

**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

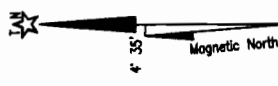
**ATTACHMENTS**

Variance analysis

# 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)



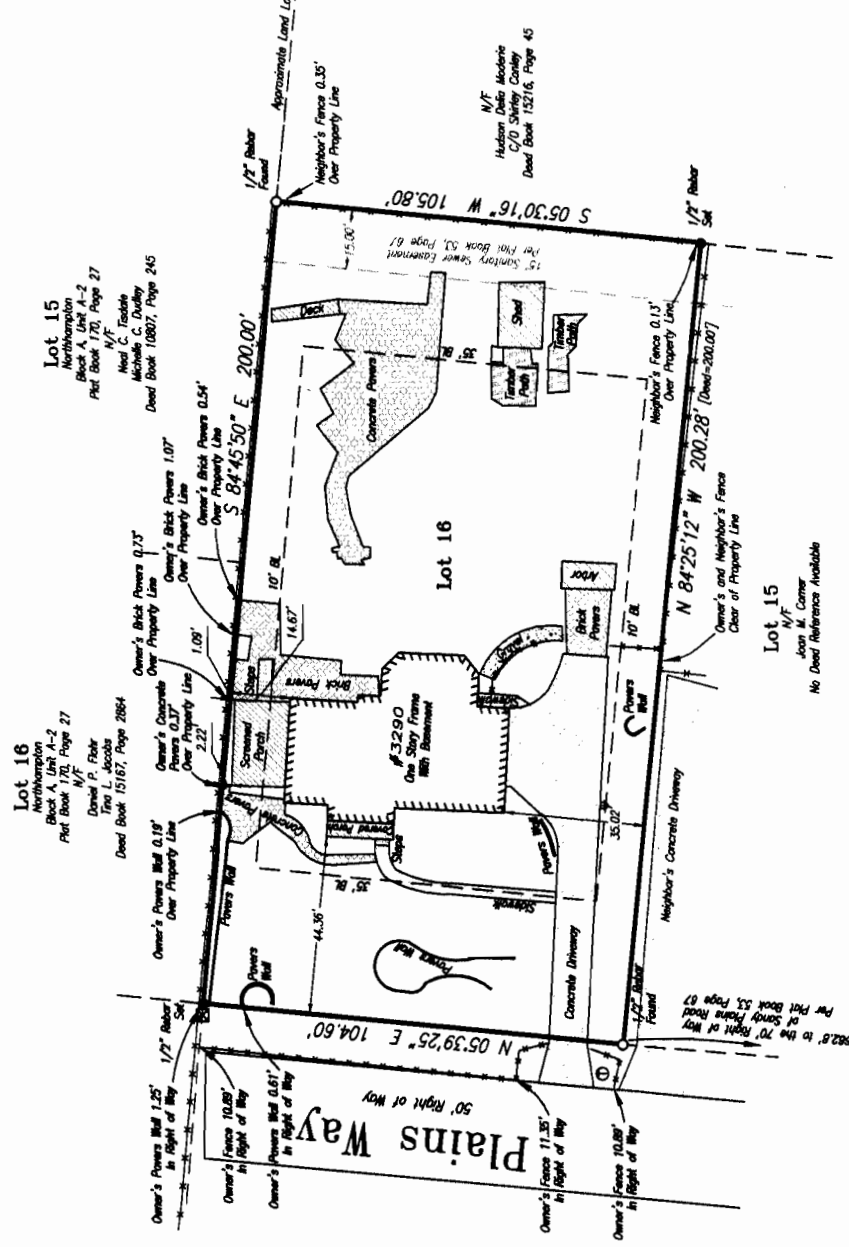
**ZONING**  
 [Cobb County] (Single Family Residential)  
 Front yard setback-40' (Major Streets)  
 Front yard setback-35' (Minor Streets)  
 Side yard setback-5'  
 Rear yard setback-35'  
 Note: Possible location of setback lines are the interpretation of the Surveyor and should be verified with a zoning official prior to design work.

**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 160,000 feet.

**SURVEY NOTES**  
 1. Equipment used: Leica 1200 robotic total station and Mitutoyo MI data collector.  
 2. Software used: Carlson Survey 2013 and Carlson Survey.

**AREA**  
 21,054.326 SQ. FT.  
 0.483 ACRES

V-148  
 (2015)



Lot 15  
 N/F  
 Joan M. Corner  
 No Deed Reference Available

Lot 16  
 Northampton  
 Block A, Unit A-2  
 Plat Book 170, Page 27  
 N/F  
 Don L. Flocks  
 Don L. Flocks  
 Dead Book 15167, Page 2854

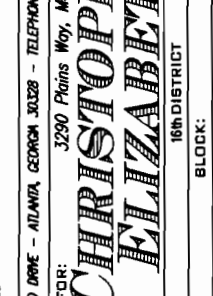
Lot 15  
 Northampton  
 Block A, Unit A-2  
 Plat Book 170, Page 27  
 N/F  
 Don L. Flocks  
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Lot 16  
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 Plat Book 170, Page 27  
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Lot 15  
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 Block A, Unit A-2  
 Plat Book 170, Page 27  
 N/F  
 Don L. Flocks  
 Don L. Flocks  
 Dead Book 15167, Page 2854



AUG 13 2015

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

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

3290 Plains Way, Marietta Georgia 30066  
**CHRISTOPHER WYATT**  
**ELIZABETH WYATT**

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	PARTY CHIEF: W.C.	FIELD DATE: 5/13/15
DEED BOOK 15142	PAGE 180	THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSONS, OR ENTITY WITHOUT EXPRESS REIFICATION BY THE SURVEYOR NAMING SAID PERSONS, OR ENTITY. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.	

DRAWING NUMBER	F33-296
JOB NUMBER	194863

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSONS, OR ENTITY WITHOUT EXPRESS REIFICATION BY THE SURVEYOR NAMING SAID 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

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**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

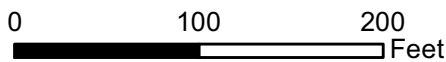
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**FIRE DEPARTMENT:** NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

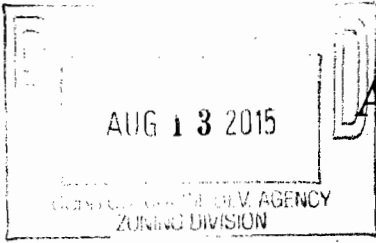
# V-148



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)

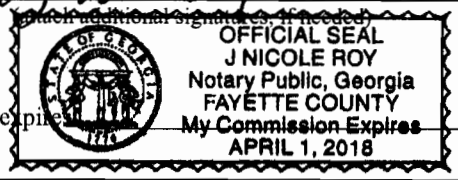
Elizabeth Wyatt Phone # 703-307-4784 E-mail annie.chris.wyatt@gmail.com  
(representative's signature)



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.