

**JULY 16, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM #2

PURPOSE

To consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals from their June 12, 2013 Variance Hearing regarding Variance Application:

V-73 Summer Brown

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on February 26, 2013, Section 134-94(4), the Board of Commissioners shall consider granting a Special Exception for backyard chickens, as pets or food source, after approval by the Board of Zoning Appeals. The Variance Analysis is attached for review. The Board of Zoning Appeals considered this appeal at the June 12, 2013 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals for Variance case:

V-73 Summer Brown

ATTACHMENTS

Variance Analysis

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JUNE 12, 2013
PAGE 6

REGULAR CASES (CONT.)

V-73 **SUMMER BROWN** (Thomas L. Brown and Summer Marie Brown, owners) requesting a variance for appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source in Land Lot 143 of the 20th District. Located on the south side of Memorial Parkway, east of Loring Road (3699 Memorial Parkway).

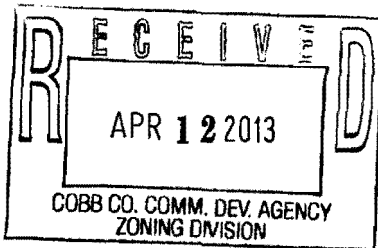
The public hearing was opened and Ms. Summer Brown and Mr. Thomas Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Hovey, second by Williams, to **approve** variance request **subject to**:

- **Approval is for 24 months, as provided for in the Code**
- **No more than three hens allowed**
- **Coop to be located in the “shadow of the house”, defined as:**
 - **behind the rear most part of the house**
 - **side setbacks equal to the distance from the house to the respective property lines on either side**
 - **rear setback is twenty feet from the rear property line**
- **Final ratification of lot size reduction by the Board of Commissioners as required by code at their July 16, 2013 Zoning Hearing**

VOTE: **ADOPTED** unanimously

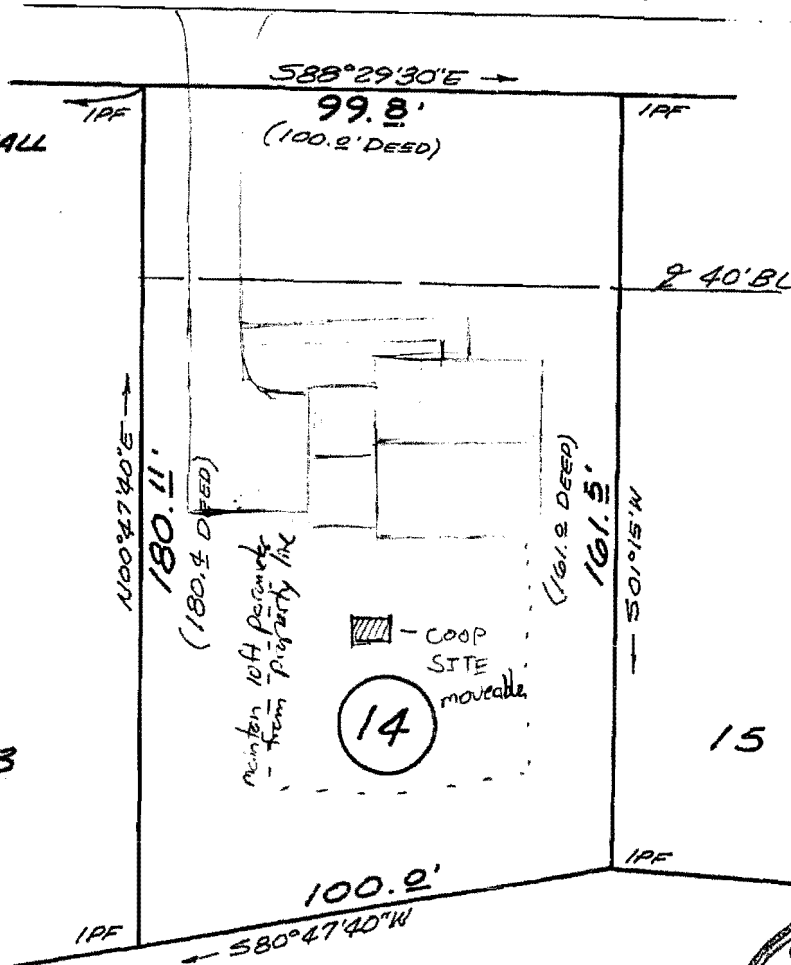
~~V-52 **DENNIS KEY** (Dennis L. Key and Lynn D. Key, owners) requesting a variance to: 1) waive the setback for an accessory structure over 650 square feet (existing approximately 1,940 square foot one story frame garage/barn) from the required 100 feet to 60 feet from the western property line and 20 feet from the southern property line; 2) waive the setback for an accessory structure over 650 square feet (existing approximately 1,456 square foot tin carport/overhang) from the required 100 feet to 67 feet from the southern property line and 74 feet from the eastern property line; 3) allow an accessory structure (existing approximately 1,940 square foot one story frame garage/barn) to the side of the principal building; and 4) allow an accessory structure (approximately 1,456 square foot tin carport/overhang) to the side of the principal building in Land Lot 701 of the 16th District. Located on the east side of Tourney Drive, east of Trophy Drive (2082 Tourney Drive). *(Previously held by the Board of Zoning Appeals from their May 8, 2013 hearing)*~~



V-73 (2013)

MEMORIAL PARKWAY 50'R/W

1103.2' TO STONEWALL DRIVE 50'R/W



filed 3-19-79
Jack O. Graham
Clerk Superior Court 13
Book 73 pg. 20



THIS SURVEY PERFORMED WITH A 20" TRANSIT AND STEEL TAPE. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 00 SE. PER ANGLE POINT AND WAS NOT ADJUSTED. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 19,000 FEET.

In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

William M. Herndon, Jr.
#1883

BI-JO and ASSOCIATES

MARIETTA, GEORGIA 971-5079

LOT 14 BLOCK 'F'
KENNESAW ACRES
L.L. 143, 20th DISTRICT 2nd SECTION
COBB COUNTY, GEORGIA

DATE 3/1/79 SCALE 1" = 40'
MADE FOR W. S. ADAMS

#79107-11E

APPLICANT: Summer Brown

PETITION No.: V-73

PHONE: 770-966-0674

DATE OF HEARING: 06-12-13

REPRESENTATIVE: Summer Brown

PRESENT ZONING: R-20

PHONE: 770-966-0674

LAND LOT(S): 143

TITLEHOLDER: Thomas L. Brown and Summer Marie Brown

DISTRICT: 20

PROPERTY LOCATION: On the south side of Memorial Parkway, east of Loring Road (3699 Memorial Parkway).

SIZE OF TRACT: 0.39 acre

COMMISSION DISTRICT: 1

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:



APPLICANT: Summer Brown

PETITION No.: V-73

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.

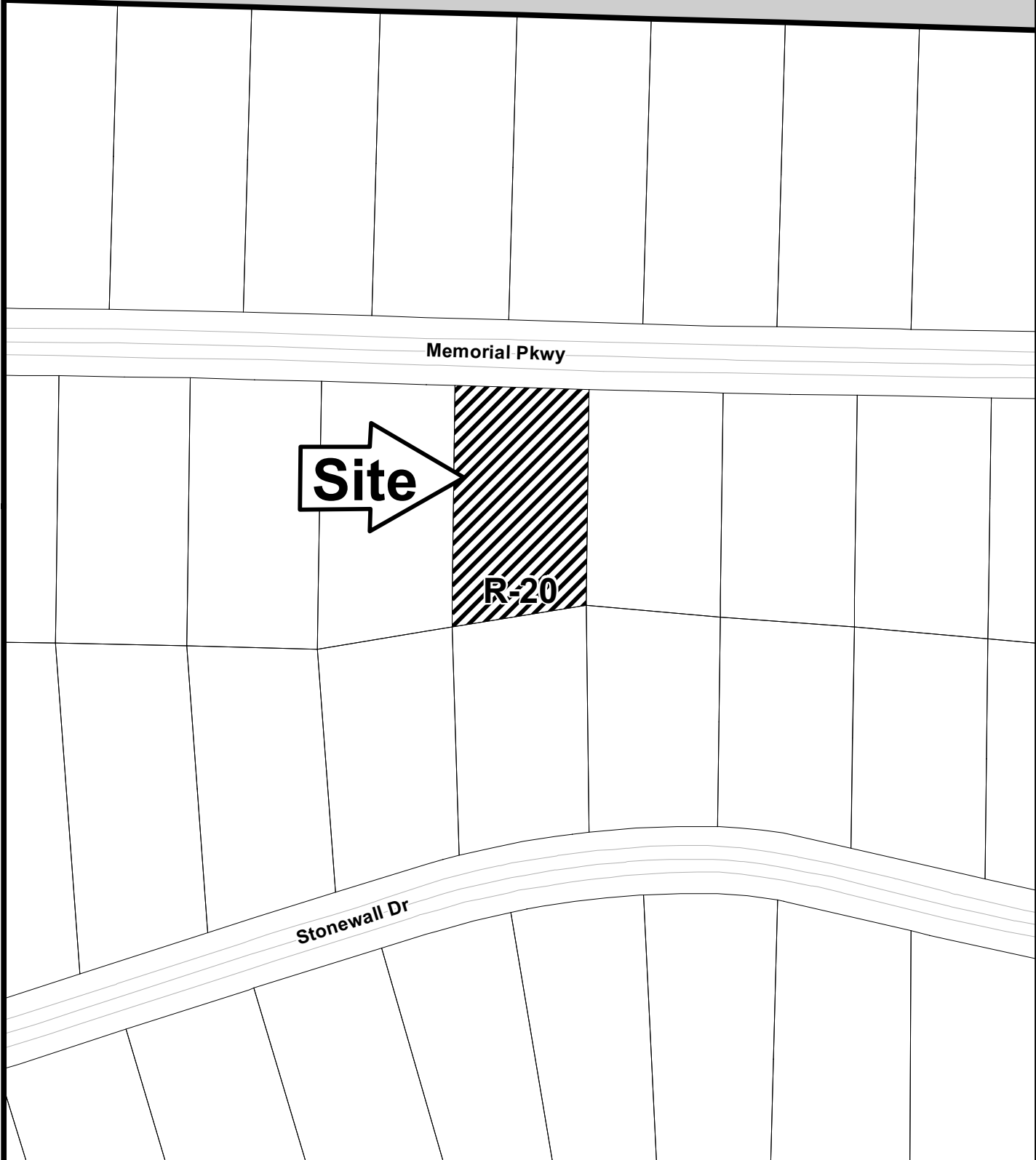
WATER: No conflict.

SEWER: No conflict.

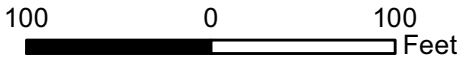
APPLICANT: Summer Brown **PETITION No.:** V-73



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.

Acworth



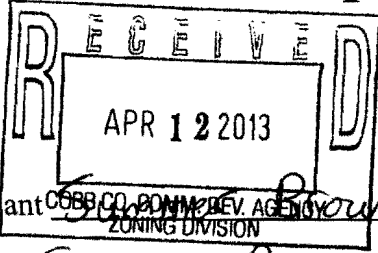
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

Application for Variance

Cobb County



(type or print clearly)

Application No. v-73
Hearing Date: 6-12-13

Applicant Summer Brown Phone # 770-966-0674 E-mail daysofsummer@comcast.net

Summer Brown Address 3699 Memorial Pkwy, Kennesaw, GA 30152
(representative's name, printed) (street, city, state and zip code)

Summer M. Brown Phone # 770-966-0674 E-mail _____
(representative's signature)

Thomas Brown

Anjana Paul
Notary Public
Cobb County, Georgia
My Commission Expires
March 30, 2015

Signed, sealed and delivered in presence of:
Anjana Paul 03.28.2013
Notary Public

Titleholder Summer Brown Phone # 770-966-0674 E-mail daysofsummer@comcast.net

Signature Summer M. Brown Address: 3699 Memorial Pkwy, Kennesaw, GA 30152
(attach additional signatures, if needed) (street, city, state and zip code)

Thomas Brown

Anjana Paul
Notary Public
Cobb County, Georgia
My Commission Expires
March 30, 2015

Signed, sealed and delivered in presence of:
Anjana Paul 03.28.2013
Notary Public

Present Zoning of Property Residential

Location 3699 Memorial Pkwy, Kennesaw, GA 30152 1103.2' to Storewall Dr, 50'R/W
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 143 Sub lot 14 Block F District 20th District, 2nd section Size of Tract = 19,000 sq ft. 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 19,000 ft Shape of Property rectangular Topography of Property flat/wooded 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

List type of variance requested: Backyard Chickens

Requirements for Variance Application

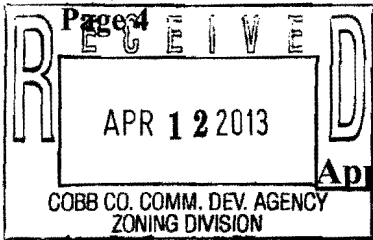


EXHIBIT V-73 (2013)

Application No. _____

Hearing Date: _____

Applicant's information for requesting backyard chickens

- 1. Is there a Homeowners Association (HOA) that oversees the property or subdivision? YES ___; NO X.
2. Does the HOA support your request? YES ___; NO ___; N/A- No HOA X.
3. Are there valid covenants or restrictions on the property that prohibit backyard chickens? YES ___ NO X.
4. How many hens do you propose (no male birds allowed)? 3.
5. Can you comply with the County Code Sec-134-94(4)(a-j) below? YES [check] NO ___.

Summer M. Brown
Signature

Summer Brown
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 homeowners 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).

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.