

**JUNE 18, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM #3

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their May 8, 2013 Variance Hearing regarding Variance Application:

V-59 Havoline Express Lube

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 May 8, 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:

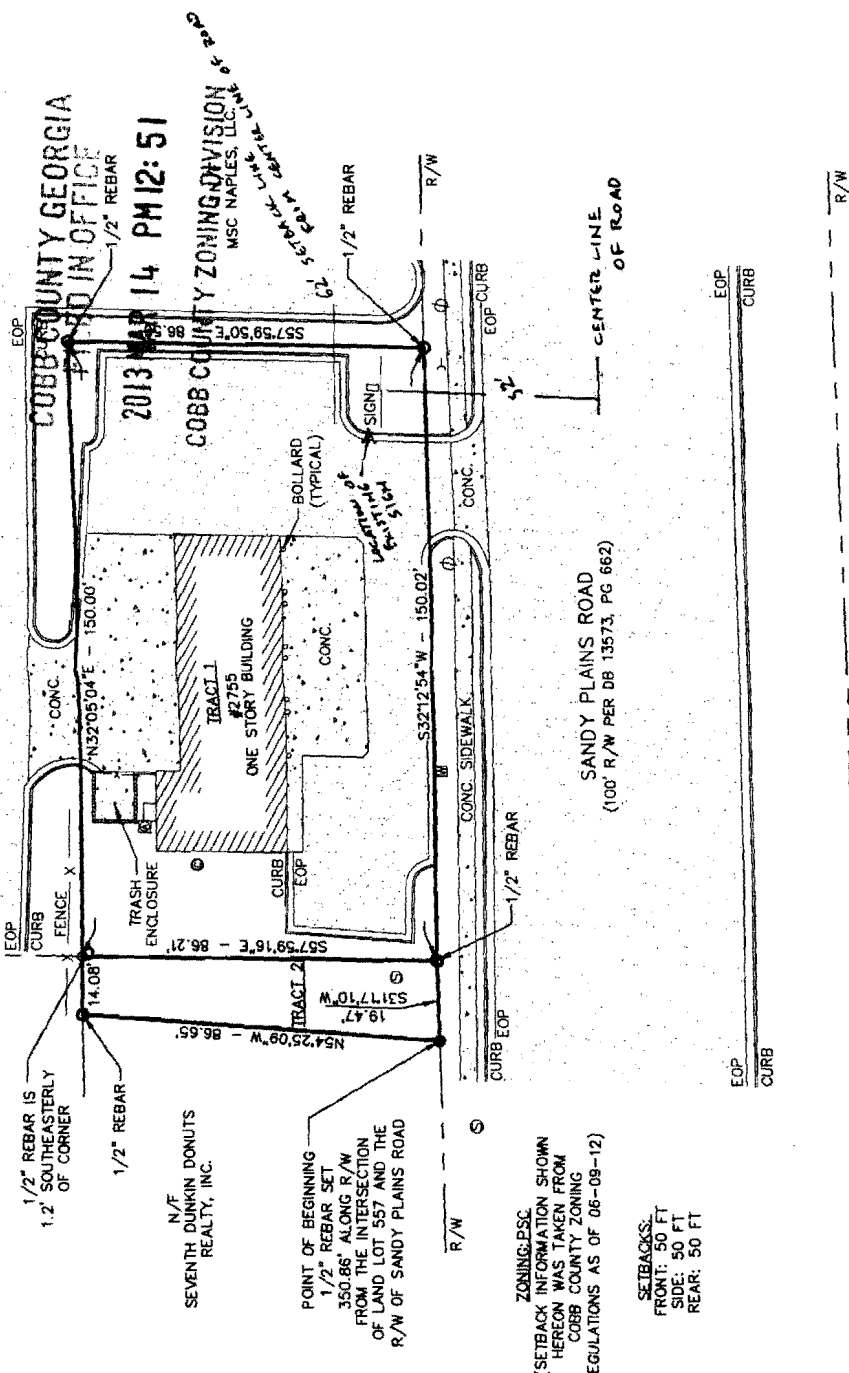
V-59 Havoline Express Lube

ATTACHMENTS

Variance Analysis and minutes.

- LEGEND:**
- PROPERTY CORNER
 - FOUND (AS NOTED)
 - CAP SET LSF# 839
 - R/W MONUMENT
 - ▲ FIRE HYDRANT
 - ⊕ WATER METER
 - ⊕ WATER VALVE
 - ⊕ POWER POLE
 - ⊕ LIGHT POLE
 - ⊕ POWER/LIGHT POLE
 - ⊕ GUY WIRE
 - ⊕ POWER METER
 - ⊕ POWER BOX
 - ⊕ A/C UNIT
 - ⊕ MANHOLE
 - ⊕ CLEAN OUT
 - ⊕ JUNCTION BOX
 - ⊕ OUTFLOW STRUCTURE
 - ⊕ DRAINAGE INLET
 - ⊕ GAS METER
 - ⊕ GAS VALVE
 - ⊕ CABLE BOX
 - ⊕ TELEPHONE BOX
 - ⊕ TRAFFIC CONTROL BOX
 - ⊕ SIGN
 - W- WATER LINE
 - U- OVERHEAD UTILITY LINE
 - S- SEWER LINE
 - G- GAS LINE
 - C- CABLE LINE
 - T- TELEPHONE LINE
 - X- FENCE LINE
 - 20- CONTOUR LINE
 - BSL BUILDING SETBACK LINE
 - CONC. CONCRETE
 - EOP EDGE OF PAVEMENT
 - LL LAND LOT
 - N/F NOW OR FORMERLY
 - P/L RIGHT-OF-WAY
 - R/W R/W PROPERTY LINE
 - OH OVERHANG
 - C.B. CATCH BASIN
 - CNT CANTILEVER
 - H/C HANDICAP
 - FFE FINISHED FLOOR ELEVATION
 - DB DEED BOOK
 - PB PLAT BOOK
 - PG PAGE

N/F
MSC NAPLES, LLC.



NORTH
PER DB 13573, PG 662
SCALE: 1"=30'

BOUNDARY SURVEY
PREPARED FOR: HAVOLINE EXPRESS LUBE
LAND LOT 557,
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA - 07/09/12



FOR THE FIRM
BOUNDARY ZONE, INC.
NOT VALID WITHOUT
ORIGINAL SIGNATURE

PROJECT
1269501

SHEET
1 OF 1

BOUNDARY ZONE, INC.
LAND SURVEYING SERVICES
4195 SOUTH LEE STREET
SUITE 11
BURNED, GA 30518
235 PEACHTREE STREET NE
SUITE 400
ATLANTA, GA 30308
WWW.BOUNDARYZONE.COM
(770) 271-5772 / (919) 363-9226
APEX, NC 27523

GRAPHIC SCALE - IN FEET
0 30 60

LOT TABLE:

TRACT ONE: 0.297 ACRES / 12,950 SQUARE FEET.
TRACT TWO: 0.033 ACRES / 1,449 SQUARE FEET.
TOTAL AREA: 0.330 ACRES / 14,408 SQUARE FEET.

TOTAL AREA: SEE TABLE ABOVE.

BOUNDARY REFERENCE: DEED BOOK 13573, PAGE 662 & PLAT BOOK 92, PAGE 14.
FIELDWORK PERFORMED ON 07/08/12.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 4603 ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET, AND ANGULAR ERROR OF 10 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

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THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

APPLICANT: Havoline Xpress Lube

PETITION No.: V-59

PHONE: 770-971-7171

DATE OF HEARING: 05-08-13

REPRESENTATIVE: Danny Lankford

PRESENT ZONING: PSC

PHONE: 404-983-5851

LAND LOT(S): 557

TITLEHOLDER: Lovinggood Investment Holdings, LLLP

DISTRICT: 16

PROPERTY LOCATION: On the west side of Sandy Plains Road, south of Post Oak Tritt Road (2755 Sandy Plains Road).

SIZE OF TRACT: 0.33 acre

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the setback for a sign from the required 62 feet from the center line of an arterial road right-of-way to 52 feet from the center line of an arterial road right-of-way; 2) waive the minimum lot size from the required 200,000 square feet to 14,408 square feet; 3) waive the front setback from the required 100 feet to 35 feet; 4) waive the rear setback from the required 50 feet to 15 feet; and 5) waive the side setbacks from the required 50 feet to 25 feet from the western property line and 45 feet from the eastern property line.

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

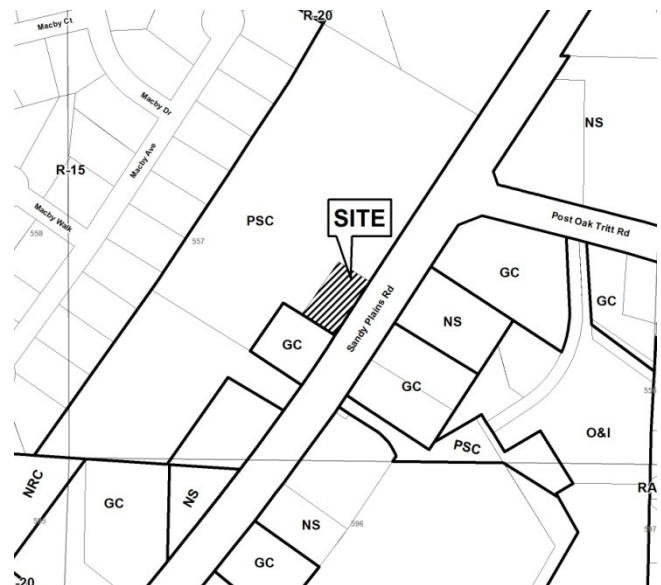
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Havoline Xpress Lube

PETITION No.: V-59

COMMENTS

TRAFFIC: Sandy Plains is a proposed Cobb DOT project and could affect this site. Recommend applicant coordinate with Cobb DOT to ensure compatibility with the Sandy Plains Project, prior to permitting.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No comment.

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: 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.

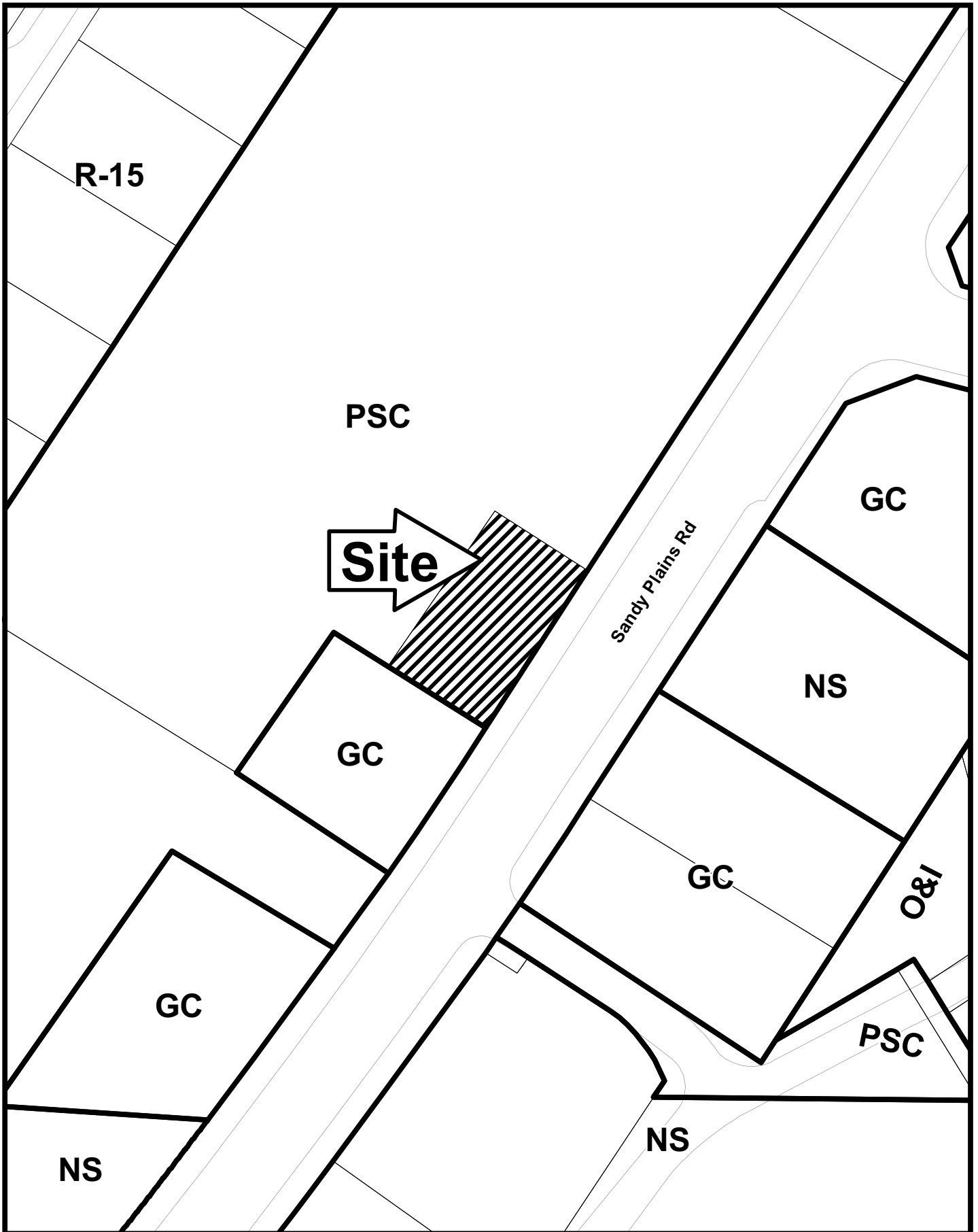
WATER: No conflict.

SEWER: No conflict.

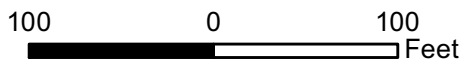
APPLICANT: Havoline Xpress Lube **PETITION No.:** V-59



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-59



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

2013 MAR 14 PM 12:51

COBB COUNTY ZONING DIVISION

(type or print clearly)

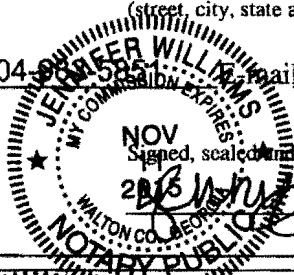
Application No. V-59
Hearing Date: 5/8/13

Applicant Havoline Xpress Lube Phone # 770-971-7171 E-mail _____

Danny Lankford Address 2285 Park Central Boulevard, Decatur, GA 30035
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 404-585-5851 E-mail dlankford@henryincorporated.com
(representative's signature)

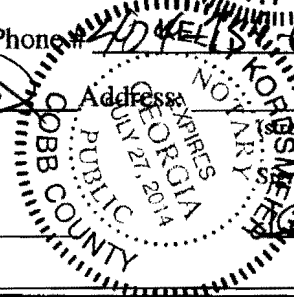
My commission expires: 11/11/15



* Titleholder Michael L. L.I.H. Phone # 404-585-5851 E-mail MTL3023@aol.com

Signature Michael L. L.I.H. Address _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 7-27-14
Signed, sealed and delivered in presence of: [Signature] Notary Public



Present Zoning of Property PSC

Location 2755 Sandy Plains Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 557 District 16 Size of Tract .33 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 X

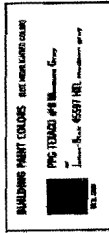
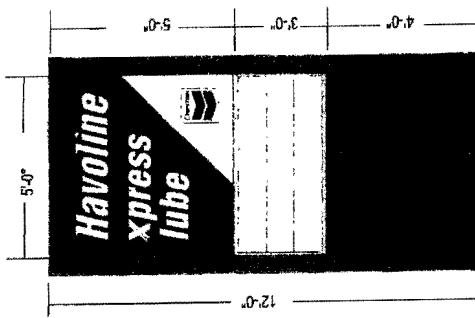
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

To achieve the required 62' setback from the center line of the road, the business sign would have
would have to be placed directly under an existing billboard sign

List type of variance requested: Reduce the required setback from 62' from the center line of the road
to 52' from the center line of the road

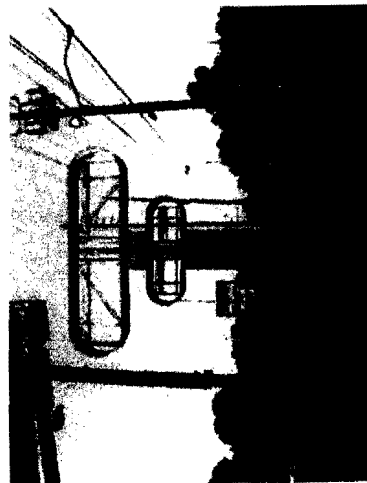
PROPOSED Remodel of xpress lube Pole Sign

- Remove existing Pole and signs.
- New 5'-0" x 5'-0" D/F twin pole lighted sign cabinet - Flat poly faces with Yellow Havoline copy.
- White xpress lube copy - Red background. Lower corner has Translucent Chevron Hallmark, digitally printed (second surface) on clear poly.
- Add new 3'-0" x 5'-0" manual readerboard.
- Support columns to be covered with ACM.



1 D/F HXL Twin Pole Sign Cabinet with manual readerboard

EXISTING POLE SIGN



NOTE: The proposed sign recommendations are based on Havoline standards and guidelines. All signage is subject to local permitting and/or Landlord restrictions.

FEDERAL HEATH
SIGN COMPANY
1020 Pittsburg Drive
Suite A
Delaware, OH 43015
(740) 368-4120 Fax (740) 368-4121

Manufacturing Locations:
Columbus, OH
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
Houston, TX
Indianapolis, IN
Jacksonville, FL
Las Vegas, NV
Little Rock, AR
Los Angeles, CA
Memphis, TN
Miami, FL
Milwaukee, WI
Minneapolis, MN
New York, NY
O'Fallon, IL
Omaha, NE
Orlando, FL
Phoenix, AZ
Portland, ME
Raleigh, NC
St. Louis, MO
Tampa, FL
Tomball, TX
Waco, TX
Wichita, KS
Wilmington, NC
Yonkers, NY

Account Rep: DAN HULL
Project Manager:
Drawn By:
Project / Location:
V-59 (2013)

WARRANTY NOTICE
This sign is warranted to be free from defects in material and workmanship for a period of 12 months from the date of installation. This warranty does not cover damage caused by fire, lightning, theft, vandalism, or other acts of God. The sign is warranted to be free from defects in material and workmanship for a period of 12 months from the date of installation. This warranty does not cover damage caused by fire, lightning, theft, vandalism, or other acts of God.

Client Approval/Date:
Landlord Approval/Date:
This sign is warranted to be free from defects in material and workmanship for a period of 12 months from the date of installation. This warranty does not cover damage caused by fire, lightning, theft, vandalism, or other acts of God.

Job Number: 22-8879-06
Date: 07-19-12
Sheet Number: 5 of 6
Des. Jn Number: 22-8879-06

COBB COUNTY ZONING DIVISION
2013 MAR 14 PM 12:52
COBB COUNTY GEORGIA
FILED IN OFFICE

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 8, 2013
PAGE 4

CONSENT CASES (CONT.)

V-56 **JORGE A. OCAMPO AND ASHLEY N. OCAMPO** (owners) requesting a variance to: 1) waive the rear setback from the required 40 feet to 23 feet; and 2) allow an accessory structure (proposed pool) to the side of the principal building in Land Lot 1087 of the 17th District. Located on the north side of Tam Oshanter Drive, south of Brook Hollow Circle (480 Tam Oshanter Drive).

To approve variance request subject to:

- Site plan received by the Zoning Division March 14, 2013 for these improvements *only* (attached and made a part of these minutes)
- Site Plan Review Division comments and recommendations

V-58 **ANIL C. JASTI** (Anil C. Jasti and Padmaja Ravipati Jasti, owners) requesting a variance to waive the rear setback from the required 30 feet to 25 feet in Land Lot 226 of the 1st District. Located on the southeast side of Heyward Square Place, and on the west side of Lower Roswell Road (5422 Heyward Square Place).

To approve variance request subject to:

- Site plan received by the Zoning Division May 6, 2013 (attached and made a part of these minutes)
- Site Plan Review Division comments and recommendations
- ~~Stormwater Management Division comments and recommendations~~

V-59 **HAVOLINE XPRESS LUBE** (Lovinggood Investment Holdings LLLP, owner) requesting a variance to: 1) waive the setback for a sign from the required 62 feet from the center line of an arterial road right-of-way to 52 feet from the center line of an arterial road right-of-way; 2) waive the minimum lot size from the required 200,000 square feet to 14,408 square feet; 3) waive the front setback from the required 100 feet to 35 feet; 4) waive the rear setback from the required 50 feet to 15 feet; and 5) waive the side setbacks from the required 50 feet to 25 feet from the western property line and 45 feet from the eastern property line in Land Lot 557 of the 16th District. Located on the west side of Sandy Plains Road, south of Post Oak Tritt Road (2755 Sandy Plains Road).

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 8, 2013
PAGE 5

~~CONSENT CASES (CONT.)~~

V-59 HAVOLINE XPRESS LUBE

To approve variance request subject to:

- Sign rendering dated July 19, 2012 (attached and made a part of these minutes)
- No brick on the sign structure
- Cobb DOT comments and recommendations
- Final ratification of lot size reduction by the Board of Commissioners as required by code at their June 18, 2013 Zoning Hearing

~~V-61 HUGH AND ELIZABETH MOONEY (Hugh Lee Mooney, owner) requesting a variance to: 1) waive the front setback from the required 50 feet to 45 feet; 2) waive the rear setback from the required 35 feet to 20 feet; 3) waive the setback for an accessory structure less than 144 square feet (existing shed) from the required 5 feet to 3 feet from the western property line; and 4) waive the setback for an accessory structure less than 144 square feet (existing club house) from the required 5 feet to 3 feet from the western property line in Land Lots 146 and 154 of the 1st District. Located on the northwest side of Riverhill Court, east of Riverhill Road (5131 Riverhill Court).~~

To approve variance request subject to:

- Site plan received by the Zoning Division March 22, 2013 for these improvements *only* (attached and made a part of these minutes)
- Site Plan Review Division comments and recommendations

V-62 BROCK BUILT HOMES, LLC (Newco Services, LLC, owner) requesting a variance to waive the front setback from the required 35 feet to 25 feet in Land Lot 238 of the 16th District. Located on the north side of Cougar Point, north of Rocky Mountain Road (4115 Cougar Point).

To approve variance request subject to:

- Installation of black wrought iron type fence, minimum of four feet in height, along the top of the retaining wall

~~CONSENT VOTE. ADOPTED unanimously~~