

**DECEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM 079

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their November 9, 2016 Variance Hearing regarding Variance Application V-159 Asad Nezamabadi.

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 November 9, 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

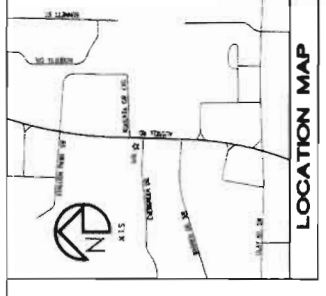
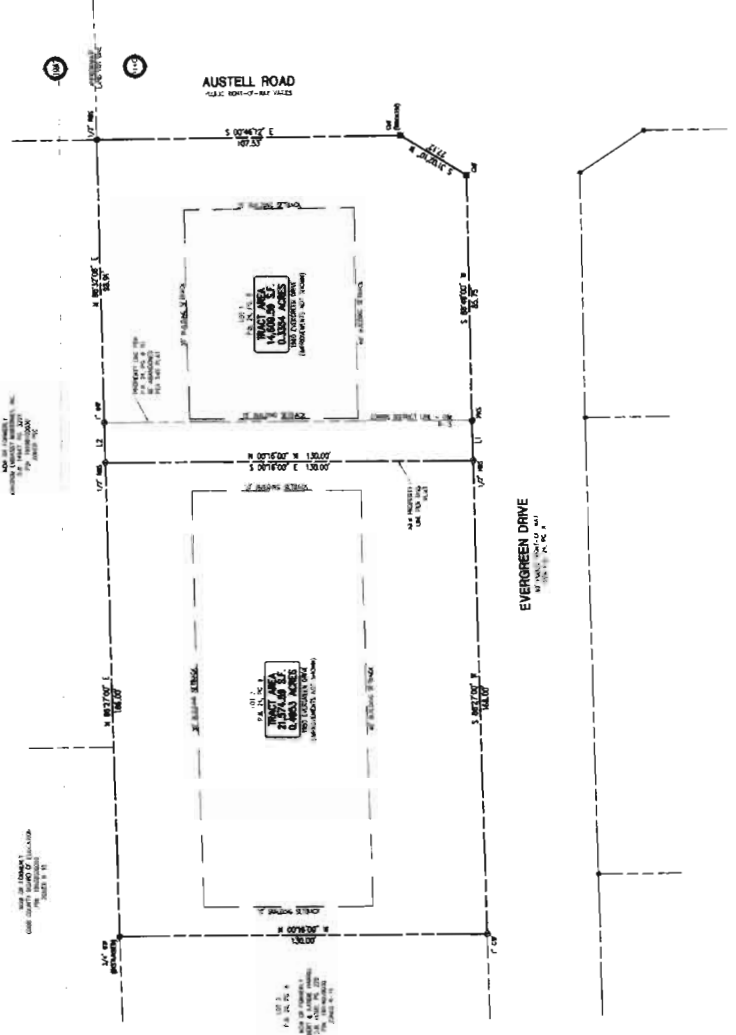
Variance analysis.

LOTS 1 & 2 ~ BLOCK "A" ~ ROCKINGWOOD ESTATES SUBDIVISION

A LOT RECONFIGURATION OF LOT 1 AND LOT 2, BLOCK "A", ROCKINGWOOD ESTATES SUBDIVISION (P.B. 24, P.C. 5), LAND LOT 1140, 19TH DISTRICT, 200 SECTION, COSSB COUNTY, GEORGIA

LEGEND

	Survey Boundary
	Lot Boundary
	Easement
	Right-of-Way
	Utility Line
	Proposed Structure
	Proposed Driveway
	Proposed Fencing
	Proposed Paved Area
	Proposed Walkway
	Proposed Deck
	Proposed Pool
	Proposed Pond
	Proposed Well
	Proposed Septic System
	Proposed Storm Drain
	Proposed Sewer Line
	Proposed Water Line
	Proposed Gas Line
	Proposed Electric Line
	Proposed Telephone Line
	Proposed Cable Line
	Proposed Fire Hydrant
	Proposed Fire Alarm
	Proposed Fire Sprinkler
	Proposed Fire Extinguisher
	Proposed Fire Alarm Control Panel
	Proposed Fire Alarm Pull Station
	Proposed Fire Alarm Sounder
	Proposed Fire Alarm Notification Appliance
	Proposed Fire Alarm Control Unit
	Proposed Fire Alarm Control Panel with Remote Monitoring
	Proposed Fire Alarm Control Panel with Remote Monitoring and On-Site Alarm
	Proposed Fire Alarm Control Panel with Remote Monitoring and On-Site Alarm and Fire Alarm Control Unit



GENERAL NOTES

- THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR ENCUMBRANCES.
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OWNER'S ACKNOWLEDGMENT

I, the undersigned, being the owner of the above described property, do hereby acknowledge that the above described property is being surveyed and that the survey is being conducted in accordance with the provisions of the Georgia Surveying Act of 1987, as amended, and that the survey is being conducted for the purpose of recording the same in the public records of the State of Georgia.

 DATE: 7/14/16

SURVEYOR'S ACKNOWLEDGMENT

I, the undersigned, being a duly licensed and qualified surveyor in the State of Georgia, do hereby certify that the above described property is being surveyed and that the survey is being conducted in accordance with the provisions of the Georgia Surveying Act of 1987, as amended, and that the survey is being conducted for the purpose of recording the same in the public records of the State of Georgia.

 DATE: 7/14/16

COSSB COUNTY BOARD OF HEALTH CERTIFICATION

WE, the undersigned, being the members of the Board of Health of the County of Cobb, Georgia, do hereby certify that the above described property is being surveyed and that the survey is being conducted in accordance with the provisions of the Georgia Surveying Act of 1987, as amended, and that the survey is being conducted for the purpose of recording the same in the public records of the State of Georgia.

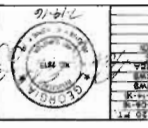
 DATE: 7/14/16

COSSB COUNTY DEVELOPMENT CERTIFICATION

I, the undersigned, being a duly licensed and qualified surveyor in the State of Georgia, do hereby certify that the above described property is being surveyed and that the survey is being conducted in accordance with the provisions of the Georgia Surveying Act of 1987, as amended, and that the survey is being conducted for the purpose of recording the same in the public records of the State of Georgia.

 DATE: 7/14/16

Bestler Greenfield Surveying, LLC
 1430 West Peachtree Road, Suite 200
 Atlanta, Georgia 30329
 Phone: (404) 251-1234
 Email: bestlergreenfield@bestlersurveying.com



V-159
 (2016)

08307 AC
 1980 & 1980 EVERGREEN
 AUSTELL, GA 30108
 COSSB COUNTY - GE

LOT RECONFIGURATION PLAN
 FOR
 ASAD NEZAMABADI

PROJECT NO.
 19600 ED
 DRAWING NO.
 19600 ED SURVEY.DWG
 SHEET NO.
 151

APPLICANT: Asad Nezamabadi

PETITION No.: V-159

PHONE: 770-944-1009

DATE OF HEARING: 11-9-2016

REPRESENTATIVE: Asad Nezamabadi

PRESENT ZONING: O&I, R-20

PHONE: 770-944-1009

LAND LOT(S): 1140

TITLEHOLDER: Asad Nezamabadi

DISTRICT: 19

PROPERTY LOCATION: On the northwest corner of Austell Road and Evergreen Drive (1960 Evergreen Drive).

SIZE OF TRACT: 0.34 acres

COMMISSION DISTRICT: 4

TYPE OF VARIANCE: Waive the minimum lot size from the required 20,000 square feet to 14,609 square feet for proposed lot 1.

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

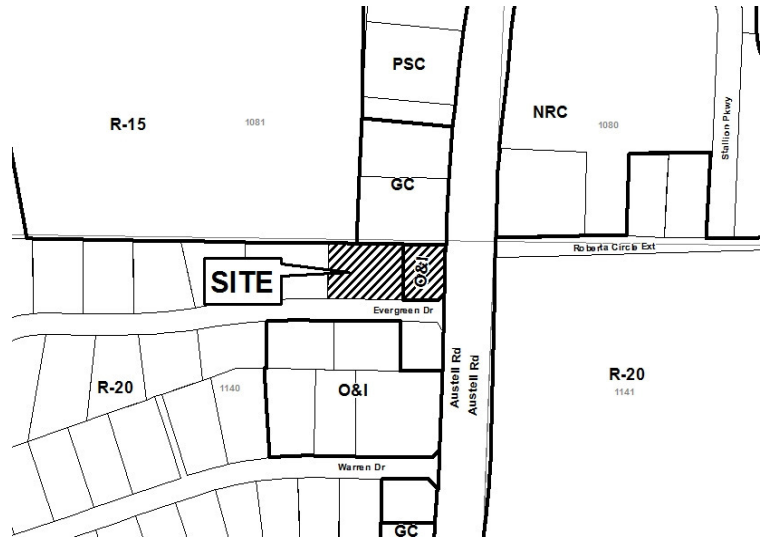
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Asad Nezamabadi

PETITION No.: V-159

COMMENTS

TRAFFIC: Recommend removing parking spaces that encroach upon the right-of-way.

DEVELOPMENT & INSPECTIONS: No comment

SITE PLAN REVIEW: No comment

STORMWATER MANAGEMENT: No comment.

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-147 –V-165.

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

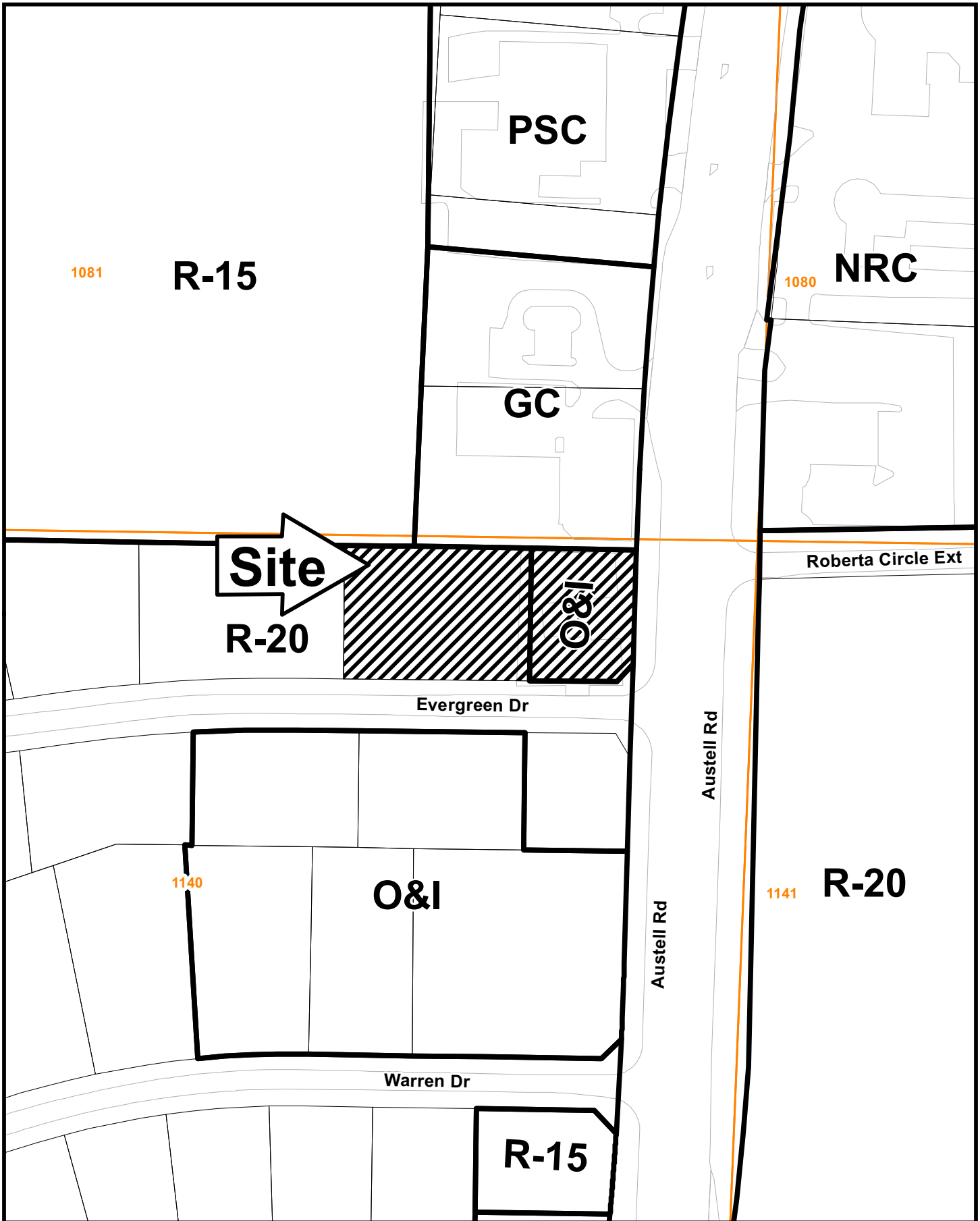
SEWER: No conflict. Sewer available in Evergreen Dr

APPLICANT: Asad Nezamabadi

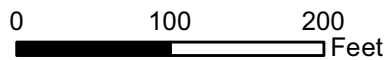
PETITION No.: V-159



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.

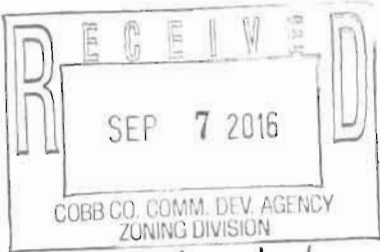
V-159-2016 GIS



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



-  City Boundary
-  Zoning Boundary



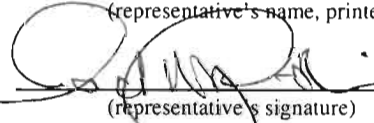
Application for Variance Cobb County

(type or print clearly)

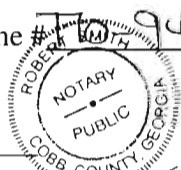
Application No. V-159
Hearing Date: 11-9-16

Applicant Asad Nezamabadi Phone # 770-944-1009 E-mail mindofbusiness@yahoo.com

~~33~~ Asad Nezamabadi Address 3300 Windy Ridge Pkwy #1422 Atlanta GA 30339
(representative's name, printed) (street, city, state and zip code)

 Phone # 770-944-1009 E-mail mindofbusiness@yahoo.com
(representative's signature)

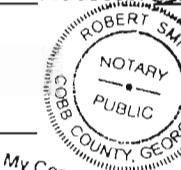
My commission expires: 04/21/2019 Signed, sealed and delivered in presence of: 
My Commission Expires April 21, 2019 Notary Public



Titleholder Asad Nezamabadi Phone # 770-944-1009 E-mail mindofbusiness@yahoo.com

Signature  Address: 3300 Windy Ridge Pkwy Atlanta, GA 30339
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 04/21/2019 Signed, sealed and delivered in presence of: 
My Commission Expires April 21, 2019 Notary Public



Present Zoning of Property Lot 1 is O&I and Lot 2 is residential.

Location 1960 Evergreen Drive, Austell, GA 30106 & 1980 Evergreen Dr
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1140 District 19 Size of Tract 1/3 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 14,609.50^{SF} Shape of Property Square Topography of Property level Other _____

Does the property or this request need a second electrical meter? YES _____ 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:

It was very tight to access the back of the building on Lot 1 (1960 Evergreen Dr.). Made a driveway and a gate.

List type of variance requested: we have used 14' of Lot 2 land to make access freely to the back of the building on Lot 1