



**APPLICANT:** Jeffery C. Smith

**PHONE#:** 770-443-4077      **EMAIL:** Jefferycsmith@bellsouth.net

**REPRESENTATIVE:** Jeffery C. Smith

**PHONE#:** 770-443-4077      **EMAIL:** Jefferycsmith@bellsouth.net

**TITLEHOLDER:** Jeffery C. Smith

**PROPERTY LOCATION:** Northeast side of Austell Powder

Springs Road, southeast of Furr Avenue

(4509 Austell Powder Springs Road)

**ACCESS TO PROPERTY:** Austell Powder Springs Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing house

**PETITION NO:** LUP-10

**HEARING DATE (PC):** 07-07-16

**HEARING DATE (BOC):** 07-19-16

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land use permit

(Renewal)

**PROPOSED USE:** Produce Sales

**SIZE OF TRACT:** 1.331 acres

**DISTRICT:** 19

**LAND LOT(S):** 1054

**PARCEL(S):** 39

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Single-family Residential

**SOUTH:** GC/Single-family House

**EAST:** GC/Single-family House

**WEST:** R-20/Single-family House

*Adjacent Future Land Use:*

North : Public Institutional (PI)

East: Community Activity Center (CAC)

Southeast: Community Activity Center (CAC)

Southwest: Community Activity Center (CAC)

(Across Austell Powder Springs Road.)

**OPPOSITION:** NO. OPPOSED      **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

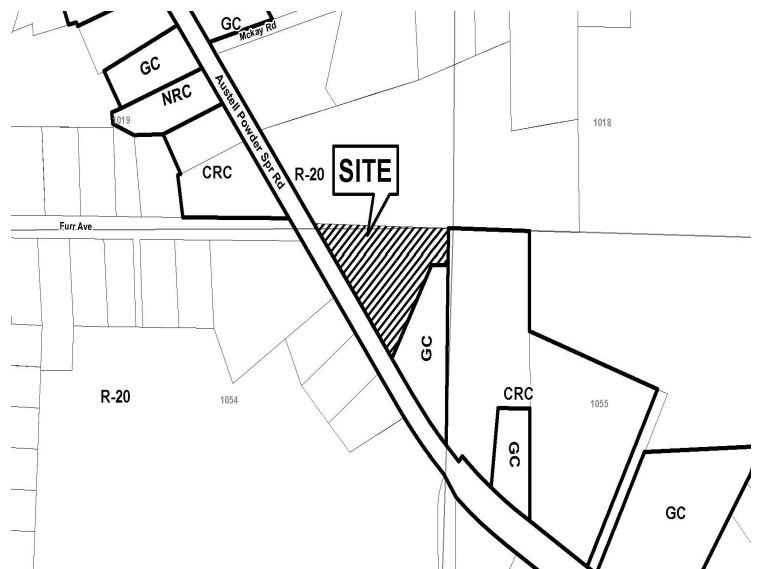
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

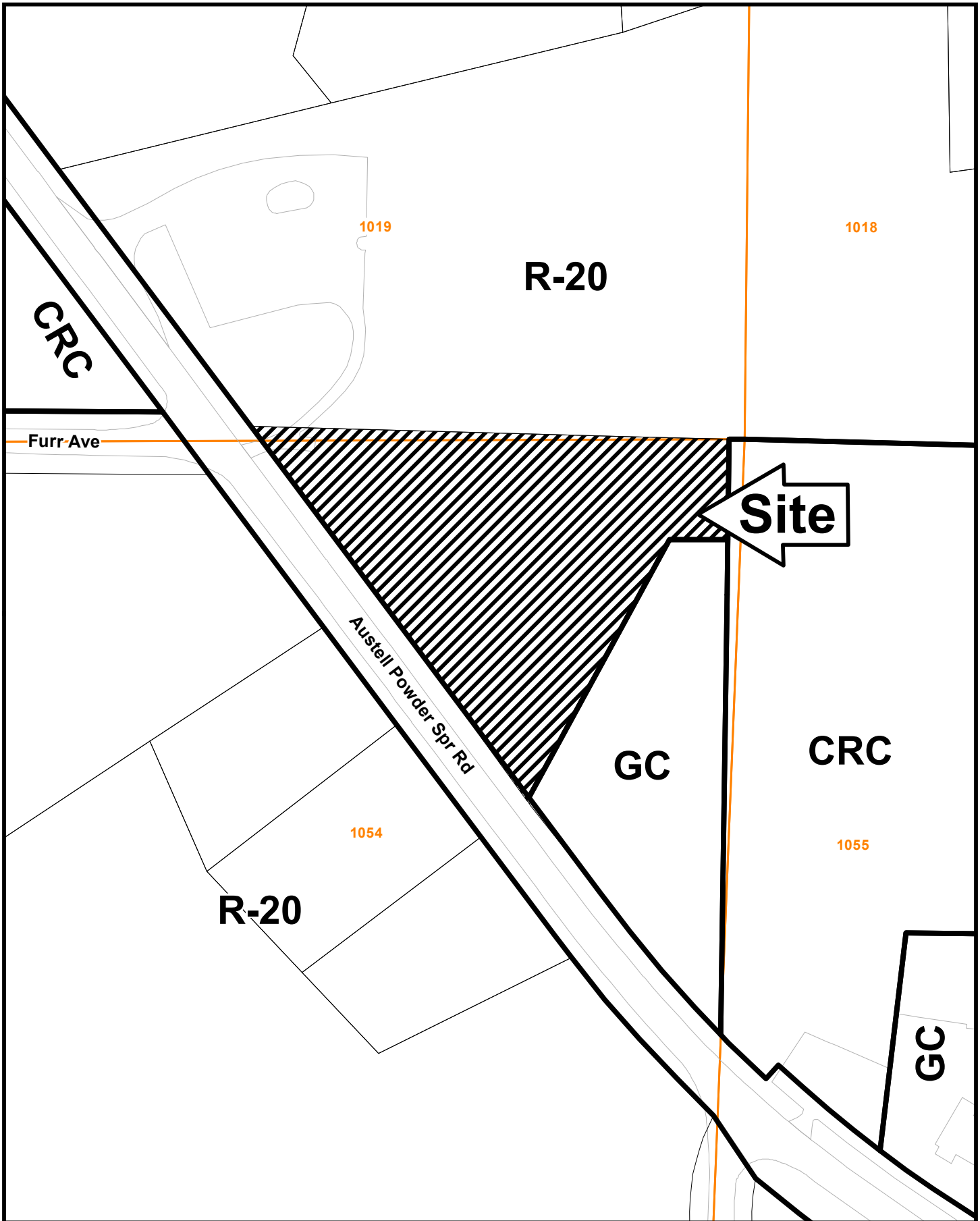
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

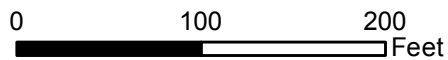
**STIPULATIONS:**





# LUP-10-2016 GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: Jeffery C. Smith

PETITION NO.: LUP-10

PRESENT ZONING: R-20

PETITION FOR: LUP

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**ZONING COMMENTS:** Staff Member Responsible: Jason A. Campbell

Applicant is requesting the sixteenth renewal of a Land Use Permit to allow him to continue to operate a fruit stand at this home. The proposed hours of operation are Monday through Saturday from 8 a.m. until 6 p.m. The applicant has indicated that there will be 15-20 customers per day and parking is provided on the property.

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment.

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**WATER & SEWER COMMENTS:**

No comments. Property is served by City of Powder Springs water and sewer.

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**TRAFFIC COMMENTS:**

Recommend no parking on the right-of-way.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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**FIRE COMMENTS:**

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. A C/O is required if the public enters an enclosed structure.

**APPLICANT: Jeffery C. Smith**

**PETITION NO.: LUP-10**

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**PETITION FOR: LUP**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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No comment (Renewal).

## STAFF RECOMMENDATIONS

### LUP-10      JEFFERY C. SMITH

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*  
**This request is for the renewal of a fruit stand business that should not affect the safety, health or welfare of the surrounding properties.**
- (2) *Parking and traffic considerations.*  
**All parking will be on the driveway on the property.**
- (3) *Number of nonrelated employees.*  
**The applicant will be the only employee.**
- (4) *Number of commercial and business deliveries.*  
**The applicant has indicated that there will be no commercial deliveries for the business.**
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*  
**This business has operated on a single-family property for a number of years as a result of the Board of Commissioners' approval of temporary land use permits for this use.**
- (6) *Compatibility of the business use to the neighborhood.*  
**This section of Austell Powder Springs Road contains a mixture of single-family residential and commercial uses.**
- (7) *Hours of operation.*  
**The hours of operation are Monday through Saturday from 8 a.m. until 6 p.m.**
- (8) *Existing business uses in the vicinity.*  
**This area has auto sales, auto repair, office and retail uses.**
- (9) *Effect on property values of surrounding property.*  
**This request should not affect the property values in the area.**
- (10) *Circumstances surrounding neighborhood complaints.*  
**This request is not the result of a Code Enforcement complaint.**
- (11) *Intensity of the proposed business use.*  
**This request is for the sixteenth renewal for a produce stand.**
- (12) *Location of the use within the neighborhood.*  
**The property is not located within a recorded subdivision.**

**LUP-10      JEFFERY C. SMITH (Continued)**

Based upon the above analysis, Staff recommends APPROVAL for 24 months subject to the following:

1. Fruit stand to be maintained at the side of the primary structure;
2. Off-street parking and turn around space to be provided to the side and rear of the existing structures;
3. Business activity limited to spring and summer months; and
4. Department of Transportation comments and recommendations.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**



Application #: LUP-10  
 PC Hearing Date: 7-7-16 (Thurs.)  
 BOC Hearing Date: 7-19-16

**TEMPORARY LAND USE PERMIT WORKSHEET**  
**(FOR BUSINESS USE OR FOR A USE NOT PERMITTED)**

1. Type of business, or request? Produce
2. Number of employees? 1
3. Days of operation? Monday - Saturday
4. Hours of operation? 8:00 AM - 6:00 PM
5. Number of clients, customers, or sales persons coming to the house per day? 15-20 ; Per week? 90-120
6. Where do clients, customers and/or employees park?  
 Driveway:  ; Street: \_\_\_\_\_ ; Other (Explain): \_\_\_\_\_

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7. Signs? No:  ; Yes: \_\_\_\_\_. (If yes, then how many, size, and location): \_\_\_\_\_
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 0

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9. Deliveries? No  ; Yes \_\_\_\_\_ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)

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10. Does the applicant live in the house? Yes  ; No \_\_\_\_\_
11. Any outdoor storage? No  ; Yes \_\_\_\_\_ (If yes, please state what is kept outside): \_\_\_\_\_
12. Length of time requested (24 months maximum): 24 MONTHS
13. Is this application a result of a Code Enforcement action? No  ; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): \_\_\_\_\_

Applicant signature: Jeffrey C. Smith Date: 5/5/2016

Applicant name (printed): JEFFREY C. SMITH



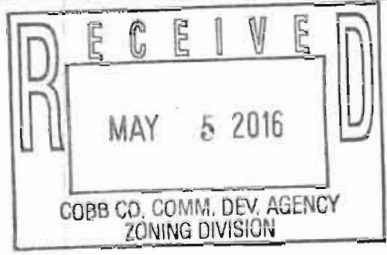
**Existing On-site Sewage Management System Performance Evaluation Report**

Applicant: <u>Jeffery Smith</u>		Reason for Existing Sewage Sys (1) Loan Closing for H (2) Refinance (3) Home Addition (N Type: _____ (4) Swimming Pool Construction (5) Structure Addition to Property Type: _____ (6) Mobile Home Relocation	
Property/System Address: <u>4509 AUSTELL POWDER SPRINGS RD POWDER SPRINGS, GA 30127</u>			
Subdivision Name: _____	Lot: _____		Block: _____
Existing System Information: Water Supply (circle)			Number of Bedrooms/GPD: _____
<input checked="" type="radio"/> Public <input type="radio"/> Private Well <input type="radio"/> Community			Garbage Grinder: (circle) <input type="radio"/> Yes <input checked="" type="radio"/> No

\*\*\* One of Section A, B, or C should be Completed \*\*\*  
**SECTION A - System on Record**

<input checked="" type="radio"/> Yes (2) No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: okay for land use for fruit stand and residential home
<input checked="" type="radio"/> Yes (2) No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
<input checked="" type="radio"/> Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input checked="" type="radio"/> Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.	
Evaluating Environmentalist <u>J. DeWitt</u>		Title: <u>Env. Health SA</u>
		Date: <u>15 Apr-16</u>
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

**SECTION B - System Not on Record**

<input type="radio"/> Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments: 
<input type="radio"/> Yes (2) No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
<input type="radio"/> Yes (2) No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.	
<input type="radio"/> Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input type="radio"/> Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.	
Evaluating Environmentalist		Title:
		Date:
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

**SECTION C - System Not Approved**

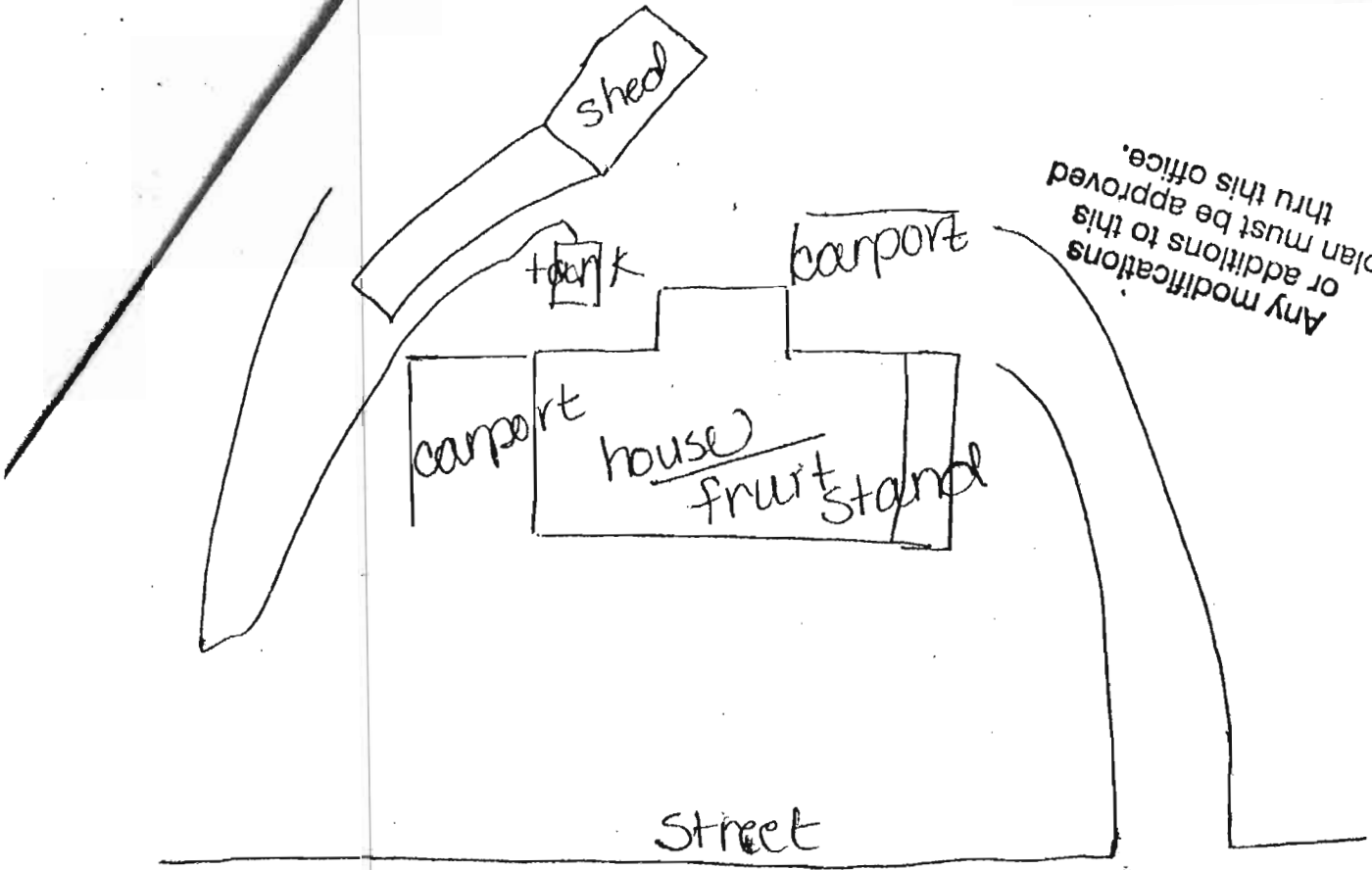
<input type="radio"/> Yes (2) No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:
<input type="radio"/> Yes (2) No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.	
<input type="radio"/> Yes (2) No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.	
Evaluating Environmentalist		Title:
		Date:
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

**SECTION D - Addition to Properly or Relocation of Home (section completed in conjunction with A, B, or C above)**

<input type="radio"/> Yes (2) No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments:
<input type="radio"/> Yes (2) No	A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent.	
		Number of Bedrooms/GPD: <u>2</u>
		Garbage Grinder: (circle) <input type="radio"/> Yes <input type="radio"/> No
Evaluating Environmentalist		Title:
		Date:
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

**APPROVED**

J. Delveau 2-28-12  
COBB PUBLIC HEALTH DATE  
CENTER FOR ENVIRONMENTAL HEALTH



**APPROVED**

J. Delveau 4-19-16  
COBB PUBLIC HEALTH DATE  
CENTER FOR ENVIRONMENTAL HEALTH