

**JULY 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM 036

PURPOSE

To consider a stipulation amendment for Johnny L. Roper regarding rezoning application #37 of 1986 (Johnny L. Roper), for property located on the north side of Dallas Road, west of Martin Ridge Drive, in Land Lot 329 of the 20th District.

BACKGROUND

The subject property was rezoned to General Commercial (GC) in 1986 for animal boarding use only. The applicant would also like to provide veterinary services for customers also, but cannot since the stipulation limits the use of the property. All veterinary services will take place inside the building. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

RECOMMENDATION

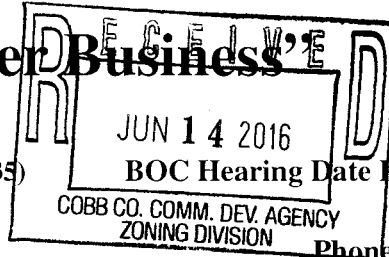
The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)



06-036-2016

JUN 14 2016

BOC Hearing Date Requested: July 19, 2016

Applicant: Johnny L. Roper
(applicant's name printed) Phone #: 770-424-0062

Address: 2250 Dallas Highway, Marietta, GA 30064 **E-Mail:** _____

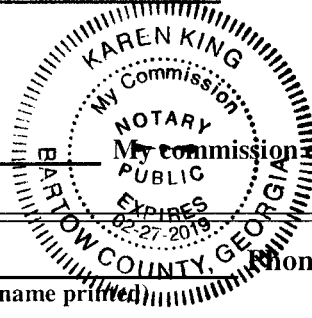
SAMS, LARKIN, HUFF & BALLI, LLP
by: Adam J. Rozen, Esq. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed) **Phone #:** 770-422-7016 **E-Mail:** arozen@slhb-law.com

(representative's signature)

Signed, sealed and delivered in presence of:

Karen P. King
Notary Public My commission expires: 2-27-19



Titleholder(s): See Attached (property owner's name printed) **Phone #:** _____

Address: _____ **E-Mail:** _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 1 (Weatherford) **Zoning Case:** No. 37

Size of property in acres: 8.5 **Original Date of Hearing:** March 18, 1986

Location: On the north side of Dallas Highway, east of Ernest Barrett Parkway (2250 Dallas Highway)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 329 **District(s):** 20th

State specifically the need or reason(s) for Other Business: To amend stipulations
by removing "use be animal boarding only".

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application at any time during the Other Business process.

(List or attach additional information if needed)

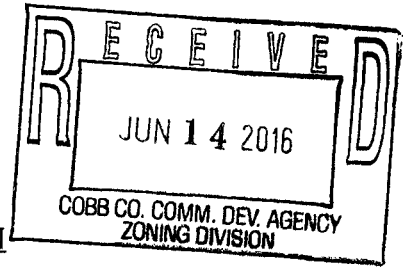
ATTACHMENT TO OTHER BUSINESS APPLICATION

OB Application No.: 08-36
BOC Hearing Date: 7-19-16

Applicant: JOHNNY L. ROPER

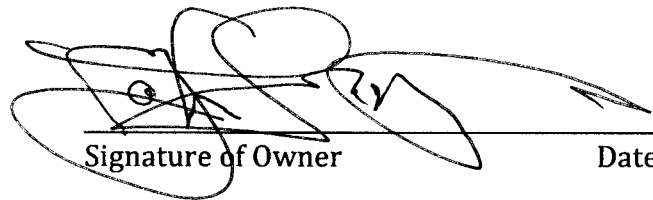
Titleholder: JOHNNY L. ROPER

Tax ID #: 20032900230



PROPERTY OWNER'S CERTIFICATION

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

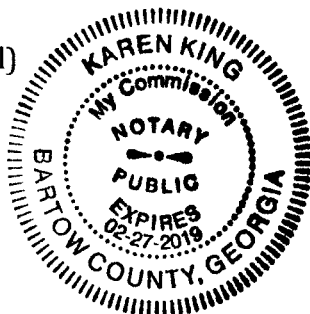

Signature of Owner _____ Date 6-14-16

Address: 2170 Windy Mill Rd
Smyrna, Ga 30080

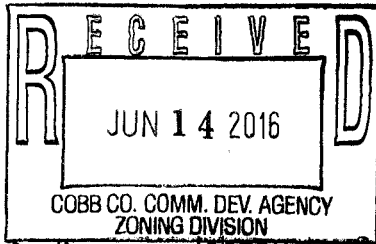
Telephone No.: (770) 435-5781


Signature of Notary Public _____ Date 6-14-16

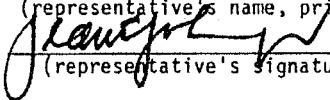
(Notary Seal)

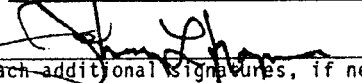


APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)



Application No. 37
Hearing Date 3-18-86

Applicant Johnny L. Roper Business Phone 435-5781 Home Phone 435-5991
(business name)
Jean E. Johnson, Jr. Address 301 Washington Avenue, Marietta, GA 30060
(representative's name, printed)
 Business Phone 427-8466 Home Phone 428-1331
(representative's signature)

Titleholder Johnny L. Roper Business Phone 435-5781 Home Phone 435-5991
Signature  Address 826 Smyrna-Roswell Road, Smyrna, GA 30080
(attach additional signatures, if needed)

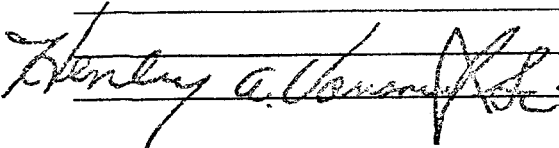
Zoning Request From R20 To GC
(present zoning) (proposed zoning)

For the Purpose of Animal Boarding, Grooming and Training Facility Size of Tract 8.5 acre(s)
(subdivision, restaurant, warehouse, apts., etc.)


Location Dallas Highway
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 329 District 20

Recommendation of Planning Commission 3-18-86, Planning Commission recommended application be approved subject to animal boarding only, and other outside stipulations in the Book (Impact Book), subject to letter of agreement marked exhibit A. Motion by Adams, seconded by Vansant; carried 5-0.

 Chairman

Board of Commissioners' Decision 3-18-86, Board of Commissioners approved application subject to the stipulations that were agreed on by Martin Ridge Homeowners group and accepted by Mr. Roper and also by Mr. Johnson and the use be animal boarding only. Motion by Paschal, seconded by Thompson; carried 5-0.

 Chairman

LAW OFFICES
JOHNSON, GRIFFIN, BEARD & MOSS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
301 WASHINGTON AVENUE, S.E.
MARIETTA, GEORGIA 30060

Exhibit A
3-18-86
JEL

JEAN E. JOHNSON, JR., P.C.
GREGORY A. GRIFFIN, P.C.
W. ANTHONY MOSS
STEVEN L. BEARD
GRAY D.L. SMITH*
JAMES D. COMERFORD

*(ALSO ADMITTED IN TENNESSEE)

March 26, 1986

(404) 427-8466

CHAIRMAN'S OFFICE
COBB COUNTY
MAR 27 1986
SENT TO: _____

RECEIVED
JUN 14 2016
#3 COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Board of Commissioners
Administration Building
Marietta, Georgia 30060

Re: Zoning Application #3 COBB CO. COMM. DEV. AGENCY
March 18, 1986 Calendar ZONING DIVISION

cc Zoning

The stipulations which were agreed upon in regard to the development of the property which was the subject of the above-numbered application are as follows:

- (1) The property will be developed for use as an animal boarding, grooming and training facility;
- (2) There will be no outside runs (pens) constructed within 300 feet of the common property line with Martin Ridge Subdivision;
- (3) There will be maintained a 150 foot undisturbed buffer along the common property line with Martin Ridge Subdivision;
- (4) There will be no kennel building constructed within 250 feet of the common property line with Martin Ridge Subdivision; and,
- (5) Animals boarded at the facility will be enclosed inside a sound proof kennel building between the hours of 7:00 P.M. to 7:00 A.M.

Respectfully,

JOHNSON, GRIFFIN, BEARD & MOSS

Jean E. Johnson, Jr.
Jean E. Johnson, Jr., Attorney
for Johnny Roper, Appliant and Owner

BENTLEY & BENTLEY

R. Randall Bentley
R. Randall Bentley, Representative
for Martin Ridge Residents

JEJjr/sp