

**FEBRUARY 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM #4

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their December 12, 2012 Variance Hearing regarding Variance Application:

V-96 JIMMY L. WALKER

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 December 12, 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-96 JIMMY L. WALKER

ATTACHMENTS

Variance Minutes and Analysis

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
DECEMBER 12, 2012
PAGE 4

~~CONSENT CASES (CONT.)~~

V-94 **JUDY BROCK** (Jeff Brock, owner) requesting a variance to allow a second electrical meter on a single-family residential lot in Land Lot 158 of the 20th District. Located on the north side of Old Stilesboro Road, east of Mars Hill Road (4880 Old Stilesboro Road).

To approve variance request subject to:

- **Meter is not to be used for another dwelling unit**

V-95 **JUNE C. RUSH** (June Colleen Rush, owner) requesting a variance to waive rear setback for an accessory structure under 800 square feet (existing 361 square foot barn) from the required 40 feet to 14.5 feet in Land Lots 6 and 7 of the 18th District and Land Lot 1326 of the 19th District. Located on the north side of Stout Parkway, east of Burnt Hickory Road (5550 Stout Parkway).

To approve variance request subject to:

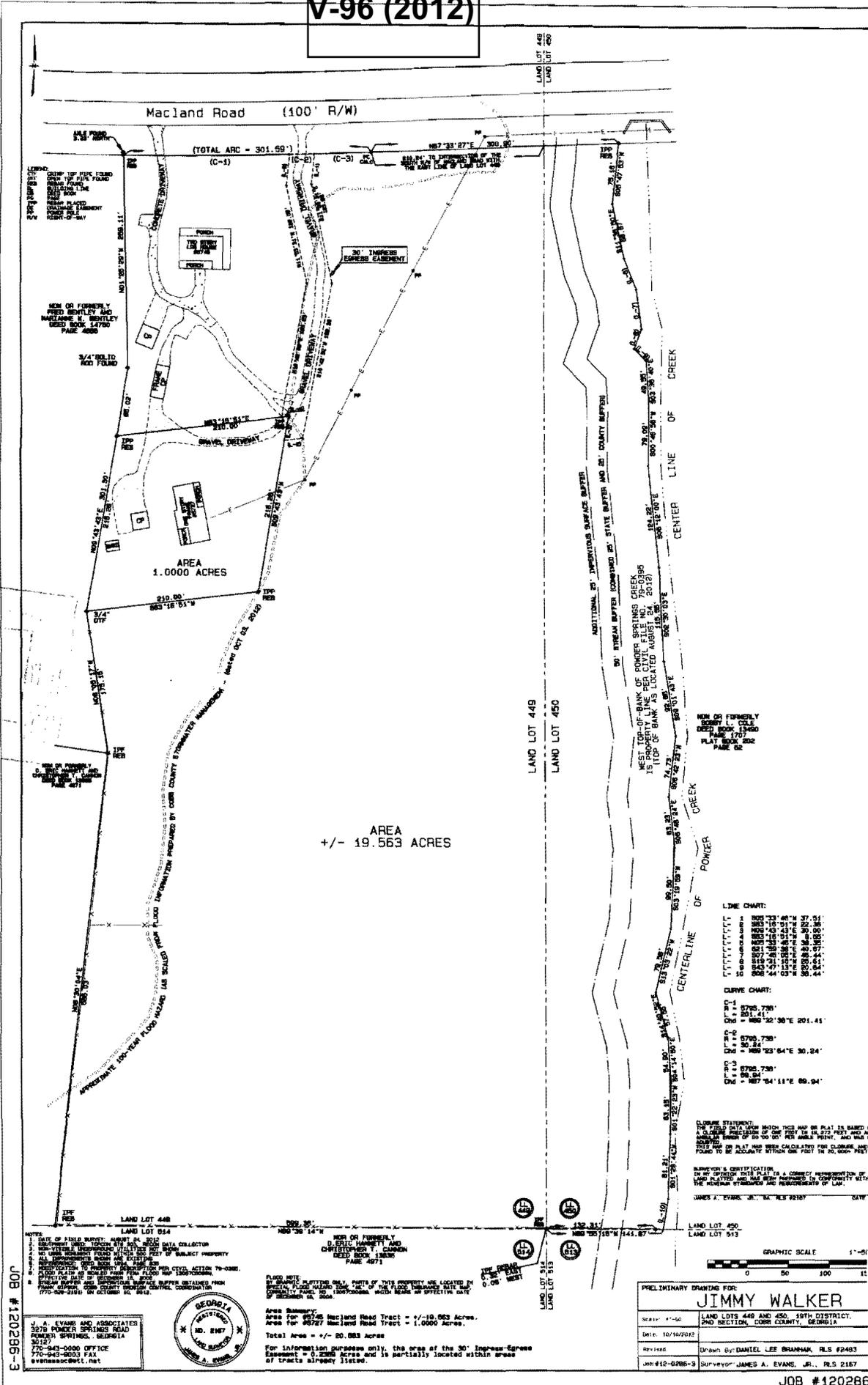
- **Stormwater Management Division comments and recommendations**
- **Fire Department comments and recommendations**

V-96 **JIMMY L. WALKER** (owner) requesting a variance to: 1) waive the public road frontage requirement to allow one lot off a private easement; 2) waive the required lot size for a house off an easement from 80,000 square feet to 43,560 square feet; and 3) waive the side setback for an accessory structure under 800 square feet (existing 204 square foot shed) from the required 12 feet to 8 feet in Land Lot 449 of the 19th District. Located on the south side of Macland Road, west of Corner Road (5727 Macland Road).

To approve variance request subject to:

- **Site Plan Review comments and recommendations**
- **Final ratification of lot size reduction by the Board of Commissioners as required by Code at their February 19, 2013 Zoning Hearing**

V-96 (2012)



3/4" BOLD ROD FOUND
 NEW OR FORMERLY
 MARIANNE H. BENTLEY
 DEED BOOK 4760
 PAGE 488

3/4" BOLD ROD FOUND
 NEW OR FORMERLY
 MARIANNE H. BENTLEY
 DEED BOOK 4760
 PAGE 488

AREA
 1.0000 ACRES

AREA
 +/- 19.563 ACRES

LINE CHART:

1	770.738'
2	770.738'
3	770.738'
4	770.738'
5	770.738'
6	770.738'
7	770.738'
8	770.738'
9	770.738'
10	770.738'
11	770.738'
12	770.738'
13	770.738'
14	770.738'
15	770.738'
16	770.738'
17	770.738'
18	770.738'
19	770.738'
20	770.738'
21	770.738'
22	770.738'
23	770.738'
24	770.738'
25	770.738'
26	770.738'
27	770.738'
28	770.738'
29	770.738'
30	770.738'
31	770.738'
32	770.738'
33	770.738'
34	770.738'
35	770.738'
36	770.738'
37	770.738'
38	770.738'
39	770.738'
40	770.738'
41	770.738'
42	770.738'
43	770.738'
44	770.738'
45	770.738'
46	770.738'
47	770.738'
48	770.738'
49	770.738'
50	770.738'
51	770.738'
52	770.738'
53	770.738'
54	770.738'
55	770.738'
56	770.738'
57	770.738'
58	770.738'
59	770.738'
60	770.738'
61	770.738'
62	770.738'
63	770.738'
64	770.738'
65	770.738'
66	770.738'
67	770.738'
68	770.738'
69	770.738'
70	770.738'
71	770.738'
72	770.738'
73	770.738'
74	770.738'
75	770.738'
76	770.738'
77	770.738'
78	770.738'
79	770.738'
80	770.738'
81	770.738'
82	770.738'
83	770.738'
84	770.738'
85	770.738'
86	770.738'
87	770.738'
88	770.738'
89	770.738'
90	770.738'
91	770.738'
92	770.738'
93	770.738'
94	770.738'
95	770.738'
96	770.738'
97	770.738'
98	770.738'
99	770.738'
100	770.738'

CURVE CHART:

1	770.738'	101.41'
2	770.738'	101.41'
3	770.738'	101.41'
4	770.738'	101.41'
5	770.738'	101.41'
6	770.738'	101.41'
7	770.738'	101.41'
8	770.738'	101.41'
9	770.738'	101.41'
10	770.738'	101.41'
11	770.738'	101.41'
12	770.738'	101.41'
13	770.738'	101.41'
14	770.738'	101.41'
15	770.738'	101.41'
16	770.738'	101.41'
17	770.738'	101.41'
18	770.738'	101.41'
19	770.738'	101.41'
20	770.738'	101.41'
21	770.738'	101.41'
22	770.738'	101.41'
23	770.738'	101.41'
24	770.738'	101.41'
25	770.738'	101.41'
26	770.738'	101.41'
27	770.738'	101.41'
28	770.738'	101.41'
29	770.738'	101.41'
30	770.738'	101.41'
31	770.738'	101.41'
32	770.738'	101.41'
33	770.738'	101.41'
34	770.738'	101.41'
35	770.738'	101.41'
36	770.738'	101.41'
37	770.738'	101.41'
38	770.738'	101.41'
39	770.738'	101.41'
40	770.738'	101.41'
41	770.738'	101.41'
42	770.738'	101.41'
43	770.738'	101.41'
44	770.738'	101.41'
45	770.738'	101.41'
46	770.738'	101.41'
47	770.738'	101.41'
48	770.738'	101.41'
49	770.738'	101.41'
50	770.738'	101.41'
51	770.738'	101.41'
52	770.738'	101.41'
53	770.738'	101.41'
54	770.738'	101.41'
55	770.738'	101.41'
56	770.738'	101.41'
57	770.738'	101.41'
58	770.738'	101.41'
59	770.738'	101.41'
60	770.738'	101.41'
61	770.738'	101.41'
62	770.738'	101.41'
63	770.738'	101.41'
64	770.738'	101.41'
65	770.738'	101.41'
66	770.738'	101.41'
67	770.738'	101.41'
68	770.738'	101.41'
69	770.738'	101.41'
70	770.738'	101.41'
71	770.738'	101.41'
72	770.738'	101.41'
73	770.738'	101.41'
74	770.738'	101.41'
75	770.738'	101.41'
76	770.738'	101.41'
77	770.738'	101.41'
78	770.738'	101.41'
79	770.738'	101.41'
80	770.738'	101.41'
81	770.738'	101.41'
82	770.738'	101.41'
83	770.738'	101.41'
84	770.738'	101.41'
85	770.738'	101.41'
86	770.738'	101.41'
87	770.738'	101.41'
88	770.738'	101.41'
89	770.738'	101.41'
90	770.738'	101.41'
91	770.738'	101.41'
92	770.738'	101.41'
93	770.738'	101.41'
94	770.738'	101.41'
95	770.738'	101.41'
96	770.738'	101.41'
97	770.738'	101.41'
98	770.738'	101.41'
99	770.738'	101.41'
100	770.738'	101.41'

J. A. EVANS AND ASSOCIATES
 3270 POWDER SPRINGS ROAD
 POWDER SPRINGS, GEORGIA
 30127
 770-943-0000 OFFICE
 770-943-0003 FAX
 evansassoc@aol.com



NOTE:
 1. DATE OF FIELD SURVEY: AUGUST 24, 2012
 2. SURVEYING INSTRUMENTS USED: TOTAL STATION
 3. SURVEYING TECHNIQUE USED: TRIPLE POINT
 4. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY
 5. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY
 6. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY
 7. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY
 8. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY
 9. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY
 10. ALL MEASUREMENTS MADE WITHIN THE LIMITS OF SUBJECT PROPERTY

AREA SUMMARY:
 Area for 30' Through-Easement = +/- 10.063 Acres.
 Area for 30' Stream Buffer = +/- 1.0000 Acres.
 Total Area = +/- 20.063 Acres

For Information purposes only, the area of the 30' Through-Easement = 0.2386 Acres and is partially located within areas of tracts already listed.

PRELIMINARY DRAWING FOR:
JIMMY WALKER

Scale: 1"=50'	LAND LOTS 448 AND 450, 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA.
Date: 10/10/2012	
Revised:	Drawn By: DANIEL LEE BRANNAN, RLS #2493
Job #12-0286-9	Surveyor: JAMES A. EVANS, JR., RLS 2187

APPLICANT: Jimmy L Walker

PETITION No.: V-96

PHONE: 770-943-3915

DATE OF HEARING: 12-12-2012

REPRESENTATIVE: Jimmy L. Walker

PRESENT ZONING: R-30

PHONE: 770-943-3915

LAND LOT(S): 449

TITLEHOLDER: Jimmy L. Walker

DISTRICT: 19

PROPERTY LOCATION: On the south side of
Macland Road, west of Corner Road.
(5727 Macland Road).

SIZE OF TRACT: 1.0 acre

COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Waive the public road frontage requirement to allow one lot off a private easement; 2) waive the required lot size for a house off an easement from 80,000 square feet to 43,560 square feet; and 3) waive the side setback for an accessory structure under 800 square feet (existing 204 square foot shed) from the required 12 feet to 8 feet.

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

BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Jimmy L. Walker

PETITION No.: V-96

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: A subdivision plat must be recorded for these properties regardless of the outcome of the variance hearing. 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: There are no adverse stormwater management impacts anticipated from this parcel split or the existing accessory structure location.

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: This property is within the Macland Road Design Guidelines.

CEMETERY PRESERVATION: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

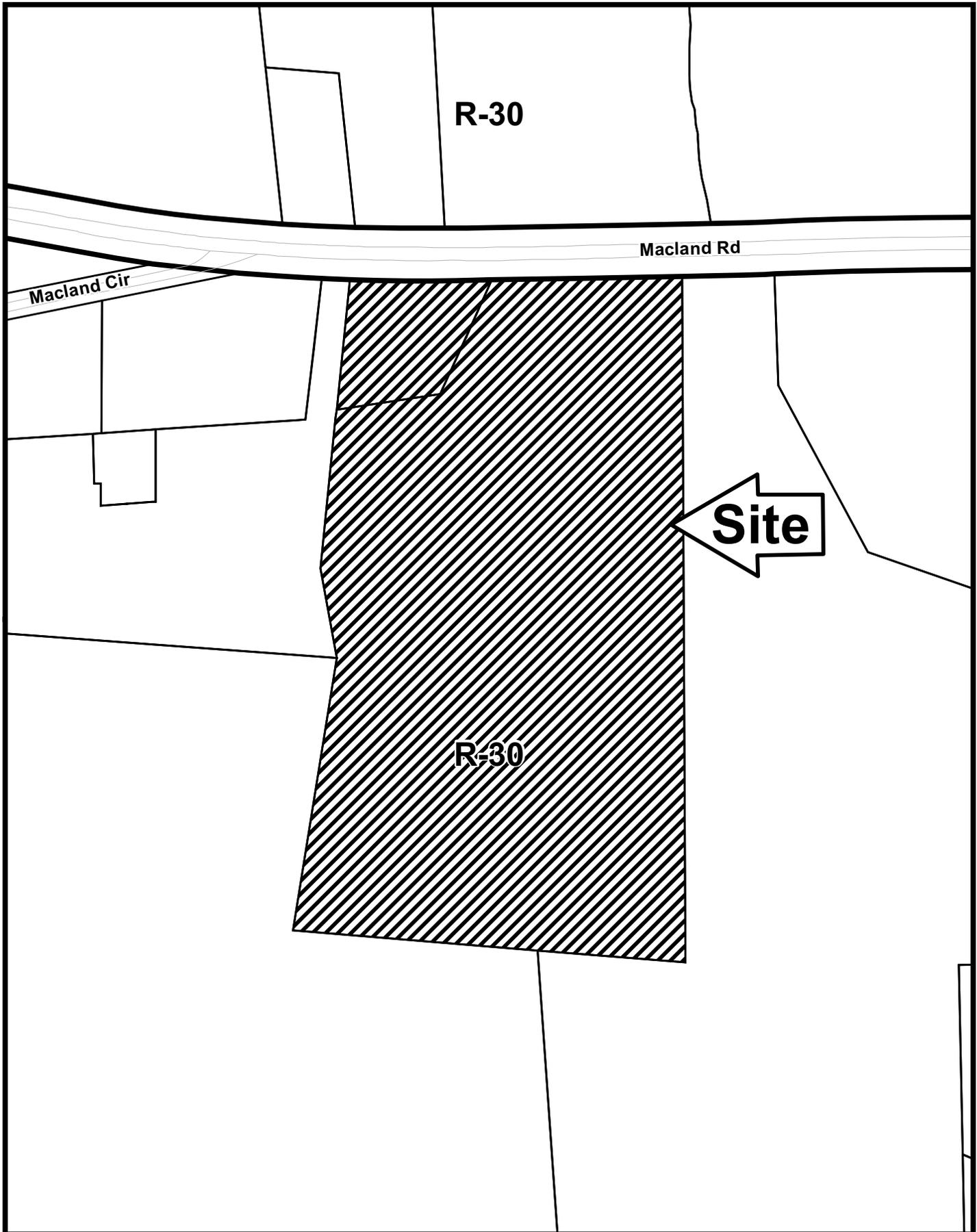
WATER: No conflict.

SEWER: No conflict.

APPLICANT: Jimmy L. Walker **PETITION No.:** V-96

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-96



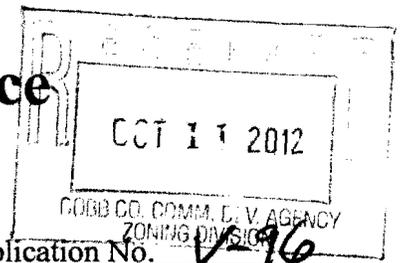
This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 200 400 Feet



City Boundary
Zoning Boundary

Application for Variance Cobb County



(type or print clearly)

Application No. V-96
Hearing Date: 12-12-12

Applicant Jimmy L. Walker Phone # 770-943-3915 E-mail _____

Address 5745 MacLeland Rd Powder Springs GA
(street, city, state and zip code)

(representative's name, printed)
Jimmy L. Walker Phone # 770-943-3915 E-mail _____
(representative's signature)

My commission expires: _____
Notary Public, Cobb County, Georgia
My Commission Expires June 9, 2014

Signed, sealed and delivered in presence of:
Francine DME
Notary Public

Titleholder Jimmy L. Walker Phone # 770-943-3915 E-mail _____

Signature Jimmy L. Walker Address: 5727 MacLeland Rd Powder Springs GA 30127
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____
Notary Public, Cobb County, Georgia
My Commission Expires June 9, 2014

Signed, sealed and delivered in presence of:
Francine DME
Notary Public

Present Zoning of Property R-30

Location 5727 MacLeland Rd
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 449 District 19 Size of Tract 20.563 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 _____ 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.

List type of variance requested: WAVE Lot size and Road frontage to lot 812 to 1 acre Road frontage to 0