

**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

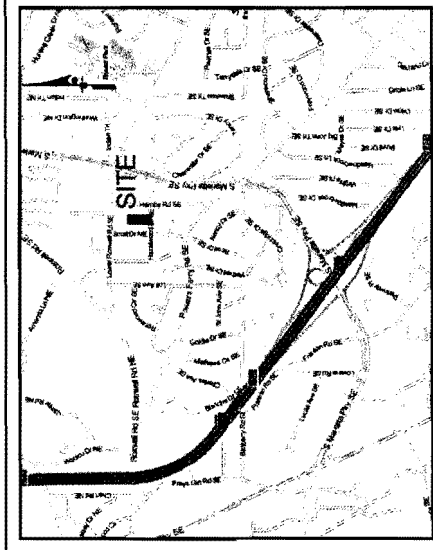
RECOMMENDATION

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:

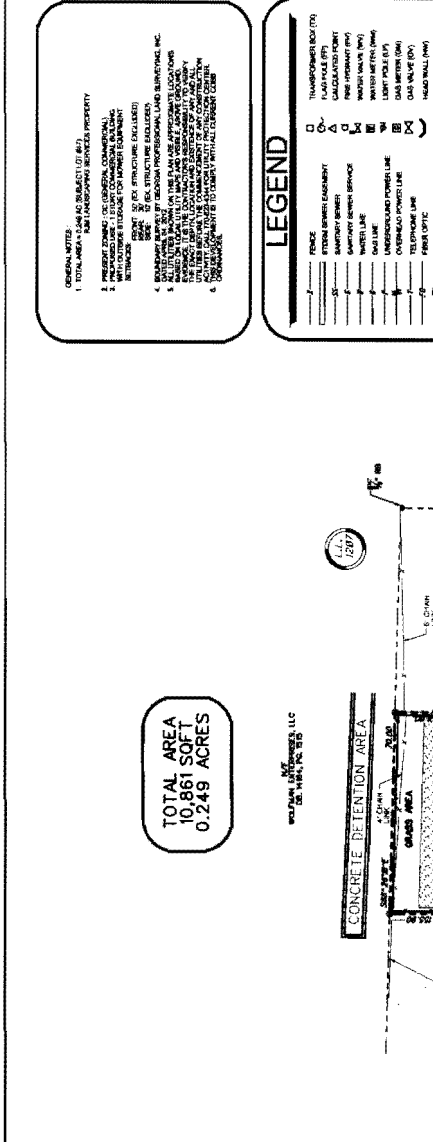
V-78 RJM LANDSCAPING SERVICES, INC.

ATTACHMENTS

Variance Analysis



N.T.S.



TOTAL AREA
10,861 SQ FT
0.249 ACRES

- GENERAL NOTES:**
- TOTAL AREA IS SUBJECT TO A.D.
 - ALL IMPROVEMENTS TO BE PERFORMED BY THE PROPERTY OWNER.
 - PROPOSED DETENTION AREA (CONCRETE, COMMERCIAL).
 - EXISTING UTILITIES ARE SHOWN FOR INFORMATION ONLY. VERIFY UTILITIES BEFORE CONSTRUCTION.
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LEGEND

—	FENCE	□	TRANSFORMER BOX (T)
—	STEEL PIPE EQUIPMENT	○	FLAN FLANGE (FF)
—	STEEL PIPE	○	PIPE CONNECTION (PC)
—	STEEL PIPE SPUR	○	WATER VALVE (WV)
—	WATER LINE	○	WATER METER (WM)
—	SEWER LINE	○	SEWER METER (SM)
—	UNDERGROUND POWER LINE	○	UNDERGROUND METER (UM)
—	UNDERGROUND GAS LINE	○	UNDERGROUND METER (UGM)
—	TELEPHONE LINE	○	TELEPHONE METER (TM)
—	FIBER OPTIC	○	HEAD AND W/ITER (HW)
—	CABLE TELEVISION	○	SPOT ELEVATION
—	TOPGRAPHIC CONTROL	○	ELECTRIC METER (EM)
—	CHUCK MARK (C/M)	○	POWER POLE (PP)
—	DRIP PALET (DP)	○	RECORD MARK
—	ANCHOR BOLT (AB)	○	CLEMENT (CL)
—	REBAR (RB)	○	

SURVEYORS CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT HE HAS NOT BEEN INFORMED OF ANY FACTS WHICH WOULD CAUSE HIM TO BELIEVE THAT THE INFORMATION CONTAINED HEREIN IS UNTRUE OR MISLEADING.

DATE: AUG 3 2012

SCALE: 1" = 40'

SURVEY NOTES

ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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PREPARED BY

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Marietta, Georgia 30067
C: 770-426-7000 F: 770-426-7004
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GARRETT MIRE

18 PARKSIDE CIRCLE
MARIETTA, GA 30068
Tel: (404)-234-0083

OWNER:

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MARIETTA, GA 30068
Tel: (404)-234-0083

VARIANCE EXHIBIT

1789 HAZELWOOD DRIVE, LOT 47
COBB COUNTY, GEORGIA

2012

V-78-N-1

RJM LANDSCAPING SERVICES, INC.

NO.	DATE	REVISION
1	08/11/12	ISSUE FOR PERMIT REVIEW
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25 HR CONTACT
GARRETT MIRE
(404) 234-0083

P-1

APPLICANT: RJM Landscaping Services, Inc.

PETITION No.: V-78

PHONE: 404-234-0083

DATE OF HEARING: 10-10-2012

REPRESENTATIVE: Garvis L. Sams, Jr.

PRESENT ZONING: GC

PHONE: 770-422-7016

LAND LOT(S): 1242

TITLEHOLDER: RJM Landscaping Services, Inc.

DISTRICT: 16

PROPERTY LOCATION: On the north side of

SIZE OF TRACT: 0.249 acre

Hazelwood Drive, between Scott Drive and Hamby Road
(1765 Hazelwood Drive).

COMMISSION DISTRICT: 2

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).

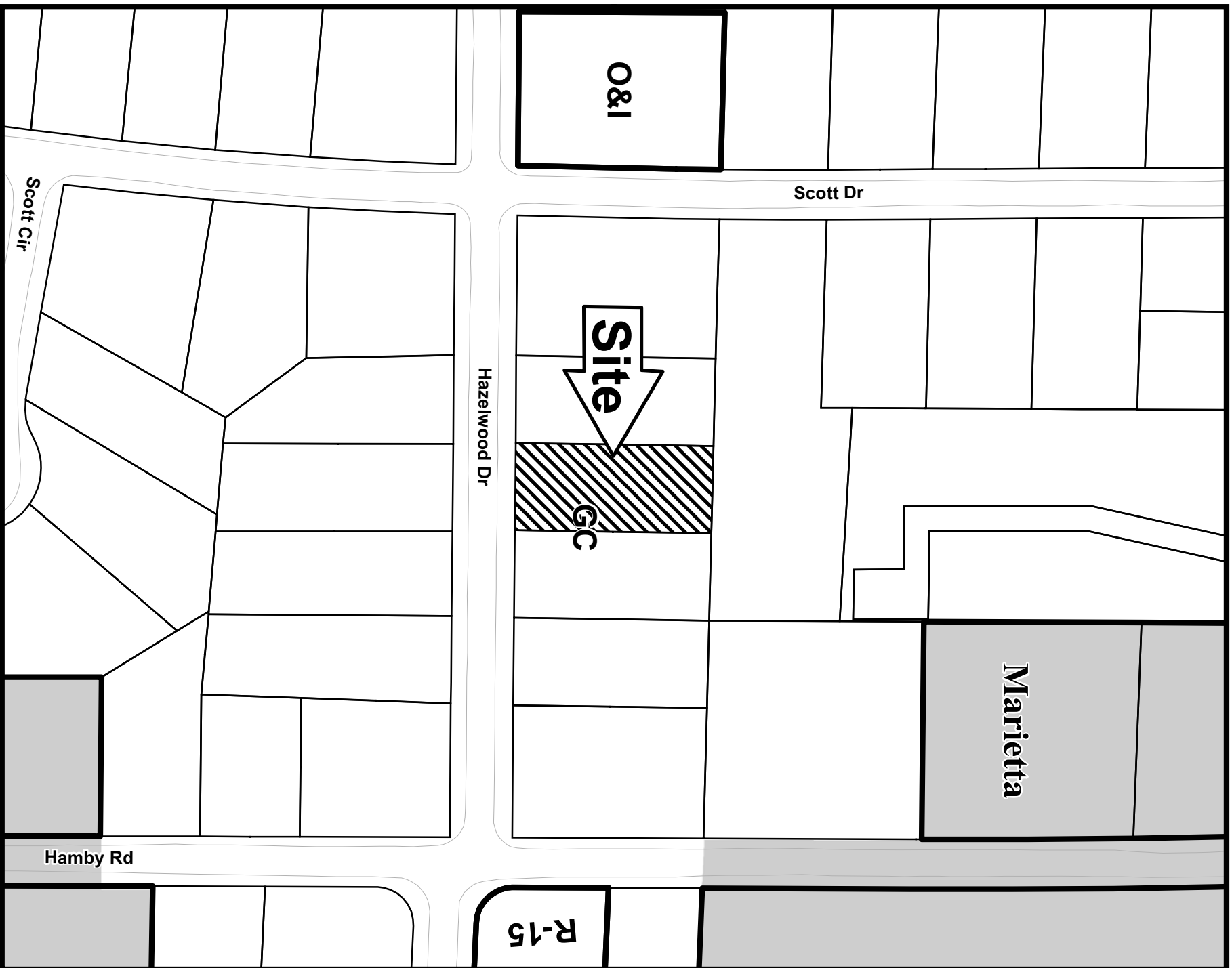
SEWER: No conflict (Marietta water service area).

APPLICANT: RJM Landscaping Services,
Inc. _____

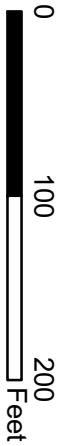
PETITION No.:

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.



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

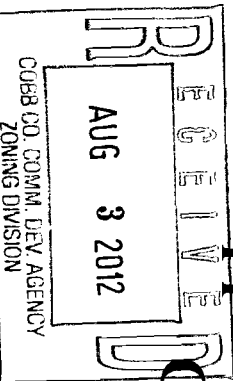


City Boundary



Zoning Boundary

Application for Variance Cobb County



(type or print clearly) Application No. V- 78
Hearing Date: 10/10/12

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

(representative's name, printed)
(representative's signature)

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

My commission expires: April 10, 2016 Signed, sealed and delivered in presence of:
Notary Public

Titleholder RJM Landscaping Services, Inc. Phone(404) 234-0083 E-mail: rimland@bellsouth.net
Signature [Signature] Garvis L. Sams, Jr. Notary Public
By: Garrett Mire (street, city, state and zip code)

My commission expires: April 10, 2016 Signed, sealed and delivered in presence of:
Notary Public

Present Zoning of Property General Commercial
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.