

**AUGUST 20, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM #5

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their July 10, 2013 Variance Hearing regarding Variance Application:

V-89 Mt Zion Baptist

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 July 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-89 Mt Zion Baptist

ATTACHMENTS

Variance Analysis and minutes.

FLOOD STATEMENT
 THE DATE CALLED THE FLOOD INSURANCE
 OPERATING DATE: DECEMBER 16, 2008
 THE MAP GRAPHICALLY DISPLAYS THE SURVEY
 PROPERTY TO LIE IN ZONE: "X"
 "X" AREAS DETERMINED TO BE OUTSIDE THE
 0.2% ANNUAL CHANCE FLOODPLAIN

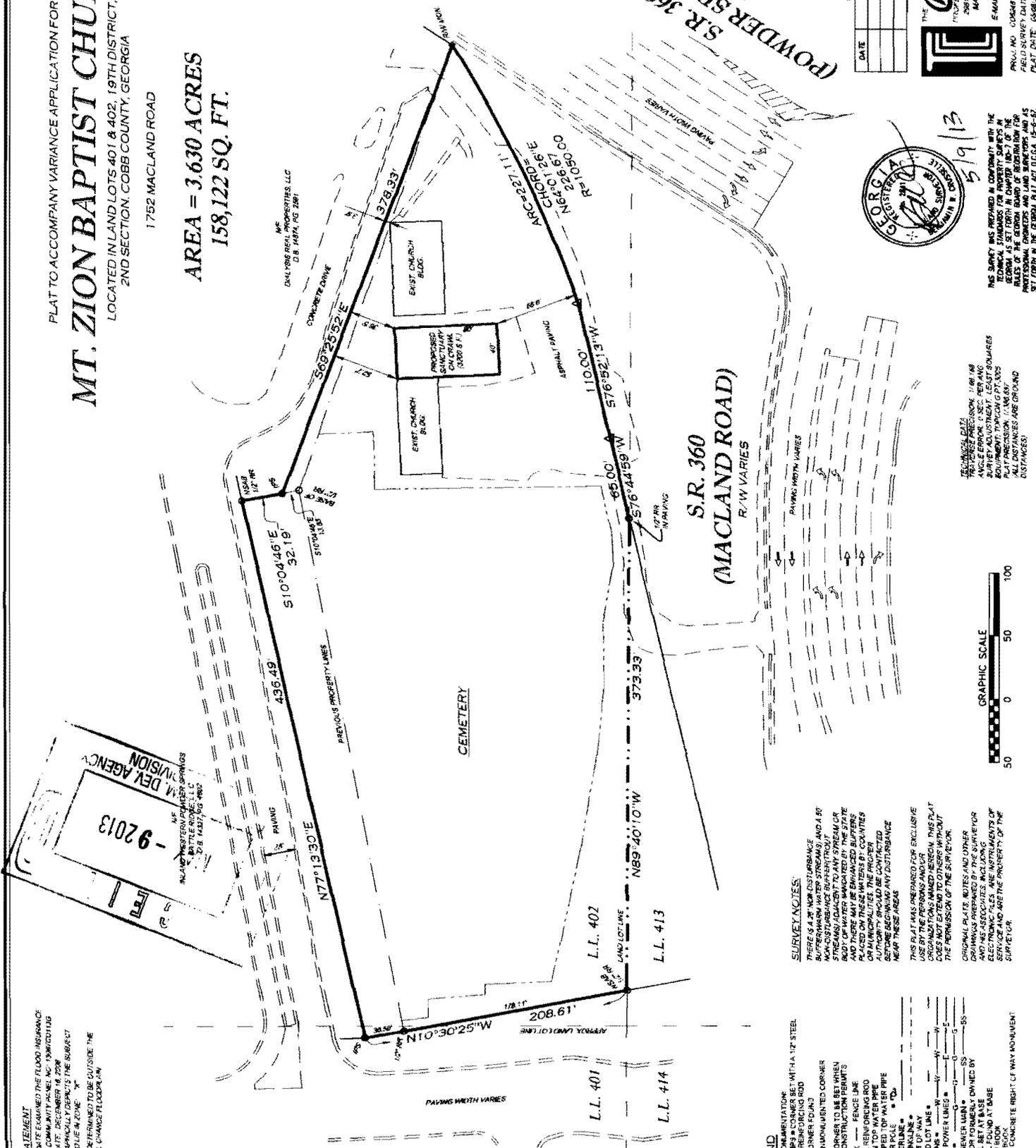


JOHN WARD ROAD
 R/W VARIES

MT. ZION BAPTIST CHURCH
 PLAT TO ACCOMPANY VARIANCE APPLICATION FOR
 LOCATED IN LAND LOTS 401 & 402, 19TH DISTRICT,
 2ND SECTION, COBB COUNTY, GEORGIA
 1752 MACLAND ROAD

AREA = 3.630 ACRES
158,122 SQ. FT.

V-89 (2013)

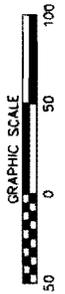


- LEGEND**
- CORNER MONUMENTATION
 - 1/2" x 1/2" CORNER SET WITH 1/2" STEEL
 - UNPAVEMENT CORNER
 - CONCRETE TO BE SET (AS PER CONSTRUCTION PERMITS)
 - X — FENCE LINE
 - RR — STEEL REINFORCING ROD
 - CTP — CRIMPED TOP WATER PIPE
 - CA — CENTERLINE
 - BA — BUILDING
 - RW — RIGHT OF WAY
 - L.L. — LAND LOT LINE
 - OAS — OVERHEAD POWER LINES
 - S — SANITARY SEWER MAIN
 - N — NATURAL TO BE OWNED BY
 - NPS — NAIL FOUND AT BASE
 - DA — DEED BOOK
 - RW L.O. — CONCRETE RIGHT OF WAY MONUMENT

SURVEY NOTES:
 THERE IS A 10' BUFFER DISTANCE
 BUFFER WARM WATER STREAMS AND A 5'
 BUFFER DISTANCE BUFFER PROUT
 AND OF WATER MANDATED BY THE STATE
 AND THERE MAY BE ENHANCED BUFFERS
 PLACED ON THESE WATERS BY LOCALITIES
 AUTHORITY SHOULD BE CONTACTED
 BEFORE BEGINNING ANY DISTURBANCE
 NEAR THESE AREAS

THIS PLAT WAS PREPARED FOR EXCLUSIVE
 USE BY THE PERSONS AND/OR
 ORGANIZATIONS NAMED HEREON. THIS PLAT
 DOES NOT EXTEND TO OTHERS WITHOUT
 THE PERMISSION OF THE SURVEYOR.

ORIGINAL PLAT, NOTES AND OTHER
 DRAWINGS PREPARED BY THE SURVEYOR
 ARE HEREBY FILED IN THE PUBLIC RECORDS
 ELECTRONICALLY. ANY INSTRUMENTS OF
 SERVICE AND ARE THE PROPERTY OF THE
 SURVEYOR.



DATE	DESCRIPTION

THE CRUSSELLE COMPANY
 PROFESSIONAL LAND SURVEYOR
 2001 POWDER SPRINGS ROAD
 MARETTA, GEORGIA 30064
 (770) 943-3800
 E-MAIL: ABR@CRUSSELLE.COM

PROJ. NO. 02048 FILE: 00060.DWG
 FIELD SURVEY DATE: 08-10-2013 SCALE: 1" = 80'
 PLAT DATE: 06-08-2013



THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE
 TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYS IN
 GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE
 RULES OF THE GEORGIA BOARD OF SURVEYING AND
 PLATTING. THIS SURVEY WAS PREPARED IN
 ACCORDANCE WITH THE GEORGIA PLAT ACT (O.C.G.A. 45-5-52)

APPLICANT: Mt. Zion Baptist

PETITION No.: V-89

PHONE: 770-231-5580

DATE OF HEARING: 07-10-13

REPRESENTATIVE: Lamar Clarke

PRESENT ZONING: R-20

PHONE: 770-231-5580

LAND LOT(S): 401, 402

TITLEHOLDER: Mt. Zion Baptist Church

DISTRICT: 19

PROPERTY LOCATION: On the north side of Macland Road, bounded by Powder Springs Road and John Ward Road (1752 Macland Road).

SIZE OF TRACT: 3.63 acres

COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the minimum lot size for a church with an accessory cemetery from the required 7 usable acres to 3.63 acres (existing); and 2) waive the required setback for church structures from the required 50 feet to 3.9 feet (existing church building) and 36.5 feet (proposed sanctuary replacement) from the northern property line.

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

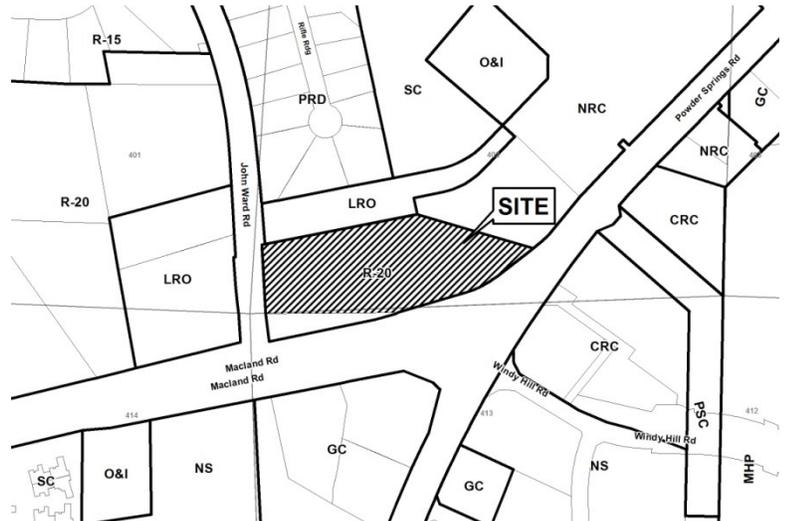
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Mt. Zion Baptist

PETITION No.: V-89

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: If this variance request is approved, a plat must be recorded showing all improvements on the lot and referencing the variance case. 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. The structure will replace previous building.

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: The Cobb Cemetery Prservation Committee has no objection to the variance but the requests the following stipulation:

- Install and maintain an orange protective fence on the east boundary of the cemetery to avoid damaging encroachment during construction.

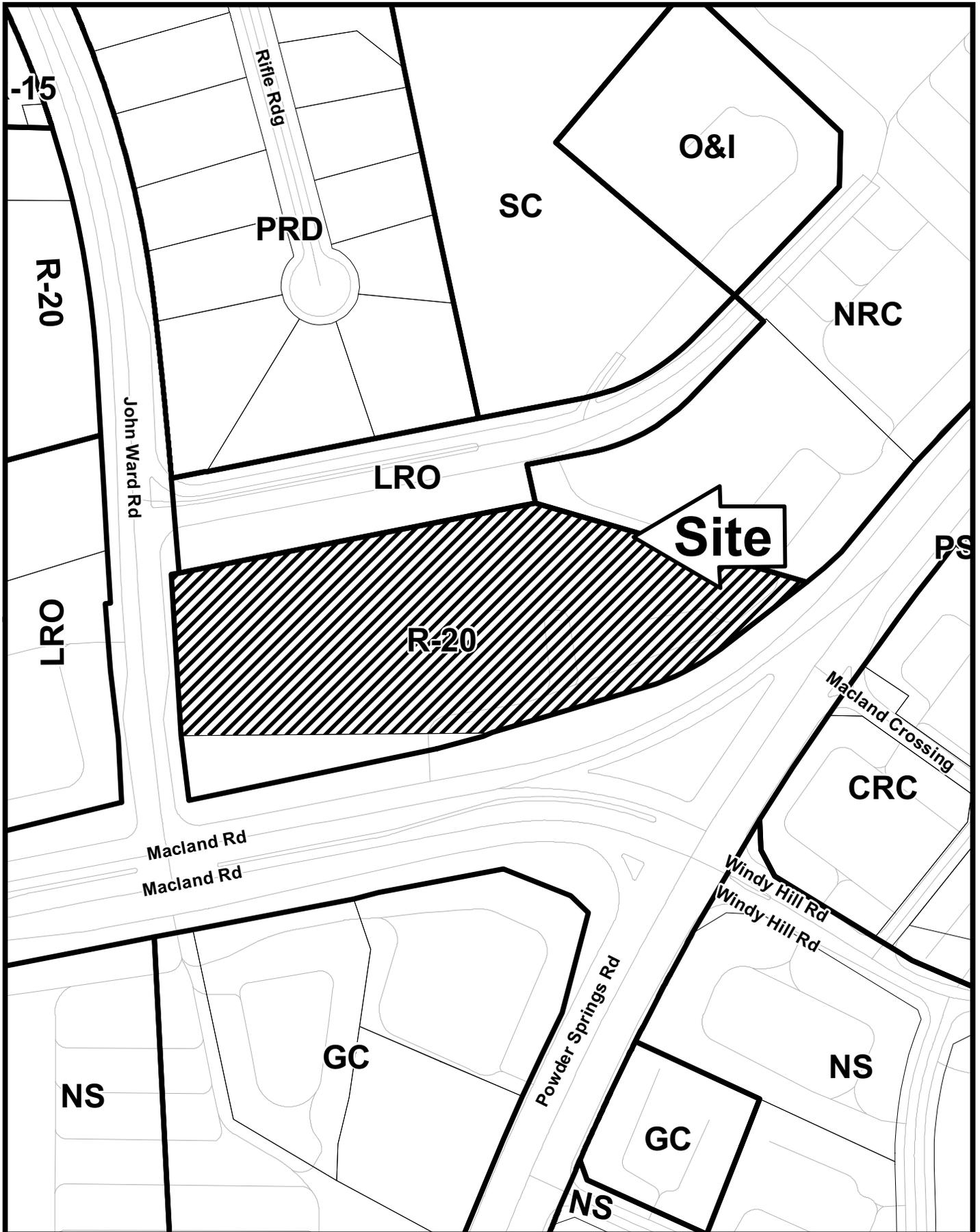
WATER: No conflict.

SEWER: No conflict.

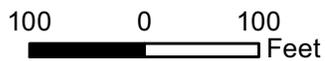
APPLICANT: Mt. Zion Baptist **PETITION No.:** V-89

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.

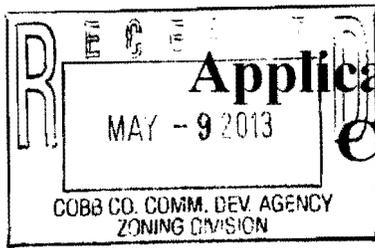
V-89



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-89
Hearing Date: 7-10-13

Applicant MT Zoin Baptist Phone # 7702315580 E-mail PeggieClarke@BellSouth.net
Lamar Clarke Address 1752 Macland Rd Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

Lamar Clarke Phone # 7702315580 E-mail PeggieClarke@BellSouth.net
(representative's signature) DL 054711644

My commission expires: 3/24/17

Signed, sealed and delivered in presence of:
Donald J. Wells
Notary Public
My Commission Expires
March 24, 2017

Titleholder MT Zoin Baptist Phone # 7702315580 E-mail PeggieClarke@BellSouth.net
Signature Lamar Clarke Address: 1752 Macland Rd Marietta, GA 30064
DL 054711644 (representative's signature) (street, city, state and zip code)

My commission expires: 3/24/17

Signed, sealed and delivered in presence of:
Donald J. Wells
Notary Public
My Commission Expires
March 24, 2017

Present Zoning of Property: R20

Location: 1752 Macland Rd Marietta, GA 30064
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 401 & 402 District 19 Size of Tract 3.630 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.

Due to the structure of old build had to be torn down 5 yrs ago. Had new survey down & found ENCROACHMENT THIS ~~was~~ why Filing for Variance.

List type of variance requested: _____

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 10, 2013
PAGE 10

REGULAR CASES (CONT.)

V-89 **MT. ZION BAPTIST** (Mt. Zion Baptist Church, owner) requesting a variance to: 1) waive the minimum lot size for a church with an accessory cemetery from the required 7 usable acres to 3.63 acres (existing); and 2) waive the required setback for church structures from the required 50 feet to 3.9 feet (existing church building) and 36.5 feet (proposed sanctuary replacement) from the northern property line in Land Lots 401 and 402 of the 19th District. Located on the north side of Macland Road, bounded by Powder Springs Road and John Ward Road (1752 Macland Road).

The public hearing was opened and Mr. Lamar Clarke addressed the Board. Following presentation and discussion, the following motion was made:

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

- **Variance approval is *only* for the encroachments shown on the site plan in the variance analysis (attached and made a part of these minutes)**
- **New construction to be in substantial conformity to the elevation rendering submitted, with front brick to match existing buildings (attached and made a part of these minutes)**
- **Site Plan Review Division comments and recommendations**
- **Cemetery Preservation Division comments and recommendations**
- **Final ratification of lot size reduction by the Board of Commissioners as required by code at their August 20, 2013 Zoning Hearing**

VOTE: ADOPTED 4-0, Williams absent

APPROVAL OF MINUTES

MOTION: Motion by Hovey, second by Poteet, to approve the following minutes:

June 24, 2013 – Special Called Meeting/Work Session and Agenda Review

VOTE: ADOPTED 3-0, Williams absent and Poteet abstaining

FLOOD STATEMENT
 I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 13047C01 FOR EFFECTIVE DATE, DECEMBER 18, 2009. THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO BE IN ZONE "X". "X" AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN.



JOHN WARD ROAD
 R/W VARIES

- LEGEND**
- CORNER MONUMENTATION:
 - PS = CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - CS = CORNER FOUND
 - UNMONUMENTED CORNER
 - CONSTRUCTION PERMITS
 - EDGE LINE
 - RT = STILES, BENCH MARKS
 - OTIP = OPEN TOP WATER PIPE
 - CP = CRIMPED TOP WATER PIPE
 - PP = POWER POLE
 - SS = SANITARY SEWER
 - BL = BULKHEAD
 - RW = RIGHT OF WAY
 - LL = LAND LOT LINE
 - W = WATER MAIN
 - G = GAS MAIN
 - NS = NOW OR FORMERLY OWNED BY
 - NSP = NOW OR FORMERLY OWNED BY
 - NBS = NAIL FOUND AT BASE
 - D.B. = DEED BOOK
 - P.B. = PLAT BOOK
 - RR = RAILROAD
 - CONCRETE RIGHT OF WAY MONUMENT

SURVEY NOTES:
 THERE IS A 4' MIN. DISTANCE BUFFER FROM WATER MAINS AND A 4' MIN. DISTANCE BUFFER FROM STREAMS ADJACENT TO ANY STREAM OR CREEK. THERE ARE NO UTILITY RECORDS AND THERE MAY BE ENHANCED BUFFERS PLACED ON THESE WATERS BY COUNTIES OR MUNICIPALITIES. THE PROPER DISTANCES SHOULD BE MAINTAINED NEAR THESE AREAS.
 THIS PLAT HAS BEEN PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREON. THIS PLAT DOES NOT EXTEND TO OTHERS WITHOUT THE PERMISSION OF THE SURVEYOR.
 ORIGINAL PLATS, NOTES AND OTHER DRAWINGS PREPARED BY THE SURVEYOR AND HIS ASSOCIATES, INCLUDING ALL INSTRUMENTS, RECORDS, BOOKS OF FIELD NOTES AND ALL INSTRUMENTS AND TOOLS, ARE THE PROPERTY OF THE SURVEYOR.



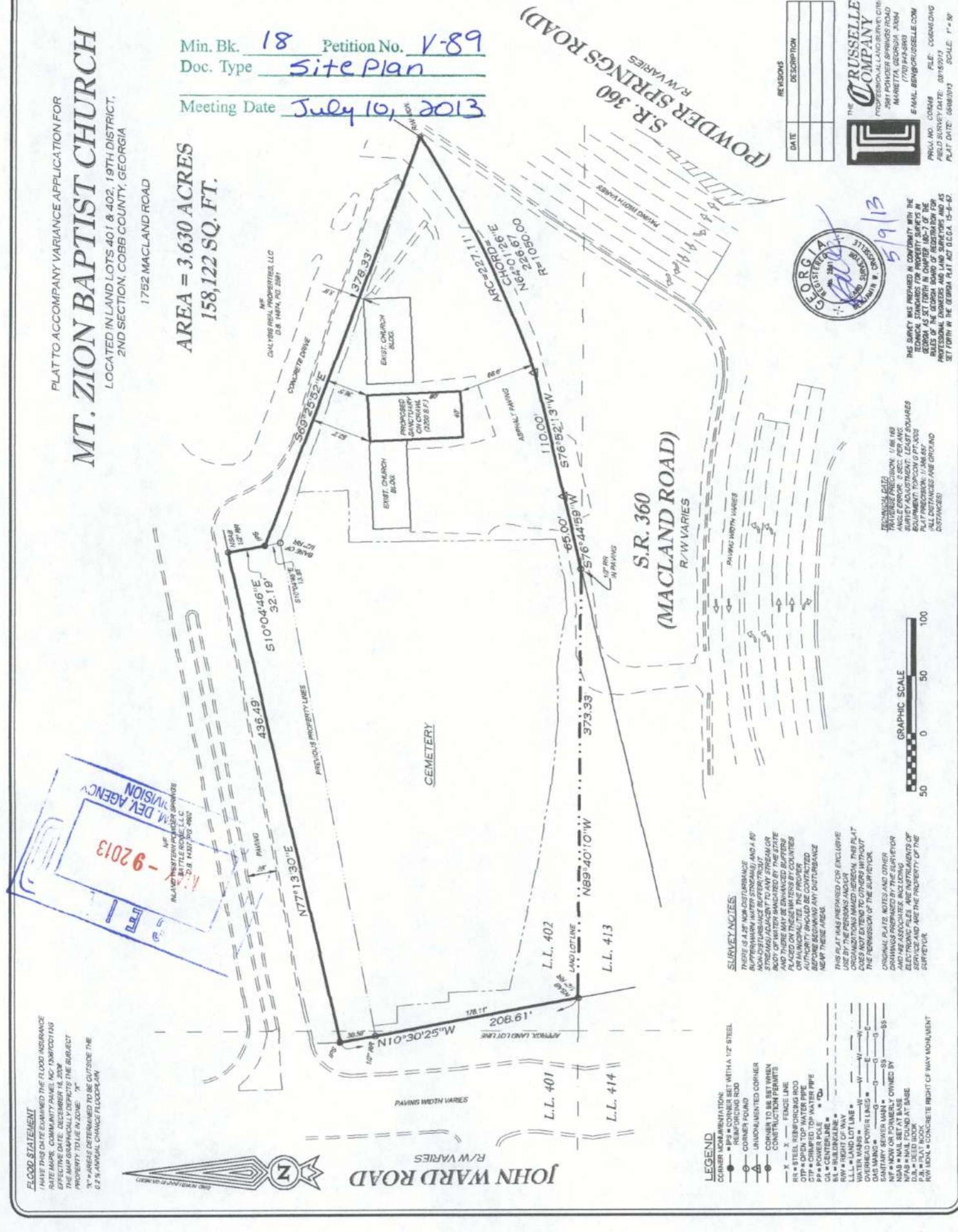
MT. ZION BAPTIST CHURCH

LOCATED IN LAND LOTS 401 & 402, 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA

1752 MACLAND ROAD

AREA = 3.630 ACRES
 158,122 SQ. FT.

Min. Bk. 18 Petition No. V-89
 Doc. Type Site Plan
 Meeting Date July 10, 2013



DATE	DESCRIPTION

THE CRUSSELL COMPANY
 PROFESSIONAL SURVEYORS
 17701 BENTONVILLE ROAD
 MARIETTA, GEORGIA 30066
 (770) 443-8903
 E-MAIL: BENCH@CRUSSELL.COM

PRG. NO. C06649 FILE: COBB0613
 FIELD SURVEY DATE: 06/18/13
 PLAT DATE: 06/19/13



THIS SURVEY WAS PREPARED IN COMPLIANCE WITH THE PROFESSIONAL STANDARDS FOR PROFESSIONAL SURVEYORS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-9-81.

Min. Bk. 18 Petition No. V-89
Doc. Type Elevation

Meeting Date July 10, 2013



FRONT ELEVATION MT. ZION