

APPLICANT: SM LIVING, LLC
PHONE# 470-222-1219 **EMAIL:** gchancy@gmail.com
REPRESENTATIVE: Dan Silverboard, Esq.
PHONE# 678-336-7244 **EMAIL:** dsilverboard@taylorenghish.com
TITLEHOLDER: Gregory Chancy

PROPERTY LOCATION: Northeast side of Shiloh Trail East,
west of Club Drive
(1398 Shiloh Trail East)

ACCESS TO PROPERTY: Shiloh Trail East

PHYSICAL CHARACTERISTICS TO SITE: Existing single-family
house

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: O&I/ 75 Wade Green Business Center
SOUTH: R-20/Fairways of Pinetree Subdivision
EAST: R-20/Fairways of Pinetree Subdivision
WEST: R-20/Fairways of Pinetree Subdivision

PETITION NO: LUP-33
HEARING DATE (PC): 11-01-16
HEARING DATE (BOC): 11-15-16
PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Allow 8 Residents in a
Group Home

SIZE OF TRACT: 1.038 acre(s)

DISTRICT: 20

LAND LOT(S): 60,93

PARCEL(S): 111

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

Adjacent Future Land Use:

North: Community Activity Center (CAC)
East: Low Density Residential (LDR)
South: Low Density Residential (LDR)
West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

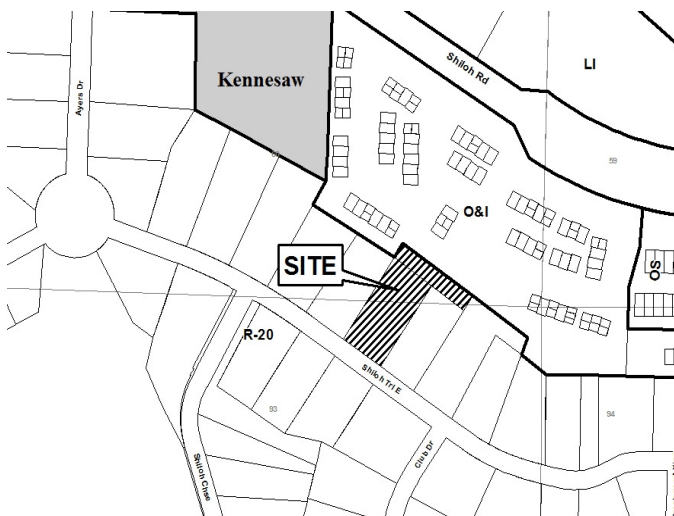
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

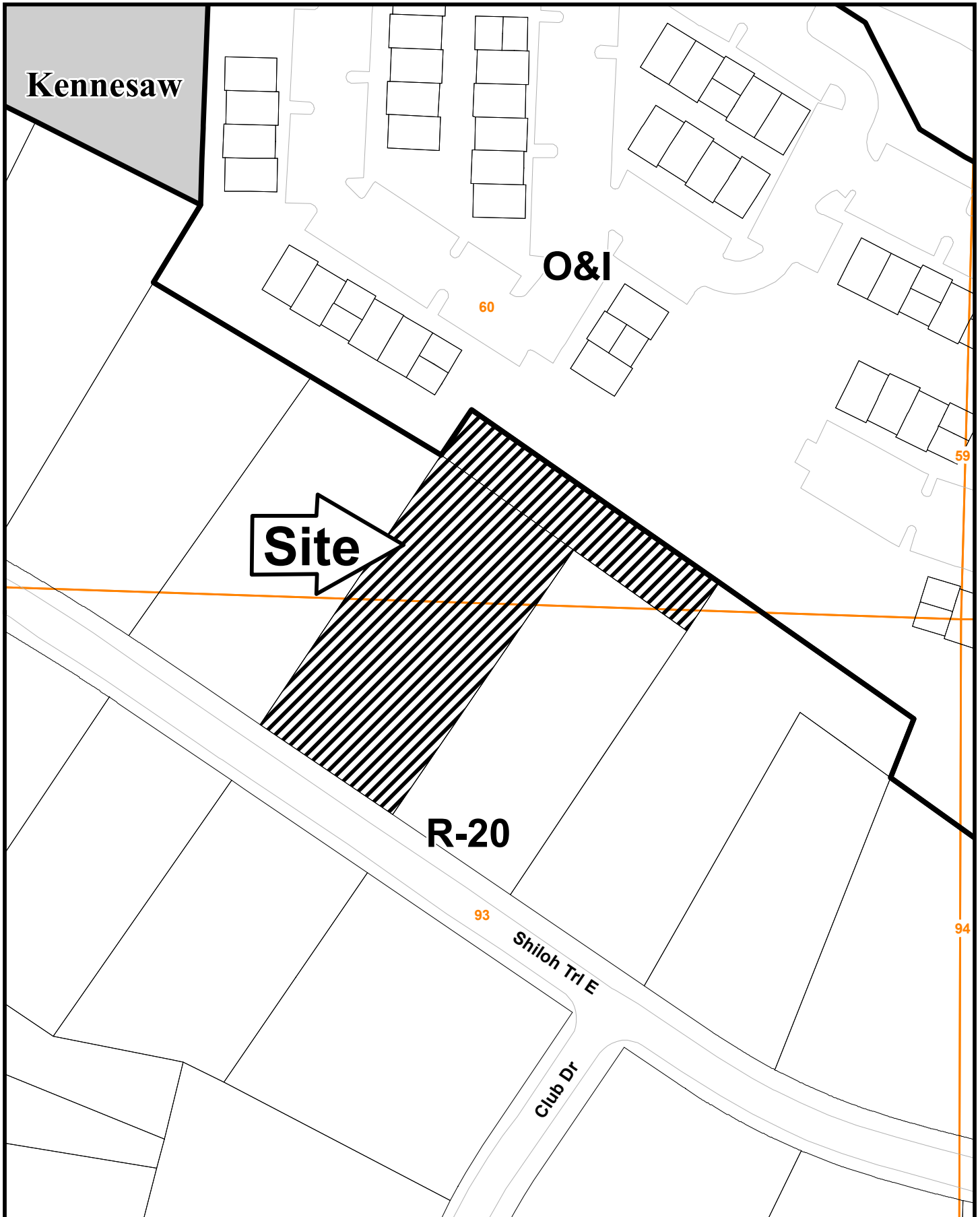
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



LUP-33-2016 GIS



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

0 100 200
Feet

City Boundary
Zoning Boundary

APPLICANT: SM LIVING, LLC

PETITION NO: LUP-33

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Kim Wakefield

The applicant is requesting an increase in the number of residence allowed by Code from four (4) to eight (8). The group home has been in operation at this location since at least January of 2016; although the business license indicates March 2016. The applicant was cited by Code Enforcement June of this year for having four (4) occupants while the Certificate of Occupancy only allowed three (3). The applicant indicates there will be 2-3 vehicles at the residence. The applicant is not requesting any signs or outside storage.

Historic Preservation: No comment.

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 & SEWER COMMENTS:

No comments. Property served by public water and sewer.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

FIRE COMMENTS:

GROUP HOME: More than 3 (4 or more) unrelated occupants within a single dwelling unit must comply with the Life Safety Code for the applicable occupancy classification. This may include implementation of a fire alarm and/or sprinkler system.

STORMWATER MANAGEMENT COMMENTS:

No comments.

STAFF RECOMMENDATIONS

LUP-33 SM LIVING, LLC

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.

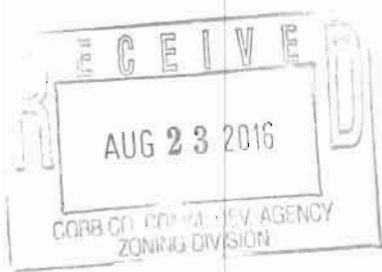
- (1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request has the potential to affect the safety, health, or welfare of the surrounding properties. There has been one verified Code Enforcement complaint regarding this property since it was purchased in 2015.
- (2) Parking and traffic considerations.*
The applicant indicates all visitors and employees will park in the driveway and street.
- (3) Number of nonrelated employees.*
There are 2 employees associated with this request.
- (4) Number of commercial and business deliveries.*
The applicant indicates there will be no commercial deliveries connected with this request.
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
This use is located in area having single-family residential homes.
- (6) Compatibility of the business use to the neighborhood.*
The proposed use is surrounded by residential uses and is located in a Low Density Residential (LDR) on the Cobb County Comprehensive Plan.
- (7) Hours of operation.*
The hours of operation are 24 hours a day, seven (7) days a week.
- (8) Existing business uses in the vicinity.*
There are four (4) homes on this block owned or leased by this applicant also operating a group home and requesting an increase in occupants.
- (9) Effect on property values of surrounding property.*
This request has the potential to effect on the property values in the area.
- (10) Circumstances surrounding neighborhood complaints.*
The applicant was cited by Code Enforcement for having four (4) occupants when the Certificate of Occupancy restricted residents to three (3).
- (11) Intensity of the proposed business use.*
This application proposes to double an existing permitted use for this property.

(12)Location of the use within the neighborhood.

The proposal is located within a platted subdivision and has residential uses to the east, west and south.

Based on the above analysis and a strict interpretation of the Code, Staff recommends **DENIAL** of the application.

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 #: LVP-33

PC Hearing Date: 11-1-16

BOC Hearing Date: 11-15-16

TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

1. Number of unrelated adults in the house? 5 (3 residents, 2 staff)
 2. Number of related adults in the house? 0
 3. Number of vehicles at the house? 2-3
 4. Where do the residents park?
Driveway: ✓; Street: _____; Garage: _____
 5. Does the property owner live in the house? Yes _____; No ✓
 6. Any outdoor storage? No ✓; Yes _____ (If yes, please state what is kept outside): _____
 7. Length of time requested (24 months maximum): 24 months
 8. 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).
 9. Any additional information? (Please attach additional information if needed):
Permit request is to allow 8 full time residents in group home, not including staff.
- Applicant signature: [Signature] Date: _____
- Applicant name (printed): Gregory Chaney

ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: R-20

Size of house per Cobb County Tax Assessor records: 1,860 sq ft

Number of related adults proposed: 0 Number permitted by code: 4

Number of unrelated adults proposed: 5 Number permitted by code: 1

Number of vehicles proposed: 3 Number permitted by code: 4

Number of vehicles proposed to be parked outside: 3 Number of vehicles permitted 3
outside

Revised December 18, 2013

Application #: LUP-33PC Hearing Date: 11-1-16BOC Hearing Date: 11-15-16

TEMPORARY LAND USE PERMIT WORKSHEET

(FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Group Home
 2. Number of employees? 2
 3. Days of operation? 7 days/week
 4. Hours of operation? 24 hours/day
 5. Number of clients, customers, or sales persons coming to the house per day? 3 full time; Per week? 3 full time residents
 6. Where do clients, customers and/or employees park?
Driveway: ✓; Street: ✓; Other (Explain): _____
 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.): N/A
 9. Deliveries? No ✓; Yes _____. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) _____
 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):
Permit application is to raise limit to 8 full time residents
- Applicant signature: Gregory Chaney Date: _____
- Applicant name (printed): Gregory Chaney