

Z-81
(2014)

SURVEY & PLAT
1063 BLACKWELL ROAD

APRIL 24, 2013

JOHATHAN LEAKE
PREPARED FOR
COBB COUNTY, GEORGIA
LOCATED IN
LAND LOTS 373 & 374
18TH DISTRICT
2ND SECTION

REVISION RECORD
DATE
PAGE

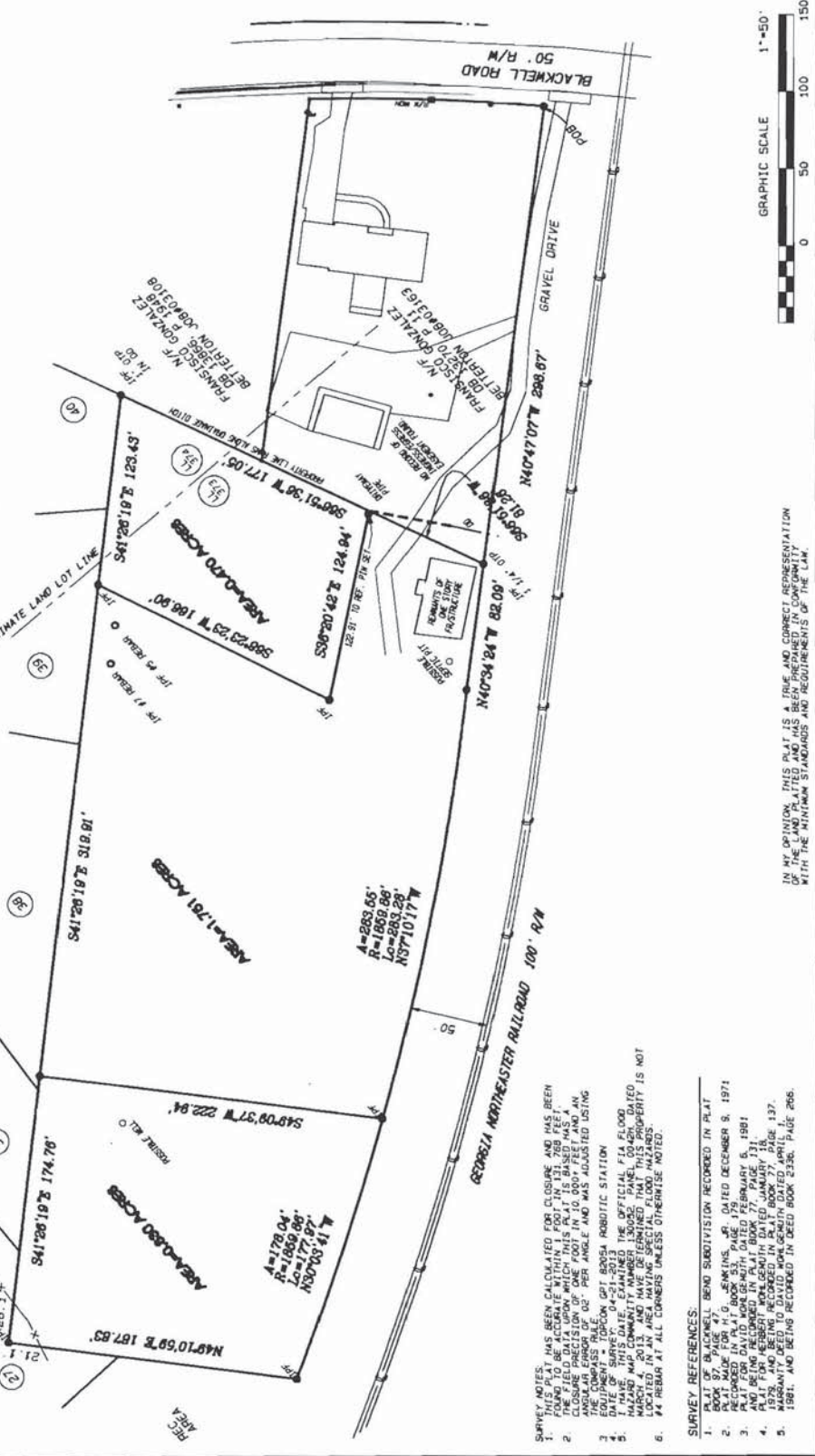
BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
& SUBDIVISION & COMMERCIAL SITE DESIGN
HARLETT
16781 483-0242
950 WEST SANDTOWN ROAD
CORDELE, GA 31601



13116

ABBREVIATION	LEGEND
A	ARC DISTANCE
B/L	BUILDING LINE
D.B.	DEED BOOK
GM	GUY WIRE
IPF	IRON PIN FOUND
IN	INVERT ELEVATION
LC	CHAIN LENGTH
L.L.	LAND LOT LINE
L	LINE
N/P	NORTH OR SOUTHELY
OP	OFF-Pipe
PG	PAGE
P.P.	POWER POLE
P.P.	Pipe Beginning
R	RADIUS
R	RIGHT-OF-WAY
S/S	SQUARE FEET
SS	SANITARY SEWER MANHOLE
SS	SEWER METER

SYMBOL	LEGEND
—	Buy Wire
—	Fire Hydrant
—	Water Main
—	Water MISC
—	Water Valve
—	Power Pole
—	Sanitary Sewer Manhole
—	Water Line
—	Sanitary Sewer Line
—	Overhead Power Line
—	Fence



SURVEY NOTES:

1. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT IN 131,268 FEET.
2. CLOSURE ERROR OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 03" PER ANGLE AND WAS ADJUSTED USING EQUIPMENT TO TOPCON GPT BOSSA ROBOTIC STATION.
3. DATE OF SURVEY: 04-21-2013
4. HAZARD MAP COMMUNITY NUMBER 130052 PANEL CO-OWN, DATED MARCH 2013, AND HAS BEEN USED TO DETERMINE THIS PLAT'S LOCATION AND BEING RECORDED IN DEED BOOK 2436, PAGE 266.
5. 1991, AND BEING RECORDED IN DEED BOOK 2436, PAGE 266.
6. 14 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

- SURVEY REFERENCES:**
1. PLAT OF BLACKWELL BEND SUBDIVISION RECORDED IN PLAT BOOK 97, PAGE 47.
 2. RECORDED IN PLAT BOOK 93, PAGE 159 DATED DECEMBER 9, 1971.
 3. PLAT FOR DAVID WOLGAST, DATED FEBRUARY 6, 1981.
 4. PLAT FOR HERBERT WOLGAST, DATED JANUARY 18, 1978, AND BEING RECORDED IN PLAT BOOK 97, PAGE 137.
 5. PLAT FOR DAVID WOLGAST, DATED JANUARY 18, 1978, AND BEING RECORDED IN DEED BOOK 2436, PAGE 266.

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

APPLICANT: Jonathan Leake
PHONE#: (404) 291-5207 **EMAIL:** leake.jonathan@gmail.com
REPRESENTATIVE: Jonathan Leake
PHONE#: (404) 291-5207 **EMAIL:** leake.jonathan@gmail.com
TITLEHOLDER: Jonathan Leake and Erica Leake

PETITION NO: Z-81
HEARING DATE (PC): 11-04-14
HEARING DATE (BOC): 11-18-14
PRESENT ZONING: R-20, NS
PROPOSED ZONING: R-20

PROPERTY LOCATION: Northwest side of Blackwell Road, east side of railroad tracks.

PROPOSED USE: Single-Family House

ACCESS TO PROPERTY: Blackwell Road

SIZE OF TRACT: 3.05 acres

PHYSICAL CHARACTERISTICS TO SITE: Wood lot with remnants of one story structure

DISTRICT: 16

LAND LOT(S): 373, 374

PARCEL(S): 21, 3, 64

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15/ Blackwell Bend Subdivision
- SOUTH:** R-20/ Single Family Home
- EAST:** R-15/ Blackwell Bend Subdivision
- WEST:** R-20/ Noonday Subdivision/ Railroad Right of Way

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

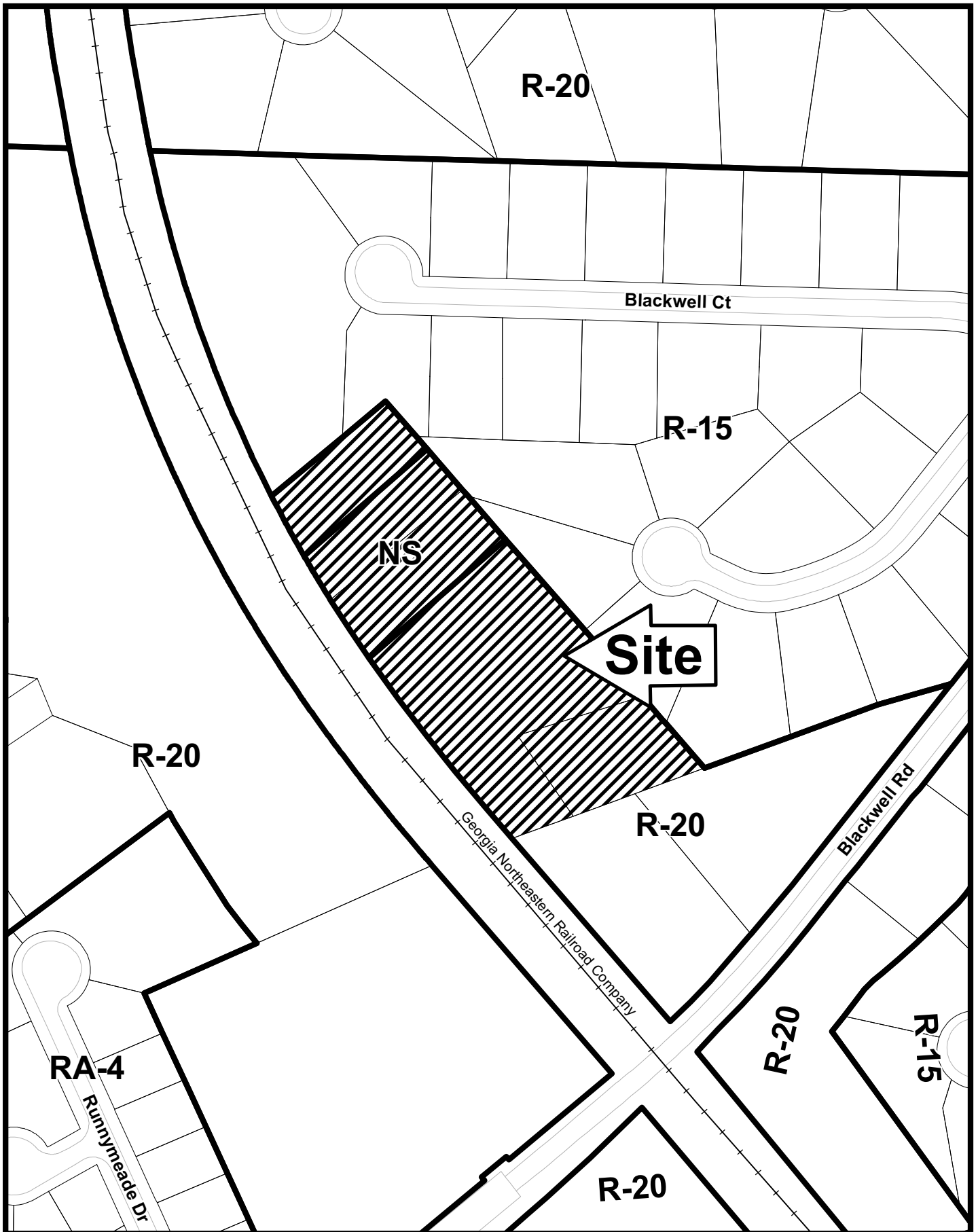
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

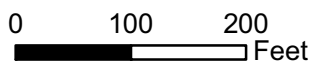
STIPULATIONS:



Z-81



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



- City Boundary
- Zoning Boundary

APPLICANT: Jonathan Leake

PETITION NO.: Z-81

PRESENT ZONING: R-20, NS

PETITION FOR: R-20

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Low Density Residential (LDR)

Proposed Number of Units: 1 **Overall Density:** 0.33 **Units/Acre**

Staff estimate for allowable # of units: 0 **Units*** **Increase of:** 1 **Units/Lots**

*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 R-20 and NS neighborhood shopping to R-20 zoning district in order to utilize the property for a single family home with a barn. The applicant intends to build a craftsman style home with no less than 3000 square feet of living space. The applicant also intends to build a 200 square foot barn on the property to house goats and chickens (no roosters). The applicant intends to combine the 3 lots into 1 lot. The applicant intends to build the barn prior to the house being built. The zoning code requires any accessory buildings used for livestock to be 100 feet from all property lines, and to be to the rear of the primary building. The applicant will live in the house once it is built in the future.

The applicants request includes contemporaneous variances required for the following:

1. Allow an accessory building, structure, use or deck to be constructed upon a lot before construction of the principal building has commenced;
2. Waive minimum public road frontage to 0 feet (existing).

Cemetery Preservation: No comment.

APPLICANT: Jonathan Leake

PETITION NO.: Z-81

PRESENT ZONING: R-20, NS

PETITION FOR: R-20

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: Jonathan Leake

PETITION NO.: Z-81

PRESENT ZONING: R-20, NS

PETITION FOR: R-20

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and NS to R-20 for purposes of single family dwelling unit. The 3.05 acre site is located on the northwest side of Blackwell Road, east side of railroad.

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category, with R-20 and NS zoning designations. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

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.

APPLICANT: Jonathan Leake

PETITION NO.: Z-81

PRESENT ZONING: R-20, NS

PETITION FOR: R-20

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 Jonathan Leake

PETITION NO. Z-081

PRESENT ZONING R-20, NS

PETITION FOR R-20

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): 16" DI / SE side of Blackwell Rd

Additional Comments: Easement required to access water main in public R-O-W

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: Sewer easement along NE property line

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

Treatment Plant: Noontday

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 Comments: Connection to sewer not required for 1 home (1 ERU) on >80,000 ft2

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: Jonathan Leake

PETITION NO.: Z-81

PRESENT ZONING: R-20, NS

PETITION FOR: R-20

STORMWATER MANAGEMENT COMMENTS

Combination of the three existing lots will result in an estate-sized residential lot exceeding 80,000 sf. No stormwater management measures will be required.

APPLICANT: Jonathan Leake

PETITION NO.: Z-81

PRESENT ZONING: R-20, NS

PETITION FOR: R-20

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
Blackwell Road	12,600	Arterial	35 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT (Blackwell Road)

COMMENTS AND OBSERVATIONS

Blackwell Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

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

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STAFF RECOMMENDATIONS

Z-81 JONATHAN LEAKE

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in this area zoned for single family residential houses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. All contiguous properties are zoned for single family homes and are developed platted neighborhoods.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in a Low Density Residential (LDR) land use category. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre.
- 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 approving the applicant's rezoning proposal to R-20. The proposed plan would add one single family home and combine 3 lots in to one. The existing easement will continue to be used and the property will get cleaned and maintained.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- District Commissioner approve location of barn and house prior to permitting;
- Follow all Zoning Codes related to live stock;
- Property to be combine into one lot;
- Remnants of one story structure to be removed;
- Water and Sewer Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Stormwater Management Division 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.

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Application #: 2-81

PC Hearing Date: 11-4-14

BOC Hearing Date: 11-18-14

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3000 square feet
- b) Proposed building architecture: Craftsman
- c) Proposed selling prices(s): \$ 350,000
- d) List all requested variances: Waive road frontage

.....
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)

Additional Sheet attached.

.....
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: [Signature] Date: _____

Applicant name (printed): Jonathan Leake

Summary of Intent for Rezoning



My wife and I purchased this property last year, which consists of three separate lots. One of the lots was zoned "NS Commercial" or Neighborhood Shopping while the other two are R-20. The executor of the estate did not know why the one lot had been zoned commercial or what purpose was originally intended. This commercial lot has no road frontage, borders a neighborhood, and per Cobb Zoning Code, would have had to begin construction prior to 1996 for any commercial use, as the NS Commercial designation has been done away with. Therefore, this commercial designation has no meaning as it cannot be used for such purposes as it is currently zoned.

My intent for this rezoning is to have the one lot zoned back to R-20, consistent with the other two lots as well as most other property in the area and to also have the three lots consolidated into one.

I do not have any immediate plans for construction on the property but do not want to exclude that possibility in the future as a single family home for myself and my family. My plans for the property are to clean up the trash left from the previous owner, clear the underbrush, and enjoy a recreation and garden area for my family.

Thank you,

A handwritten signature in cursive script, appearing to read "J. Leake".

Jonathan Leake