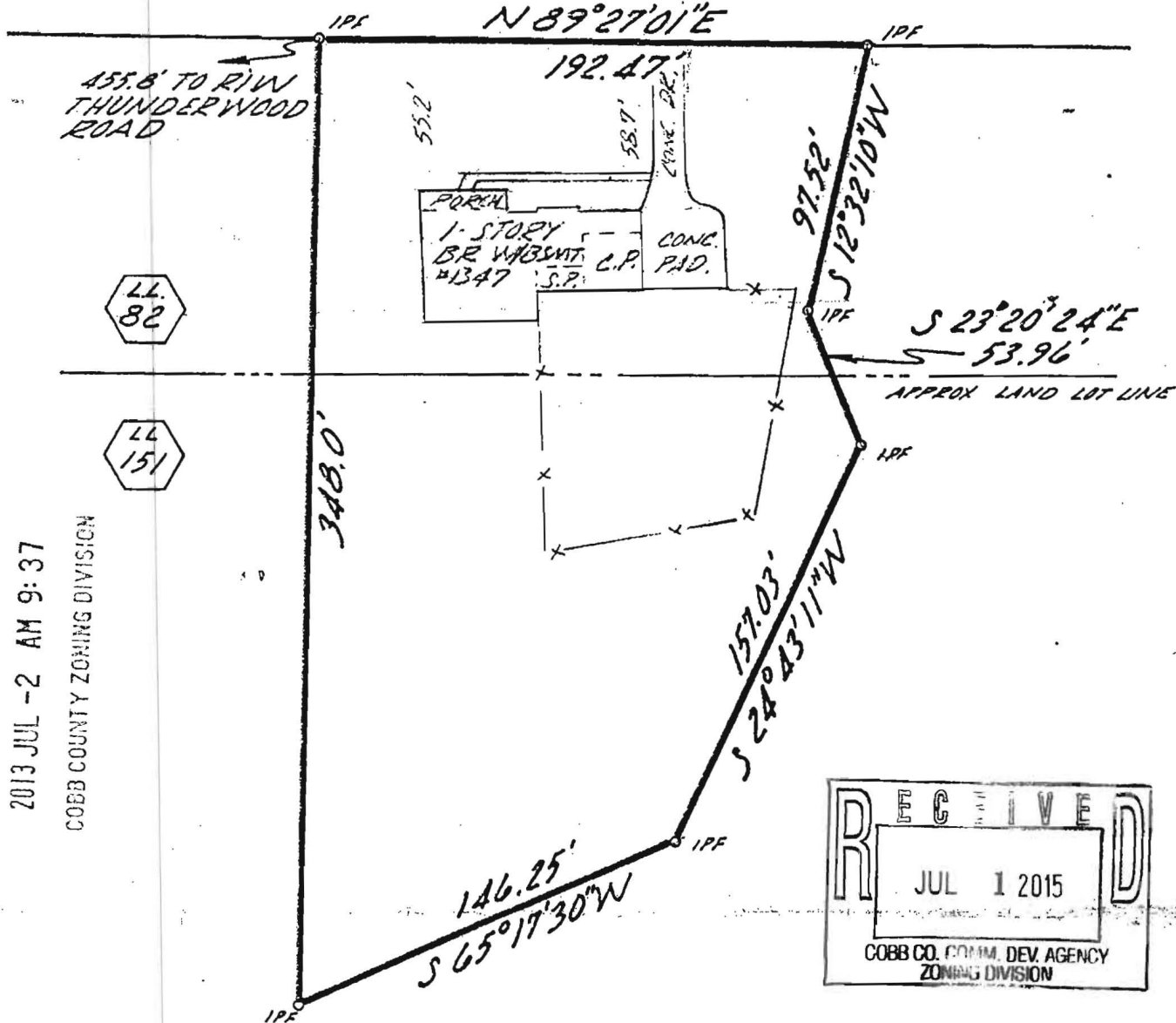


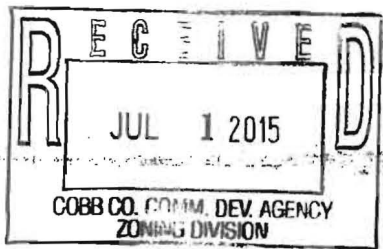
LUP-25  
(2015)

N

OLD ALABAMA RD.



COBB COUNTY GEORGIA  
FILED IN OFFICE  
2013 JUL -2 AM 9:37  
COBB COUNTY ZONING DIVISION



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 BY LAW.

*Richard E. North*  
MEMBER GA. ASSN. REG. LAND SURVEYORS



**KENCO**  
Powder Springs, Georgia  
944-3903

ENGINEERING AND SURVEYING CO., INC.

SURVEY FOR  
**JAMES R. SIMS**

REVISIONS	
LAND LOTS - 82 & 151	
DISTRICT - 18 <sup>TH</sup>	
COUNTY - COBB	CC - H.P.
STATE - GEORGIA	DWN - J.E. CHKD - K.N.
DATE 2/24/76	JOB NO. 2-81
SCALE 1" = 60'	

**APPLICANT:** James R. Sims

**PHONE#:** (770) 294-0078 **EMAIL:** n/a

**REPRESENTATIVE:** James R. Sims

**PHONE#:** (770) 294-0078 **EMAIL:** n/a

**TITLEHOLDER:** James R. Sims and Cecile C. Sims

**PROPERTY LOCATION:** South side of Old Alabama Road, east of Thunderwood Road (1347 Old Alabama Road).

**ACCESS TO PROPERTY:** Old Alabama Road

**PHYSICAL CHARACTERISTICS TO SITE:** One Story House

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ single-family house  
**SOUTH:** R-15/ wooded  
**EAST:** R-20/ church  
**WEST:** R-20/ single-family house

*Adjacent Future Land Use*  
North: Low Density Residential (**LDR**)  
East: Public Institutional (**PI**)  
South: Low Density Residential (**LDR**)  
West: Low Density Residential (**LDR**)

**PETITION NO:** LUP-25

**HEARING DATE (PC):** 09-01-15

**HEARING DATE (BOC):** 09-15-15

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit (Renewal)

**PROPOSED USE:** Parking a Dump Truck and Grading Equipment

**SIZE OF TRACT:** 1.30 acres

**DISTRICT:** 18

**LAND LOT(S):** 82, 151

**PARCEL(S):** 24

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

**COMMISSION DISTRICT:** 4

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

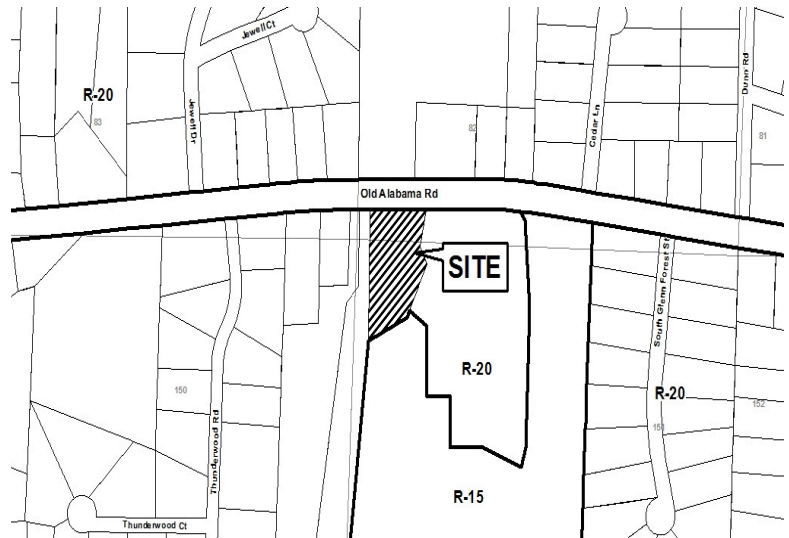
**BOARD OF COMMISSIONERS DECISION**

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

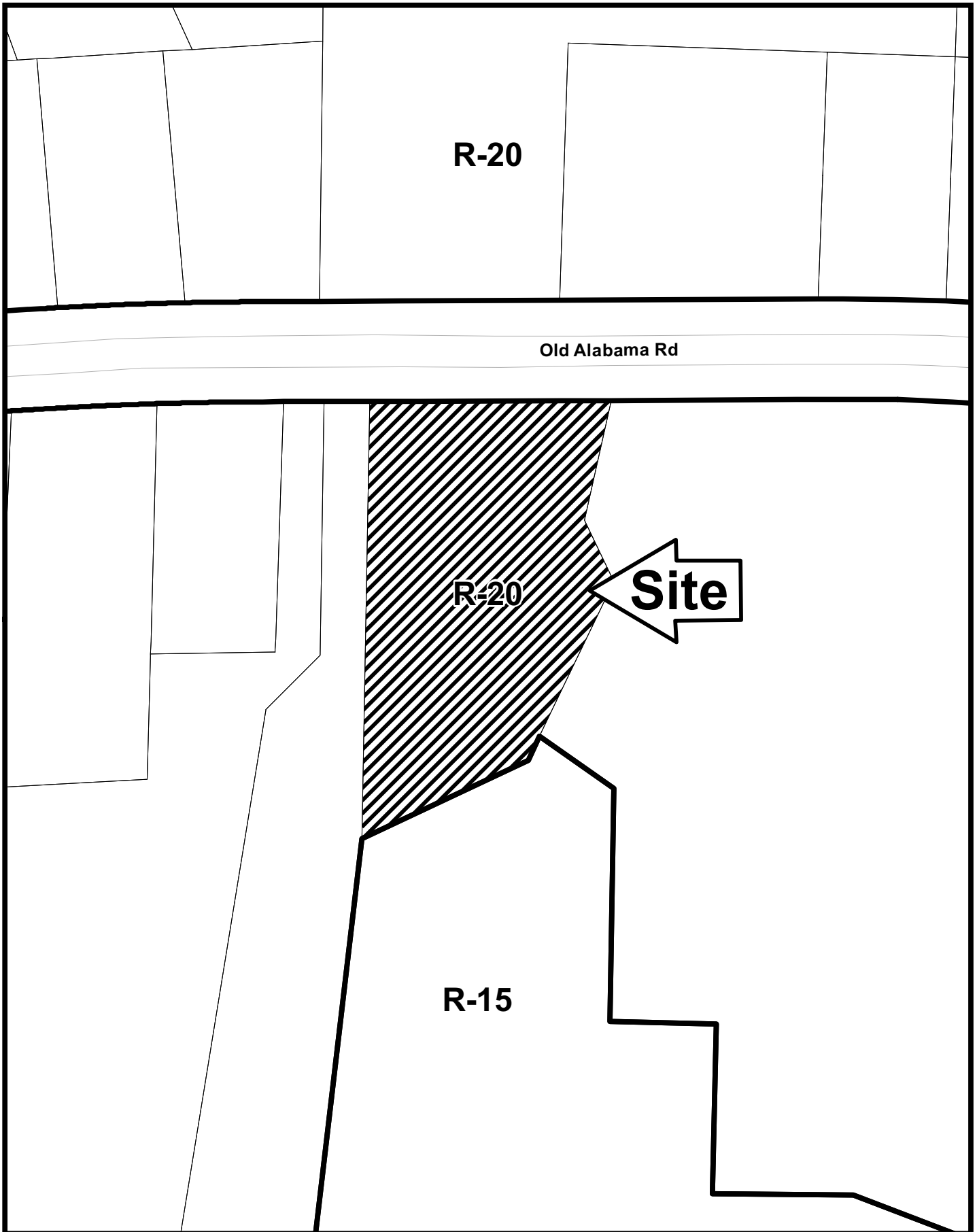
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

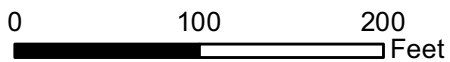
**STIPULATIONS:**





# LUP-25



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** James R. Sims

**PETITION NO.:** LUP-25

**PRESENT ZONING:** R-20

**PETITION FOR:** LUP

\*\*\*\*\*

**ZONING COMMENTS:** Staff Member Responsible: Donald Wells

The applicant is requesting a fourth renewal of a Temporary Land Use Permit (LUP) to park his landscaping and grading equipment on his property. As indicated by the applicant, there is a dump truck, and a bobcat loader parked on the property. The applicant has been parking his equipment here since the late 1970s. The applicant states there are no signs, deliveries, or clients but that there are two (2) employees. The business will operate 5 days a week between the hours of 8am and 5pm. The applicant will live at the home. The Land Use Permit is requested to be renewed for a period of 24 months. A petition has been submitted in support of the request. The property is zoned R-30 single-family residential district and located within a LDR low density residential future land use area.

**Historic Preservation:** No comment.

**Cemetery Preservation:**

There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

No comment.

\*\*\*\*\*

**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.

\*\*\*\*\*

**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: James R. Sims**

**PETITION NO.: LUP-25**

**PRESENT ZONING: R-20**

**PETITION FOR: LUP**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

No comments (Renewal).

## STAFF RECOMMENDATIONS

### LUP-25      JAMES R. SIMS

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*  
**Although the applicant will have industrial type equipment on the property, there has not been any known safety or moral concerns at the property for at least 10 years.**
- (2) *Parking and traffic considerations.*  
**There is sufficient parking on the 1.3 acre tract for equipment and is not located in a platted subdivision. There will be employees or customers visiting the property.**
- (3) *Number of nonrelated employees.*  
**None**
- (4) *Number of commercial and business deliveries.*  
**None**
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*  
**The single family residential nature of neighborhoods in the County could be harmed by disruptions from increased if heavy equipment in the area.**
- (6) *Compatibility of the business use to the neighborhood.*  
**The inherent natures of most businesses are incompatible with neighborhoods.**
- (7) *Hours of operation.*  
**Five days a week, 8:00 am to 5:00 pm.**
- (8) *Existing business uses in the vicinity.*  
**Although all the nearby property is zoned residential, there is a church contiguous to the eastside of the property.**
- (9) *Effect on property values of surrounding property.*  
**Although the parking area has been screen and landscaped, the nature of this use could have a negative effect on property values in the area.**
- (10) *Circumstances surrounding neighborhood complaints.*  
**No recent complaints found pertaining to this application.**
- (11) *Intensity of the proposed business use.*  
**The applicant intends to have a dump truck and bobcat loader parked on the property.**

**LUP-25      JAMES R. SIMS (Continued)**

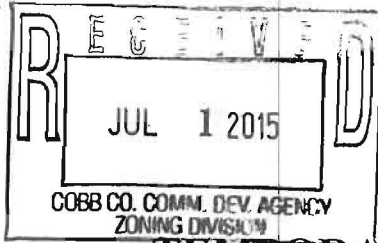
*(12) Location of the use within the neighborhood.*

**The proposal is located well within a low density residential category on the Cobb County Comprehensive, and is surrounded by single family homes.**

Previous renewal requests was granted for a period of 24 months, given the number of years this use has transpired on this property and the evidence of neighbors' support, Staff recommends **APPROVAL** for **24 months subject to:**

- no signs;
- no customers or clients on site;
- no on-street parking;
- no deliveries; and
- one dump truck and two graders only.

**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 #: LUP-25  
 PC Hearing Date: 9-1-15  
 BOC Hearing Date: 9-15-15

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

1. Type of business, or request? Grading
2. Number of employees? Two
3. Days of operation? Five Days
4. Hours of operation? 8am - 5pm
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): N/A
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.): Dump Truck, Bobcat + Loader
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: James R. Sims Date: \_\_\_\_\_

Applicant name (printed): James R. Sims