

**NOVEMBER 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-47

PURPOSE

To consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals from their October 1, 2015 Variance Hearing regarding Variance Application:

V-148 Elizabeth and Christopher Wyatt

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on February 26, 2013, and amended on March 11, 2014, Section 134-94(4), the Board of Commissioners shall consider granting a Special Exception for backyard chickens, as pets or food source, after approval by the Board of Zoning Appeals. The Variance Analysis is attached for review. The Board of Zoning Appeals considered this appeal at the October 1, 2015 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals for Variance case:

V-148 Elizabeth and Christopher Wyatt

ATTACHMENTS

Variance analysis

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
OCTOBER 1, 2015
PAGE 12

REGULAR AGENDA (CONT.)

~~V-143 JAY GAPUZAN (Jay Paul B. Capuzan and Victoria P. Capuzan, owners) requesting a variance to waive the rear setback from the required 30 feet to 26 feet in Land Lot 661 of the 16th District. Located on the southeast corner of Lessie Maude Drive and Lessie Court (1201 Lessie Court). The public hearing was opened, and Mr. Andy Ledbetter addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Trombetti, second by Swanson, to approve variance request, subject to:~~

- ~~• Site Plan Review Division comments and recommendations~~

~~VOTE: ADOPTED unanimously~~

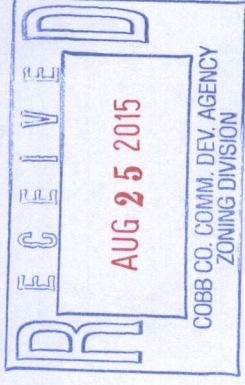
V-148 ELIZABETH AND CHRISTOPHER WYATT (Elizabeth A. Wyatt and Christopher Alan Wyatt, owners) requesting a variance to: 1) an authorization upon appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source; 2) waive the rear setback for an accessory structure under 650 square feet (existing approximately 192 square foot shed) from the required 35 feet to 13 feet; 3) waive the rear setback for an accessory structure under 144 square feet (existing approximately 51 square foot deck) from the required five feet to one foot; and 4) waive the side setback from the required 10 feet to one foot adjacent to the north property line in Land Lot 456 of the 16th District. Located on the east side of Plains Way, north of Plains Court (3290 Plains Way).

The public hearing was opened, and Ms. Elizabeth A. Wyatt addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Trombetti, second by Swanson, to approve variance request, subject to:

- Package from Ms. Elizabeth Wyatt submitted at this hearing and received by the Zoning Division on August 25, 2015 (attached and made a part of these minutes)
- Approval is for 12 months
- Site Plan Review Division comments and recommendations

VOTE: ADOPTED unanimously



Proposed coop location, design, and biosecurity measures

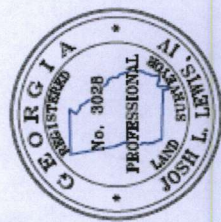
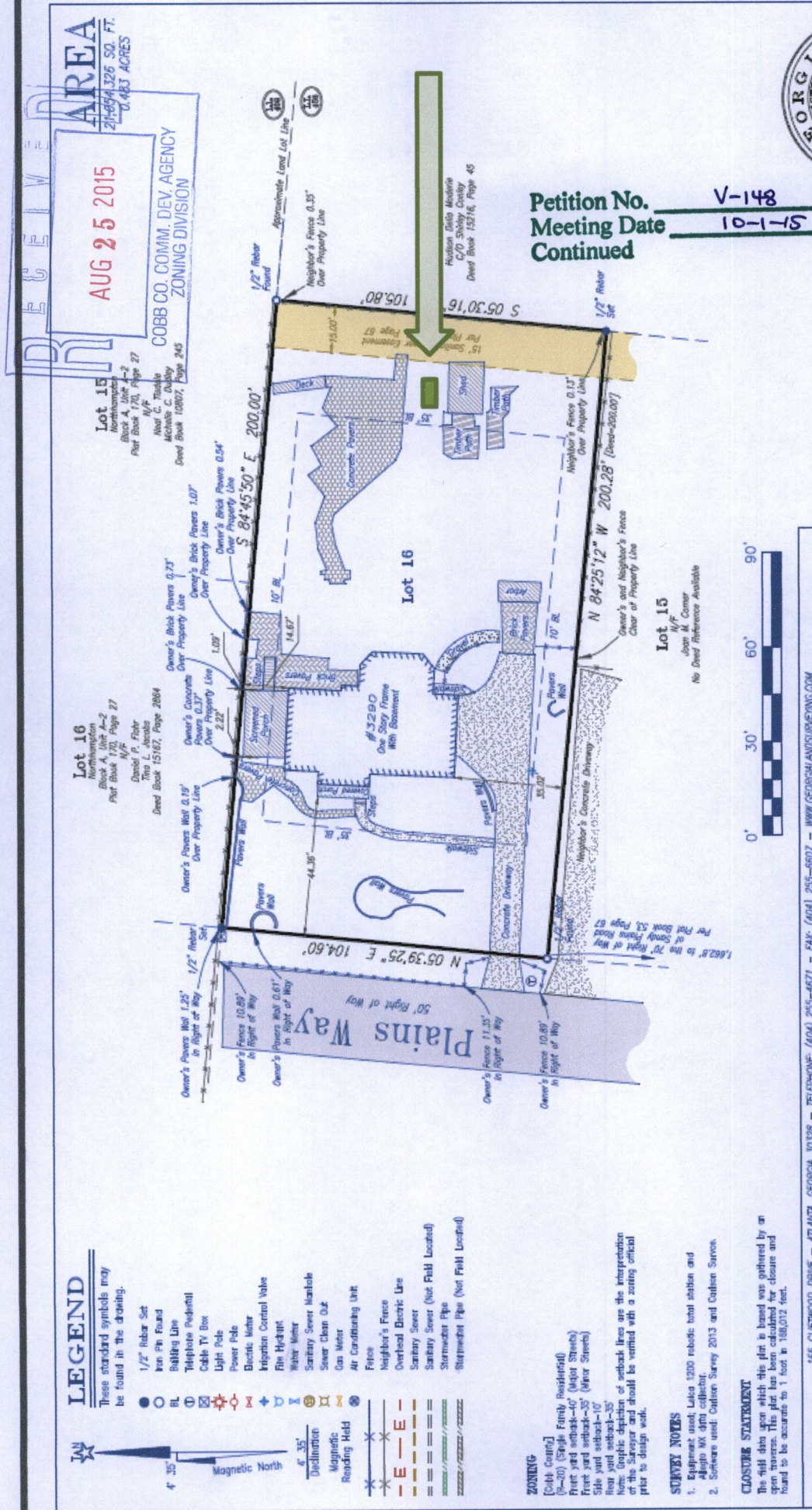
Elizabeth Wyatt

3290 Plains Way

Marietta, GA 30066

Min. Bk. 20 Petition No. V-148
Doc. Type package supplied
by applicant
Meeting Date 10-1-15

Please see zoomed in location on next slide



Petition No. V-148
 Meeting Date 10-1-15
 Continued



LEGEND
 These standard symbols may be found in the drawing.

- 1/2" Rebar Set
- Iron Pin Found
- Building Line
- Telephone Post-Frontal
- Cable TV Box
- Light Pole
- Power Pole
- Electric Meter
- Irrigation Control Valve
- Fire Hydrant
- Water Meter
- Sanitary Sewer Manhole
- Sewer Clean Out
- Gas Meter
- Air Conditioning Unit
- Fence
- Neighbor's Fence
- Overhead Electric Line
- Sanitary Sewer
- Sanitary Sewer (Not Field Located)
- Stormwater Pipe
- Stormwater Pipe (Not Field Located)

ZONING

[City Code] (Single Family Residential) (R-30)
 Front yard setback-10' (Major Streets)
 Front yard setback-35' (Minor Streets)
 Side yard setback-10'
 Rear yard setback-35'
 Home Graphic depiction of setback lines are the interpretation of the Surveyor and should be verified with a zoning official prior to design work.

SURVEY NOTES

- Equipment used: Leica 1200 robotic total station and Leica GNSS RTK data collector.
- Software used: Carlson Survey 2013 and Carlson Survey.

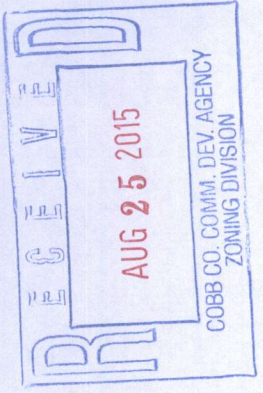
CLOSURE STATEMENT

The field data upon which this plat is based was gathered by an open traverse. The plat has been calculated for closure and found to be accurate to 1 foot in 168,002 feet.

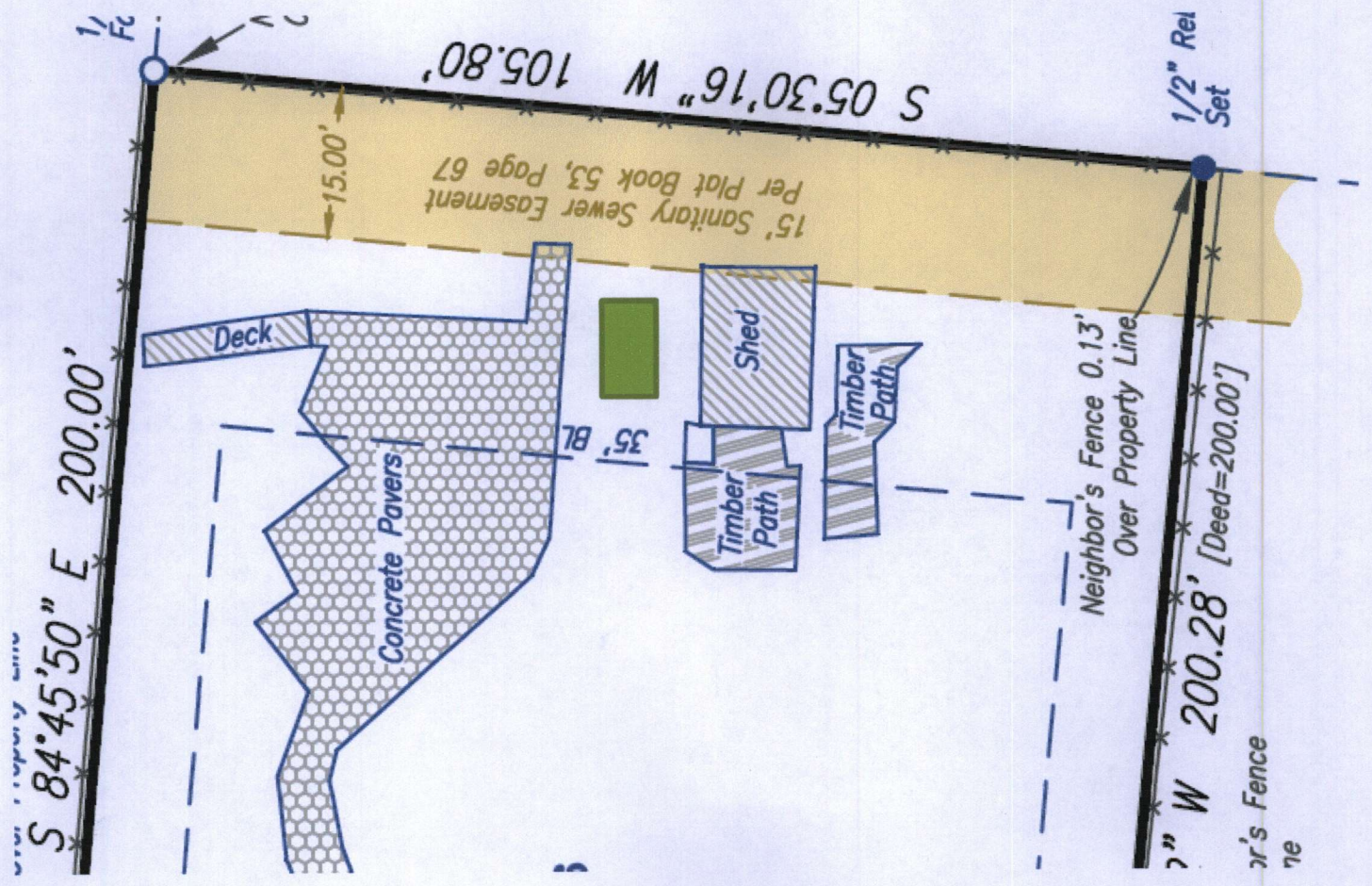
SURVEY PLAT FOR:		DATE: 4/30/15	SCALE: 30'
CHRISTOPHER WYATT ELIZABETH WYATT			
155 CLIFTWOOD DRIVE - ATLANTA, GEORGIA 30328 - TELEPHONE: (404) 255-4671 - FAX: (404) 255-6607 - WWW.GEORGIALANDSURVEYING.COM		3290 Plains Way, Marietta Georgia 30066	
LAND LOT: 456		2nd SECTION	
LOT: 16		Cobb County, GA	
SUBMISSION: Plains Estates		PHASE:	
PLAT BOOK: 33		REVISION DATE:	
DEED BOOK: 15142		FIELD DATE: 5/13/15	
PARTY CHIEF: W.C.		SHEET 1 OF 1	
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREIN. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECITAL THEREIN BY THE SURVEYOR. NO CLAIMS OF RIGHTS OR INTERESTS IN THE LAND ARE ASSERTED BY THE SURVEYOR.			

This survey was prepared in accordance with the technical standards for property surveys in Georgia as set forth in chapters 180-7 of the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-87, authority O.C.G.A. Secs. 15-6-87, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

Petition No. V-148
 Meeting Date 10-1-15
 Continued



- Coop would be located north of the existing 10' x 16' shed
- Not attached to shed
- At least 15' from back property line to comply with sanitary sewer easement



- The coop's proposed location is sheltered from view of all neighbors by

— mature trees,

— privacy fences,



Buildings (house and backyard shed),



and privacy plantings.



This satellite picture was taken in winter, when many of the deciduous trees in the corner of our property were leafless.

Shadows of the mature deciduous trees are visible, as well as the high number of evergreen conifers.

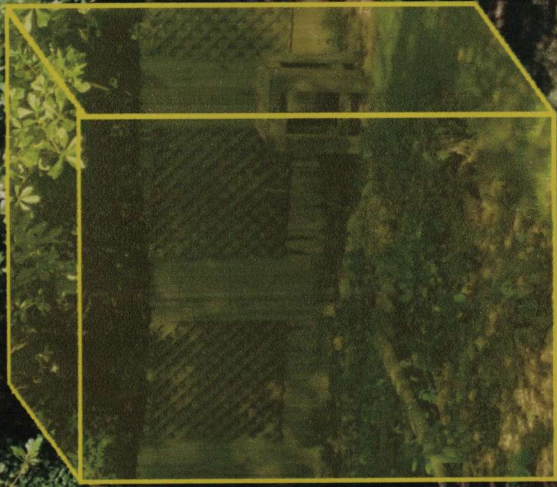


Petition No. V-148
 Meeting Date 10-1-15
 Continued

Petition No.
Meeting Date
Continued

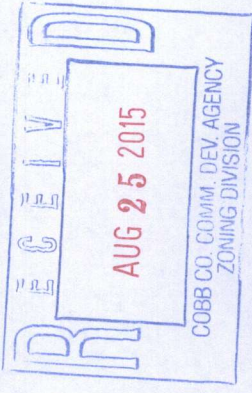
V-148
10-1-15

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
ZONING DIVISION
AUG 25 2015



Shielded from neighbors' views

- View to northeast



2742 Kingsburgh Ct.
(driveway/garage)



Back of property

Shielded from neighbors' views

RECEIVED
 AUG 25 2015
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

- View to south



Petition No. V-148
 Meeting Date 10-1-15
 Continued



3280 Plains Way (backyard)

- Hidden by side of shed
- Evergreen privacy hedge
- Evergreen magnolia on neighbor's property

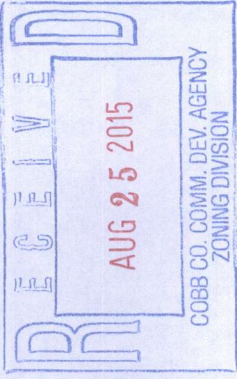
Even within our own backyard, the coop will be sheltered from almost every angle

Proposed coop design

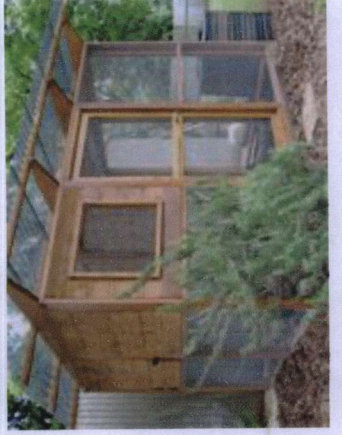
- The proposed coop will follow the plans for The Garden Coop (<http://www.thegardencoop.com/>)
- 10' wide, 6' deep, 8' high
- Detailed plans are purchased online
 - Using plans will ensure a professional, attractive result
- Completely secure, covered run
 - Protection from predators
 - Prevention of escape
 - Biosecurity measure to prevent avian influenza infection from wild birds
- No additional footings or permanent foundation will be needed
 - Will sit on concrete deck posts as seen in picture
 - Will not be movable

Petition No.
 Meeting Date
 Continued

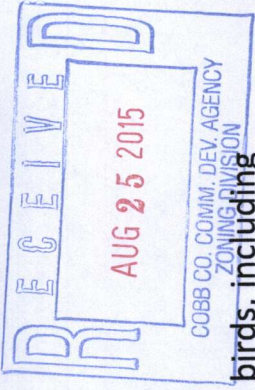
 V-148
 10-1-15



Images sourced from thegardencoop.com



Biosecurity concerns: avian influenza



- Avian influenza has been a hot topic in the national poultry community recently
 - Affects backyard flocks as well as large commercial operations
 - Culling of potentially infected flocks has caused the death of millions of domesticated birds, including chickens and turkeys
 - Egg prices have risen, availability of eggs has been drastically reduced
- Avian influenza is usually spread by wild birds, especially waterfowl (e.g. the ubiquitous Canadian goose)
 - Wild birds do not usually show symptoms and are a carrier
 - Disease can be spread via droppings in the chicken yard, or droppings tracked into the coop area by humans, or direct contact with wild birds (shared water source, etc.)
- Avian influenza does NOT infect humans.
- To counteract the risk of infection of my birds, I plan to
 - Fully enclose the coop and run, including covering the run with a solid polycarbonate roof
 - Use a designated pair of shoes for visiting the coop (rubber slides are popular)
 - Restrict visits to my coop from friends and family
 - Maintain a secure water source within the run, inaccessible to any other animals
 - Of course, regularly clean and maintain the coop to be a clean environment overall
- UGA's extension is a tremendous resource for backyard poultry owners across the country:
 - <http://blog.extension.uga.edu/walton/2015/04/questions-about-avian-influenza/>

LEGEND

These standard symbols may be found in the drawing.

- 1/2" Rebar Set
- Iron Pin Found
- BL Building Line
- ⊙ Telephone Poles/Stand
- ⊙ Cable TV Box
- ⊙ Light Pole
- ⊙ Power Pole
- ⊙ Electric Meter
- ⊙ Irrigation Control Valve
- ⊙ Fire Hydrant
- ⊙ Water Meter
- ⊙ Sanitary Sewer Manhole
- ⊙ Sewer Clean Out
- ⊙ Gas Meter
- ⊙ Air Conditioning Unit
- ⊙ Fence
- ⊙ Neighbor's Fence
- ⊙ Overhead Electric Line
- ⊙ Sanitary Sewer
- ⊙ Sanitary Sewer (Not Field Located)
- ⊙ Stormwater Pipe
- ⊙ Stormwater Pipe (Not Field Located)

ZONING

[Cobb County]
 (R-20) (Single Family Residential)
 Front yard setback-40' (Major Streets)
 Side yard setback-35' (Major Streets)
 Side yard setback-25' (Minor Streets)
 Rear yard setback-35'
 Note: Possible depiction of setback lines are the interpretation of the Surveyor and should be verified with a zoning official prior to design work.

SURVEY NOTES

- Equipment used: Leica 1200 robotic total station and Mitutoyo MD data collector.
- Software used: Carlson Survey 2013 and Carlson Survey.

CLOSURE STATEMENT

The field data upon which this plat is based was gathered by an open traverse. This plat has been calculated for closure and found to be accurate to 1 foot in 160,012 feet.

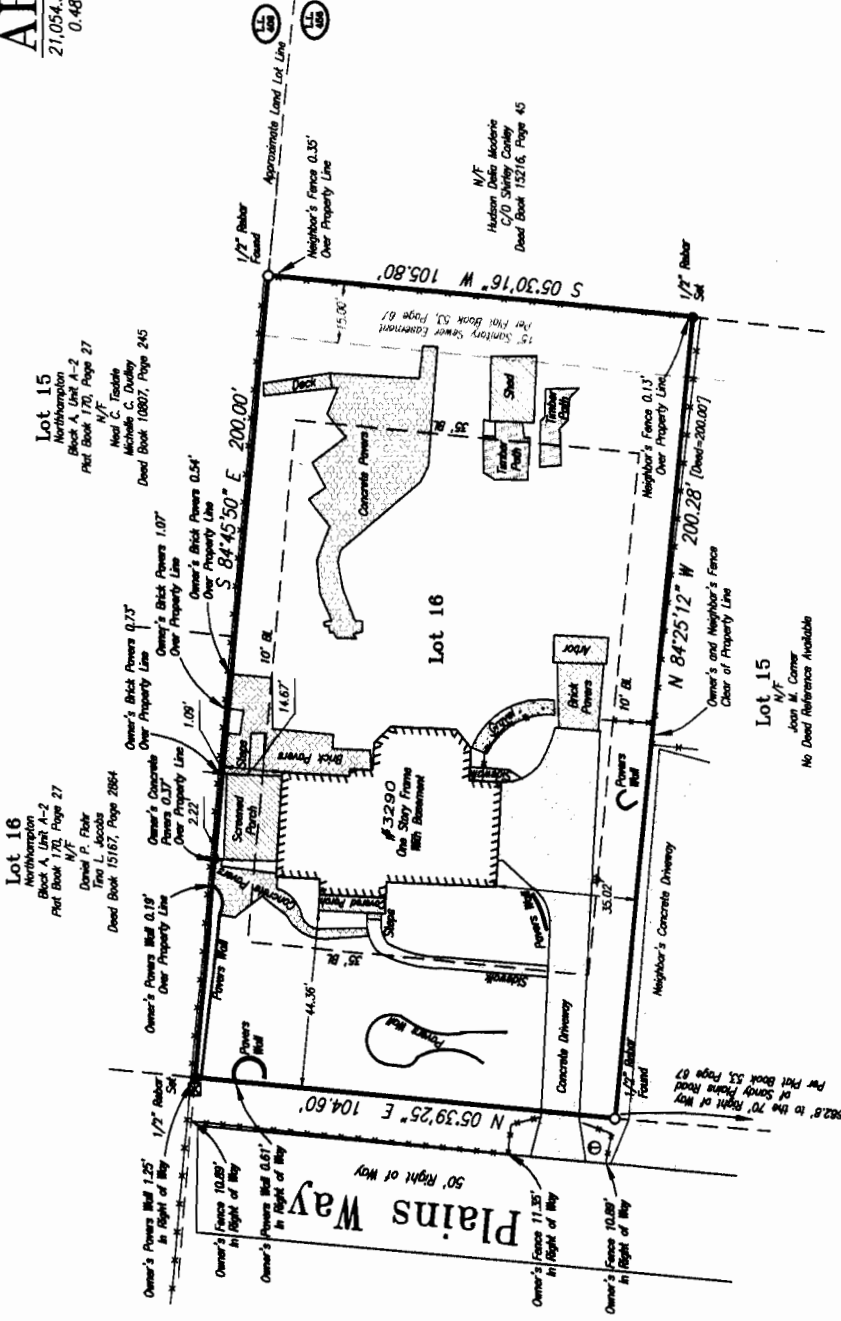
AREA
 21,054,326 SQ. FT.
 0.483 ACRES

V-148
 (2015)



AUG 13 2015

This survey was prepared in conformity with the technical standards for property surveys in Georgia set forth in Chapter 100-7 of the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and set forth in the Georgia Plat Act O.C.G.A. 15-6-47, authority O.C.G.A. Sect. 15-6-47, 43-15-4, 43-15-6, 43-15-18, 43-15-22.



155 CLEFTWOOD DRIVE - ATLANTA, GEORGIA 30328 - TELEPHONE: (404) 255-4671 - FAX: (404) 255-6607 - WWW.GEORGIALANDSURVEYING.COM

SURVEY PLAT FOR:
CHRISTOPHER WYATT
ELIZABETH WYATT

3290 Plains Way, Marietta Georgia 30066

DATE: 4/30/15 | SCALE: 30'

LAND LOT: 456	16th DISTRICT	2nd SECTION	Cobb County, GA
LOT: 16	BLOCK:	UNIT:	PHASE:
SUBDIVISION: Plains Estates	DRAFTER: B.S.	REVISION DATE:	
PLAT BOOK 53	PAGE 67	FIELD DATE: 5/13/15	SHEET 1 OF 1
DEED BOOK 15142	PAGE 180	PARTY CHIEF: W.C.	

DRAWING NUMBER: F33-296
JOB NUMBER: 194863

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS REIFICATION BY THE SURVEYOR MAKING SAID PERSON, PERSONS, OR ENTITY. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.

APPLICANT: Elizabeth and Christopher Wyatt

PETITION No.: V-148

PHONE: 703-307-4784

DATE OF HEARING: 10-01-2015

REPRESENTATIVE: Elizabeth Wyatt

PRESENT ZONING: R-20

PHONE: 703-307-4784

LAND LOT(S): 456

TITLEHOLDER: Elizabeth A. Wyatt and Christopher Alan Wyatt

DISTRICT: 16

PROPERTY LOCATION: On the east side of Plains Way, north of Plains Court (3290 Plains Way).

SIZE OF TRACT: 0.48 acre

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) An authorization upon appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source; 2) waive the rear setback for an accessory structure under 650 square feet (existing approximately 192 square foot shed) from the required 35 feet to 13 feet; 3) waive the rear setback for an accessory structure under 144 square feet (existing approximately 51 square foot deck) from the required 5 feet to one foot; and 4) waive the side setback from the required 10 feet to one foot adjacent to the north property line.

OPPOSITION: No. OPPOSED _____ PETITION No. _____ SPOKESMAN _____

BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS: _____



APPLICANT: Elizabeth and Christopher
Wyatt

PETITION No.: V-148

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat revision must be recorded showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: No apparent adverse stormwater management impacts were observed.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps and various other resources, staff has no comment regarding the impact or treatment of historic and/or archaeological resources.

DESIGN GUIDELINES: No comment.

CEMETERY PRESERVATION: No comment.

WATER: No conflict.

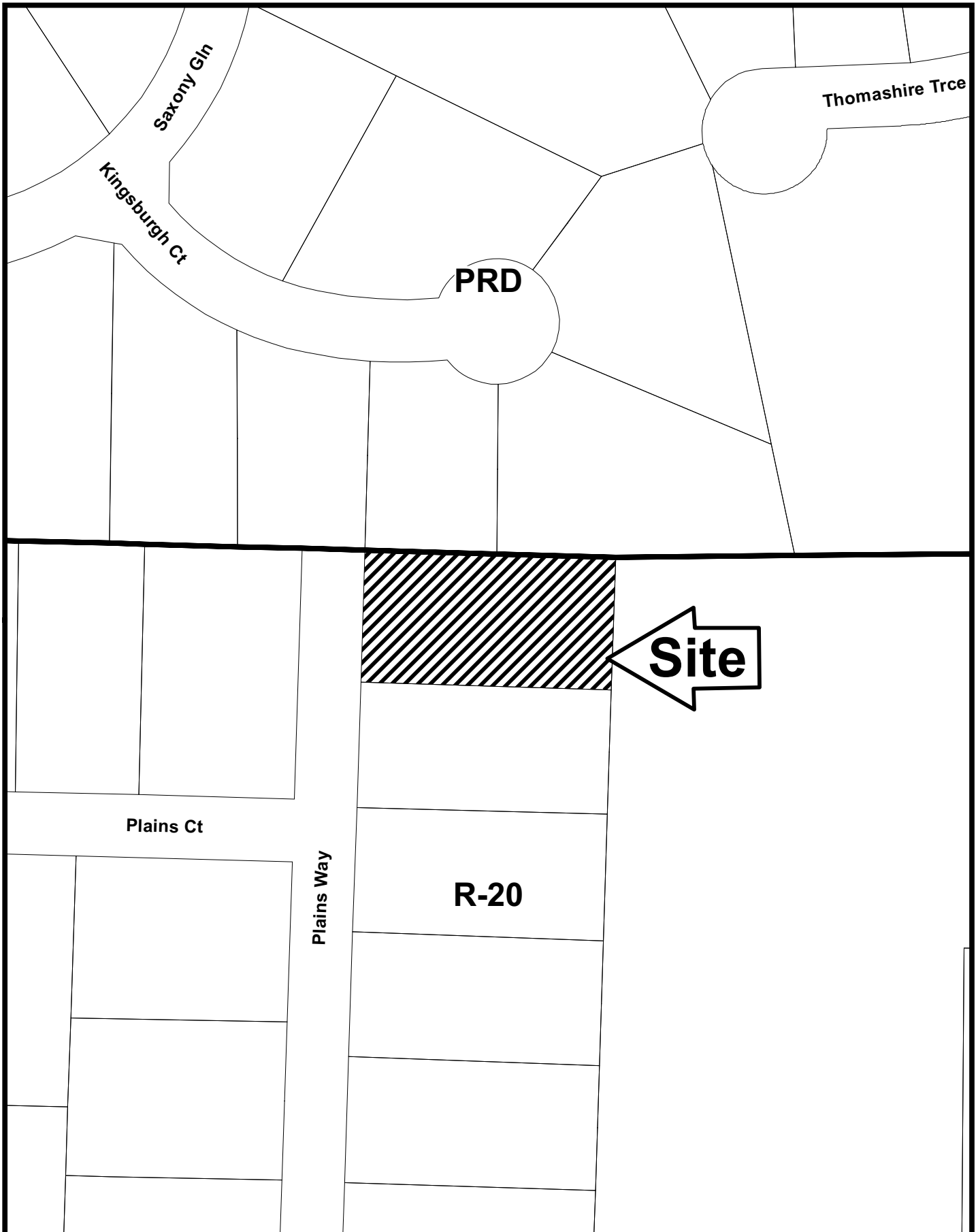
SEWER: No conflict.

APPLICANT: Elizabeth and Christopher
Wyatt

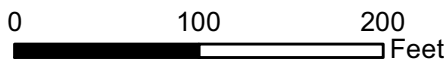
PETITION No.: V-148



FIRE DEPARTMENT: NO 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.

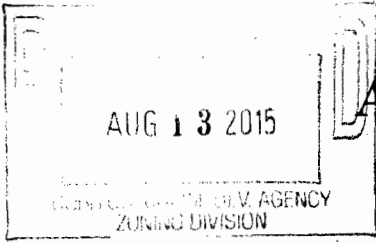
V-148



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-148
Hearing Date: 10-1-15

Applicant Elizabeth + Christopher Wyatt Phone # 703-307-4784 E-mail annie.chris.wyatt@gmail.com
Elizabeth Wyatt Address 3290 Plains Way; Marietta, GA 30066
(representative's name, printed) (street, city, state and zip code)

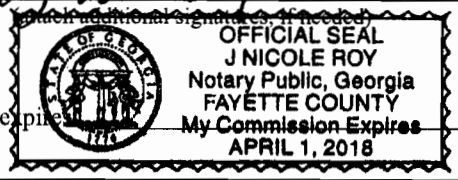
Elizabeth Wyatt Phone # 703-307-4784 E-mail annie.chris.wyatt@gmail.com
(representative's signature)



My commission expires

Signed, sealed and delivered in presence of:
J Nicole Roy
Notary Public

Titleholder Elizabeth + Christopher Wyatt Phone # 703-307-4784 E-mail annie.chris.wyatt@gmail.com
Signature Elizabeth Wyatt Address: 3290 Plains Way; Marietta, GA 30066
(street, city, state and zip code)



My commission expires

Signed, sealed and delivered in presence of:
J Nicole Roy
Notary Public

Present Zoning of Property Residential

Location 3290 Plains Way Marietta, GA 30066
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 16045600200 District 3 (Tax: 9) Size of Tract 0.48 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 105' x 200' Shape of Property Rect. 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).

List type of variance requested: Backyard Chickens

AUG 13 2015

COBB COUNTY COMM. DEV. AGENCY
ZONING DIVISION

Application No. V-148

Hearing Date: 10-1-15

Applicant's information for requesting backyard chickens

1. How many hens do you propose (no male birds allowed)? 4 .
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 HOA .
3. Can you comply with the County Code Sec-134-94(4)(a-i) below? YES NO .

Elizabeth Wyatt
Signature

Elizabeth Wyatt
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. In considering whether to authorize the keeping of poultry as provided in this paragraph, the board of zoning appeals shall take into account the impact upon the adjoining property. For the purposes of this section, adjoining shall mean those properties that are directly contiguous and not separated by a public or private roadway. Further, all such applications recommended by the board of zoning appeals for approval shall be subject to the following requirements:

- (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 two years; renewable for up to two 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. 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.