

**NOVEMBER 15, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM 069**

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their October 12, 2016 Variance Hearing regarding Variance Application V-143 Elbert Griffin and Heidi Griffin.

**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 lot size, 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 12, 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 lot size as recommended by the Board of Zoning Appeals.

**ATTACHMENTS**

Variance analysis.

MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
OCTOBER 12, 2016  
PAGE 4

CONSENT AGENDA (CONT.)

~~V-140~~ ~~BJ MANN AND KALLOL NANDI (Kallol Nandi and Daini Nandi, owners) requesting a variance to 1) waive the front setback from the required 25 feet to 22 feet; and 2) waive the side setback from the required 10 feet to eight feet adjacent to the southern property line in Land Lots 979 and 1038 of the 16<sup>th</sup> District. Located at the western terminus of Highbury Lane, north of Robinson Road (913 Highbury Lane).~~

To approve V-140, subject to:

**1. Site Plan Review comments and recommendations**

V-141 **SCOTT MERLIN** (Scott Merlin, owner) requesting a variance to waive the side setback from the required ten feet to eight feet adjacent to the northern property line in Land Lot 221 of the 1<sup>st</sup> District. Located on the east side of Sagewood Drive, across from Curry Court (1230 Sagewood Drive).

To approve V-141, subject to:

**1. Site plan received by the Zoning Division on August 11, 2016 for the shown encroachments *only* (attached and made a part of these minutes)**

V-142 **OSKAR JUAREZ** (Oskar Juarez, owner) requesting a variance to allow an accessory use (pool) to the side of the principal building in Land Lot 180 of the 16<sup>th</sup> District. Located at the western terminus of Mystique Way, south of Mystique Landing and on the east side of Mabry Road (4503 Mystique Way).

To approve V-142, subject to:

~~**1. Approval is for the pool and related equipment *only***~~

V-143 **ELBERT GRIFFIN AND HEIDI GRIFFIN** (Elbert N. Griffin, III and Heidi L. Griffin, owners) requesting a variance to waive the minimum lot size from the required 20,000 square feet to 18,144 square feet for proposed lot in Land Lots 769 and 816 of the 17<sup>th</sup> District. Located on the west side of Hillcrest Drive, south of Paces Ferry Road (3820 Hillcrest Drive).

To approve V-143, subject to:

**1. Sewer Division comments and recommendations**

V-143  
(2016)

360' TO S.E. R/W  
OF VINING ROAD  
(80' R/W) (IF EXTENDED)

MAGNETIC  
N

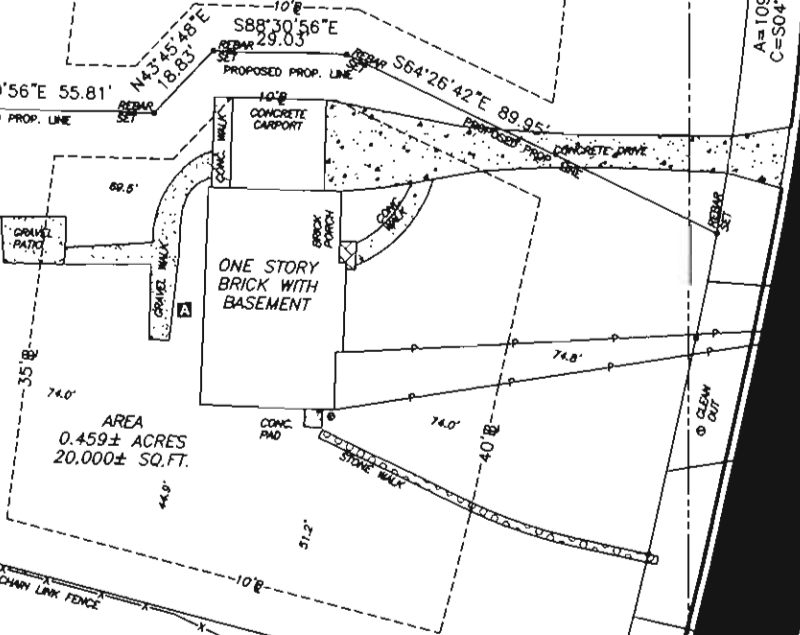
N/F  
LEON CANTRELL  
DB 10800 PG 371

N/F  
ARTHUR L. GREENBERG  
MARGARET R. GREENBURG  
DB 14900 PG 5381-5382

**ZONING INFORMATION**

COBB COUNTY ZONING R-20  
MINIMUM LOT AREA = 20,000 SQ.FT.  
MINIMUM FLOOR AREA = 1,000 SQ.FT.  
MINIMUM LOT WIDTH AT FRONT SET BACK = 75 OR 50 FEET  
MINIMUM FRONT SET BACKS  
ARTERIAL = 40 FEET  
COLLECTOR = 40 FEET  
LOCAL = 35 FEET  
MINIMUM SIDE SET BACKS  
MAJOR SIDE = 25 OR 35 FEET  
INTERIOR SIDE = 10 FEET  
MINIMUM REAR SET BACK = 35 FEET  
MAXIMUM LOT COVERAGE = 35%  
MAXIMUM BUILDING HEIGHT = 35 FEET  
ALL ZONING MATTERS MUST BE APPROVED+  
BY COBB COUNTY PRIOR TO CONSTRUCTION

**AREA**  
0.417± ACRES  
18,144± SQ.FT.



**LEGEND**

R	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
BC	DENOTES BACK-OF-CURB
C	DENOTES CURB
X	DENOTES FENCE
PP	DENOTES POWER POLE
P	DENOTES POWER LINE
PM	DENOTES POWER METER
PB	DENOTES POWER BOX
A/C	DENOTES AIR CONDITION
TB	DENOTES TELEPHONE BOX
GB	DENOTES GAS METER
BSM	DENOTES BELL SOUTH MANHOLE
WM	DENOTES WATER METER
TH	DENOTES FIRE HYDRANT
S	DENOTES SANITARY SEWER LINE
SSM	DENOTES SANITARY SEWER MANHOLE
CO	DENOTES CLEAN OUT

**SURVEY NOTES**

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, PLEASE CALL ALL LOCAL UTILITY PROVIDERS.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AND OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 65,879 FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
- BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
- THIS PLAT IS NOT INTENDED FOR RECORDING.



2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH WOULD DISCLOSE.

3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RE-CERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.



No.	Revision	Date
1.	PROPOSED PROPERTY LINES	8-11-18

**McLUNG**  
SURVEYING SERVICES, INC.

4833 South Cobb Drive Suite 200  
Smyrna, Georgia 30080 (770) 434-3383

This property is not located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.

COMMUNITY PANEL NO. 1306700228 G  
EFFECTIVE DATE: DECEMBER 18, 2008  
COBB COUNTY, GEORGIA RECORDS



Michael R. Niles  
Georgia RLS #2648  
Member SAMSOG  
JOB#242908

TOTAL AREA= 0.876± ACRES  
OR 38,144± SQ. FT.

3820 HILLCREST DRIVE  
SMYRNA, GEORGIA

PROPOSED LOT SPLIT FOR  
ELBERT N. GRIFFIN  
HEIDI L. GRIFFIN

LOT 20  
RIDGWOOD HEIGHTS  
SECTION NO.2

LAND LOTS 769 AND 816  
DISTRICT 17TH. SECTION 2ND  
COUNTY COBB  
GEORGIA

PLAT PREPARED: 2-1-13  
FIELD: 1-30-13 SCALE: 1"=20'



**APPLICANT:** Elbert Griffin and Heidi Griffin

**PETITION No.:** V-143

**PHONE:** 678-296-9355

**DATE OF HEARING:** 10-12-2016

**REPRESENTATIVE:** Elbert N. Griffin

**PRESENT ZONING:** R-20

**PHONE:** 678-296-9355

**LAND LOT(S):** 769, 816

**TITLEHOLDER:** Elbert N. Griffin, III and Heidi L. Griffin

**DISTRICT:** 17

**PROPERTY LOCATION:** On the west side of Hillcrest Drive, south of Paces Ferry Road (3820 Hillcrest Drive).

**SIZE OF TRACT:** 0.88 acres

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** Waive the minimum lot size from the required 20,000 square feet to 18,144 square feet for proposed lot.

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

**BOARD OF APPEALS DECISION**

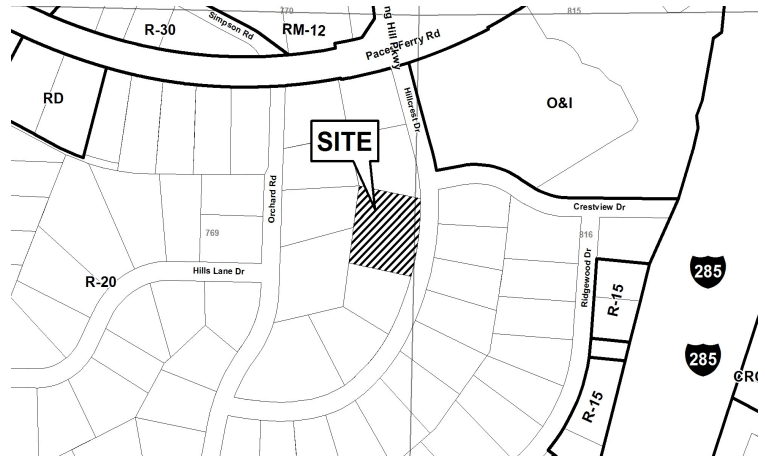
APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       

STIPULATIONS:       



**APPLICANT:** Elbert Griffin and Heidi Griffin

**PETITION No.:** V-143

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**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** No comments

**SITE PLAN REVIEW:** No comments

**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 for V-134 –V-146.

**DESIGN GUIDELINES:** Staff has determined that the subject site is not within the boundaries of approved design guidelines study areas; therefore does not have to comply with design guidelines requirements. No comments.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict

**SEWER:** No conflict. New lot is subject to Hillcrest Drive Sewer Extension fee of \$2,300 + SDF

**APPLICANT:** Elbert Griffin and Heidi  
Griffin

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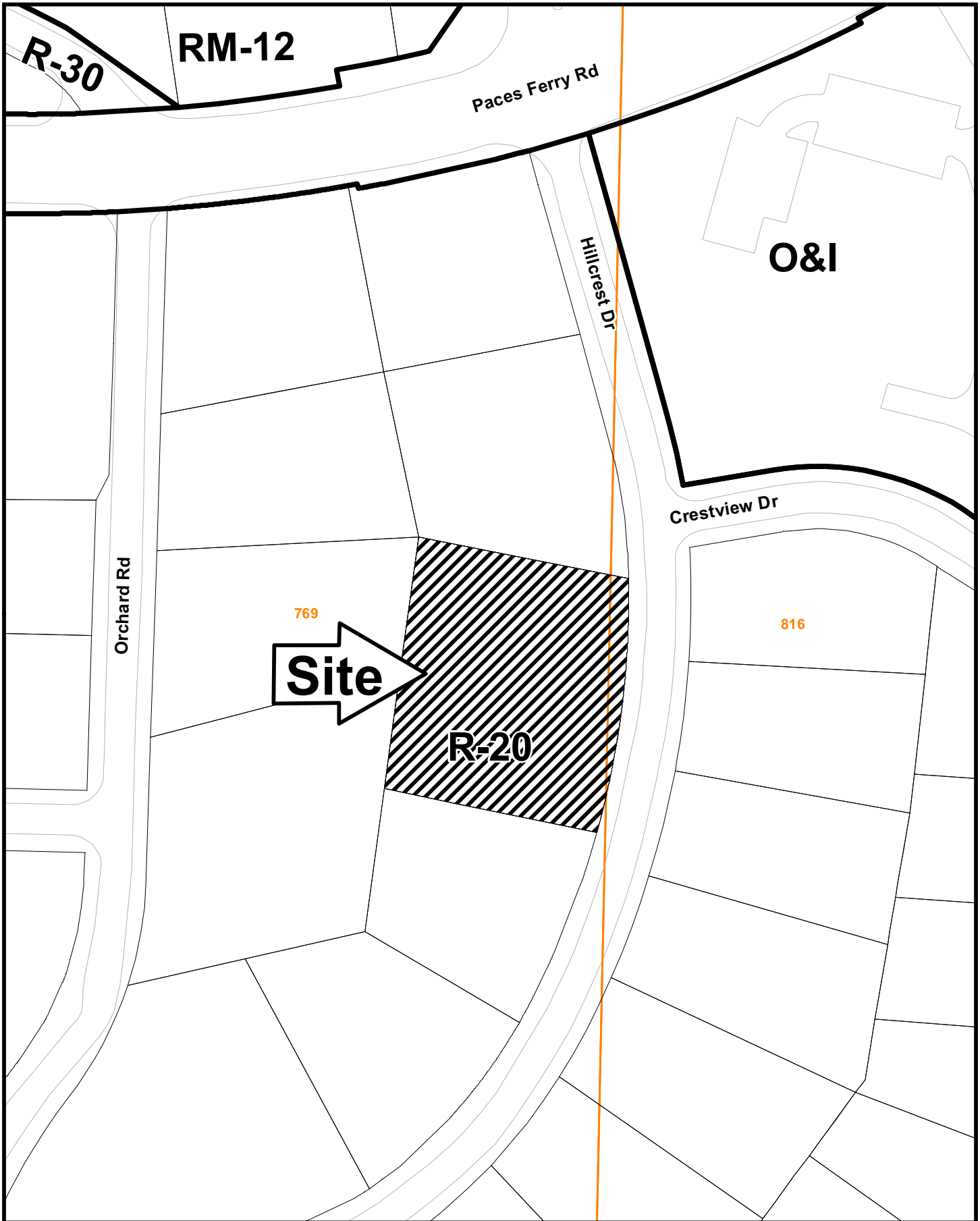
**PETITION No.:** V-143

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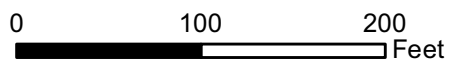
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**FIRE DEPARTMENT:** NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-143-2016 GIS



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



-  City Boundary
-  Zoning Boundary



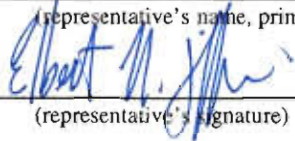
# Application for Variance Cobb County

(type or print clearly)

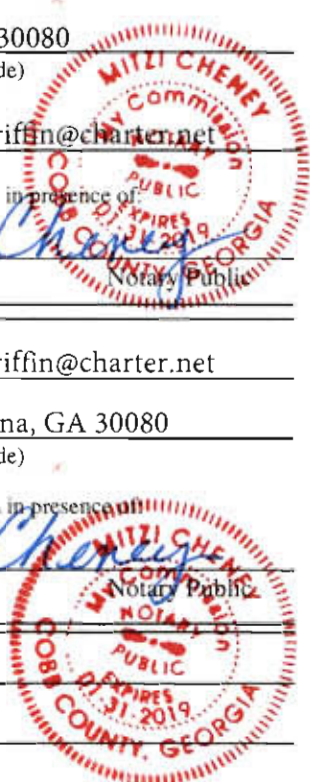
Application No. 1-143  
Hearing Date: 10-12-16

Applicant Elbert Griffin & Heidi Griffin Phone # 678 296-9355 E-mail budgriffin@charter.net

Elbert N. Griffin Address 3820 Hillcrest Drive, Smyrna, GA 30080  
(representative's name, printed) (street, city, state and zip code)


  
(representative's signature)

Phone # 678 296-9355 E-mail budgriffin@charter.net

Signed, sealed and delivered in presence of Mitzi Cheney  


My commission expires: 1/31/2019

Titleholder Elbert N. & Heidi L. Griffin Phone # 678 296-9355 E-mail budgriffin@charter.net

Signature  Address: 3820 Hillcrest Drive, Smyrna, GA 30080  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of Mitzi Cheney  


My commission expires: 1/31/2019

Present Zoning of Property R-20

Location 3820 Hillcrest Drive, Smyrna, GA 30080  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 769 & 816 District 17 Size of Tract 38,144 sq ft - 0.9Acre(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 X Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other \_\_\_\_\_

Does the property or this request need a second electrical meter? YES X NO \_\_\_\_\_

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:  
The Rigewood Heights neighborhood was platted and developed prior to the adoption of a zoning ordinance. 3820 Hillcrest Dr. is an oversized lot being 38,144 sf, which can be subdivided into two lots, one being 20,000 sf meeting R-20 regulations, and one lot being 18,144 sf or 9% under the R-20 requirements. Of 97 lots in the R-20 zoning area, 21 lots are smaller than the required 20,000 sf with some lots smaller than 17,000 sf. Another lot (3856 Hillcrest Dr.) was recently approved for subdivision into two lots smaller than 20,000 sf.

List type of variance requested: Reduce the R-20 required lot size of 20,000 sf to be 18,000 sf for 3820 Hillcrest Dr. so that the 0.9 acre lot can be subdivided, retain the existing residence on one lot, and have one reduced size 18,144 sf lot available for a new residence.