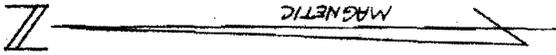


V-21  
(2015)

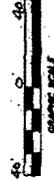


REFERENCES:

DEED BOOK 5375 PAGES 43-46  
DEED BOOK 6048 PAGES 37, 38  
DEED BOOK 15065, PAGE 2123  
PLAT BOOK SE PAGE 97  
PLAT BOOK 75 PAGE 167

LOT 1 & 2 BLOCK "B"  
PIEDMONT FOREST  
UNIT 1  
LOT 1, BLOCK "D"  
PIEDMONT FOREST UNIT 2

AREA- 2.3500 ACRES  
48321 PIEDMONT FOREST DRIVE



HOUSE IN ZONE 'X'  
LOT IN ZONE 'A-E'

PARCEL NO. 133872000334  
LOCATION C-2-B-5

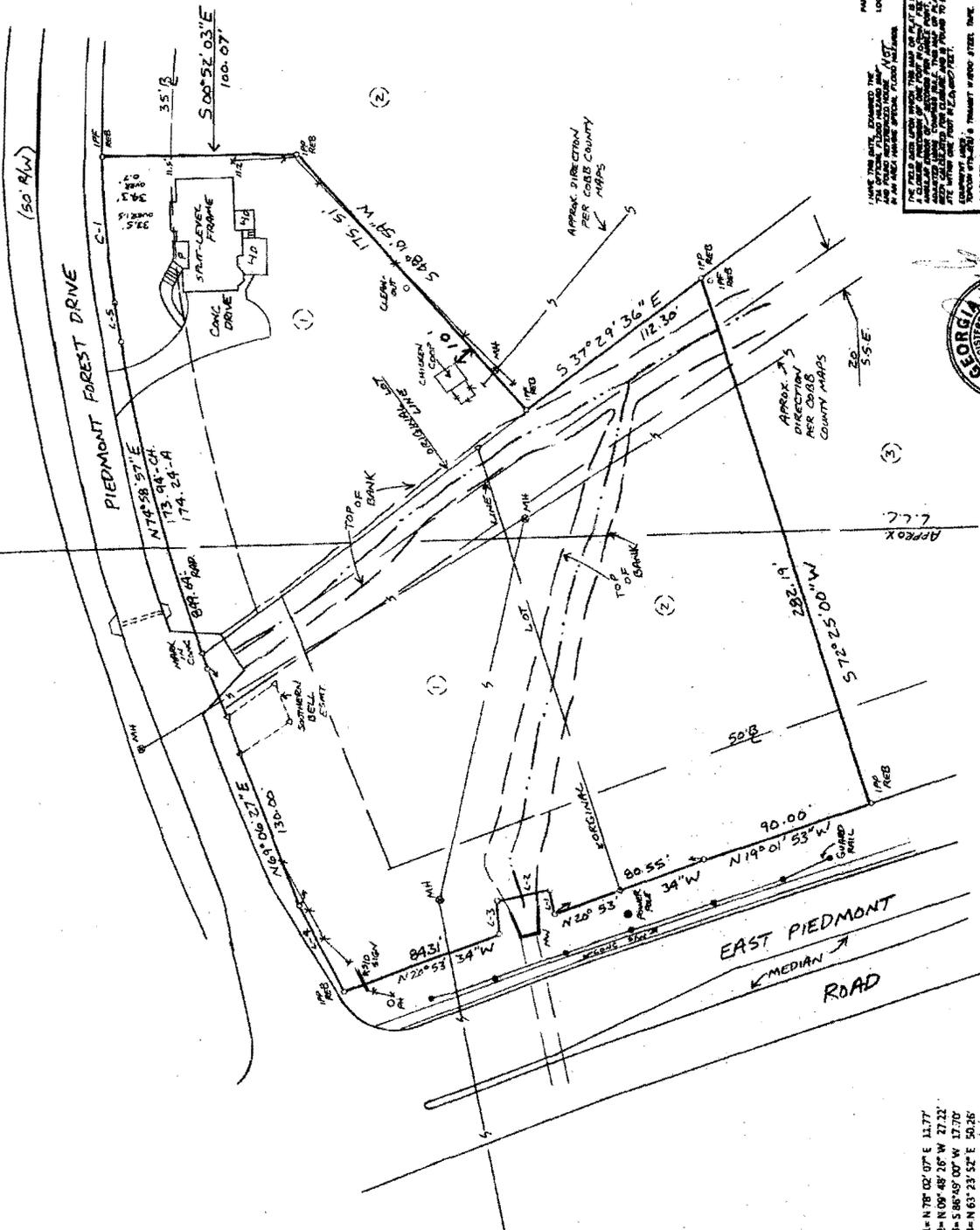
SURVEY FOR:

MOHAMMAD REZA M.  
ESPAHANI

LOT	BLK.	UNIT	REVISIONS
LAND LOTS 6&7 & 6-7D			
DISTRICT 76 <sup>TH</sup>		SECTION 2 <sup>ND</sup>	
C-2-B-5		COUNTY, GEORGIA	
PLAT BOOK		PAGE	
DATE: 6-23-14		SCALE: 1" = 40'	233-143

I HAVE THIS DATE, EXAMINED THE ORIGINAL PLANS AND RECORDS OF THIS SURVEY AND FIND THEM TO BE CORRECT AND ACCURATE AND THE SAME AS SHOWN ON THE PLANS AND RECORDS. I HAVE THEREFORE RECORDED THESE PLANS AND RECORDS AS THE SAME AS SHOWN ON THE ORIGINAL PLANS AND RECORDS.

J.A. EVANS  
SURVEYING CO., INC.  
POWDER SPRINGS, GEORGIA  
PH. 770-943-0000



L1-N 78° 02' 07" E 11.77'  
 L2-S 109° 48' 16" W 22.22'  
 L3-S 88° 48' 07" W 17.70'  
 L4-N 61° 23' 52" E 50.26'  
 L5-N 80° 51' 27" E 20.0'  
 C1-N 84° 42' 07" E 75.07'-CH.  
 75.17'-ARC 559.81'-RAD.

This survey was prepared in accordance with the  
 Technical Standards for Property Surveys in Georgia  
 promulgated by the Board of Geomatics Engineers and  
 Surveyors of the State of Georgia. The Board of  
 Geomatics Engineers and Surveyors is a part of the  
 Georgia Professional Regulation Board, created by  
 Georgia P.L.C. 88, A. 15-4-87.

**APPLICANT:** Moe Esfahani **PETITION No.:** V-21  
**PHONE:** 470-234-5600 **DATE OF HEARING:** 02-11-2015  
**REPRESENTATIVE:** Moe Esfahani **PRESENT ZONING:** R-20  
**PHONE:** 470-234-5600 **LAND LOT(S):** 669, 670  
**TITLEHOLDER:** Mohammad Reza Maghizian  
Esfahani **DISTRICT:** 16  
**PROPERTY LOCATION:** On the south side of **SIZE OF TRACT:** 2.3 acres  
Piedmont Forest Drive, east of East Piedmont Road **COMMISSION DISTRICT:** 3  
(2321 Piedmont Forest Drive).

**TYPE OF VARIANCE:** To amend stipulations of previous case V-79 of 2014 including: 1) to allow 21 chickens including 2 roosters; 2) the current size and height of the coop to be accepted; 3) installation of 6 foot wooden privacy fence around the chicken run but not the chicken coop; and 4) the roosters to be allowed out of the coop after 10:00 a.m. until sunset.

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

**BOARD OF APPEALS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_  
**STIPULATIONS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**APPLICANT:** Moe Esfahani

**PETITION No.:**

V-21

\*\*\*\*\*

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** The proposed privacy fence may not extend into the regulatory floodway.

**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:** No comment.

**WATER:** No conflict.

**SEWER:** No conflict.

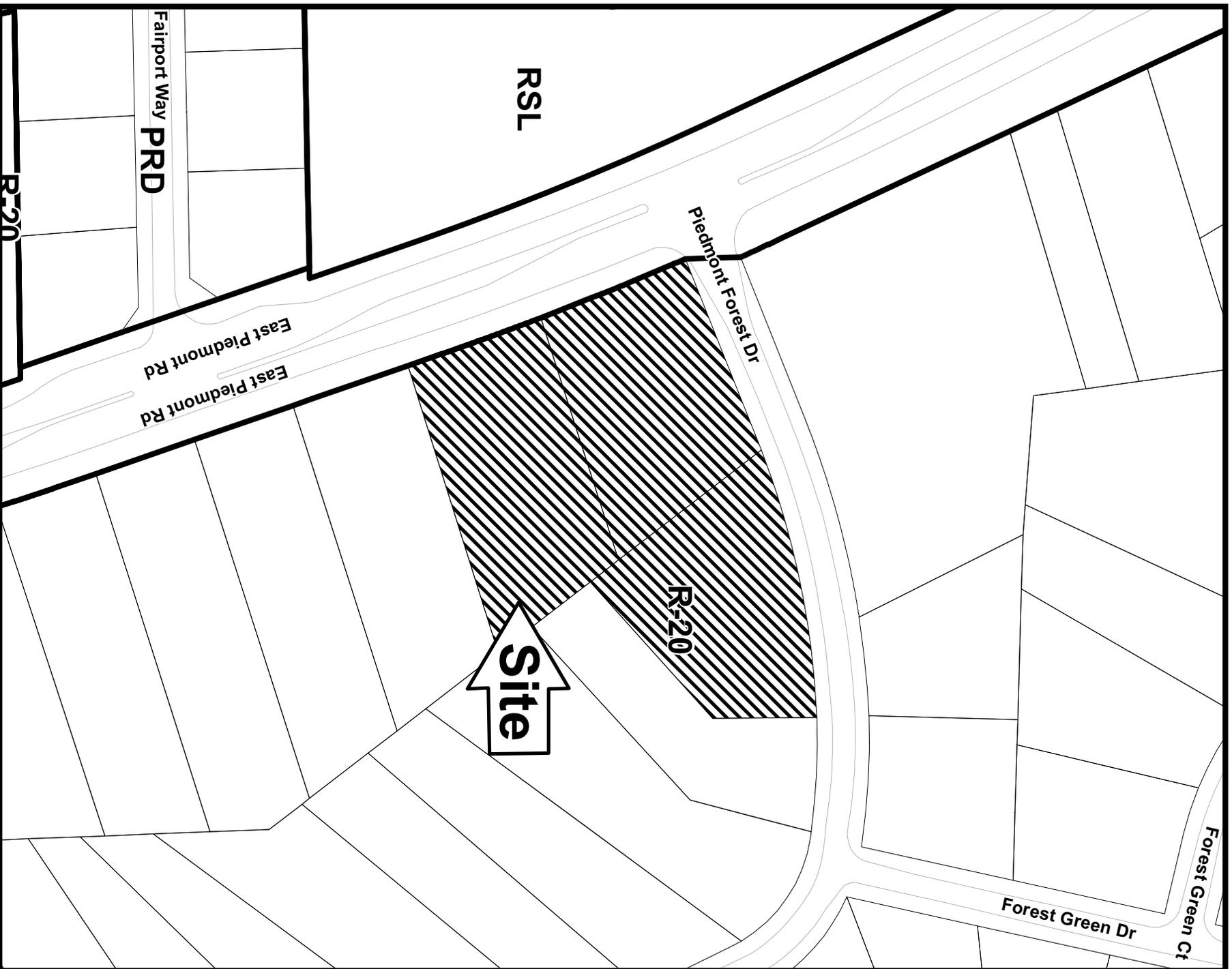
**APPLICANT:** Moe Esfahani

**PETITION No.:**

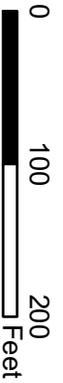
V-21

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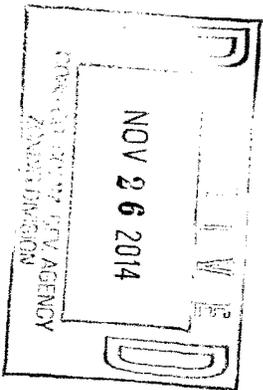
**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.



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-210  
Hearing Date: 2-11-15

Applicant Moe Esfahani Phone # 470-234-5608 E-mail Marezesfahani@gmail.com  
Address 3321 Piedmont Forest Drive  
Marrietta GA 30062  
(street, city, state and zip code)

(representative's name, printed)

Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

[Signature]  
(representative's signature)  
U.S. Passport

My commission expires: \_\_\_\_\_



Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

Mohammad Moe Esfahani  
Titleholder Moe Esfahani Phone # 470-234-5608 E-mail Marezesfahani@gmail.com

Signature [Signature] Address: \_\_\_\_\_  
(attach additional signatures, if needed)  
U.S. Passport

(street, city, state and zip code)  
Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

Present Zoning of Property \_\_\_\_\_

Location 3321 Piedmont Forest Dr Marietta GA 30062  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) \_\_\_\_\_ District \_\_\_\_\_ Size of Tract 2.4 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 (if applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

See attached

List type of variance requested: To revise some items on the

Variance V-79 adopted on September 4, because

of impracticality. Please refer to attached paper,  
for details.

V-21  
(2015)

Application No.

V-21

Hearing Date:

2-11-15

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**Applicant's information for requesting backyard chickens**

1. How many hens do you propose (no male birds allowed)? 21 based on the Property Size of 2.4 acres.
2. Have you mailed a notice of your application and its information to your Homeowners Association (if such exists. Instructions for identifying whether or not Homeowners Associations exist are available for downloading via the Community Development webpage. YES NO NO NA
3. Can you comply with the County Code Sec-134-94(4)(a-i) below? YES V NO NO.



Moe Estbakhani  
Print Name

**County Code adopted by the Board of Commissioners March 11, 2014:**

Sec. 134-94 (4) Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source.

Poultry meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet considering the following minimum conditions:

- (a) The poultry shall be kept/ maintained within a fenced area to the rear of the house;
- (b) Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;
- (c) The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;
- (d) The poultry shall not cause a nuisance, as defined by State Law;
- (e) There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;
- (f) The slaughter of any hen on site is strictly prohibited;
- (g) The fee for the variance application shall be \$150.00; renewal fees shall be \$100.00
- (h) The duration of any Variance approved for Poultry as Pets or Food Source shall not exceed 2 years; renewable for up to 2 year terms thereafter;
- (i) Any Variance approved for Poultry as Pets or Food Source shall be considered by the Board of Commissioners' in accordance with Section 134-271(8). The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section.

**IMPORTANT NOTE:** The following announcement concerns variance applications requesting backyard chickens relating to the Official Code of Cobb County, Chapter 134-94(4), adopted by the Board of Commissioners on March 11, 2014. Applicants are advised that variance applications requesting backyard chickens which are approved by the Board of Zoning Appeals take the form of a recommendation to the Board of Commissioners (BOC). The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section. The BOC determination will take place the following month at the scheduled Zoning Hearing.

**REGULAR AGENDA**

**V-79 MOHAMMAD ESFAHANI** (Mohammad Reza Maghziyan Esfahani, owner) requesting a variance to: 1) waive the setback for a chicken coop from the required 100 feet off any property line to 10 feet adjacent to the south property line, 2) waive the front setback from the required 35 feet to 33 feet (existing), and 3) allow an accessory structure closer to the side road than the primary structure (for chicken coop) in Land Lot 669 of the 16th District. Located on the south side of Piedmont Forest Drive, east of East Piedmont Road (2321 Piedmont Forest Drive).

The public hearing opened and Mr. Mohammad Esfahani, Mr. Nolan McMorris, and Mr. Jeff Barber addressed the Board. Following presentation and discussion, the following motion was made:

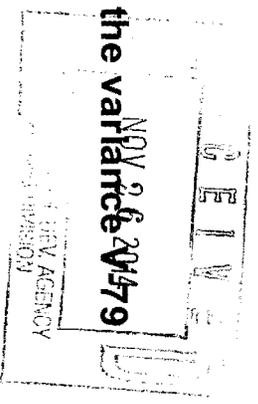
**MOTION:** Motion by Poteet, second by Hovey, to **approve** variance request subject to:

- Approval is for a total of 12 chickens and one rooster *only*; once this rooster dies, there will be no replacement rooster
- Chicken coop to be no taller than six feet in height, constructed of wood and be architecturally similar to the house; coop to be properly insulated to mitigate noise and be ventilated for health of the birds; required permits to be obtained for use of electricity in the coop
- Location of coop to be approved by Stormwater Management Division
- Installation of six foot wooden privacy fence around the perimeter of the coop
- No clearing in front of the coop, the existing vegetation to remain as long as coop is in existence
- No additional types of livestock may be kept on property
- Chickens may be released from the coop during daylight hours; the rooster may be released from the coop from 10:00 a.m. until 3:30 p.m. only
- No business activity related to poultry may be conducted on this property

**VOTE: ADOPTED** unanimously

*Clerk's Note: Chairman Homan requested that Planning and Zoning staff review the ordinance as it relates to V-79 and consider possible amendments.*

**The following items are recommended to revise the variance 2014 dated September 10th, 2014:**



**The number of chickens allowed to be based on the property size and the number of birds allowed.** Based on this calculation, the number of birds allowed on my property is roughly twenty-one including two roosters only. This is based on the property size of 2.4 acres and current ordinance that allows one bird for every 5,000 square foot.

**The current size and height of the coop to be accepted,** as the ground on which it is sitting on is more than five feet lower than street level, and as its color, quality, efficiency, and attractiveness far exceeds expectations. The recommended height and construction guidelines in the previous variance is impractical to house the birds and also extremely unattractive.

**Installation of six foot wooden privacy fence around the chicken run, not the chicken coop** (a chicken run is an area attached to the chicken coop allowing chickens to enjoy the outdoors). The installation of a six foot fence all around the perimeter of the coop is unnecessary and counterproductive as it conceals the attractiveness of the building. Six foot fences are usually installed to hide unsightly scenery such as garbage containers.

**The roosters may be released after 10 AM., as the previous variance required, until sunset.** Forcing the birds into the coop in early evening hours is extremely hard to achieve and is unnecessary. Chickens usually enter their coop to sleep much earlier than when darkness sets in.

✓ **Location of coop to be approved by Storm Water Management Division** as set forth in the previous variance (has been approved already).

✓ **No clearing in front of the coop, the existing vegetation to remain as long as coop is in existence** as required in the previous variance.

✓ **No business activity related to poultry may be conducted on this property** as in the previous variance.

**No additional types of livestock may be kept on property is to remain in effect as it is an important and valid concern and must be the emphasis of this variance.**