

**FEBRUARY 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM OB-04

PURPOSE

To consider amending the site plan and the stipulations for Derek Murray regarding rezoning application Z-18 of 2002 (Willoughby and Sewell Development Company, Inc.), for property located on the west side of Tipton Way, west of Brookstone Walk in Land Lot 225 of the 20th District.

BACKGROUND

The property was rezoned to RA-5 for a cluster home subdivision in 2002. One of the zoning stipulations called for 25 foot landscape buffer along the western side of this lot, which is adjacent to the Brookstone golf course. The applicant would like to build an inground swimming pool in their backyard, but cannot due to this 25 foot landscape buffer. The applicant would need to reduce the landscape buffer to 6.8 feet. Additionally, the applicant would need to increase the maximum allowable impervious surface to 51%, which is just slightly over the current impervious surface on the lot. The golf course management and the homeowners association have submitted letters supporting the applicant's request. If approved, all previous stipulations not in conflict would remain in effect

STAFF COMMENTS FROM STORMWATER MANAGEMENT

This parcel is already significantly over the allowable impervious coverage limit (by 707 sf). Although pervious pavers are being utilized for the proposed pool decking, the total proposed effective impervious coverage will exceed the allowable by 1013 sf. If approved, permit should be made subject to Stormwater Management approval of onsite runoff mitigation.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the site plan amendment and stipulation amendments.

ATTACHMENTS

Other Business application, proposed site plan and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 2-17-15

JAN 13 2015

RECEIVED

OB-004-2015

Applicant: Derek Murray Phone #: 770) 733 8229
(applicant's name printed)

Address: 6100 Carriage Dr Cumming GA E-Mail: Derek@Miragepools.com

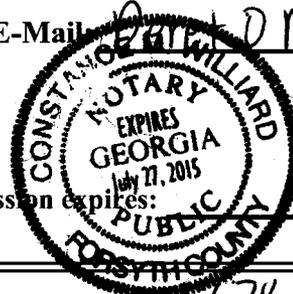
Derek Murray Address: 6100 Carriage Dr. Cumming GA 30028
(representative's name, printed)

Derek Murray Phone #: 770) 733 8229 E-Mail: Derek@Miragepools.com
(representative's signature)

Signed, sealed and delivered in presence of:

Constance M. Willard
Notary Public

My commission expires:



Titleholder(s): Bruce Mallett Phone #: 678) 524 5284
(property owner's name printed)

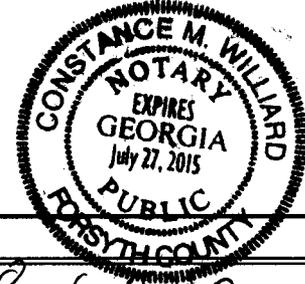
Address: 1695 Tipton Wdy NW E-Mail: _____

Bruce Mallett
(Property owner's signature)

Signed, sealed and delivered in presence of:

Constance M. Willard
Notary Public

My commission expires:



Commission District: 1 Zoning Case: Z-18 of 2002

Date of Zoning Decision: 3-19-02 Original Date of Hearing: _____

Location: 1695 Tipton Wdy NW
(street address, if applicable; nearest intersection, etc.)

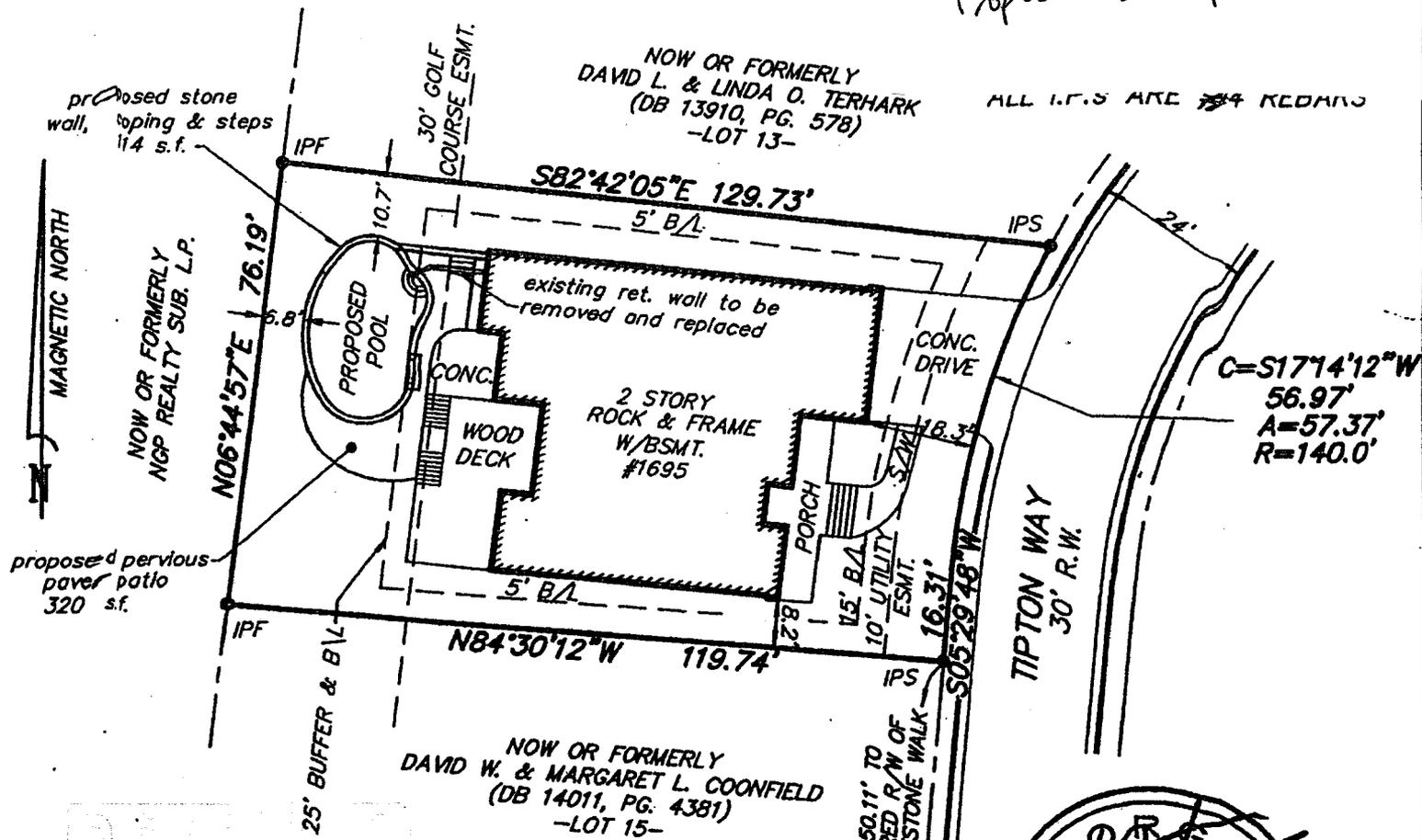
Land Lot(s): 225 District(s): 20+h

State specifically the need or reason(s) for Other Business: An 8.2' variance to the rear buffer zone.

EXISTING IMPERVIOUS SURFACE = 4,328 S.F. or 48% OF TOTAL AREA

PROPOSED IMPERVIOUS SURFACE:
4,328 S.F. + (320 x 0.6 = 192) + 114 = 4634 S.F. or 51% OF TOTAL AREA

OB-004-2015
Proposed site plan



JAN 13 2015

~~RECEIVED~~
DEC 11 2014
COBB COUNTY DEVELOPMENT AGENCY
ZONING DIVISION

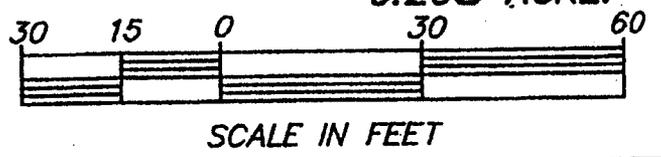


- 9-15-14:
- 1) CHANGED NAME FOR PLAT
 - 2) UPDATED ADJACENT OWNER NAMES
 - 3) UPDATED FLOOD MAP INFORMATION
 - 4) ADDED IMPERVIOUS SURFACE CALCULATION

- 10-02-14:
- 1) ADDED PROPOSED IMPROVEMENTS.
 - 2) ADDED PROPOSED IMPERVIOUS SURFACE CALCULATION

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13067C 0077 G, DATED DEC. 16, 2008, THIS LOT IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

TOTAL AREA = 9,052 SQ. FT.
0.208 ACRE.



BARTON SURVEYING, INC.

1500 PALM STREET
CANTON, GEORGIA 30115
(770) 345-2810

LOT 14 BLOCK -
BROOKSTONE COMMONS
 L.L. 225, 20th DISTRICT 2nd SECTION
COBB COUNTY, GEORGIA
 DATE: 9-9-03 SCALE: 1" = 30'
 MADE FOR BRUCE & REBECCA MALLET

August 5, 2014

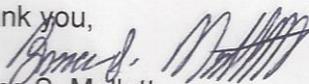
Brookstone Country Club Golf Course
5705 Brookstone Drive
Acworth, GA 30101

General Manager,

I and my wife, Becky, live on the fairway of Hole Number 6, on the Brookstone Country Club Golf Course. We have a backyard that has about 30 feet from the back of our deck to the fence at the edge of our backyard. There is another wooded area of over 30 feet beyond the fence to the golf cart path along the fairway. We would like to put in a gunite swimming pool in ground in our yard and need your permission to build on the golf course easement that extends into our yard. The pool would be in our yard, at least 5 feet in from the edge of our fence.

Attached is a diagram of the pool location and a plat, showing the easement. My understanding is that I need your permission to build in the easement area of our yard, prior to pursuing a permit from the Cobb County Planning Office. If you agree with our placing of the pool as indicated, please grant your permission of "no objection" on the signature line below. If you have any question, please let me know. I look forward to hearing from you.

Thank you,


Bruce S. Mallett
1695 Tipton Way NW
Acworth, GA 30101-7176

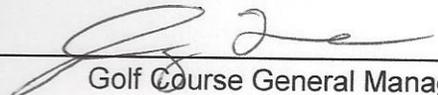
Phone: 678-797-0842

Cell Phone: 678-524-5284

Attachments:

1. Diagram of swimming pool location.
2. Survey plat for 1695 Tipton Way NW, Home Lot.

I have no objection to the placing of a swimming pool in the back yard of the residence at 1695 Tipton Way NW, Acworth, GA. within the golf course easement as indicated:



Golf Course General Manager

8-12-14

Date

August 11, 2014

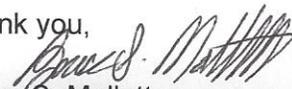
Walter Tarnopilsky, Chairman
Brookstone Commons Architecture and Planning Committee
Brookstone Commons Homeowner's Association
1721 Tipton Court NW
Acworth, GA 30101

Walt,

Becky and I are planning to build a gunite swimming pool in ground in our yard and would like to have the permission of the Brookstone Commons Home Owners Association. We live at 1695 Tipton Way NW. Our backyard current fence is about 30 feet from the back of our deck; and there is another 30 feet of land and trees from our fence to the cart path of the golf course. There is a golf course easement, so we have also requested permission from the golf course. I understand that they will agree by letter to us sometime this week. The pool will be in our yard, at least 5 feet from the fence toward the golf course and 10 feet from the fence on one side and about 40 feet from the fence on the other side of our yard. We plan on using the pool for Becky and I and our grandchildren.

Attached is a diagram of the pool location and a plat, showing the golf course easement and house location. My understanding is that I need permission from the Homeowner's Association prior to pursuing a permit from the Cobb County Planning Office. If you agree with the placing of our pool as indicated, please grant your permission of "no objection" on the signature line below. We plan on having the pool built by Mirage Pools and they will dig the hole and construct the pool with proper permits by access through the side yard of our home. If you agree, I will make sure that I discuss any concerns with our neighbors. Once the pool is finished, we will reconstruct the yard to be in better shape than it currently is. I you, or any of the other Association Board Members have any question, please let me know. I look forward to hearing from you.

Thank you,


Bruce S. Mallett

Ph: 678-797-0842

Attachments:

1. Diagram of swimming pool location in yard.
2. Plat survey for 1695 Tipton Way NW.
3. Map of entire subdivision on our court.

I have no objection to the placing of a swimming pool in the back yard of the residence at 1695 Tipton Way NW, Acworth, GA, as indicated in this letter and attachments:


Brookstone Commons Homeowner's Association

08/15/2014
Date

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 19, 2002**

Z-18 **WILLOUGHBY AND SEWELL DEVELOPMENT COMPANY, INC.**
(Willoughby and Sewell Development Company, Inc. and Willoughby and Sewell Builders, Inc., owners) for Rezoning from **OI** to **RA-5** for the purpose of a Subdivision in Land Lot 225 of the 20th District. Located on the east and west sides of Brookstone Walk, south of Brookstone Drive.

MOTION: Motion by W. Thompson, second by Olens, as part of the consent agenda, to **approve** rezoning to the **RA-5** zoning district **subject to:**

- **letter of agreeable stipulations dated March 13, 2002 from Mr. John Moore to include revised site plan enclosed with said letter (attached hereto and made a part of these minutes)**
- **any modifications to the site plan to be approved by the District Commissioner**
- **Cemetery Preservation Commission comments and recommendations;**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations (to include comments received on March 19, 2002 attached hereto and made a part of these minutes)**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON¹
ROBERT D. INGRAM¹
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK¹
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE

SUSAN S. STUART
RODNEY R. McCOLLOCH
DANIEL A. LANDIS^{*}
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
THOMAS L. SCHAEFER^{**}
TRACY D. TEMPLETON
PATRICK D. DOOSON^{***}

MAIN OFFICE
POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061
TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631
WRITER'S DIRECT DIAL NUMBER

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK
SUITE 463
408 N CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

JONATHAN H. PETCU
AMY K. WOO
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
JIMMY D. HOLBROOK, JR.^{***}
KIM A. BRANGHAM
BART W. REED
TARA C. RIDDLE
JOSHUA M. BOOTH^{***}
JEREMY A. DANTIN
JANIS H. LaBORDE
KELLI L. CROSS
C. LEE DAVIS

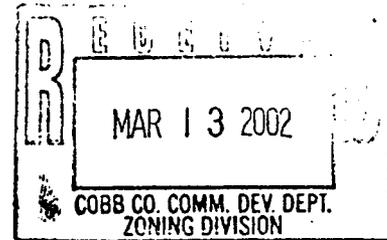
TANYA L. CROSSE^{***}
ROBERT W. BROWN
JASON L. FOSS
JAMES S. WIDENER
LAURA E. PEEL
VICTOR P. VALMUS
JASON C. FISHER

¹ ALSO ADMITTED IN TN
^{*} ALSO ADMITTED IN NC
^{**} ALSO ADMITTED IN CA
^{***} ADMITTED ONLY IN TN

March 13, 2002

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered



RE: Application for Rezoning

Application No.: Z-18 (2002)

Applicant: Willoughby & Sewell Development Company, Inc.

Owners: Willoughby & Sewell Builders, Inc. and Willoughby & Sewell Development Company, Inc.

Min. Bk. 19 Petition No. Z-18
Doc. Type Letter of Agreeable
Stipulations
Meeting Date March 19, 2002

Property: 11.84 acres located on the easterly and westerly sides of Brookstone Walk, Land Lot 225, 20th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, this firm represents Willoughby & Sewell Development Company, Inc., who is the Applicant and one of the Property Owners, and Willoughby & Sewell Builders, Inc., the remaining Property Owner (hereinafter collectively referred to as "Applicant"), in their Application for Rezoning with regard to an 11.84 acre tract located on the easterly and westerly sides of Brookstone Walk, Land Lot 225, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, conferences with area residents, and reviewing the staff comments and recommendations, we have been authorized by the

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Meeting Date March 19, 2002
Continued

Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Property. This letter shall supersede and replace in full our previous letter of stipulations and conditions, including the referenced site plans, dated and submitted February 27, 2002.

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property will be from the Office and Institutional ("OI") zoning category to the RA-5 zoning category, site plan specific, to that certain Zoning Plan prepared by Gaskins Surveying & Engineering Company dated December 27, 2001, last revised February 22, 2002.
- (3) Further, by submission of this letter of agreeable stipulations and conditions, Applicant hereby amends the Application for Rezoning by submitting herewith the revised site plan above-referenced dated December 27, 2001, last revised February 22, 2002, prepared by Gaskins Surveying & Engineering Company.
- (4) The Subject Property, comprised of a total of 11.84 acres, shall be developed for a single-family residential community with a total of thirty-four (34) residences resulting in a net density of 2.87 units per acre.
- (5) Residences constructed within the proposed development shall have a minimum of 1,900 square feet upwards to 3,500 square feet, or greater.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

- (6) All front yards of the residences within the proposed residential community shall be sodded.
- (7) The entrance to the proposed residential community shall be professionally landscaped with entrance signage being brick entry pillars located as shown and reflected on the referenced site plan.
- (8) The minimum lot size of lots within the proposed residential community is approximately 8,114 square feet; and the average lot size is approximately 11,531 square feet.
- (9) The proposed residential community shall have the following setbacks:
 - (a) Front Setback - Fifteen (15) feet;
 - (b) Side Setback - Five (5) feet or fifteen (15) feet between structures; and
 - (c) Rear Setback - Twenty-five (25) feet.
- (10) Applicant agrees to a twenty-five (25) foot landscape buffer on the easterly, northeasterly, northwesterly, and westerly sides of the Subject Property. Further, Applicant agrees to a landscape buffer located along the southerly and southwesterly sides of the Subject Property varying in width from thirty-five (35) feet to fifty (50) feet. All buffers are more particularly shown and reflected on the referenced Zoning Plan submitted contemporaneously herewith.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

- (11) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (12) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (13) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (14) Applicant shall comply with the Cobb County Tree Ordinance; and in that regard, Applicant shall use best efforts to minimize grading so as to avoid mass grading of the Subject Property.
- (15) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) The streets within the proposed development shall be public right-of-way. The right-of-way shall be thirty (30) feet in width with a paving width of twenty-four (24) feet from back of curb to back of curb, together with a utility easement ten (10) feet in width located along those portions of the above rights-of-way which have residences immediately adjacent thereto; and
 - (b) Installation of sidewalk, curb, and gutter along the proposed streets.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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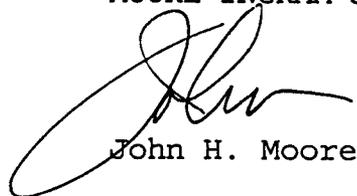
Petition No. 2-18
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Continued

We believe that the requested zoning, pursuant to the referenced revised Zoning Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the development of the surrounding property. The proposed residential community shall be of the highest quality as evidenced within the existing Brookstone Community developed by Applicant. Thank you for your consideration in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
George Woody Thompson, Jr.
William L. Askea
Joe L. Thompson
Samuel S. Olens
(With Copy of Enclosure)

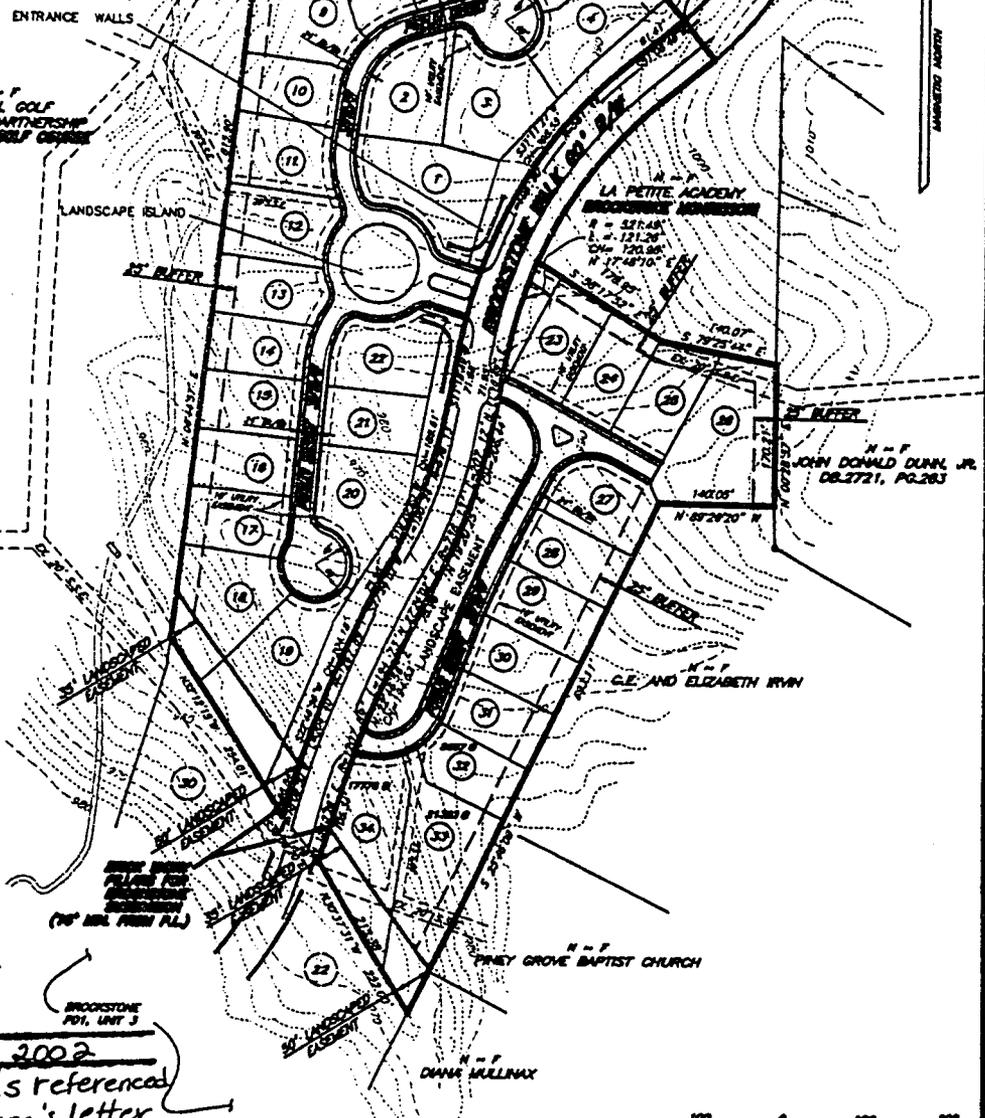
DEVELOPMENT STANDARDS

TOTAL SITE AREA = 11.84 AC
 EXISTING ZONING: OMI
 PRESENT ZONING: PFD
 PROPOSED LOTS = 34
 MIN. LOT SIZE = 8114#
 AVG. LOT SIZE = 11531#
 MIN. LOT WIDTH: 70' @ FRONT B.L.
 MIN. SETBACKS: FRONT = 15'
 SIDE = 5' OR 15' BETWEEN STRUCTURES
 REAR = 25'

LOT#	SOFT.
1	13823
2	11841
3	13888
4	13221
5	11258
6	11383
7	8114
8	8529
9	18124
10	8730
11	10380
12	11244
13	8387
14	8285
15	8982
16	8387
17	8204
18	14754
19	18238
20	10488
21	8225
22	11483
23	8748
24	8789
25	8884
26	32257
27	10578
28	8282
29	8282
30	8220
31	8884
32	8637
33	21323
34	17775

ENTRANCE WALLS
 N-F NATIONAL GOLF OPERATING PARTNERSHIP BROOKSTONE GOLF COURSE

LANDSCAPE ISLAND



Petition No. Z-18
 Meeting Date March 19, 2002
 Continued Site plan as referenced in John Moore's letter of 3/13/02.

THIS PARCEL OF LAND IS NOT IN THE 199 SEAM FLOOD PLAN AND IS IN ZONE _____ (ACCORDING TO FEMA (F.L.A.) COMMUNITY NUMBER _____, MAP NUMBER _____, 15007 S. 2000' DATE _____, REVISED _____)



DATE	: 12-27-01	REVISION	
SCALE	: 1"=100'	DATE	: 2-25-02
DRAWN BY	: DAS		
CHECKED BY	:		
DATE	: 04/23/02		
GASKINS SURVEYING & ENGINEERING COMPANY			
1228 POWDER SPRINGS ROAD		PHONE 770-824-7989	
HARRISVILLE, GEORGIA 30054		FAX 770-824-7983	
www.gaskinsurvey.com			



ZONING PLAN FOR
BROOKSTONE COMMONS

LOCATED IN L.L. 225
 20th DISTRICT, 2nd SECTION
 COBB COUNTY, GA.

Min. Bk. 19 Petition No. 2-18
Doc. Type Stormwater Comments
tendered 3/19/02
Meeting Date March 19, 2002

Z 18 Brookstone, aka Willoughby & Sewell Development Company, Inc.

As a condition of Zoning, the Applicant/Owner agrees to fully protect and save harmless the 50-foot stream buffer lying along the southern property line adjacent to Lots 30 and 22 of Brookstone, PD1, Unit 3. The middle buffer may be eliminated in favor of piping from street at Lot 16 to street at Lots 29, 30 so long as the Water Quality benefits now provided by the buffer are provided for in an enhanced Water Quality-Best Management Practice elsewhere and the concentrated discharge does not negatively impact the golf course downstream. The North buffer may be eliminated so long as the Water Quality benefits of the final design are enhanced per comment above re; middle buffer.

FILED WITH COUNTY CLERK THIS 19th DAY
OF March 2002 BY H. Minkendorf
RE Z 18
Alma Bradley
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA