

**FEBRUARY 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM #5

PURPOSE

To consider adopting the written decision to deny SLUP-6 (Rittner B. Nesbitt) of September 18, 2012, heard December 18, 2012.

BACKGROUND

This case was considered on December 18, 2012 and denied by the Board of Commissioners, with direction to the County Attorney to prepare in writing the denial of the application. The written decision will be distributed prior to the hearing.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the written decision and if found to be adequate, adopt the written decision.

ATTACHMENTS

Staff analysis for SLUP-6 of 2012.

APPLICANT: Rittner B. Nesbitt
770-794-6279

REPRESENTATIVE: Christopher D. Balch
404-202-5934

TITLEHOLDER: Patricia A. Nesbitt

PROPERTY LOCATION: West side of Burnt Hickory Road, south of
the intersection of Burnt Hickory Road and Haddaway Road
(4955 Burnt Hickory Road).

ACCESS TO PROPERTY: Burnt Hickory Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and four radio antenna towers

PETITION NO: SLUP-6

HEARING DATE (PC): 09-06-12

HEARING DATE (BOC): 09-18-12

PRESENT ZONING: R-80

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Construction And Erection
Of An Amateur Radio Antenna Tower

SIZE OF TRACT: 4.56 acres

DISTRICT: 20

LAND LOT(S): 261

PARCEL(S): 12

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-30/Single-family houses
- SOUTH:** R-80/Mill Creek Subdivision
- EAST:** R-20/Burnt Hickory Farms Subdivision
- WEST:** R-80/Mill Creek Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

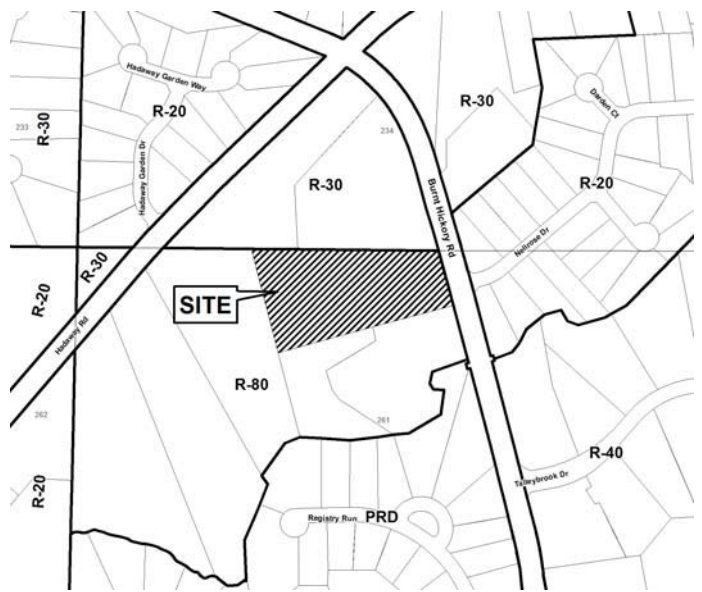
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

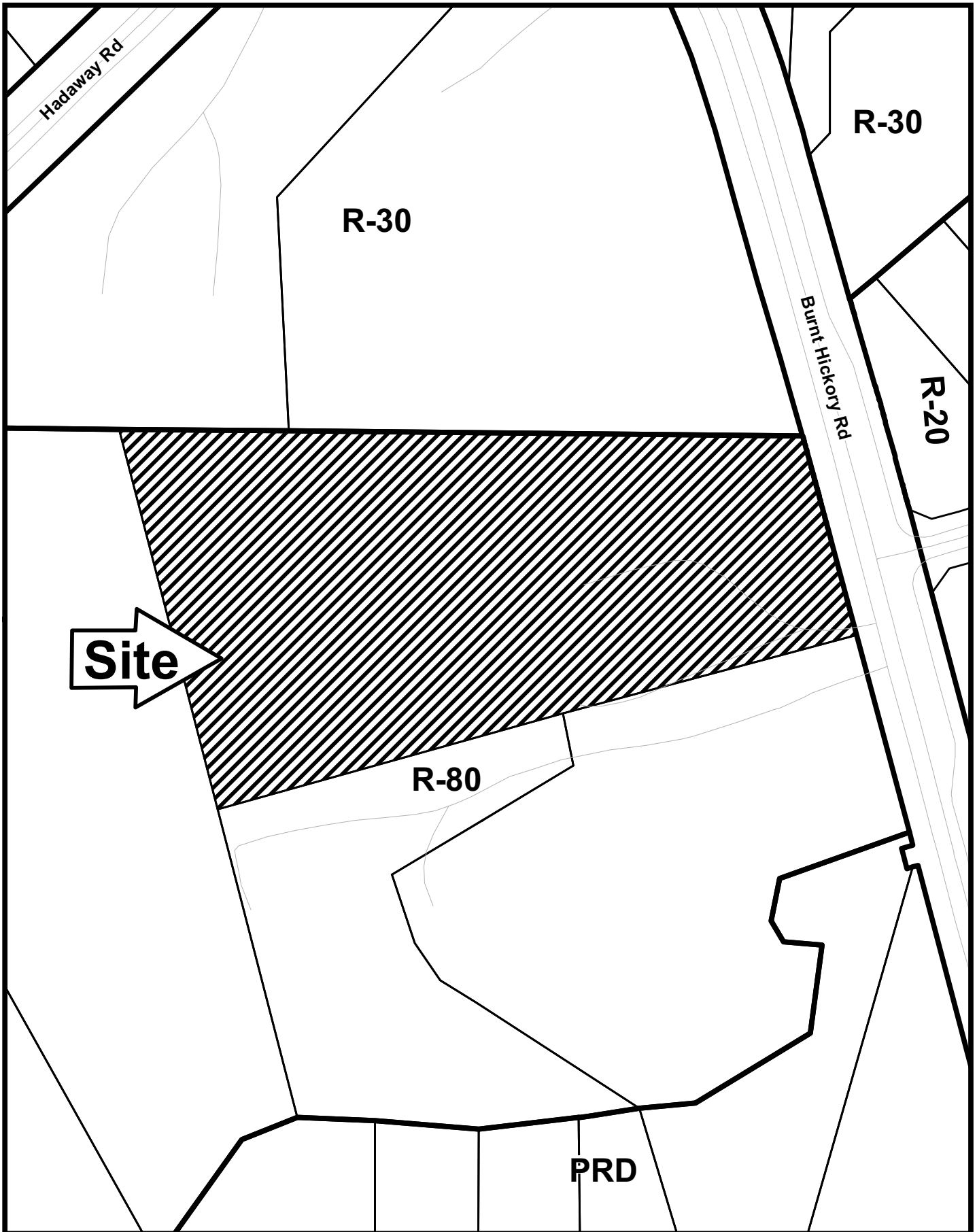
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

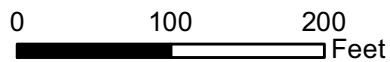
STIPULATIONS:





SLUP-6



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Rittner B. Nesbitt

PETITION NO.: SLUP-6

PRESENT ZONING: R-80

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit (SLUP) for the purpose of a 140-foot tall amateur radio antenna tower. The site plan submitted to the Zoning Division on July 5, 2012 indicates one tower on the property is 70 feet tall and two other towers on the property are 25 feet tall. Per §134-273(6)(a) of the Zoning Ordinance, “a single antenna under 70 feet in height owned and operated by a federally licensed amateur radio station operator shall be exempted from the requirements of this section”. This application is the result of actions through the Code Enforcement Division.

Historic Preservation: No comment.

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 & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

FIRE COMMENTS:

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.

APPLICANT: Rittner B. Nesbitt

PETITION NO.: SLUP-6

PRESENT ZONING: R-80

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

SLUP-6 RITTNER B. NESBITT

Applicant's request for this SLUP is for the purpose of having a 140-foot radio antenna tower as shown on the site plan. The property currently has three other radio antenna towers on the property – one 70 feet tall and the other two are 25 feet tall. Per the *Cobb County Zoning Ordinance*, a single antenna under 70 feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from the requirements of this section (§134-273(6)(a)). This application is the result of ongoing Code Enforcement actions.

Based upon the above analysis, Staff recommends DENIAL of the application and recommends the 140-foot tower be removed.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.