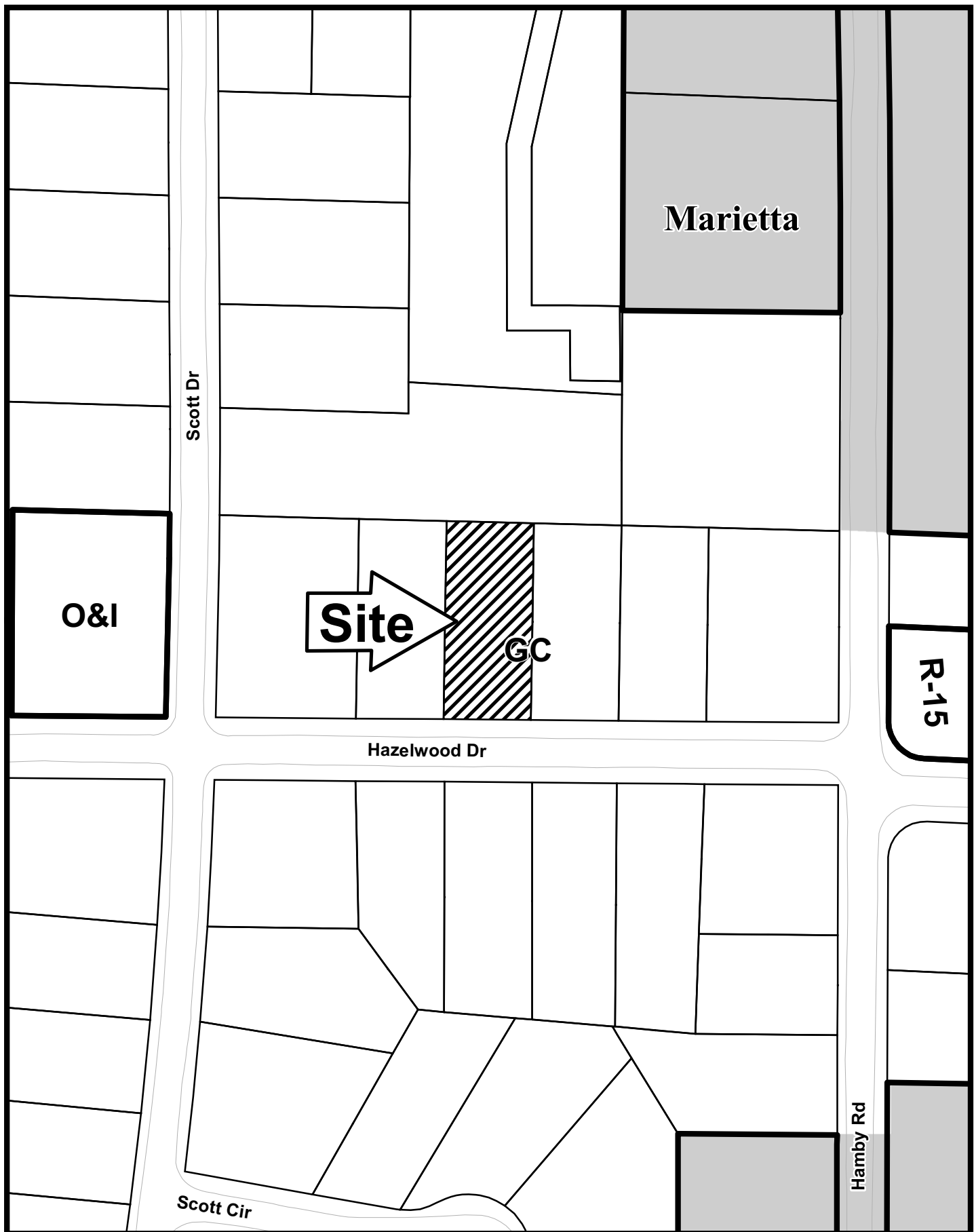
SEWER: No conflict (Marietta water service area).

APPLICANT: RJM Landscaping Services,
 Inc.

PETITION No.: V-78

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-78



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

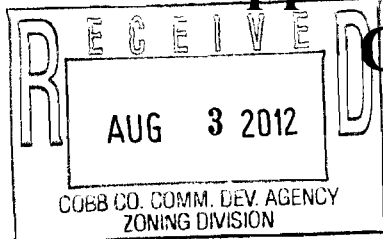
0 100 200 Feet



City Boundary
Zoning Boundary

Application for Variance

Cobb County



(type or print clearly)

Application No. V- 78
Hearing Date: 10/10/12

Applicant RJM Landscaping Services, Inc. Business Phone (404) 234-0083 E-mail: rijmland@bellsouth.net
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

Business Phone (770) 422-7016 E-mail: gsams@samslarkinhuff.com

(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: April 10, 2016 Debbie S. Johnston Notary Public

Titleholder RJM Landscaping Services, Inc. Phone (404) 234-0083 E-mail: rijmland@bellsouth.net
Signature [Signature] 1600 Parkside Circle
By: Garrett Mire Address: Marietta, GA 30068
(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: April 10, 2016 Debbie S. Johnston Notary Public

Present Zoning of Property General Commercial (GC)

Location 1765 Hazelwood Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1242 District 16 Size of Tract 0.25 (10,890 sq. ft.) 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.

A literal interpretation and/or enforcement of Cobb County Zoning Ordinance provisions constitutes a hardship in light of the fact that the subject property as zoned (GC) in its non-conforming "grandfathered" circumstances cannot be utilized for the uses permitted under the GC classification without a variance waiving the lot size.

List type of variance requested: A waiver of the required lot size under the GC classification from 20,000 square feet to 10,890 square feet.