

**FEBRUARY 16, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM 001

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their January 13, 2016 Variance Hearing regarding Variance Application V-15 MITCHELL NIMEY.

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 January 13, 2016 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-15 MITCHELL NIMEY.

ATTACHMENTS

Variance analysis

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JANUARY 13, 2016
PAGE 6

CONSENT AGENDA (CONT.)

~~V-9 MCEACHERN MEMORIAL UNITED METHODIST CHURCH
(CONT.)~~

Clerk's Note: Chairman Homan explained that the word, "homeless" was used on the application to fit the category that the Applicant requested, and that the use of the building will be for traveling speakers and missionaries only.

~~V-10 P & L BARRETT LP (owner) requesting a variance to allow an accessory use (proposed two level parking deck) to be located to the front and side of the principal structure in Land Lot 209 of the 20th District. Located at the southeast corner of Lodge Road and Greers Chapel Road (265 Lodge Road).~~

~~To **approve** variance request, subject to:~~

- ~~1. **Encroachments as shown on the site plan received by the Zoning Division on November 12, 2015 (attached and made a part of these minutes)**~~

~~V-14 OLSHAN PROPERTIES (U.S. 41 & I 285 Company, LLC., owner) requesting a variance to waive the landscape enhancement strip from the required eight feet to zero feet in Land Lot 979 of the 17th District. Located on the north side of Cobb Parkway, west of Riverwood Parkway (2997 South Cobb Parkway).~~

~~To **approve** variance request, subject to:~~

- ~~1. **Cobb DOT comments and recommendations**~~

V-15 MITCHELL NIMEY (owner) requesting a variance to: 1) waive the minimum public road frontage from the required 75 feet to 37 feet for tracts 1 and 2; 2) waive the minimum lot width at front setback from the required 75 feet to 37 feet for tracts 1 and 2; 3) allow an accessory structure (barn) to the front of the principal structure (proposed house and garage) on tract 2; and 4) waive the side setback for an accessory structure over 650 square feet (barn) from the required 100 feet to 88 feet adjacent to the north property line on tract 2 in Land Lot 395 of the 17th District. Located on the western side of Burdette Road, north of Pebblebrook Road (5486 Burdette Road).

To **approve** variance request, subject to:

- 1. Site Plan Review comments and recommendations**
- 2. Fire Department comments and recommendations**

APPLICANT: Mitchell Nimey

PETITION No.: V-15

PHONE: 678-909-5993

DATE OF HEARING: 01-13-2016

REPRESENTATIVE: J. Kevin Moore

PRESENT ZONING: R-20

PHONE: 770-429-1499

LAND LOT(S): 395

TITLEHOLDER: Mitchell Nimey

DISTRICT: 17

PROPERTY LOCATION: On the western side of Burdette Road, north of Pebblebrook Road (5486 Burdette Road).

SIZE OF TRACT: 10.17 acres

COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Waive the minimum public road frontage from the required 75 feet to 37 feet for tracts 1 and 2; 2) waive the minimum lot width at front setback from the required 75 feet to 37 feet for tracts 1 and 2; 3) allow an accessory structure (barn) to the front of the principal structure (proposed house and garage) on tract 2; and 4) waive the side setback for an accessory structure over 650 square feet (barn) from the required 100 feet to 88 feet adjacent to the north property line on tract 2.

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

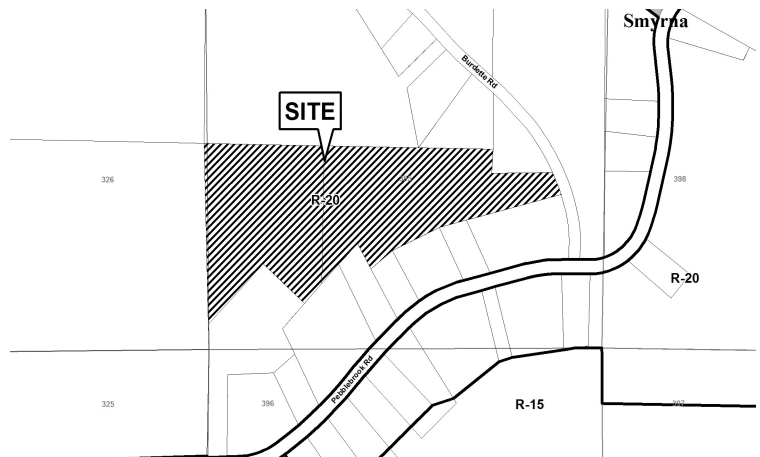
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comments.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat must be recorded prior to the issuance of a building permit combining parcels 17039500310 and 17039500290 and subdividing parcel 29 to create tract 1. The plat must reference the variance case. 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. Also, a land disturbance permit may be required prior to the issuance of a building permit for the house on tract 2.

STORMWATER MANAGEMENT: No adverse stormwater management impacts are anticipated.

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: Staff has determined that the subject sites are not within the boundaries of approved design guidelines study areas; therefore do not have to comply with design guidelines requirements. No comments.

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: No conflict.

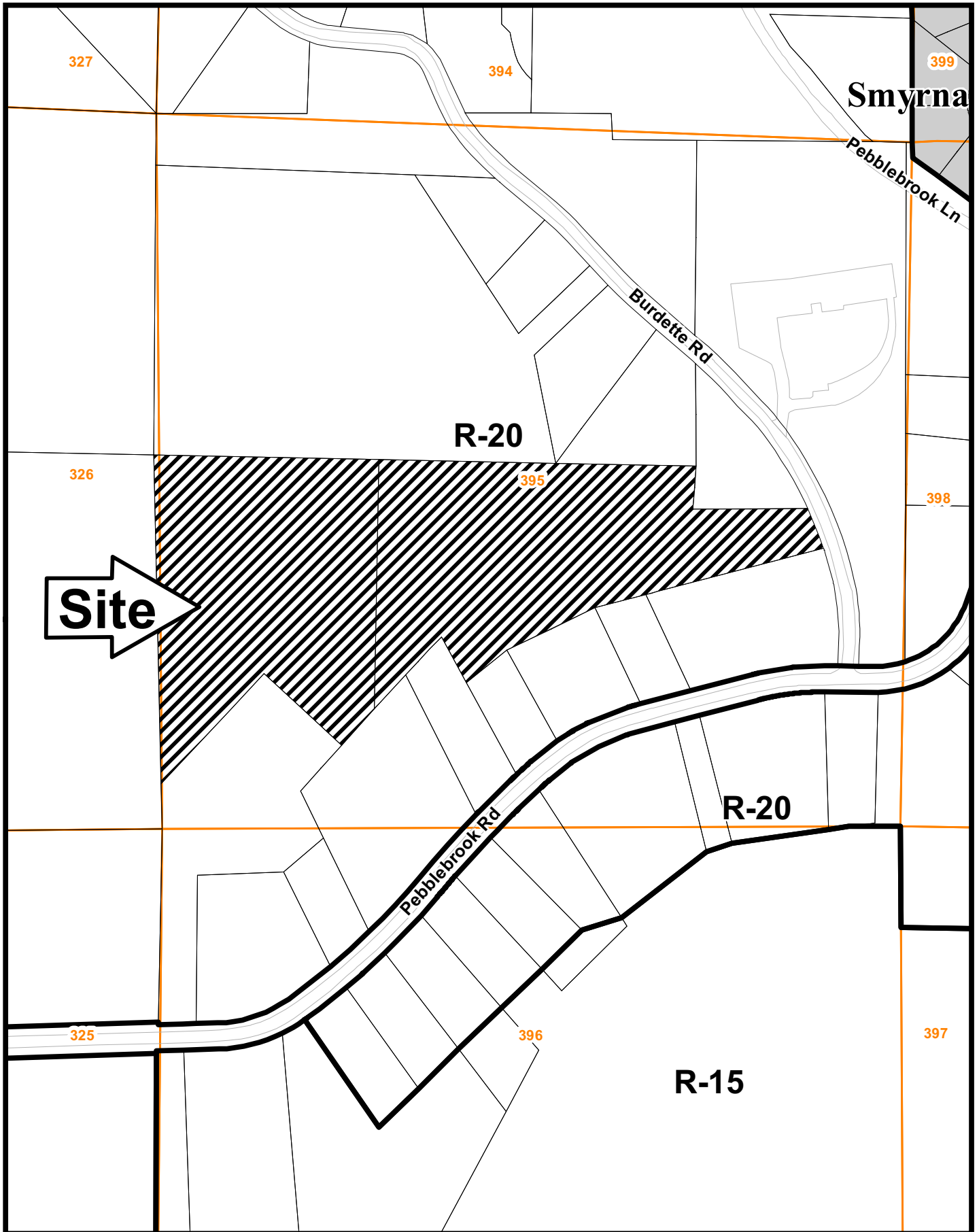
SEWER: No conflict (served by septic).

APPLICANT: Mitchell Nimey

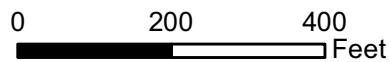
PETITION No.: V-15



- FIRE DEPARTMENT:**
1. Driveway must have a minimum 12' driving surface width with a minimum 25' inside turning radius.
 2. Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
 3. Maximum grade shall not exceed 18%.
 4. Driveway must extend within 150' of the most remote portion of the structure.
 5. Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
 6. Driveway must support 25 Tons (50,000 lbs.)
 7. Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
 8. Hydrant within 500' of remote structure, minimum 6" main*
(Required Flow: 1000 gpm @ 20 psi)
 9. Fire Flow Test from closest existing hydrant*
(Required Flow: 1000 gpm @ 20 psi)

V-15



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- 15 (2016)
Hearing Date: 01/13/2016

Applicant Mitchell Nimey Phone # (678) 909-5993 E-mail mitchnimey@gmail.com
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore Address Marietta, GA 30060
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jkm@mijs.com
(representative's signature) Georgia Bar No. 519728



My commission expires: January 10, 2019

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

Titleholder Mitchell Nimey Phone # (678) 909-5993 E-mail mitchnimey@gmail.com
Signature [Signature] Address: 5486 Burdette Road
(attach additional signatures, if needed) (street, city, state and zip code)
Mableton, GA 30126



My commission expires: January 10, 2019

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

Present Zoning of Property R-20

Location Westerly side of Burdette Road; northerly of Pebblebrook Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 395, 396 District 17th Size of Tract 10.167± 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 X Topography of Property _____ Other X

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).

See Exhibit "A" attached hereto and incorporated herein by reference.

List type of variance requested: See Exhibit "A," page 2, for listing of requested variances.

V-15
(2016)
Exhibit

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 15 (2016)
Hearing Date: January 13, 2016

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant/Property Owner: Mitchell Nimey

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant owns approximately 10.167 acres of property located on the westerly side of Burdette Road, northerly of Pebblebrook Road, Land Lots 395 and 396, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). There presently exists one single-family residence and a barn on the Property. Applicant desires to subdivide the Property into two tracts, as shown and reflected on the Site Plan submitted with this Application for Variance, and construct a second single-family residence on the portion of the Property noted as Tract 2. To proceed with the plans, Applicant is required, pursuant to the R-20 zoning classification, to request a reduction of the required minimum public road frontage for each of the proposed tracts from the required seventy-five (75) feet to 37.49 feet. Additionally, Applicant seeks a reduction of the required distance for an accessory structure (existing barn) from a property line from the required one hundred (100) feet to 88.8 feet; and to waive the requirement that an accessory structure be located to the rear of the primary structure (proposed second residence), as more particularly shown and reflected on the Site Plan submitted with this Application for Variance. No additional access is required on Burdette Road for the proposed second residence, as there will be shared access. To grant the variances sought by Applicant would result in minimal impact, if any at all, upon the Subject Property or any other adjacent or surrounding properties.

NOV 12 2015

V-15
(2016)
Exhibit

List type of variances requested:

- (1) To reduce the required minimum public road frontage for two single-family residential lots from seventy-five (75) feet to 37.49 feet. (See § 134-197(4)c);
- (2) Reduction of required distance of an accessory structure over 650 total gross square feet from any property line of one hundred (100) feet to 88.8 feet. (See § 134-197(12)(a)); and
- (3) Waiver of the requirement for the location of an accessory building or structure be located to the rear of the primary structure. (See § 134-197(12)(b)(3)).

NOV 12 2015