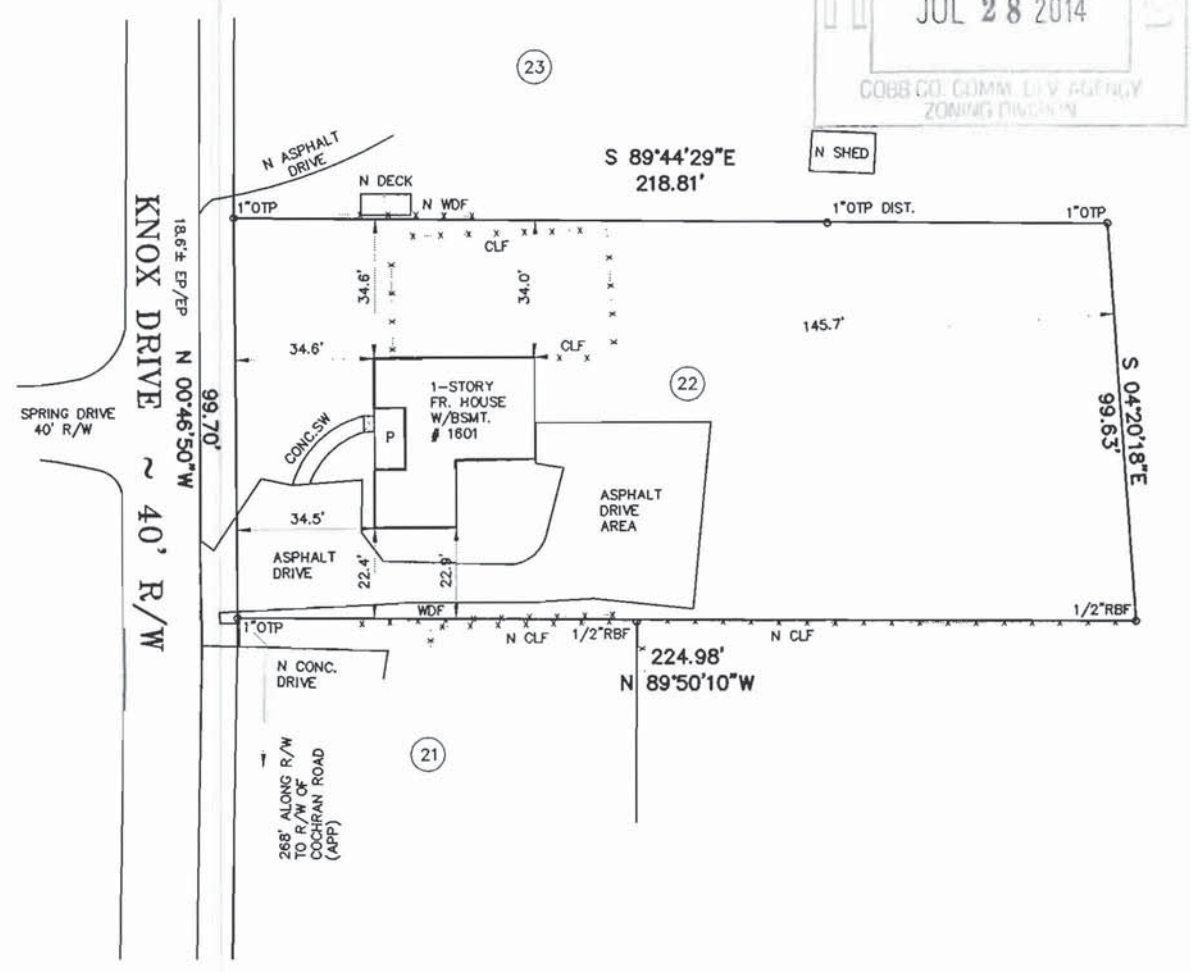


\* LEGEND \*

- |                           |                          |
|---------------------------|--------------------------|
| POB POINT OF BEGINNING    | IP IRON PIN FOUND        |
| LL LAND LOT LINE          | IPS IRON PIN SET         |
| MH MAN HOLE               | OTF OPEN TOP PIPE FOUND  |
| SSL SANITARY SEWER LINE   | CTP CRIMP TOP PIPE FOUND |
| CO SAN SEWER CLEANOUT     | RB REINFORCING BAR FOUND |
| CB CATCH BASIN            | RBS REINFORCING BAR SET  |
| JB JUNCTION BOX           | MAG MAGNETIC READING IP  |
| DI DRAINAGE INLET         | AI ANGLE IRON FOUND      |
| YI YARD INLET             | CP CALCULATED POINT      |
| HW HEAD WALL              | -X-X FENCE               |
| PP POWER POLE             | CLF CHAIN LINK FENCE     |
| PW POWER LINE             | WDF WOOD FENCE           |
| SSE SANITARY SEWER ESMT.  | WRF WIRE FENCE           |
| DE DRAINAGE EASEMENT      | WW WET WEATHER           |
| UE UTILITY EASEMENT       | FC FENCE CORNER          |
| AE ACCESS EASEMENT        | BL BUILDING LINE         |
| TB TOP OF BANK            | R/W RIGHT-OF-WAY         |
| OMP CORRUGATED METAL PIPE | PL PROPERTY LINE         |
| RCP REINFORCED CONC. PIPE | PC PROPERTY CORNER       |
| APP AS PER PLAT           | CL CENTER LINE           |
| APD AS PER DEED           | CPT CARPORT              |
| APR AS PER RECORD         | SP SCREEN PORCH          |
| APF AS PER FIELD          | P PORCH                  |
| BC BACK OF CURB           | FH FIRE HYDRANT          |
| EP EDGE OF PAVEMENT       | BR BRICK                 |
| EB ELECTRIC POWER BOX     | FR FRAME                 |
| EM ELECTRIC METER         | WD WOOD                  |
| GM GAS METER              | SN SIGN                  |
| GV GAS VALVE              | P PLAT                   |
| WM WATER METER            | D DEED                   |
| WV WATER VALVE            | R RECORD                 |
| OH OVERHANG               | F FIELD                  |
| OU OWNERSHIP UNCLEAR      | N N'BORS.                |

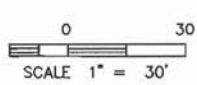
NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.



PROPERTY ADDRESS:  
1601 KNOX DRIVE  
MARIETTA, GA 30060

LAND AREA:  
0.506 AC



PLAT PREPARED FOR:	
<b>SHERRY FINCH</b>	
LOT 22	BLOCK
SUBDIVISION T.W. KNOX	UNIT
LAND LOT 225	17TH DISTRICT 2ND SECTION
COBB COUNTY, GEORGIA	
FIELD WORK DATE JUL 22, 2014	PRINTED/SIGNED JUL 24, 2014
PLAT BOOK 8	PAGE 73
DEED BOOK 9824	PAGE 45
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	



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.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

**APPLICANT:** Sherry Finch

**PHONE#:** (404) 346-9008 **EMAIL:** sherryfinch55@att.net

**REPRESENTATIVE:** Sherry Finch

**PHONE#:** (404) 346-9008 **EMAIL:** sherryfinch55@att.net

**TITLEHOLDER:** Sherry K. Finch and Kenneth W. Finch

**PROPERTY LOCATION:** East side of Knox Drive, south of

Austell Road

(1601 Knox Drive).

**ACCESS TO PROPERTY:** Knox Drive

**PHYSICAL CHARACTERISTICS TO SITE:** One story frame

house with basement

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ Single-family residence

**SOUTH:** GC/ Single-family residence

**EAST:** RM-12/ Apartments

**WEST:** R-20/ Single-family residence

**PETITION NO:** Z-66

**HEARING DATE (PC):** 10-07-14

**HEARING DATE (BOC):** 10-21-14

**PRESENT ZONING:** GC

**PROPOSED ZONING:** RD

**PROPOSED USE:** Residential Duplex

**SIZE OF TRACT:** 0.506 acre

**DISTRICT:** 17

**LAND LOT(S):** 225

**PARCEL(S):** 37

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

**COMMISSION DISTRICT:** 4

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

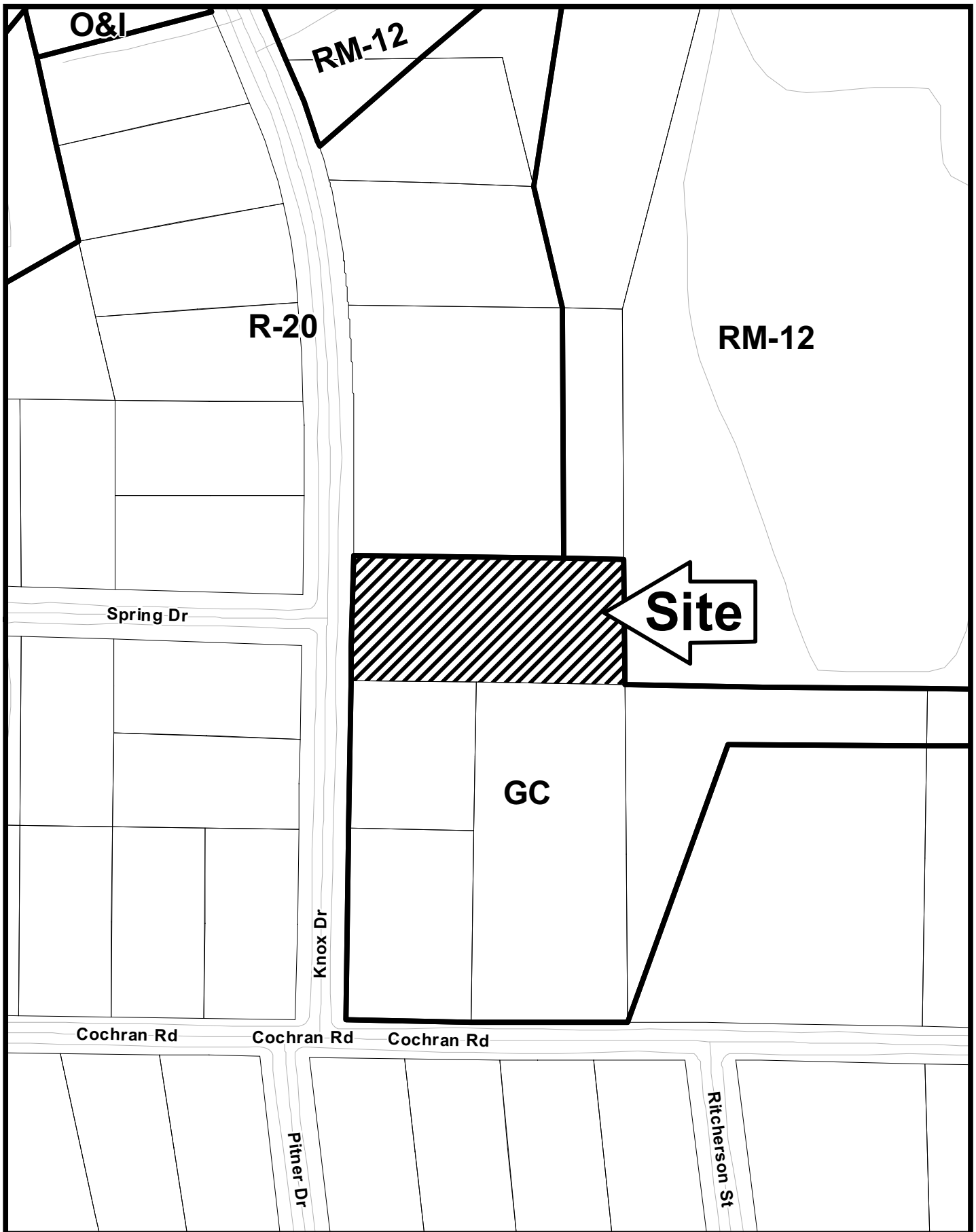
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

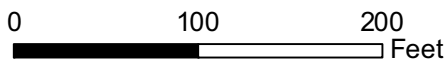
**STIPULATIONS:**





# Z-66



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Sherry Finch

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: RD

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** High Density Residential (5-12 units per acre)

**Proposed Number of Units:** 2 **Overall Density:** 3.95 **Units/Acre**

**Staff estimate for allowable # of units:** 1 **Units\*Increase of:** 1 **Units/Lots**

\* If Zoned R-20 similar to adjacent residential properties. Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The applicant is requesting a rezoning from the current GC general commercial district to RD residential duplex in order to continue operation of the property as a duplex. The current rezoning request was spurred by a recent notice of violation by Code Enforcement that the property's current use was in violation of its grandfathered single-family use. While tax records indicate the home was built around 1947, Code Enforcement's records after meetings with the current owner indicate that the home was converted to a duplex around 1996 and that no permits were issued for that work.

According to the applicant, the home has 1,250 square feet on its main level that is currently rented to four (4) individuals (two brothers and two roommates) while the basement is used as a converted one (1) bedroom, one (1) bathroom unit of 600 square feet rented to a single individual. Code enforcement has indicated that the home's 1,287 square feet as per tax records would allow three (3) individuals and (3) vehicles per the single-family residential ordinance. The owner does not reside in the duplex.

**Cemetery Preservation:** No comment.

APPLICANT: Sherry Finch

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: RD

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Middle</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>High</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

- School attendance zones are subject to revision at any time.

**Additional Comments:**

\*\*\*\*\*

**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: Sherry Finch

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: RD

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to RD for purpose of residential duplex. The 0.506 acre site is located on east side of Knox Drive, south of Austell Road.

**Comprehensive Plan**

The parcel is within a High Density Residential (HDR) future land use category, with GC zoning designation. The purpose of High Density Residential (HDR) category is to provide areas suitable for low rise, high density housing between five (5) and twelve (12) units per acre.

**Master Plan/Corridor Study**

Not applicable.

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes             No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes             No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes             No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes             No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Sherry Finch

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: RD

\*\*\*\*\*

**PLANNING COMMENTS:** (Continued)

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes       No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes       No

APPLICANT Sherry Finch

PETITION NO. Z-066

PRESENT ZONING GC

PETITION FOR RD

\*\*\*\*\*

**WATER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 6" DI / W side of Knox Rd

Additional Comments: Existing water customer (single)

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: Knox Dr R-O-W

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: South Cobb

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Existing sewer customer (single) Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.



**APPLICANT: Sherry Finch**

**PETITION NO.: Z-66**

**PRESENT ZONING: GC**

**PETITION FOR: RD**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

No comment.

**APPLICANT: Sherry Finch**

**PETITION NO.: Z-66**

**PRESENT ZONING: GC**

**PETITION FOR: RD**

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Knox Drive	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Knox Drive is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Knox Road, a minimum of 25' from the roadway centerline.

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

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## STAFF RECOMMENDATIONS

### Z-66 SHERRY FINCH

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Surrounding properties are used and/or zoned for single-family use except for apartments to the rear of the property to the east which are appropriately zoned RM-12.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. The lot's size and fact that it is not owner-occupied is an inappropriate increase in density that would have a detrimental effect upon neighboring properties. The house was converted to a duplex without County approval and without permits. Approval may destabilize the neighborhood by encouraging more rental duplexes.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. While located within an area delineated as HDR high density residential on the future land use map, it does not appropriately address the *Plan's* goals of providing areas that are suitable for higher density housing between five (5) and twelve (12) dwelling units per acre because it does not offer a reasonable transition of land use. The *Plan* calls for high density housing only in those areas with direct access to arterials or collectors in order to discourage neighborhood traffic intrusion. Located within an established neighborhood of single-family residences, the approval of the requesting duplex would cause an undue hardship including traffic for surrounding neighbors in a manner not supported by the *Plan*.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal to R-20. The property was developed most likely as a single-family residence in the 1940s and zoned GC general commercial district since 1972. Since that time, the home has continued in its use as a single-family residence until around 1996 when the basement was finished in order to accomplish the currently existing duplex. The owner as recorded through her meetings with Code Enforcement corroborates the approximate time of conversion to a two unit dwelling. The continued use as a duplex would be disruptive to the established single-family residences immediately adjacent and would continue to encourage undue traffic in a way contrary to the *Cobb County Comprehensive Plan*.

Based on the above analysis, Staff recommends **DELETING** the request to R-20 subject to the following conditions:

- Single-family use only;
- Site plan received by the Zoning Division on July 28, 2014 showing front setbacks encroachment.

**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.**

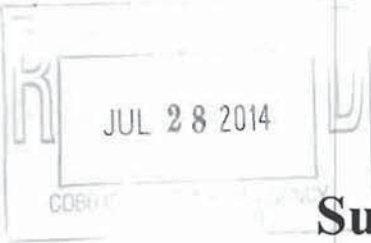
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Application #: Z-66

PC Hearing Date: 10-7-14

BOC Hearing Date: 10-21-14

# Summary of Intent for Rezoning

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): @ 1500 # upstairs; @ 600 # downstairs
- b) Proposed building architecture: RANCH BUNGALOW WITH BSMT Apt.
- c) Proposed selling prices(s): ? DON'T INTEND TO SELL, @ \$120,000 AS IS
- d) List all requested variances: WAIVE REQUIREMENT FOR OWNER OCCUPANCY.

Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

Part 3. Other Pertinent Information (List or attach additional information if needed)

THIS house has been occupied for the past 20 years <sup>RENTED out</sup> AS A duplex; OWNER BELIEVED they WERE LEGALLY GRAND-FATHERED when property WAS ZONED GC @ 1996

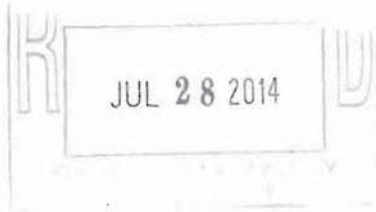
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). NO

Part 5. 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).

Applicant signature: *Sherry Finch* Date: 7-27-14

Applicant name (printed): SHERREY FINCH



**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-2014-05264 Date 6/26/2014

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

<u>1601 KNOX DR</u>	<u>MARIETTA GA 30060-7421</u>	<u>17</u>	<u>0225</u>	<u>037</u>	<u>RM-12,R-20 GC</u>
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or OWNER: CH KENNETH W & SHERRY (190 BERRYWOOD DR MARIETTA, GA 30066)

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 June 26, 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/SINGLE FAMILY DWELLING	134-197 (3)	Must comply with all requirements in the attached definition of dwelling unit see attached

<b>Brent Farrell (brent.farrell@cobbcounty.org)</b>	<b>678-581-5421</b>
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.

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