

**DECEMBER 15, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 62

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:

V-159 J.D.H. DEVELOPERS

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on July 28, 2015, Section 134-94(a)(5), the Board of Commissioners shall consider granting a Special Exception for reduction of road frontage, 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 November 11, 2015 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction of road frontage as recommended by the Board of Zoning Appeals for Variance case:

V-159 J.D.H. DEVELOPERS

ATTACHMENTS

Variance analysis

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 11, 2015
PAGE 7**

CONSENT AGENDA (CONT.)

V-159 J.D.H. DEVELOPERS (AKASH Investment Group, Inc., owner) requesting a variance to: 1) waive the minimum public road frontage from the required 50 feet to 40 feet for Tract 1 and to 39 feet for Tract 3; 2) waive the minimum lot width at the front setback line from the required 75 feet to 55 feet for Tract 3; 3) waive the front setback for Tract 1 from the required 40 feet to 25 feet; 4) waive the rear setback for Tract 1 from the required 30 feet to 25 feet; and 5) waive the rear setback for Tract 2 from the required 30 feet to 25 feet in Land Lots 651 and 718 of the 16th District. Located at the southern terminus of Cobb Place Boulevard, at the northern terminus of Greers Chapel Drive, west of Interstate 75 (750 Cobb Place Boulevard).

To **approve** variance, subject to:

- **Stormwater Management Division comments and recommendations**
- **Site Plan Review Division comments and recommendations**
- **Cobb DOT comments and recommendations**

~~**V-161 DON PETRY** (Donald Petry, III, owner) requesting a variance to: 1) waive the setbacks for an accessory structure over 650 square feet (proposed 1,040 square foot garage) from the required 100 feet to 55 feet to the rear, 29 feet adjacent to the eastern property line and 37 feet adjacent to the western property line; 2) waive the side setback for the house from 10 feet to 9 feet adjacent to the eastern property line; and 3) allow an additional electric meter on a resident lot in Land Lot 144 of the 20th District. Located on the north side of Stonewall Drive, south of Memorial Parkway (3772 Stonewall Drive).~~

To **approve** variance, subject to:

- **No commercial or residential use of accessory structure**

APPLICANT: J.D.H. Developers

PETITION No.: V-159

PHONE: 770-422-7016

DATE OF HEARING: 11-11-2015

REPRESENTATIVE: Parks F. Huff

PRESENT ZONING: CRC

PHONE: 770-422-7016

LAND LOT(S): 651, 718

TITLEHOLDER: AKASH Investment Group, Inc.

DISTRICT: 16

PROPERTY LOCATION: At the southern terminus of Cobb Place Boulevard, at the northern terminus of Greens Chapel Drive, west of Interstate 75 (750 Cobb Place Boulevard).

SIZE OF TRACT: 4.91 acres

COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the minimum public road frontage from the required 50 feet to 40 feet for Tract 1 and to 39 feet for Tract 3; 2) waive the minimum lot width at the front setback line from the required 75 feet to 55 feet for Tract 3; 3) waive the front setback for Tract 1 from the required 40 feet to 25 feet ; 4) waive the rear setback for Tract 1 from the required 30 feet to 25 feet; and 5) waive the rear setback for Tract 2 from the required 30 feet to 25 feet.

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

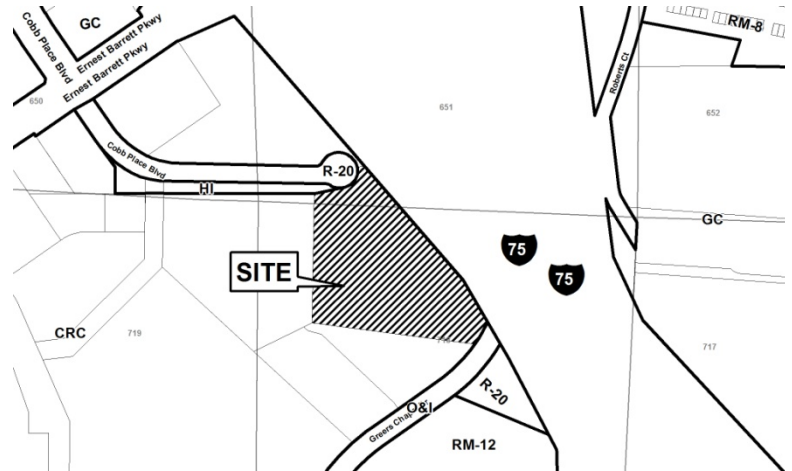
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: J.D.H. Developers **PETITION No.:** V-159

COMMENTS

TRAFFIC: Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed road project.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat 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: A maintenance agreement will be required to address future maintenance responsibilities for the existing site stormwater infrastructure.

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

DESIGN GUIDELINES: No comment.

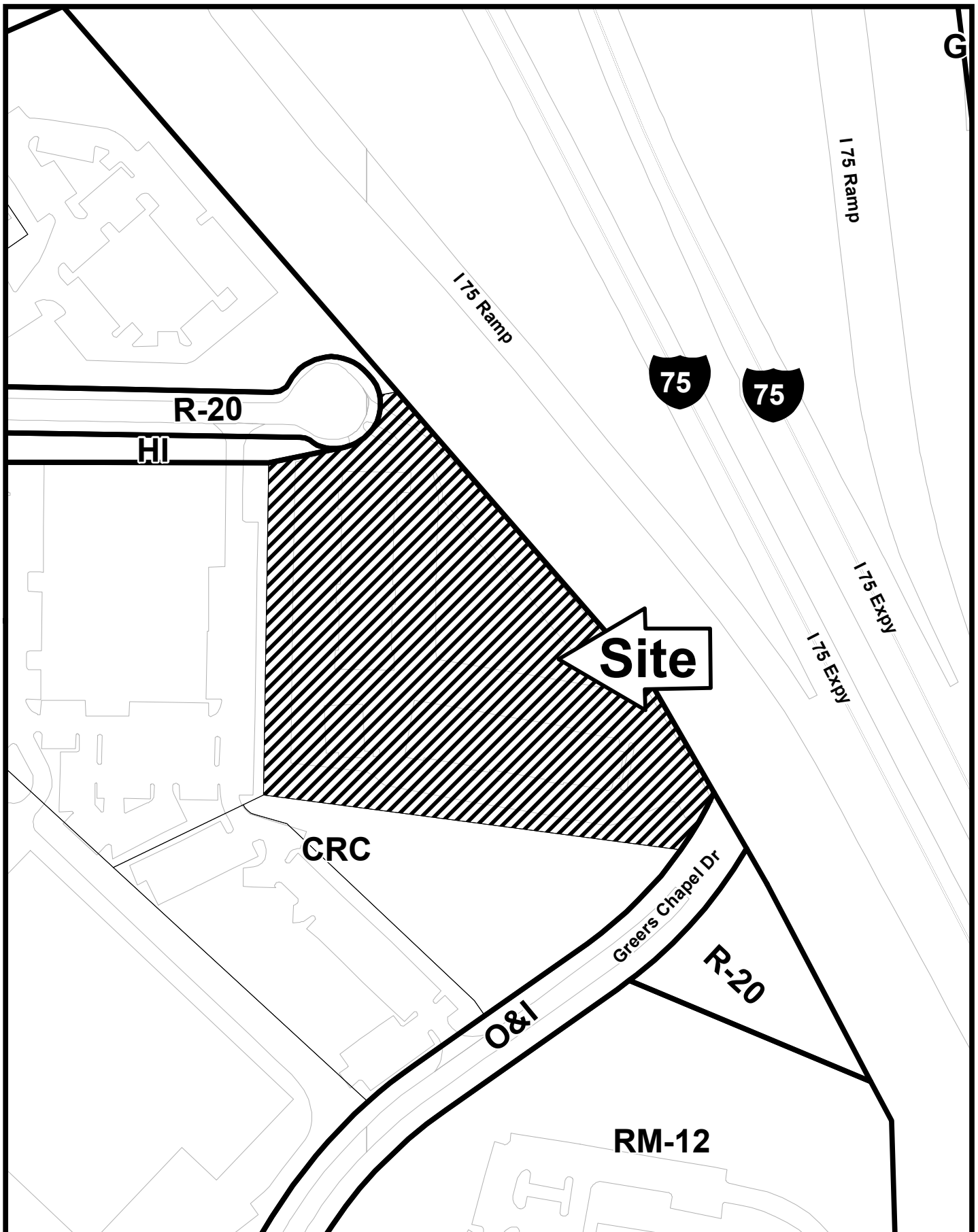
CEMETERY PRESERVATION: No comment.

WATER: No conflict

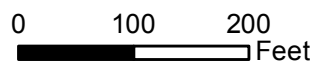
SEWER: No conflict



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.

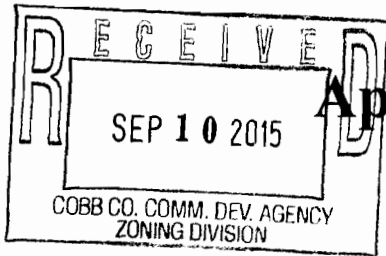
V-159



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-1579
Hearing Date: Nov. 11, 2015

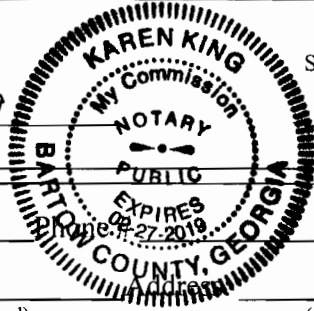
Applicant J.D.H. Developers Phone # _____ E-mail _____
SAMS, LARKIN, HUFF & BALLI, LLP
by: Parks F. Huff Address 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

Phone # 770-422-7016 E-mail phuff@slhb-law.com

(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: Feb. 27, 2019



Notary Public

Titleholder See Attached E-mail _____

Signature _____
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property CRC

Location Southern terminus of Cobb Place Blvd. (750 and 760 Cobb Place Blvd.)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 651 & 718 District 16th Size of Tract 4.91 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 _____ Shape of Property 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).

The property contains two hotels and a conference center. The Applicant wishes to subdivide the property. Each use does not have sufficient lot frontage.

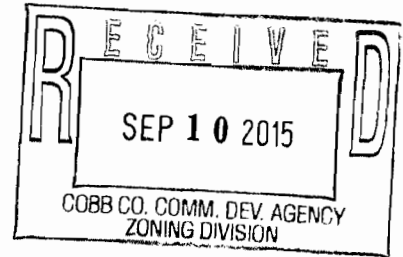
List type of variance requested: Pursuant to 134-218. - CRC community retail commercial district: To waive the minimum public road frontage from 50 feet to 35 feet on Lot 1 and Lot 3

V-159
(2015)
Exhibit

ATTACHMENT TO VARIANCE APPLICATION

Application No.: V-
BZA Hearing Date: Nov. 11, 2015

Applicant: J.D.H. DEVELOPERS
Titleholder: AKASH INVESTMENT GROUP, INC.
PIN#: 16071800020



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

[Signature] 9/9/15
Signature of Owner Date

Address: 750 COBB PLACE BWP NW
KENNESAW, GA 30144

Telephone No.: (770) 419 1530

SHIVA ELAHI 09/10/2015
Signature of Notary Public Date

