



**APPLICANT:** Charles D. Brown

**PHONE#:** (770) 331-3916 **EMAIL:** charlie@superiorautomotivecompany.com

**REPRESENTATIVE:** Charles D. Brown

**PHONE#:** (770) 331-3916 **EMAIL:** charlie@superiorautomotivecompany.com

**TITLEHOLDER:** Diane Benson-Brown and Charles D. Brown

**PROPERTY LOCATION:** West side of Brickleberry Lane, north of Oak Trail Drive (979 Brickleberry Lane).

**ACCESS TO PROPERTY:** Brickleberry Lane

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/Stoneoak Pointe Subdivision
- SOUTH:** R-20/Stoneoak Pointe Subdivision
- EAST:** R-20/Stoneoak Pointe Subdivision
- WEST:** FST-6/Barnes Mill Lake Subdivision

**PETITION NO:** LUP-23

**HEARING DATE (PC):** 08-05-14

**HEARING DATE (BOC):** 08-19-14

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** In-home Office

**SIZE OF TRACT:** 0.388 acre

**DISTRICT:** 16

**LAND LOT(S):** 990

**PARCEL(S):** 50

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

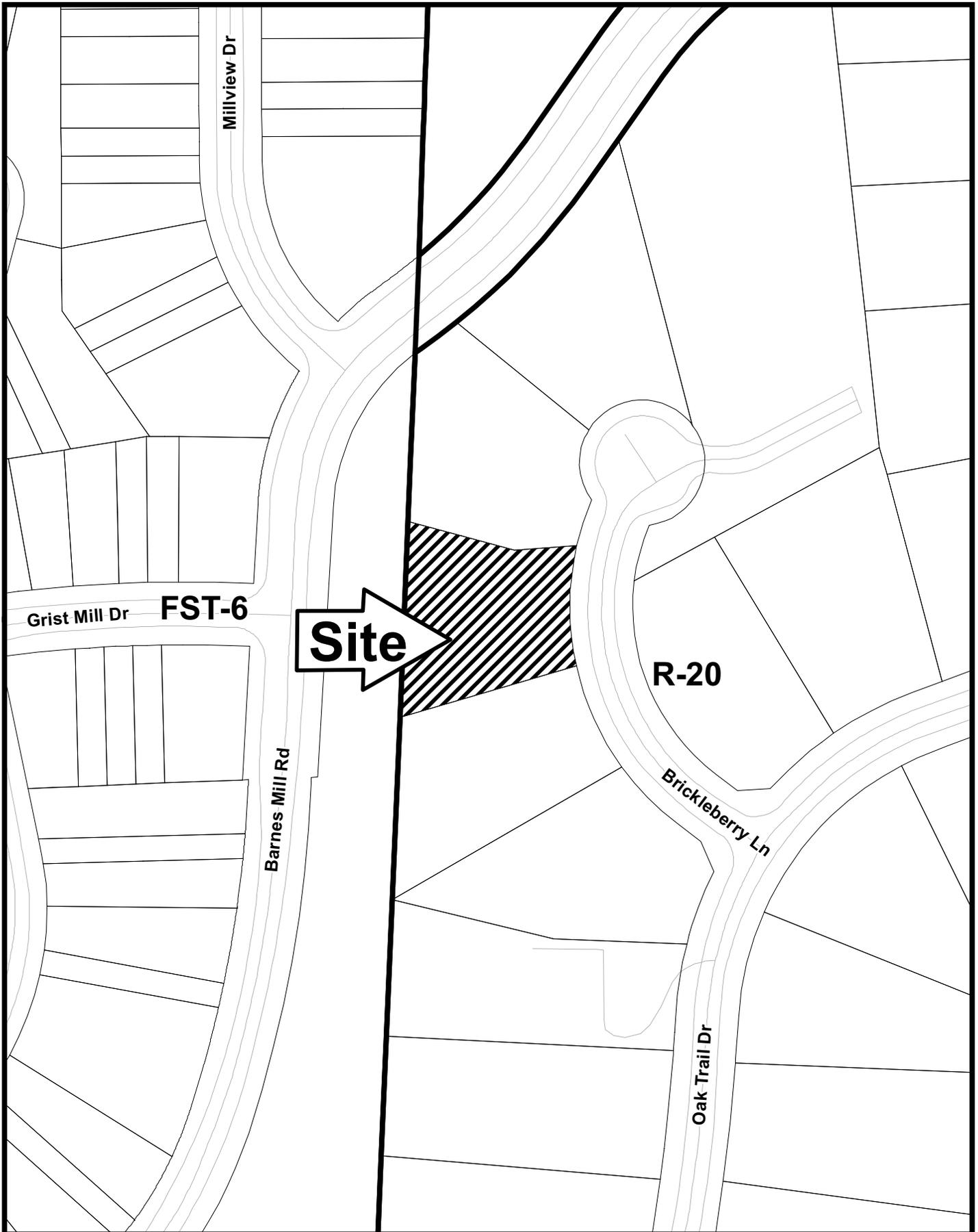
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

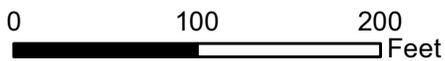
**STIPULATIONS:**



# LUP-23



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



- City Boundary
- Zoning Boundary

**APPLICANT:** Charles D. Brown \_\_\_\_\_

**PETITION NO.:** LUP-23 \_\_\_\_\_

**PRESENT ZONING:** R-20 \_\_\_\_\_

**PETITION FOR:** LUP \_\_\_\_\_

\*\*\*\*\*

**ZONING COMMENTS:** **Staff Member Responsible:** Jason A. Campbell \_\_\_\_\_

Applicant is requesting a Temporary Land Use Permit (LUP) for the purpose of having an in-home office for his outside sales business with one employee. The hours of operation will be five days per week from 9:30 a.m. until 5 p.m. There is one car associated with this request and parking for the employee is at the community clubhouse parking lot. Applicant will have no signs, no deliveries and no outdoor storage. The applicant does live in this house. The applicant is also requesting the LUP for 24 months. Applicant has submitted signatures of consent from the contiguous property owners. This application is the result of a Code Enforcement action.

**Historic Preservation:** No comments.

**Cemetery Preservation:** No comment.

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**WATER & SEWER COMMENTS:**

No comments.

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**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.

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**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: Charles D. Brown**

**PETITION NO.: LUP-23**

**PRESENT ZONING: R-20**

**PETITION FOR: LUP**

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**STORMWATER MANAGEMENT COMMENTS**

No comment.

## STAFF RECOMMENDATIONS

**LUP-23      CHARLES D. BROWN**

Applicant's request is for a Temporary Land Use Permit (LUP) to continue operating his in-home office with one employee. The office operates five days per week from 9:30 a.m. until 5 p.m. While the business operation may not be visible from the street, the property is located within a platted subdivision and is adjacent to other properties in the same subdivision to the north, east and south. The subject property abuts another residential subdivision property to the west. Staff is concerned that approval may allow other requests for noncompliant uses. The property is zoned R-20 and is in the Low Density Residential land use category.

Based upon the above analysis, Staff recommends DENIAL of this application.

**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 #: Luf-23  
 PC Hearing Date: 8-5-14  
 BOC Hearing Date: 8-19-14

2014 JUN 29 AM 10:51

**TEMPORARY LAND USE PERMIT WORKSHEET**  
 (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Outside Sales
2. Number of employees? 1
3. Days of operation? 5
4. Hours of operation? 9:30-5:00
5. Number of clients, customers, or sales persons coming to the house per day? 0 ; Per week? 0
6. Where do clients, customers and/or employees park?  
 Driveway: \_\_\_\_\_ ; Street: \_\_\_\_\_ ; Other (Explain): Community Clubhouse parking Lot.
7. Signs? No:  ; Yes: \_\_\_\_\_. (If yes, then how many, size, and location): \_\_\_\_\_
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.):  
1 cars
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: Charles D. Brown Date: 5-15-2014

Applicant name (printed): CHARLES D. BROWN



Application #: LUP-23  
PC Hearing Date: 8-5-14  
BOC Hearing Date: 8-19-14

### TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

1. Number of unrelated adults in the house? \_\_\_\_\_
2. Number of related adults in the house? 2
3. Number of vehicles parked on the driveway? 0
4. Number of vehicles parked in garage? 3
5. Number of vehicles parked on the street? 1
6. Does the property owner live in the house? Yes  ; No \_\_\_\_\_
7. Any outdoor storage? No  ; Yes \_\_\_\_\_ (If yes, please state what is kept outside): \_\_\_\_\_
8. Length of time requested (24 months maximum): 24 months
9. 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).
10. Any additional information? (Please attach additional information if needed):  
\_\_\_\_\_  
\_\_\_\_\_

Applicant signature: Charles Brown Date: \_\_\_\_\_

Applicant name (printed): CHARLES BROWN

**ZONING STAFF USE ONLY BELOW THIS LINE**

Zoning of property: R-20

Size of house per Cobb County Tax Assessor records: \_\_\_\_\_

Number of related adults proposed: \_\_\_\_\_ Number permitted by code: \_\_\_\_\_

Number of unrelated adults proposed: \_\_\_\_\_ Number permitted by code: \_\_\_\_\_

Number of vehicles proposed: \_\_\_\_\_ Number permitted by code: \_\_\_\_\_

Number of vehicles proposed to be parked outside: \_\_\_\_\_ Number of vehicles permitted \_\_\_\_\_

LUP-23 (2014)  
Photographs  
-Home &  
Clubhouse



LUP-23 (2014)  
Photographs  
-Home &  
Clubhouse



LUP-23 (2014)  
Photographs  
-Home &  
Clubhouse

20083 COUNTY GEORGIA  
FILED IN OFFICE  
2014 MAY 29 AM 10:51  
20086 COUNTY ZONING DIVISION



770 528

LUP-23 (2014)  
Notice of  
Violation



**COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY**  
**Code Enforcement Division**

Mailing Address  
P.O. Box 649  
Marietta, Ga. 30061

Physical Address  
1150 Powder Springs Rd.  
Suite 400  
Marietta, Ga. 30064

Fax: (770) 528-2092

### Notice of Violation

Violation Number: CODE-2014-03560

Date: 5/15/2014

The Cobb County Code Enforcement Division has grounds to believe the property located at:

<u>979 BRICKLEBERRY LN</u>	<u>MARIETTA, GA 30062</u>	<u>16</u>	<u>0990</u>	<u>050</u>	<u>R-20</u>
(Address)	(City/State/Zip)	(Dist)	(Land Lct)	(Par)	(Zoning)

and/or BENSON BROWN DIANE (979 BRICKLEBERRY LN MARIETTA, GA 30062-7509)

and/or CHARLES BROWN (Occupant)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from May 15, 2014. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
PERMITTED USE/CUSTOMARY HOME OCCUPATION	134-197 (3)	Observe all Customary Home Occupation (CHO) regulations. No employees, clients, materials, equipment, etc. allowed at residence. Only 1 business vehicle weighing less than 12,500 lb. gross vehicle weight is allowed at residence.

<u>Dwayne Hepler (dwayne.hepler@cobbcounty.org)</u>	<u>(770)528-2185</u>
Officer	Telephone

Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG