

APPLICANT: John and Jennifer Riser

PETITION No.: V-78

PHONE: 770-565-5736

DATE OF HEARING: 07-10-13

REPRESENTATIVE: Jennifer Riser

PRESENT ZONING: R-15

PHONE: 770-565-5736

LAND LOT(S): 392

TITLEHOLDER: John W. Riser, Jr. and Jennifer G. Riser

DISTRICT: 16

PROPERTY LOCATION: On the northwest terminus of Old Sutton's Way, north of Dexter Way

SIZE OF TRACT: 0.63 acre

(3523 Old Sutton's Way).

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: Appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source.

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

BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



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COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No comments.

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.

SEWER: If the coop is not moveable/portable, it must be located at least 10 feet from the edge of the sanitary sewer easement.

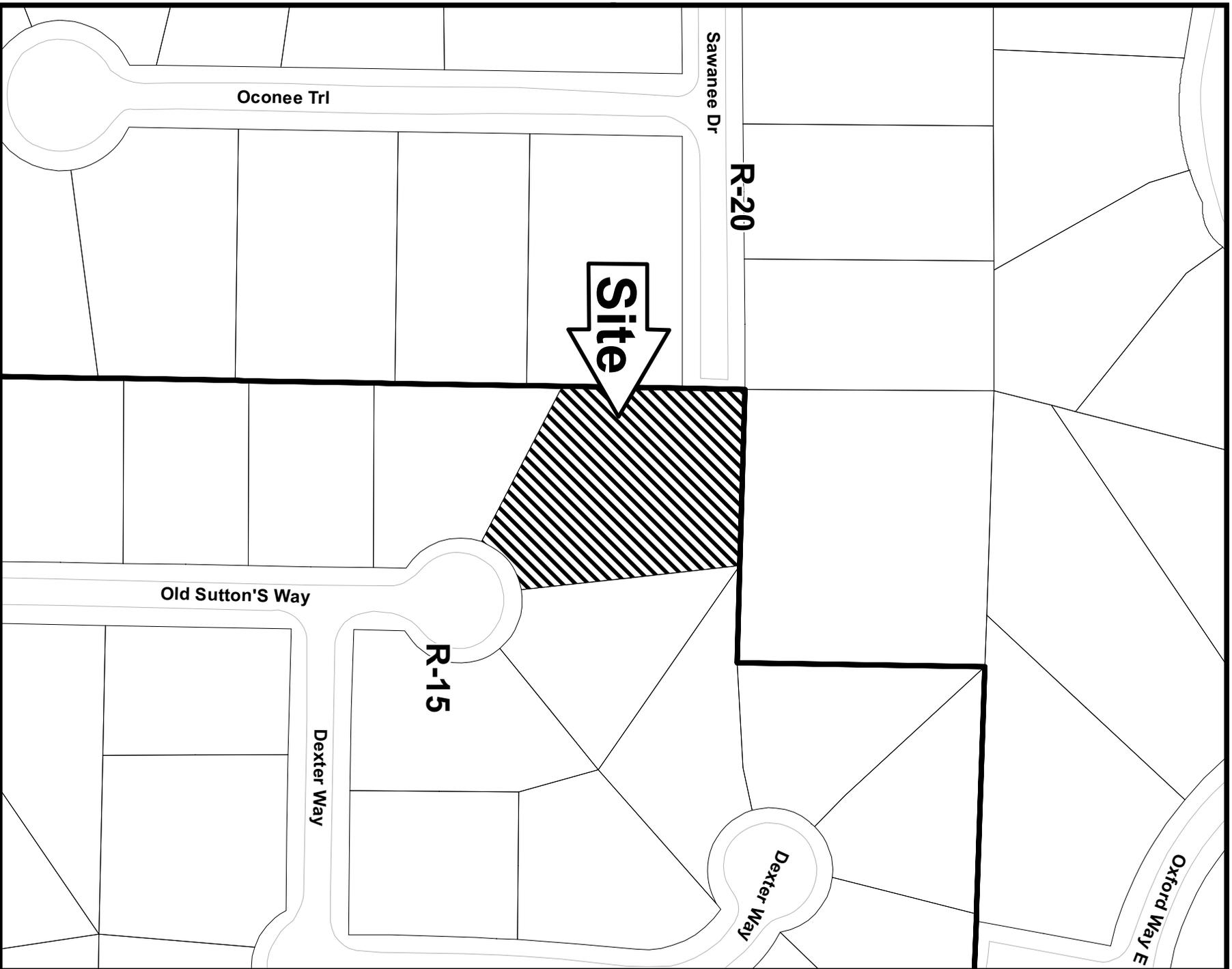
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FIRE DEPARTMENT: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-78



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



City Boundary
Zoning Boundary

COBB COUNTY GEORGIA
FILED IN OFFICE
Application for Variance

2013 MAY -8 AM 9: 17

Cobb County

COBB COUNTY ZONING DIVISION

(type or print clearly)

Application No. 14-78
Hearing Date: 7/10/13

Applicant John & Jennifer Riser Phone # (170)565-5736 E-mail jenriser@comcast.net

same (Jennifer Riser) Address 3523 Old Suttoms Way Marietta, GA 30062
(representative's name, printed) (street, city, state and zip code)

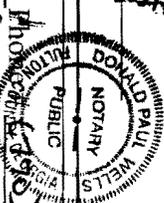
Nancy M Fowler Phone # (770)565-5736 E-mail jenriser@comcast.net
(representative's signature) (notary seal) (street, city, state and zip code)

My commission expires:



Signed, sealed and delivered in presence of Nancy M Fowler 7/8/2013
Notary Public

Titleholder John Riser Jr. Phone # (770)565-5736 E-mail jenriser@comcast.net



Signature John M Fowler Commission Expires 8/29/2014 Address: 3523 Old Suttoms Way Marietta, GA 30062
(notary seal) (street, city, state and zip code)

My commission expires: 8/29/2014 Signed, sealed and delivered in presence of Nancy M Fowler 7/8/2013
Notary Public

Present Zoning of Property Residential

Location 3523 Old Suttoms Way Marietta GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 392 District 16th Size of Tract 0.631 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

List type of variance requested: request to have backyard chickens

Application No. V-74

Hearing Date: 7/10/13

Applicant's information for requesting backyard chickens

1. Is there a Homeowners Association (HOA) that oversees the property or subdivision? YES ; NO .
2. Does the HOA support your request? YES ; NO ; N/A- No HOA .
3. Are there valid covenants or restrictions on the property that prohibit backyard chickens? YES NO .
(If there are valid covenants or restrictions prohibiting backyard chickens, then this application will not be heard by the Board of Zoning Appeals; This application will not be accepted, or will be withdrawn).
4. How many hens do you propose (no male birds allowed)? 5.
5. Can you comply with the County Code Sec-134-94(4)(a-j) below? YES NO .

Signature

Jennifer Biser
Print Name

County Code adopted by the Board of Commissioners February 26, 2013:

Sec. 134-94 (4) Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source.

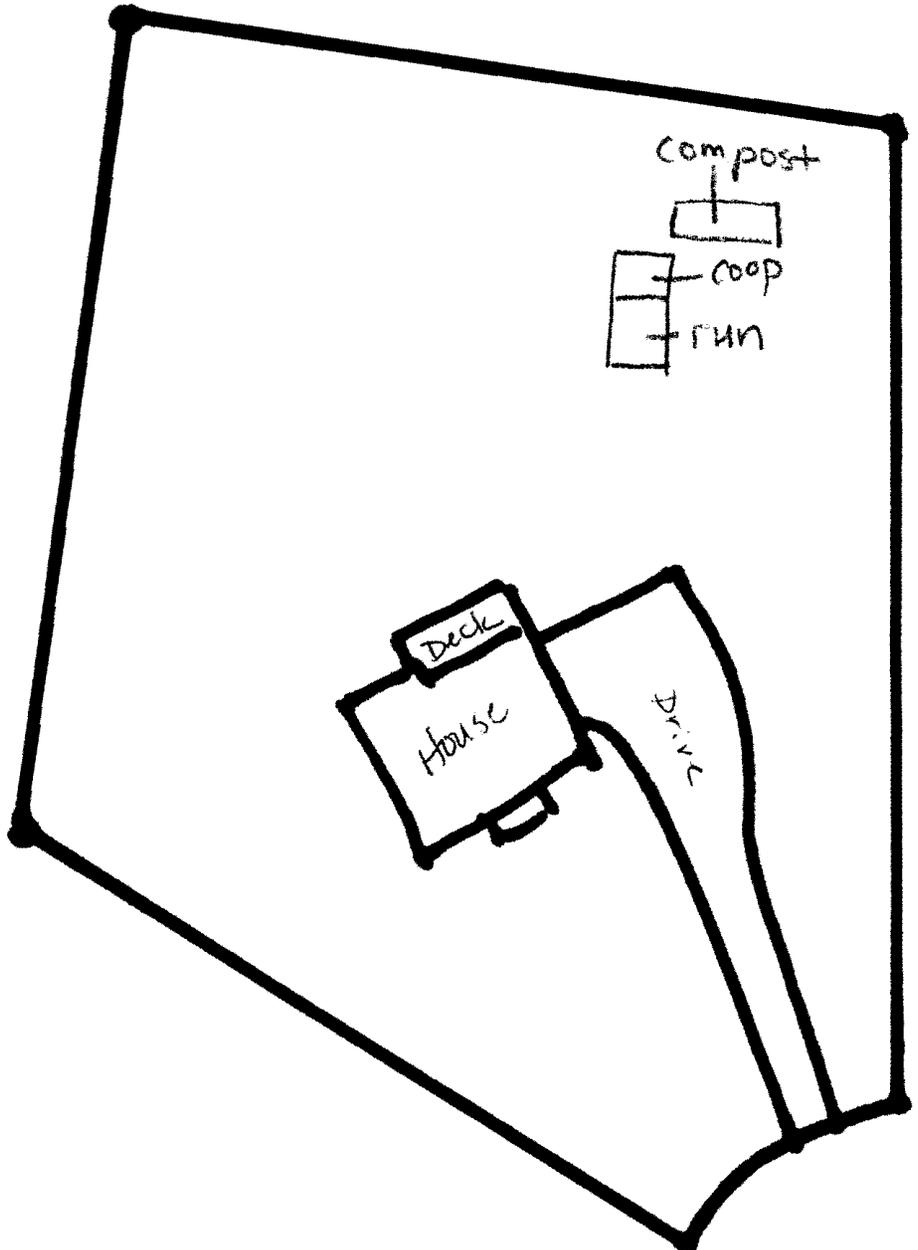
Poultry meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens, which are or may be raised for the purpose of providing food or companionship as a pet considering the following minimum conditions:

- (a) Written consent or opposition of adjacent property owners, including the homeowner's association, if applicable;
- (b) The poultry shall be kept/ maintained within a fenced area;
- (c) Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;
- (d) The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;
- (e) The poultry shall not cause a nuisance, as defined by State Law;
- (f) There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;
- (g) The slaughter of any hen on site is strictly prohibited;
- (h) The fee for the variance application shall be \$150.00;
- (i) The duration of any Variance approved for Poultry as Pets or Food Source shall not exceed 2 years; renewable for subsequent 2 year terms thereafter;
- (j) Any Variance approved for Poultry as Pets or Food Source shall be considered by the Board of Commissioners' in accordance with Section 134-271(8).

COBB COUNTY GEORGIA
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2013 JUL 11 9:11 AM
COUNTY ZONING DIVISION

IMPORTANT NOTE: The following announcement concerns variance applications requesting backyard chickens relating to the Official Code of Cobb County, Chapter 134-94(4), adopted by the Board of Commissioners on February 26, 2013. Applicants are advised that variance applications requesting backyard chickens which are approved by the Board of Zoning Appeals take the form of a recommendation to the Board of Commissioners (BOC), who makes a final determination whether to grant a special exception for the backyard chickens. The BOC determination will take place the following month at the scheduled Zoning Hearing.

COBB COUNTY GEORGIA
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2013 MAY -8 AM 9:17
COBB COUNTY ZONING DIVISION



V-78 (2013)