

APPLICANT: Jeffery C. Smith

(770) 355-2668

REPRESENTATIVE: Jeffery C. Smith

(770) 355-2668

TITLEHOLDER: Jeffery C. Smith

PROPERTY LOCATION: Northeast side of Austell Powder

Springs Road, southeast of Furr Avenue

(4509 Austell Powder Springs Road).

ACCESS TO PROPERTY: Austell Powder Springs Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

on site

PETITION NO: LUP-16

HEARING DATE (PC): 06-03-14

HEARING DATE (BOC): 06-17-14

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

(Renewal)

PROPOSED USE: Produce Sales

SIZE OF TRACT: 1.331 acres

DISTRICT: 19

LAND LOT(S): 1054

PARCEL(S): 39

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family Residential

SOUTH: GC/Single-family House

EAST: GC/Single-family House

WEST: R-20/Single-family House

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

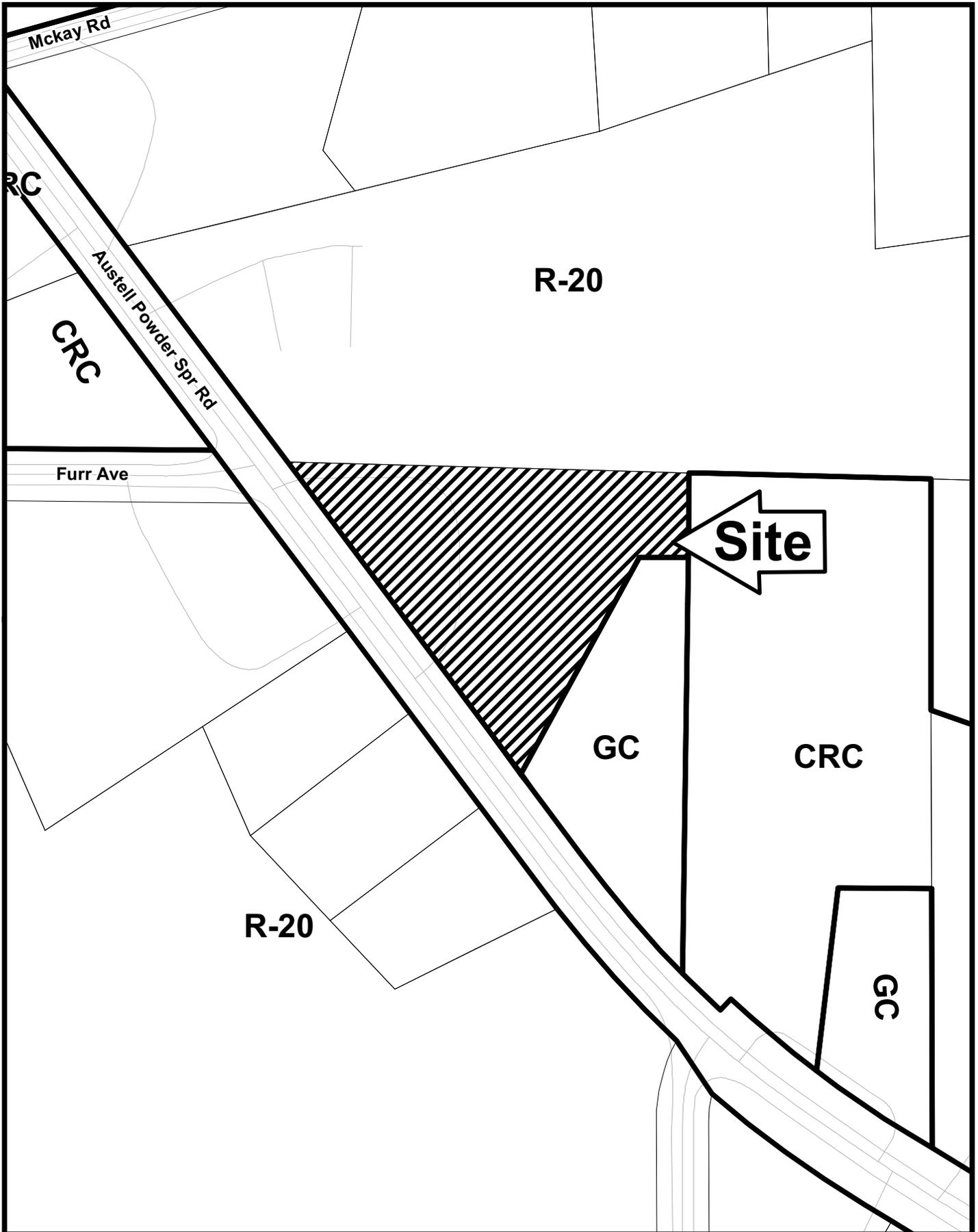
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

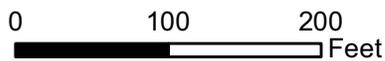
STIPULATIONS:



LUP-16



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Jeffery C. Smith

PETITION NO.: LUP-16

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Applicant is requesting the fifteenth renewal of a Land Use Permit to allow him to continue to operate a fruit stand at his home. The fruit stand operates only in the spring and summer months, from 8 a.m. to 7 p.m., Monday through Saturday. There are approximately 15-20 customers per day parking on the property.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments (City of Powder Springs service area).

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

FIRE COMMENTS:

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.

APPLICANT: Jeffrey C. Smith

PETITION NO.: LUP-16

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments (Renewal).

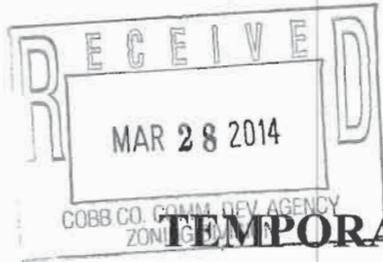
STAFF RECOMMENDATIONS

LUP-16 JEFFERY C. SMITH

Staff recommends APPROVAL for 24 months subject to the following:

- Fruit stand to be maintained at the side of the primary structure;
- Off-street parking and turn around space to be provided to the side and rear of the existing structures;
- Business activity limited to spring and summer months; and
- Department of Transportation comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application #: LUP-16

PC Hearing Date: 6-3-14

BOC Hearing Date: 6-17-14

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business, or request? PRODUCE STAND
2. Number of employees? 0 1
3. Days of operation? MON. - SAT.
4. Hours of operation? 8:00 AM - 7:00 PM
5. Number of clients, customers, or sales persons coming to the house per day? 15-20 ; Per week? 90-120
6. Where do clients, customers and/or employees park?
Driveway: ; Street: _____ ; Other (Explain): _____

7. Signs? No: _____ ; Yes: . (If yes, then how many, size, and location): 4' x 4' ON EXISTING POST IN FRONT YARD
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 0

9. Deliveries? No ; Yes _____ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)

10. Does the applicant live in the house? Yes ; No _____
11. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested (24 months maximum): 24 MONTHS
13. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: Jeffery C. Smith Date: 3/28/2014

Applicant name (printed): JEFFERY C. SMITH



**COBB & DOUGLAS
PUBLIC HEALTH**
Healthier lives. Healthier community.

Center for Environme

LUP-16 (2014)
Environmental
Health Letter/
Report

March 11, 2014

JEFF SMITH
1411 Winndale Road
Dallas, GA 30157

RE: 4509 Austell Powder Springs Road, Powder Springs, Georgia

To Whom It May Concern:

An inspection of the property at the above referenced address was made on March 10, 2014, to verify the condition of the septic tank system. The inspection consisted of walking the lot and looking for evidence of septic line seepage, which is indicative of septic tank system failure.

There was no evidence of on-site sewage system failure at the time of the inspection.

Issuance of this visual inspection letter for an on-site sewage management system shall not be construed as a guarantee that such system will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken, assume liability for damages which are caused, or may be caused by the malfunction of such system.

If you have any other questions, please contact me at 770-435-7815, ext. 5060.

Sincerely,

Jennifer Deiveau
Environmental Health S. S. A.

Note: Home was vacant at time of inspection.

/jdd

Existing On-site Sewage Management System Performance Evaluation Report

LUP-16 (2014)
Environmental
Health Letter/
Report

Applicant: Jeffery Smith		Reason for Existing Sewage System: (1) Loan Closing for (2) Refinance (3) Home Addition (Type: _____) (4) Swimming Pool (5) Structure Addition to Property Type: _____ (6) Mobile Home Relocation	
Property/System Address: 4509 AUSTELL POWDER SPRINGS RD POWDER SPRINGS, GA 30127			
Subdivision Name:	Lot:		Block:
Existing System Information: Water Supply (circle) _____			Number of Bedrooms/GPD: _____
<input checked="" type="radio"/> Public <input type="radio"/> Private Well <input type="radio"/> Community			Garbage Grinder: (circle) <input checked="" type="radio"/> Yes <input type="radio"/> No

*** One of Section A, B, or C should be Completed ***

SECTION A - System on Record

<input checked="" type="radio"/> Yes <input type="radio"/> No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: THIS HOME IS APPROVED FOR 2 BEDROOMS ONLY.
<input checked="" type="radio"/> Yes <input type="radio"/> No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
<input type="radio"/> Yes <input checked="" type="radio"/> No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input checked="" type="radio"/> Yes <input type="radio"/> No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.	
Evaluating Environmentalist:		Title: Date: 11-Mar-14
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION B - System Not on Record

<input type="radio"/> Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments:
<input type="radio"/> Yes <input type="radio"/> No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
<input type="radio"/> Yes <input type="radio"/> No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.	
<input type="radio"/> Yes <input type="radio"/> No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input type="radio"/> Yes <input type="radio"/> No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.	
Evaluating Environmentalist		Title: _____ Date: _____
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION C - System Not Approved

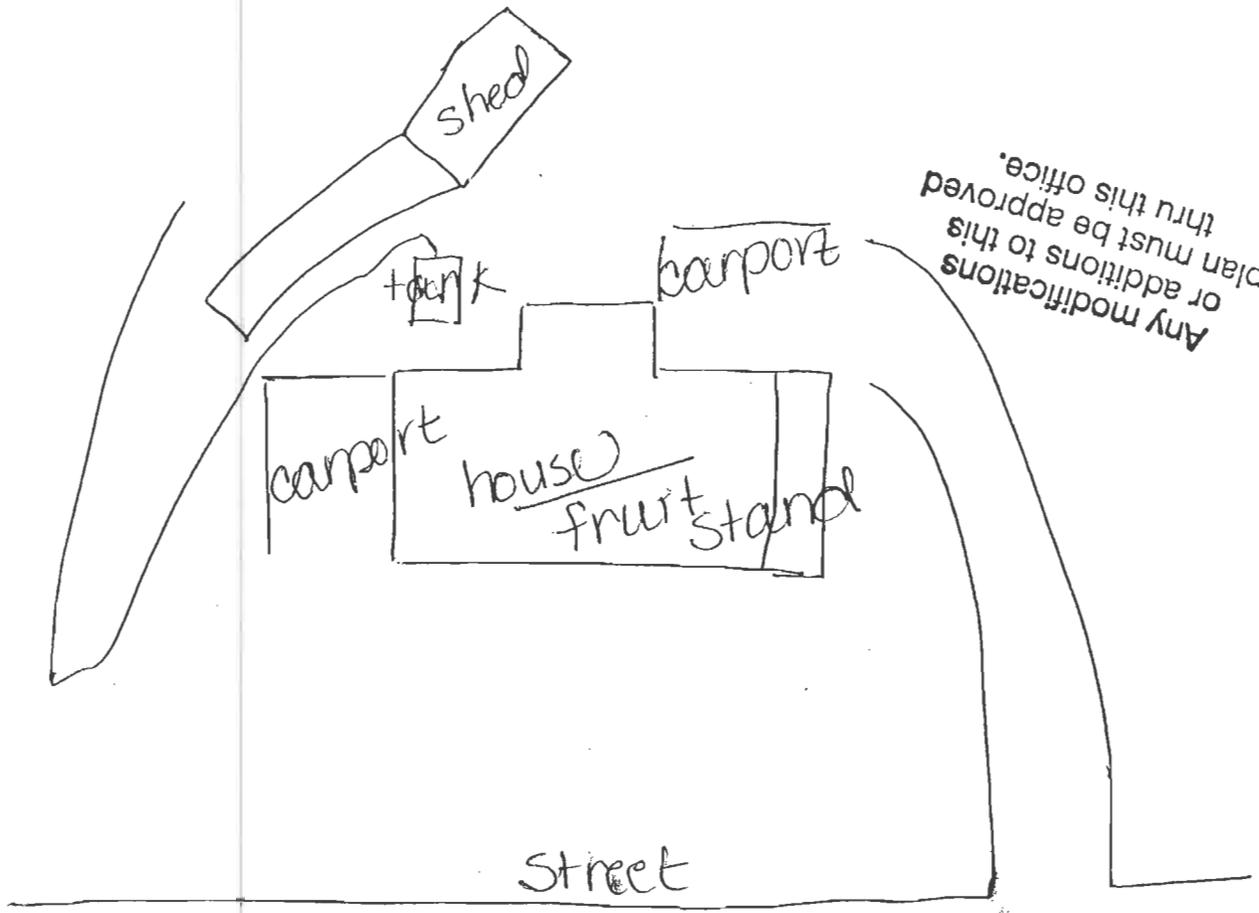
<input type="radio"/> Yes <input type="radio"/> No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:
<input type="radio"/> Yes <input type="radio"/> No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.	
<input type="radio"/> Yes <input type="radio"/> No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.	
Evaluating Environmentalist		Title: _____ Date: _____
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION D - Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

<input type="radio"/> Yes <input type="radio"/> No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments:
<input type="radio"/> Yes <input type="radio"/> No	A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent.	
		Number of Bedrooms/GPD: _____ Garbage Grinder: (circle) <input type="radio"/> Yes <input checked="" type="radio"/> No
Evaluating Environmentalist		Title: _____ Date: _____
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

APPROVED

G. Delveau 2-28-12
COBB PUBLIC HEALTH DATE
CENTER FOR ENVIRONMENTAL HEALTH



Any modifications
or additions to this
plan must be approved
thru this office.

ORIGINAL DATE OF APPLICATION: 06-19-12LUP-16 (2014)
Previous MinutesAPPLICANTS NAME: JEFFERY C. SMITHTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 07-17-12 ZONING HEARING:**

To consider a motion to rescind previous action taken June 19, 2012 regarding LUP-14 (Jeffery C. Smith) and consider a new motion and vote for the purpose of produce sales for property located on the northeast side of Austell Powder Springs Road, southeast of Furr Avenue in Land Lot 1054 of the 19th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding consideration to rescind a previous action of June 19, 2012 relative to LUP-14 of 2012 (Jeffery C. Smith). Following presentation, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to **rescind** the previous action of June 19, 2012 regarding the denial of LUP-14 (Jeffery C. Smith).

VOTE: **ADOPTED** unanimously

Commissioner Goreham announced that she would recuse herself from further action on LUP-14. Mr. Pederson then provided information regarding action taken by the Board at the June 19, 2012 Board of Commissioners' Zoning Hearing. He also noted that prior notice had been provided at the June 26, 2012 Board of Commissioners' Regular Meeting. The public hearing was opened and Mr. Jeffery Smith addressed the Board, and there being no further speakers the public hearing was closed. Thereafter, the following motion was made:

MOTION: Motion by Thompson, second by Ott, to **approve** LUP-14 (Jeffery C. Smith) for the purpose of produce sales for property located on the northeast side of Austell Powder Springs Road, southeast of Furr Avenue in Land Lot 1054 of the 19th District, for **24 months, subject to:**

- **hours of operation to be 8 a.m. until 8 p.m., Monday through Saturday**
- **fruit stand to be maintained at the side of the primary structure**
- **off-street parking and turn-around space to be provided to the side and rear of the existing structures**
- **business activity limited to Spring and Summer months only**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** 4-0-1, Goreham abstained

APPLICANT: Jeffery C. Smith

PETITION NO.: LUP-14

PRESENT ZONING: R-20

PETITION FOR: LUP (Renewal)

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Applicant is requesting the fourteenth renewal of a Land Use Permit to allow him to continue to operate a fruit stand at his home. The fruit stand operates only in the spring and summer months, from 8 a.m. to 6 p.m., Monday through Saturday. There are approximately 15-20 customers per day parking on the property.

Historic Preservation: No comment

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments (Powder Springs Water and Sewer Area)

TRAFFIC COMMENTS:

Recommend no on-street parking. Recommend building the proposed driveway to comply with Cobb County commercial standards. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

FIRE COMMENTS:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.