

**APRIL 16, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

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 April 10, 2013 Variance Hearing regarding Variance Application:

V-47 St. Benedict’s Episcopal Church, LLC

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 April 10, 2013 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-47 St. Benedict’s Episcopal Church, LLC

ATTACHMENTS

Variance Analysis



OWNER: ST. BENEDICT'S CHURCH
 OWNER ADDRESS: 2025 COPPER LANE ROAD
 CITY: MARIETTA, GEORGIA
 CONTACT: [REDACTED]

CHURCH
 2nd SECTION

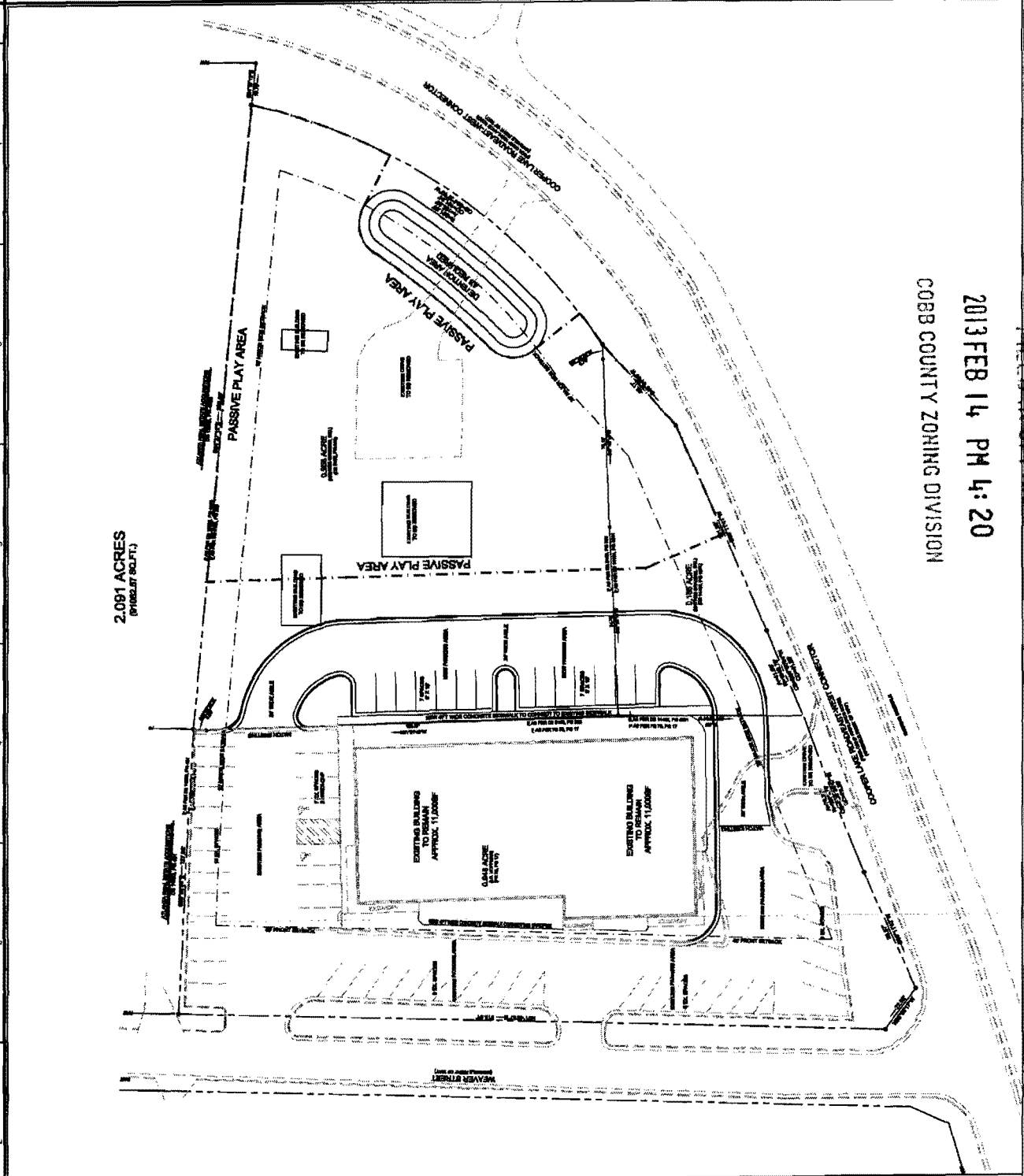
V-47 (2013)

ST. BEN
 IN LANE

| | |
|-------------|-------------|
| PROJECT NO. | 13-024-0022 |
| DATE | 12/24/2012 |
| DESIGNER | ES&S |
| ENGINEER | ES&S |
| CHECKED | [REDACTED] |
| DATE | [REDACTED] |
| SCALE | [REDACTED] |

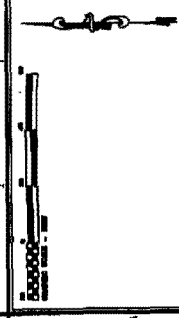
CONCEPTUAL
 SITE PLAN
 NOT FOR RECORDING

T.S.I.



2.091 ACRES
 (REGULAR SECTION)

COBB COUNTY ZONING DIVISION
 2013 FEB 14 PM 4:20
 COBB COUNTY GEORGIA
 PUBLIC WORKS OFFICE



| PARCEL | OWNER | CURRENT ZONING | PROPOSED ZONING |
|--------|---------|----------------|-----------------|
| 37 | HOFFMAN | O-40 | O-40 |
| 111 | MAYNARD | O-40 | O-40 |

* THE THREE TRACTS WILL BE COMBINED INTO ONE 2.091 AC TRACT THAT WILL BE ZONED O-40

PARKING CALCULATION:
 REQUIRED: 10 SPACES PER 1,000 SF
 2 SPACES PER CLASSROOM
 1 SPACE PER EMPLOYEE
 1871 YEAR
 5 EMPLOYEES * 1 SPACES
 TOTAL REQUIRED 1871 + 5 SPACES
 10 CLASSROOMS * 20 SPACES
 20 EMPLOYEES * 20 SPACES
 TOTAL REQUIRED AT BUILD FOOTPRINTS 400 SPACES

IMPENDING ZONING CALCULATION:
 EXISTING IMPROVEMENTS AREA: 10,000 SF
 PROPOSED IMPROVEMENTS AREA: 11,000 SF
 APPROX. IMPROVEMENTS AREA TO BE REMOVED: 10,000 SF
 APPROX. IMPROVEMENTS AREA TO BE ADDED: 11,000 SF
 TOTAL IMPROVEMENTS AREA: 11,000 SF

THESE ARE NOT OFFICIAL RECORDS. ANY CHANGES OR CORRECTIONS MUST BE MADE BY THE OWNER AND APPROVED BY THE CITY ENGINEER.

THIS PROPERTY IS SUBJECT TO ALL APPLICABLE ZONING ORDINANCES AND REGULATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR A WARRANTY OF ANY KIND. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR THE CONSEQUENCES OF ANY ACTION TAKEN BASED ON THIS PLAN. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR A WARRANTY OF ANY KIND. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR THE CONSEQUENCES OF ANY ACTION TAKEN BASED ON THIS PLAN.

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION No.: V-47

PHONE: 678-279-4300

DATE OF HEARING: 04-10-13

REPRESENTATIVE: John H. Moore

PRESENT ZONING: LRO, GC

PHONE: 770-429-1499

LAND LOT(S): 694

TITLEHOLDER: Irving C. Hoffman and Haynes Grading, Inc.

DISTRICT: 17

PROPERTY LOCATION: On the northeast corner of Copper Lake Road and Weaver Street

SIZE OF TRACT: 2.09 acres

(2025, 2105 Copper Lake Road).

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Waive the minimum lot size for a private school of general and special education from the required 5 acres to 2.09 acres.



Application for Variance Cobb County

(type or print clearly)

Application No. V-47 (2013)
Hearing Date: 04/10/2013

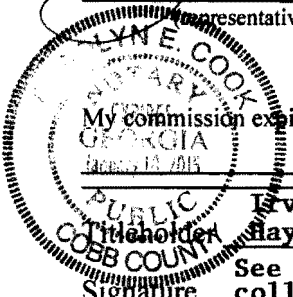
Applicant St. Benedict's Episcopal Church, LLC Phone # (678) 279-4300 E-mail fr.bsully@gmail.com
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
John H. Moore Address Marietta, GA 30060
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jmoore@mijs.com
[Signature] Georgia Bar No. 519800 w7@mijs.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: January 10, 2015



Irving C. Hoffman and Phone # _____ E-mail _____
Daynes Grading, Inc.
Signature See Exhibit "A" attached collectively hereto Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

COBB COUNTY ZONING DIVISION
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My commission expires: _____

Present Zoning of Property GC, LRO

Location Northwesterly side of Cooper Lake Road; easterly side of Weaver Street
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 694 District 17th Size of Tract 2.091 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.
See Exhibit "B" attached hereto and incorporated herein by reference.

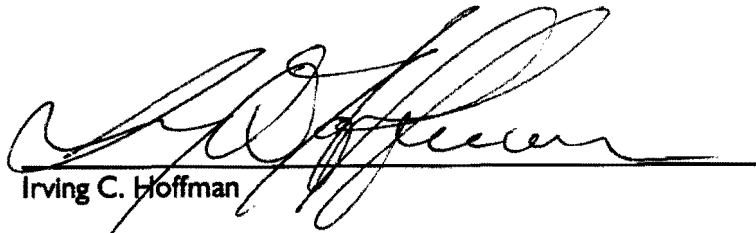
List type of variance requested: Waiver of minimum five (5) acre requirement for the operation of a private school to 2.091 acres, more or less. (See § 134-271(7)(a)).

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V-_____ (2013)
Hearing Date: April 10, 2013

**BEFORE THE COBB COUNTY PLANNING COMMISSION AND
THE COBB COUNTY BOARD OF COMMISSIONERS**

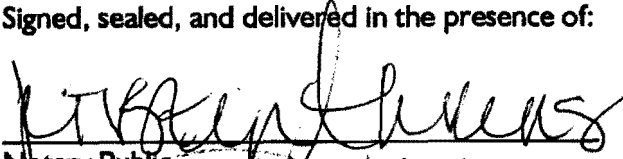
Applicant: St. Benedict's Episcopal Church, LLC
Property Owners: Irving C. Hoffman and Haynes Grading, Inc.

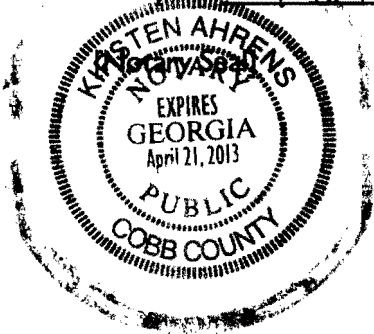

Irving C. Hoffman

Address: 3504 Ivy Manor Road
Smyrna, Georgia 30080

Telephone No.: (770) 435-4117

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: 4/21/13



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EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V-_____ (2013)
Hearing Dates: April 10, 2013

**BEFORE THE COBB COUNTY PLANNING COMMISSION AND
THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant: St. Benedict's Episcopal Church, LLC
Property Owners: Irving C. Hoffman and Haynes Grading, Inc.

HAYNES GRADING, INC.

BY: Jordan C. Haynes
Jordan C. Haynes
Vice President/Chief Financial Officer

(Corporate Seal)

Address: 2105 Cooper Lake Rd SE
 Smyrna GA 30080
Telephone No.: (770) 432-4998

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

Signed, sealed, and delivered in the presence of:

Ramona McCarty
Notary Public
Commission Expires: _____

[Notary Seal]

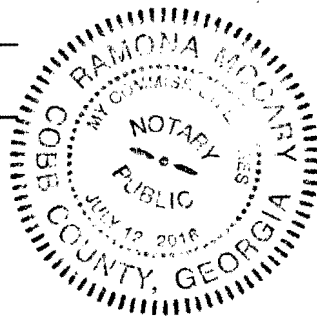


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V-_____ (2013)

Hearing Date: April 10, 2013

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant: St. Benedict's Episcopal Church, LLC

Property Owners: Irving C. Hoffman and Haynes Grading, Inc.

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant filed an Application for Rezoning, being Z-11 (2013), which is scheduled for hearings before the Cobb County Planning Commission and the Cobb County Board of Commissioners on March 5, 2013, and March 19, 2013, respectively, to rezone approximately 2.091 acres located on the northwesterly side of Cooper Lake Road and the easterly side of Weaver Street (being 2025 Weaver Street and 2105 Cooper Lake Road) (hereinafter the "Property" or the "Subject Property") to the Office and Institutional ("OI") zoning category. The purpose of the rezoning of the Subject Property is to allow for the expansion of its existing day school program. Applicant's day school program accommodates grades pre-school through 5th grade and is located at its main Church campus at 2160 Cooper Lake Road. The proposed expansion of the day school program would allow Applicant to add grades 6th through 8th.

Applicant, by this Application for Variance, seeks a waiver of the minimum five-acre requirement in order to accommodate the proposed expansion of its day school program on the Subject Property. By waiving the minimum acreage requirement, Applicant can expand its program to better serve not only its Church members, but children and families in the community.

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