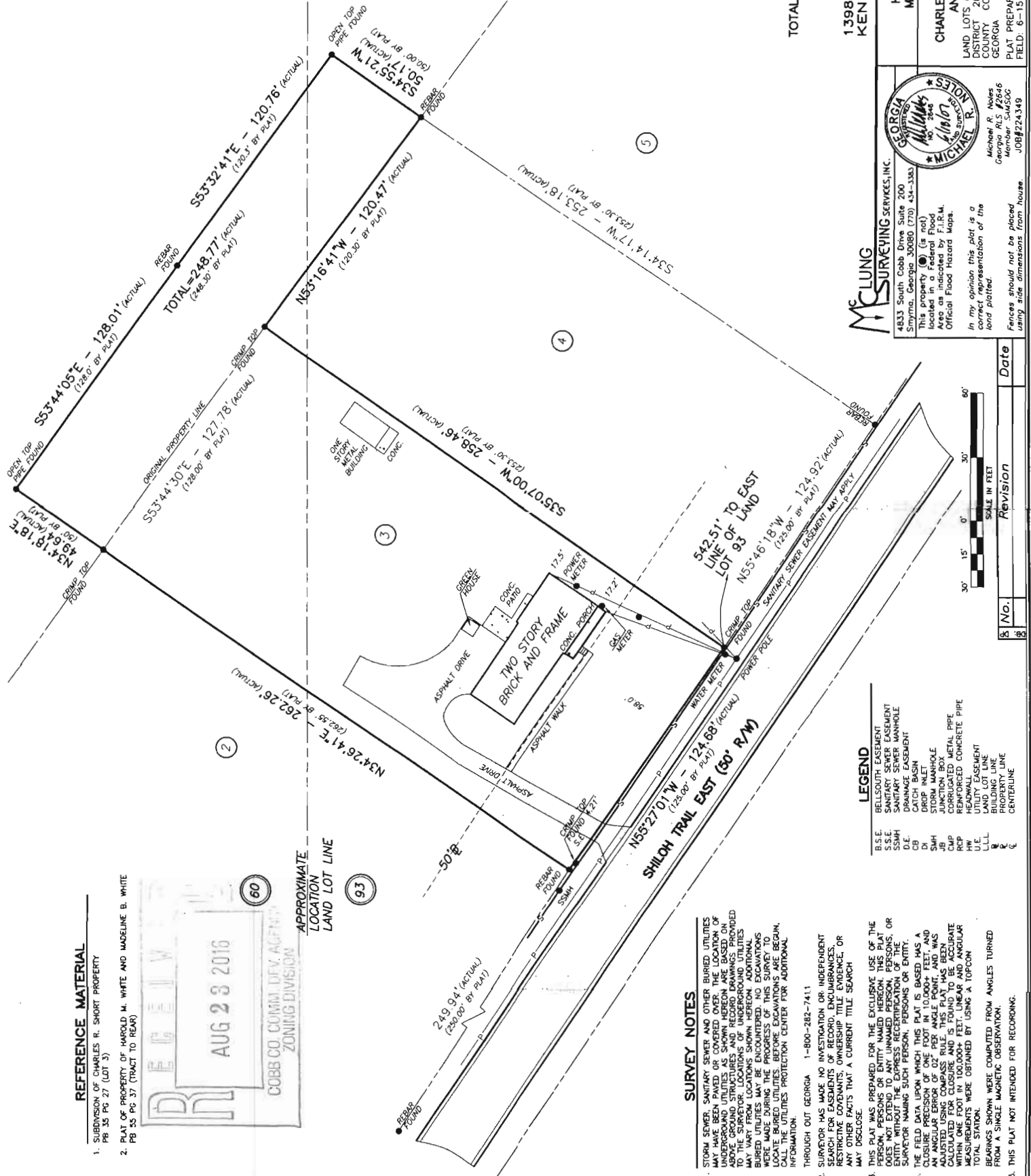


LUP-33
(2016)



TOTAL AREA = 1.038 ACRES
OR 45,218 SQ. FT.

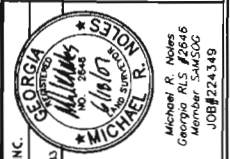
1398 SHILOH TRAIL EAST
KENNESAW, GEORGIA

PROPERTY OF
HAROLD M. WHITE
MADELINE B. WHITE

LOT 3
CHARLES R. SHORT PROPERTY
AND TRACT TO REAR

LAND LOTS 60 AND 93
DISTRICT 20TH COBB
COUNTY GEORGIA

SECTION 2ND
FIELD: 6-15-07 SCALE: 1"=30'



McLUNG SURVEYING SERVICES, INC.

4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-1383

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

In my opinion this plat is a correct representation of the land plotted.

Fences should not be placed using side dimensions from houses.

- REFERENCE MATERIAL**
- SUBDIVISION OF CHARLES R. SHORT PROPERTY
PB 35 PG 27 (LOT 3)
 - PLAT OF PROPERTY OF HAROLD M. WHITE AND MADELINE B. WHITE
PB 55 PG 37 (TRACT TO REAR)



LEGEND

- B.S.E. BELLSOUTH EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- D.S.M. DRAINAGE EASEMENT
- C.B. CATCH BASIN
- D.I. DRAIN INLET
- S.M.H. STORM MANHOLE
- J.B. JUNCTION BOX
- R.P. REINFORCED CONCRETE PIPE
- H.W. HEADWALL
- U.E. UTILITY EASEMENT
- L.L. LAND LOT LINE
- U.L. UTILITY LINE
- P.L. PROPERTY LINE
- C. CENTERLINE

SURVEY NOTES

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON AND IS BASED ON THE SURVEYOR'S FIELD OBSERVATIONS AND RECORDS 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 COURSE OF THIS SURVEY TO VERIFY THE LOCATION OF UTILITIES. THE SURVEYOR IS NOT TO BE HELD RESPONSIBLE FOR CALLING THE UTILITIES PROTECTION CENTER FOR ADDITIONAL INFORMATION.
- THROUGH OUT GEORGIA 1-800-282-7411
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT VERIFICATION OF THE ACCURACY OF THE RECORDS, DEEDS, OR RESTRICTIVE COVENANTS' TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- 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.
- SURVEYOR MAKING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSEURE PRECISION OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CHECKED FOR CORRECTIONS TO THE FIELD DATA TO WITHIN ONE FOOT IN 10,000+ 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 PLAT NOT INTENDED FOR RECORDING.



No.	Revision	Date
1		

APPLICANT: SM LIVING, LLC

PETITION NO: LUP-33

PHONE# 470-222-1219 EMAIL: gchancy@gmail.com

HEARING DATE (PC): ~~11-01-16~~ 02-07-17

REPRESENTATIVE: Dan Silverboard, Esq.

HEARING DATE (BOC): ~~11-15-16~~ 02-21-17

PHONE# 678-336-7244 EMAIL: dsilverboard@taylorenghish.com

PRESENT ZONING: R-20

TITLEHOLDER: Gregory Chancy

PROPOSED ZONING: Land Use Permit

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

PROPOSED USE: Allow 8 Residents in a
Group Home

(1398 Shiloh Trail East)

ACCESS TO PROPERTY: Shiloh Trail East

SIZE OF TRACT: 1.038 acre(s)

DISTRICT: 20

PHYSICAL CHARACTERISTICS TO SITE: Existing single-family
house

LAND LOT(S): 60,93

PARCEL(S): 111

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

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

OPPOSITION: NO. OPPOSED PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

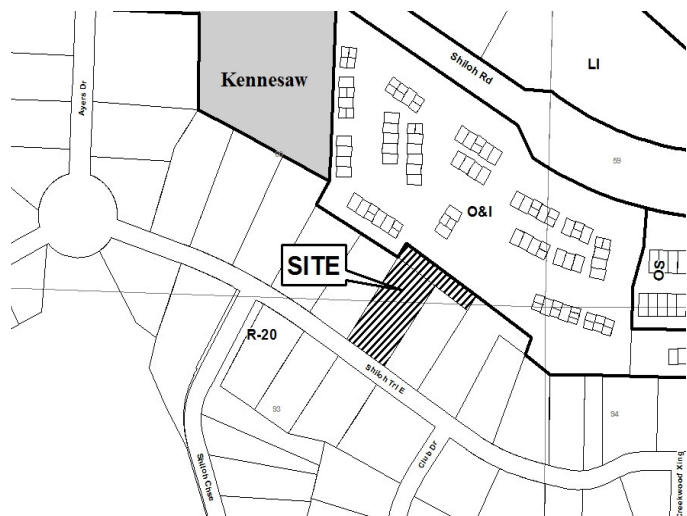
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

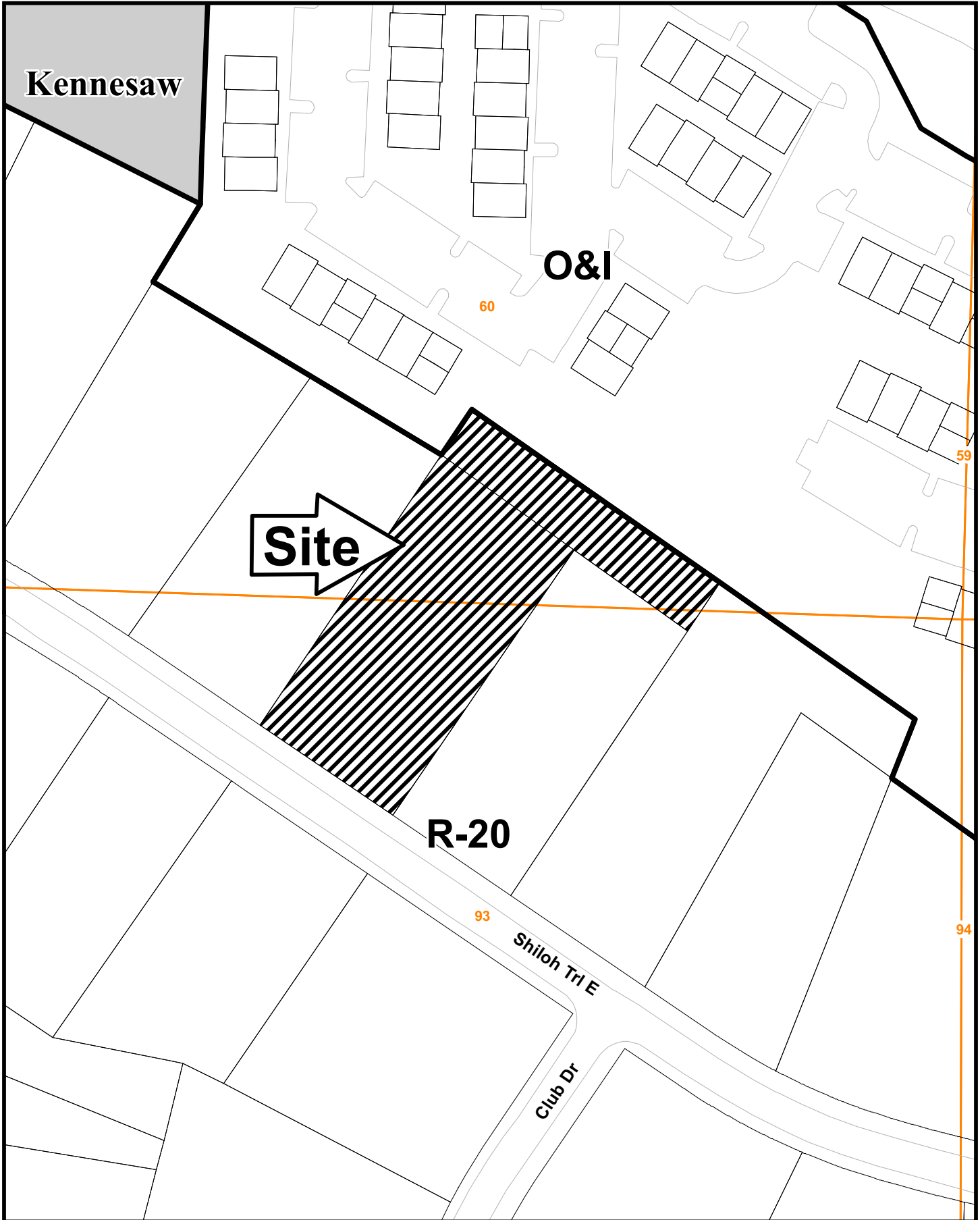
REJECTED _____ SECONDED _____

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 & John Pederson

The applicant is requesting an increase in the number of residents 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.

Note: On November 15, 2016 the applicant submitted a letter stating there would six residents at this address.

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 (1398 Shiloh Trail East)

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 two verified Code Enforcement complaint regarding this property since operations began here in 2014.
- (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. The use is permitted for up to four people, however the applicant proposes an increase the number of people in the house to more than the code allows.
- (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.*
Most recently, the applicant was cited by Code Enforcement for having four (4) occupants when the Certificate of Occupancy restricted residents to three (3).

LUP-33 SM LIVING, LLC (Continued)

(11) Intensity of the proposed business use.

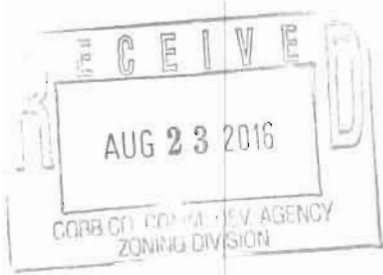
The proposed group home use is a permitted use in this zoning district for up to four residents. This application proposes to increase the intensity of an existing permitted use for this property.

(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



Application #: LUP-33

PC Hearing Date: 11-1-16

BOC 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

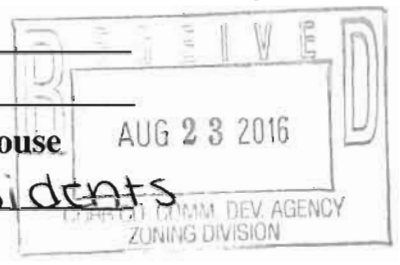
2. Number of employees? 2

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: [Signature] Date: _____

Applicant name (printed): Gregory Chaney