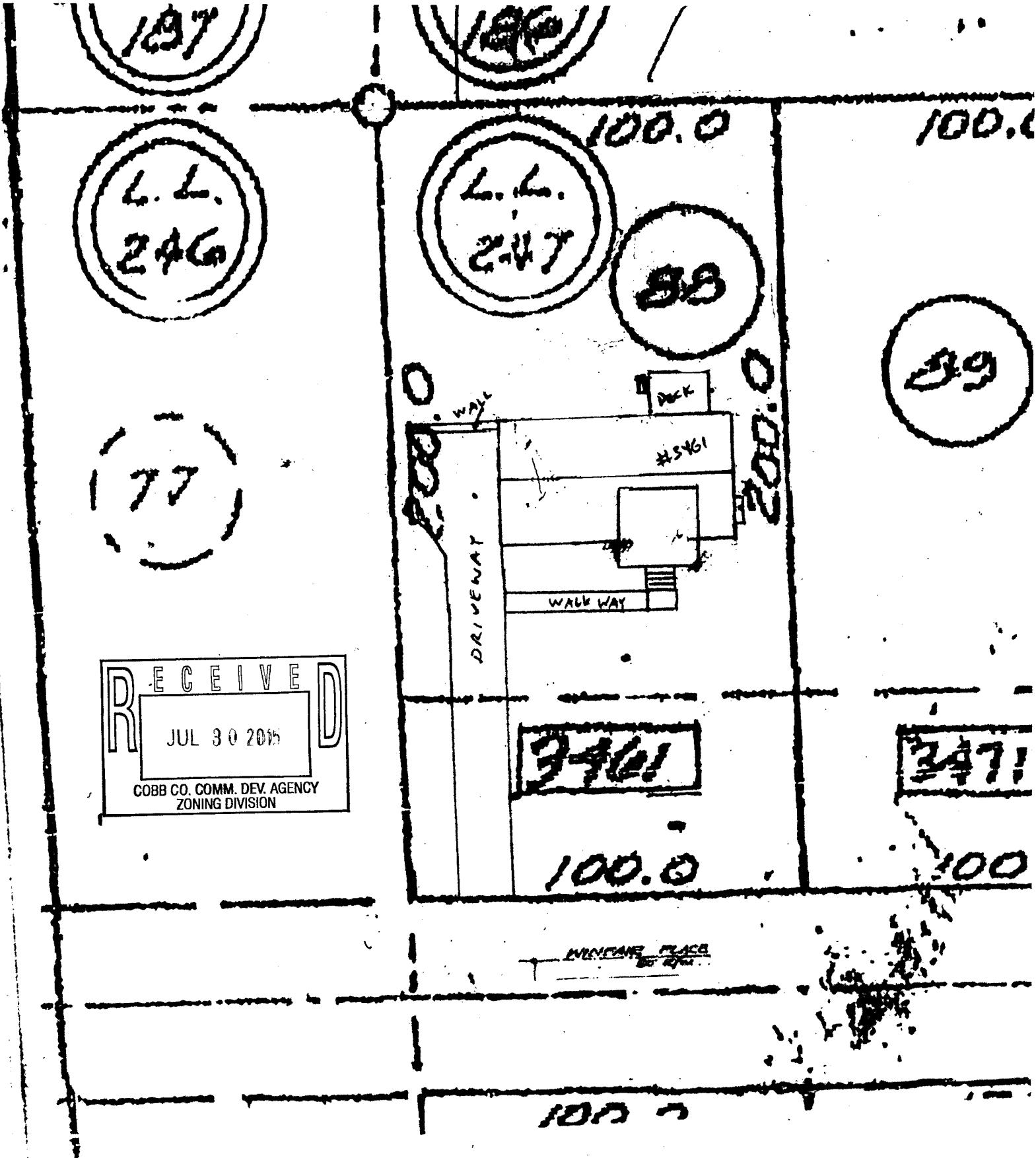


LUP-28
(2015)



RECEIVED
 JUL 30 2015
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

246!

247!

100.0

100

100.0

APPLICANT: Scott Robichau

PETITION NO: LUP-28

PHONE#: (404) 784-6007 **EMAIL:** N/A

HEARING DATE (PC): 10-06-15

REPRESENTATIVE: Scott Robichau

HEARING DATE (BOC): 10-20-15

PHONE#: (404) 784-6007 **EMAIL:** N/A

PRESENT ZONING: R-20

TITLEHOLDER: Scott Robichau

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: North side of Winfair Place, west of Dunnington Drive, south side of Parnell Road (3461 Winfair Place)

PROPOSED USE: Allowing More Vehicles And Unrelated Adults than County Code Permits

ACCESS TO PROPERTY: Winfair Place

SIZE OF TRACT: .50 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing ranch style home on basement

DISTRICT: 16

LAND LOT(S): 247

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Lowen Acres Subdivision
- SOUTH:** R-20/Woodbine Subdivision
- EAST:** R-20/Woodbine Subdivision
- WEST:** R-20/Woodbine Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

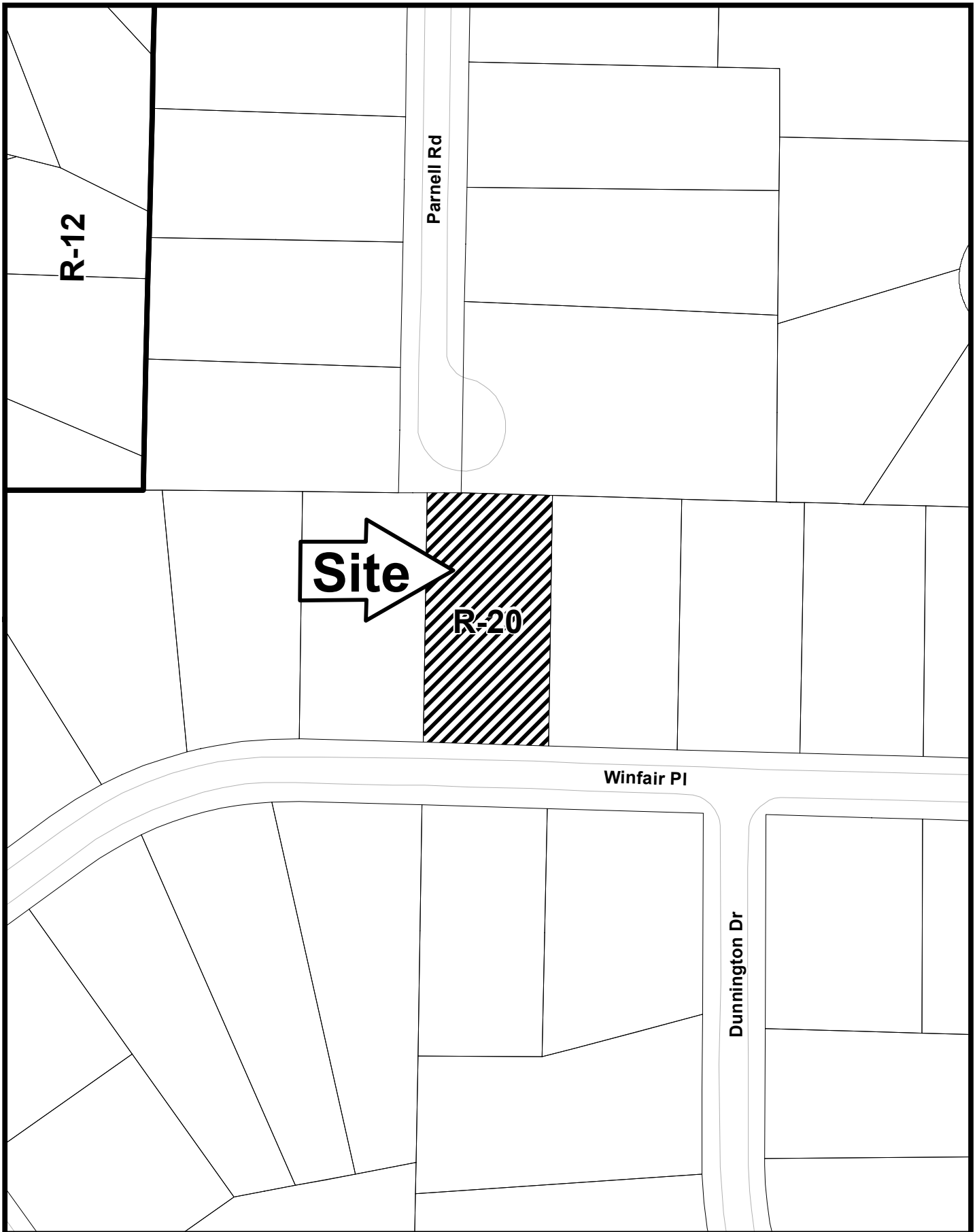
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

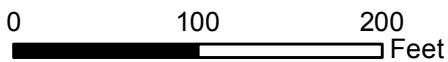
STIPULATIONS:





LUP-28



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Scott Robichau

PETITION NO.: LUP-28

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Kim Wakefield

The applicant is requesting a Temporary Land Use Permit to allow more than two unrelated adults (as defined by the county code) and more than five vehicles parked outside of a garage or carport at this property. Per the County Code, a dwelling unit shall have at least 390 square-feet per each adult occupant and vehicle; however, only three vehicles are allowed parked outside of a garage or carport. The Cobb County Tax Assessor’s website shows the house has 2,008 square-feet, which would allow up to five adults (who are family members within the fourth degree) and five vehicles. On the applicant’s property, there are six vehicles and three unrelated adults (as defined by the code: related means persons are all related to each other within the fourth degree, as defined in O.C.G.A. § 53-2-1). This application is the result of a complaint.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

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:

No comments for this request; however, not to be used for a group home or personnel care home, without Fire Department approval. If there are four or more unrelated occupants, the structure must meet NFPA 101, Life Safety Code requirements and the Official Code of Cobb County, Georgia.

APPLICANT: Scott Robichau

PETITION NO.: LUP-28

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-28 SCOTT ROBICHAU

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.

The application is the result of a complaint due to the number of vehicles parked on the property. The use and condition of the property have adversely affected the surrounding properties.

(2) Parking and traffic considerations.

Applicant indicates all vehicles will be parked in the driveway. Code Enforcement inspections indicate all vehicles were parked in driveway.

(3) Number of nonrelated employees.

N/A

(4) Number of commercial and business deliveries.

N/A

(5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.

N/A

(6) Compatibility of the business use to the neighborhood.

N/A

(7) Hours of operation.

N/A

(8) Existing business uses in the vicinity.

N/A

(9) Effect on property values of surrounding property.

Multiple cars on the property starts to erode the low intensity character of a residential neighborhood and could have a negative effect on property values.

(10) Circumstances surrounding neighborhood complaints.

The use and condition of the property resulted in a complaint filed with Code Enforcement.

(11) Intensity of the proposed business use.

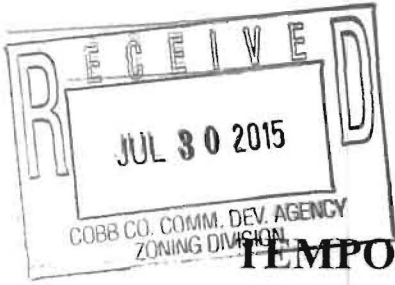
N/A

(12) Location of the use within the neighborhood.

The proposal is located within a platted subdivision and is surrounded by residential uses. The number of vehicles parked on the property is very visible to the neighbors.

Based on the above analysis, Staff recommends DENIAL.

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 #: LUB-28

PC Hearing Date: 10-6-15

BOC Hearing Date: 10-20-15

TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

1. Number of unrelated adults in the house? 1
2. Number of related adults in the house? _____
3. Number of vehicles at the house? 5-6
4. Where do the residents park?
Driveway: ; Street: _____ ; Garage: _____
5. Does the property owner live in the house? Yes ; No _____
6. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
7. Length of time requested (24 months maximum): 24 mths
8. 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).
9. Any additional information? (Please attach additional information if needed):

Applicant signature: Scott Robichau Date: 6/23/15

Applicant name (printed): SCOTT ROBICHAU

ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: R-20

Size of house per Cobb County Tax Assessor records: 2,008 #

Number of related adults proposed: 0 Number permitted by code: 5

Number of unrelated adults proposed: 1 Number permitted by code: 1

Number of vehicles proposed: 5-6 Number permitted by code: 5

Number of vehicles proposed to be parked outside: 6 Number of vehicles permitted 3
outside

Revised December 18, 2013



Cobb County... Expect the Best!

**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

LUP-28 (2015)
Code
Enforcement
Notice

Notice of Violation

Violation Number: CODE-2015-02728 Date: 4/16/2015

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

3461 WINFAIR PL	MARIETTA, GA 30062	16	0247	002	R-20
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or ROBICHAU SCOTT (3461 WINFAIR PLACE MARIETTA, GA 30062-0000)

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 April 16, 2015. 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
PARKING STANDARDS	134-272 (5) b & c	All vehicles must be parked on a hardened/treated surface. All tires must be on hardened/treated surface. Surface must be installed flush with the ground and capable of supporting all vehicle/equipment tires without driving onto or over an unapproved parking surface.
NON COMPLIANCE VEHICLES	134-277 (a) - (f)	All vehicles must display current tags and be operable.

Dwayne Hepler (dwayne.hepler@cobbcounty.org)	(770)528-2185
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.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG