

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

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 June 12, 2013 Variance Hearing regarding Variance Application:

V-64 William G. DeMonye

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 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 reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for Variance case:

V-64 William G. DeMonye

ATTACHMENTS

Variance Analysis

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

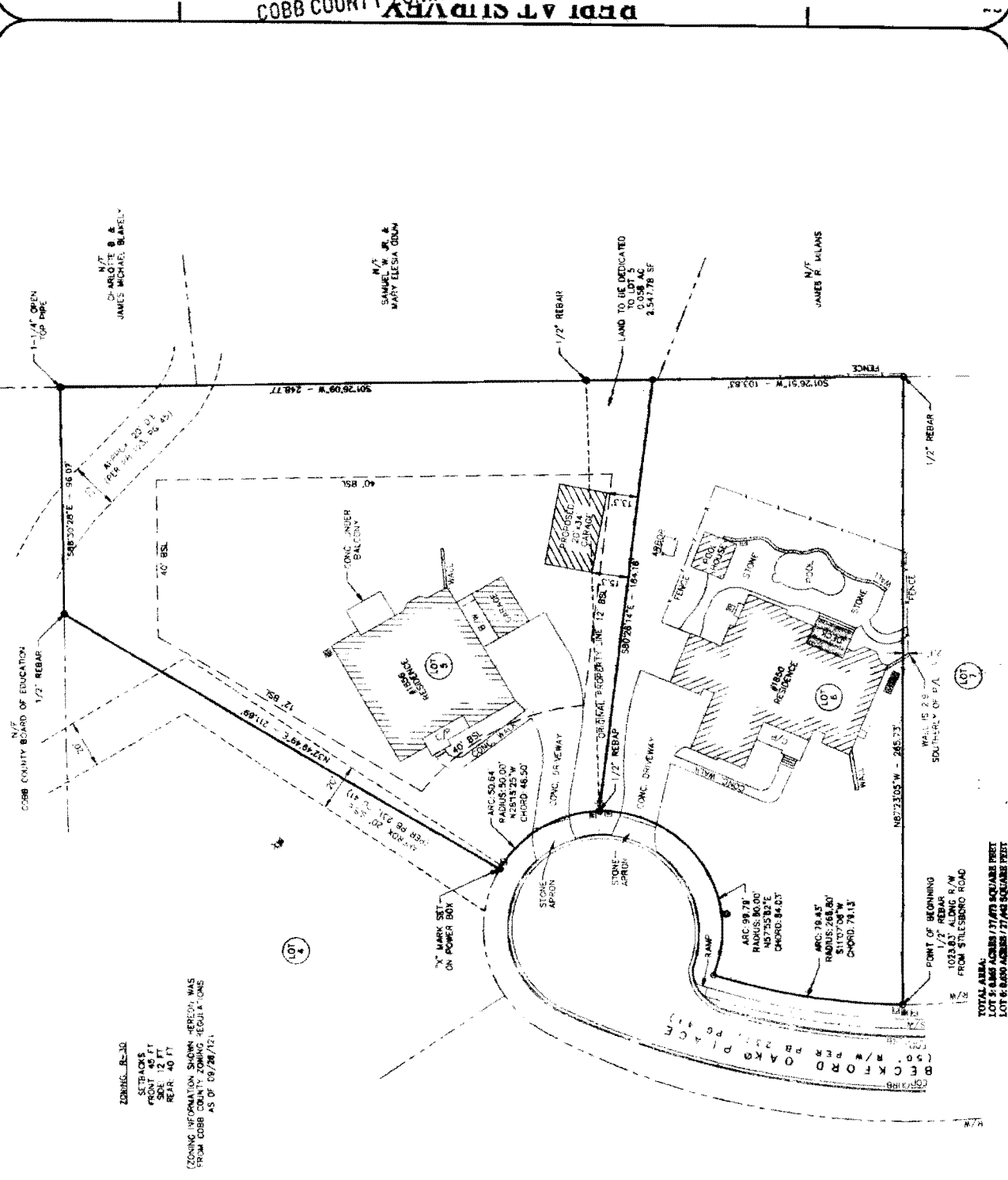
V-64 **WILLIAM G. DE MONYE** (William G. de Monye, Pamela G. de Monye, William A. Cominos and Barbara Comnos, owners) requesting a variance to: 1) waive the minimum lot size for Lot 6 from the required 30,000 square feet to 27,442 square feet; 2) waive the setback for an accessory structure over 650 square feet (proposed 680 square foot garage) from the required 100 feet to 13 feet from the southern property line and 49 feet from the eastern property line for Lot 5; and 3) waive the side setback from the required 12 feet to 5 feet on the southern side of Lot 6 in Land Lot 200 of the 20th District. Located at the terminus of Beckford Oaks Place, north of Old Stilesboro Road (1850 and 1856 Beckford Oaks Place).

To approve variance request subject to:

- Variance request No. 2 is for Lot 5 *only*, Variance request No. 3 is for the existing house *only* (site plan received by the Zoning Division April 4, 2013 attached and made a part of these minutes)
- Development and Inspections Division comments and recommendations
- Site Plan Review Division comments and recommendations
- Final ratification of lot size reduction by the Board of Commissioners as required by code at their July 16, 2013 Zoning Hearing

2013 APR -4 AM 11:23

COBB COUNTY ZONING DIVISION
DEPT AT CIVIL



ZONING: R-30
SETBACKS:
FRONT 45 FT
SIDE 12 FT
REAR 40 FT

(ZONING INFORMATION SHOWN HEREON WAS
FROM COBB COUNTY ZONING REGULATIONS
AS OF 08/28/12)

- LEGEND:
- PROPERTY CORNER
 - FOUND (AS NOTED)
 - 1/2" REBAR WITH
 - CAP SET, SF # B39
 - R/W MONUMENT
 - ▲ FIRE HYDRANT
 - ▲ WATER METER
 - ▲ WATER VALVE
 - ▲ GAS VALVE
 - LIGHT POLE
 - C-9 POWER/LIGHT POLE
 - GUY WIRE
 - POWER METER
 - POWER BOX
 - A/C UNIT
 - MANHOLE
 - CLEAN OUT
 - JUNCTION BOX
 - BOTTOM STRUCTURE
 - DOWN SPINET
 - GAS METER
 - GAS VALVE
 - CABLE BOX
 - TELEPHONE BOX
 - POOL EQUIPMENT
 - SIGN
 - W- WATER LINE
 - U- OVERHEAD UTILITY LINE
 - D- DRAIN LINE
 - S- SEWER LINE
 - C- CABLE LINE
 - T- TELEPHONE LINE
 - X- FENCE LINE
 - Z- ZONING LINE
 - K- KONTROL LINE
 - SS- BUILDING SETBACK LINE
 - C- CONC. CONCRETE
 - OP- EDGE OF PAVEMENT
 - L- LAND LOT
 - R- ROW OR FORMERLY
 - W- RIGHT-OF-WAY
 - C- CATCH BASIN
 - B- BENCH MARK
 - E- ELEVATION
 - A- APPROXIMATE
 - F- FINISHED FLOOR ELEVATION
 - B- BASEMENT FLOOR ELEVATION
 - DE- DEED BOOK
 - PL- PLAT BOOK
 - G- PAGE
 - L- LOTS
 - W- WALKWAY
 - P- PORCH
 - S- SIDEWALK

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(770) 271-5772 / (919) 363-9226

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TOTAL AREA: 17,443 SQUARE FEET
LOT 4: 4,443 SQUARE FEET
LOT 5: 8,800 SQUARE FEET
LOT 6: 4,200 SQUARE FEET

TOTAL AREA: SEE TABLE ABOVE

BOUNDARY ZONE, INC. DEED BOOK 1413, PAGE 316 & PLAT BOOK 21, PAGE 41.
FIELDWORK PERFORMED ON 08/11/12.

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

THIS MAP HAS BEEN PREPARED USING A TRIMBLE 560 SURVEYING TOTAL STATION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PERCENT OF ONE FOOT IN 10,000 FEET, AND AN ANGULAR ERROR OF 18 SECONDS PER ANGULAR POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAN WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE SURVEY AND ENCUMBRANCES MAY EXIST WHICH MIGHT AFFECT THIS PROPERTY.

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

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APPLICANT: William G. de Monye

PETITION No.: V-64

PHONE: 404-580-0914

DATE OF HEARING: 06-12-13

REPRESENTATIVE: William G. de Monye

PRESENT ZONING: R-30

PHONE: 404-580-0914

LAND LOT(S): 200

TITLEHOLDER: William G. de Monye, Pamela G. de Monye, William A. Cominos and Barbara Comnos

DISTRICT: 20

PROPERTY LOCATION: At the terminus of Beckford Oaks Place, north of Old Stilesboro Road (1850 and 1856 Beckford Oaks Place).

SIZE OF TRACT: 1.50 acres

COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the minimum lot size for lot 6 from the required 30,000 square feet to 27,442 square feet; 2) waive the setback for an accessory structure over 650 square feet (proposed 680 square foot "garage") from the required 100 feet to 13 feet from the southern property line and 49 feet from the eastern property line; and 3) waive the side setback from the required 12 feet to 5 feet on the southern side of lot 6.

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

BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS: _____



APPLICANT: William G. deMonye **PETITION No.:** V-64

COMMENTS

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

DEVELOPMENT & INSPECTIONS: Any setback of less than 5 feet from a property line would require a 1 hour fire rated wall.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: No adverse stormwater management impacts are anticipated.

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.

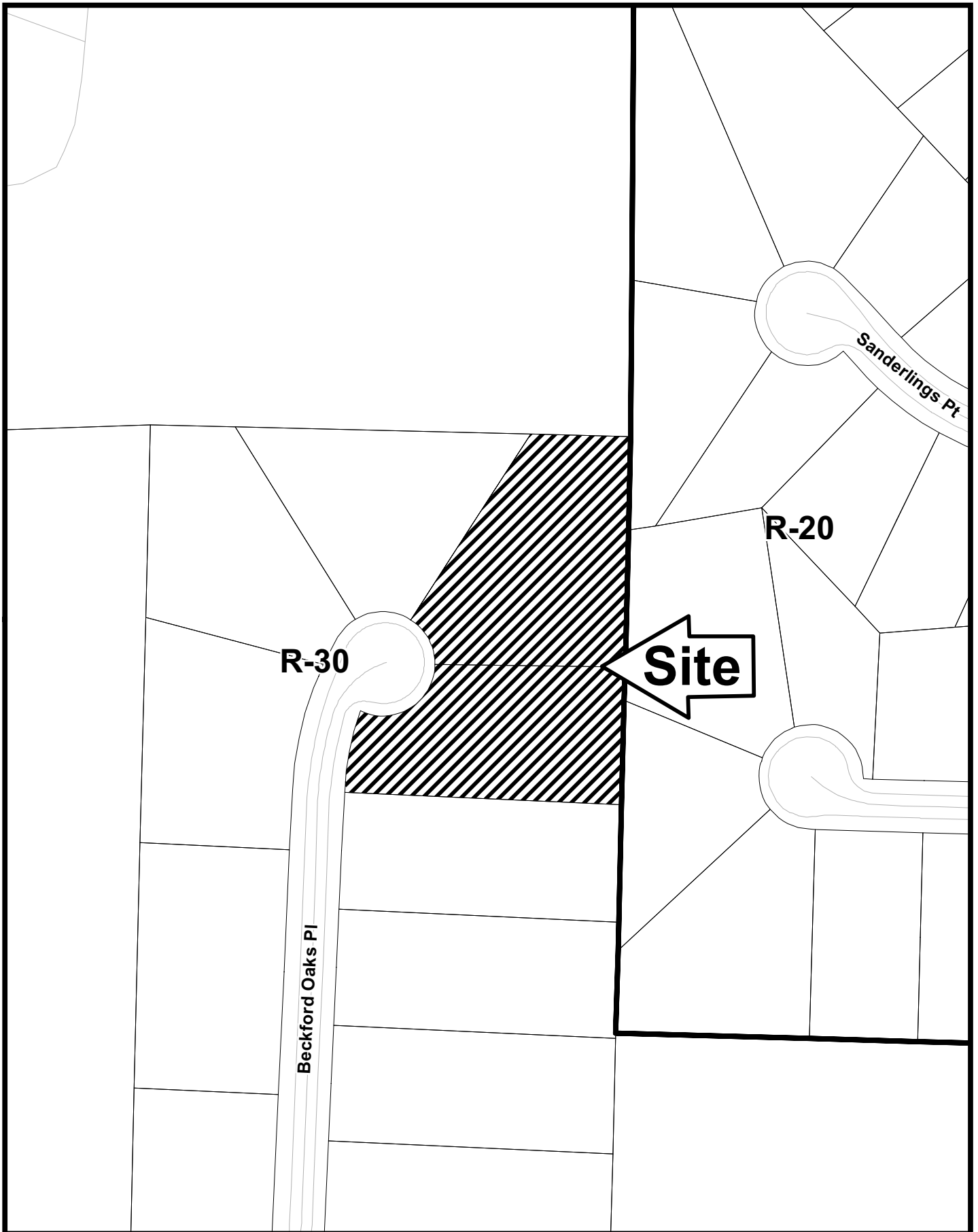
WATER: No conflict.

SEWER: No conflict.

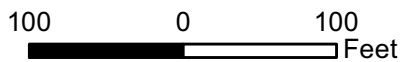
APPLICANT: William G. de Monye **PETITION No.:** V-64



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-64



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 GEORGIA
FILED IN OFFICE

Cobb County

2013 APR -4 AM 11:22

(type or print clearly)

Application No. V-64

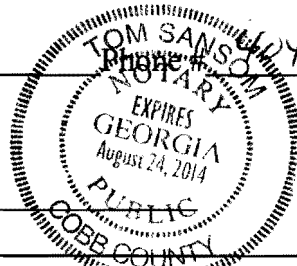
Hearing Date: 6/12/13

COBB COUNTY ZONING DIVISION

Applicant William de Monye Phone # 404-580-0914 E-mail wscga@aol.com

William de Monye Address 1856 Beckford Oaks Place Kennesaw
(representative's name, printed) (street, city, state and zip code) 30152

William de Monye
(representative's signature)
Pamela de Monye



404-580-0914 E-mail wscga@aol.com

My commission expires: 9/24/14

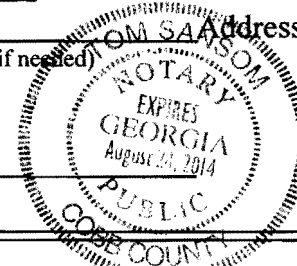
Signed, sealed and delivered in presence of:

[Signature]

Notary Public

Titleholder William de Monye Phone # 404-580-0914 E-mail wscga@aol.com

Signature Pamela de Monye Address: 1856 Beckford Oaks Place Kennesaw
(attach additional signatures, if needed) (street, city, state and zip code) 30152



My commission expires: 9/24/14

Signed, sealed and delivered in presence of:

[Signature]

Notary Public

Present Zoning of Property _____

Location 1856 Beckford Oaks Place
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 200 District 20th Size of Tract 0.865 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.

The reason for the location of garage is due to slope of property & proper location of garage.

List type of variance requested: garage on side of house, Waive setback for proposed garage, Waive lot size on Lot 6