

**JULY 18, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM 027

PURPOSE

To consider amending the stipulations for Majid Sotoodeh regarding rezoning application Z-5 (Asif Raza) of 2006, for property located on the east side Johnson Ferry Road, south of Wellington Lane in Land Lot 753 of the 16th District.

BACKGROUND

The subject property was rezoned to R-15 for two lots in 2006. One of the rezoning stipulations from 2006 required both houses to face the south property line. This was done to in case the property to the south was developed with this property. This scenario does not seem likely, so the owner would like to face the house on the front lot towards Johnson Ferry Road (face the house west) for aesthetic reasons. The Proposed house would use the existing shared driveway for access, and would meet building setbacks and impervious surface limits for the lot. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend no additional entrances on Johnson Ferry Road.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

OB-027-2017
7-18-17

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 7-18-17

Applicant: MAJID SOTOODEH
(applicant's name printed)

Phone #: (404)557-0733

Address: 2569 BEECHWOOD DR
MARIETTA, GA 30062

E-Mail: MSOTOODEH@BELLSOUTH.NET

MAJID SOTOODEH Address: 2569 BEECHWOOD DR MARIETTA, GA 30062
(representative's name, printed)

[Signature]
(representative's signature)

Phone #: (404)557-0733 E-Mail: MSOTOODEH@BELLSOUTH.NET

Signed, sealed and delivered in presence of:

C a Settle
Notary Public

C A SETTLE
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires Jan. 31, 2021

Jan 31 2021

Titleholder(s): S. Banjee
(property owner's name printed)

Phone #: 404-786-0786

Address: 2000 JOHNSONS FERRY RD
MARIETTA, GA

E-Mail: sbanjee@bellsouth.net

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

C a Settle
Notary Public

C A SETTLE
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires Jan. 31, 2021

My commission expires: Jan 31 2021

Commission District: 16TH 2 J.P.P.

Zoning Case: Z-5 of 2000

Size of property in acres: 0.44 AC.

Original Date of Hearing: 6-21-2000

Location: 2000 JOHNSONS FERRY ROAD MARIETTA, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 753

District(s): 16TH

State specifically the need or reason(s) for Other Business:

THE OWNER RESIDING AT 1996 JOHNSON FERRY ROAD
OWNS THIS VACANT LOT (2000 JOHNSON FERRY RD), AND OWNER
LIKE TO BUILD A HOUSE, OWNER REQUESTED TO HAVE THIS HOUSE
BUILD FACING JOHNSON FERRY (WEST) INSTEAD OF FACING SOUTH
AS REQUIRED BY ZONING.

(List or attach additional information if needed)

Stipulation #7 from Letter of stipulations dated 2-1-06 (page 2)
J.P.P.

05-027-2017
Proposed house.

REVISIONS	DATE	BY	DESCRIPTION

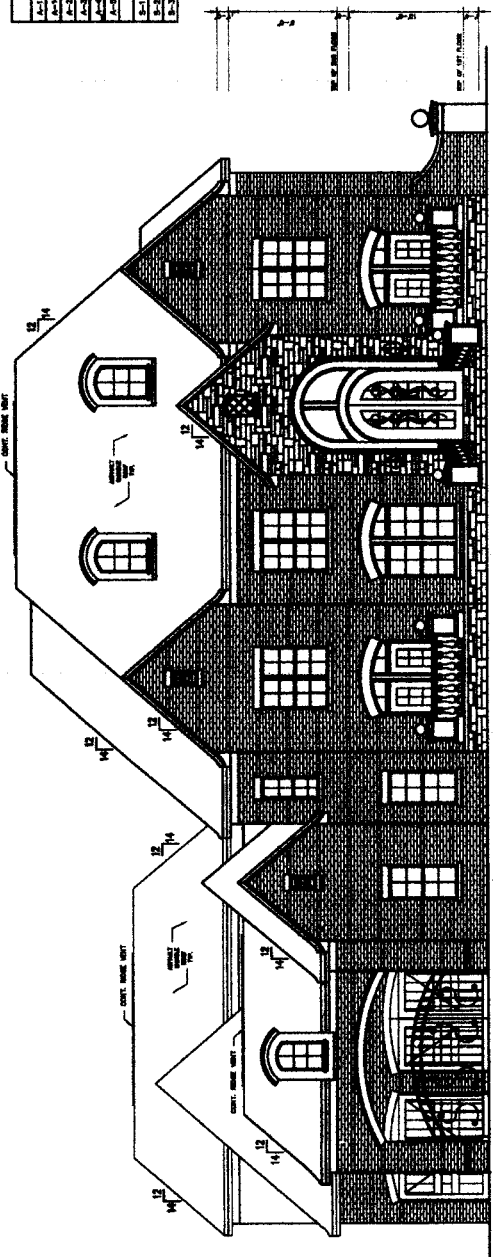
1230 HIGHTOWER TRAIL SUITE 300 ATLANTA, GA 30330 (770) 642-8272

10/20/16
1/8"=1'-0"
A-1

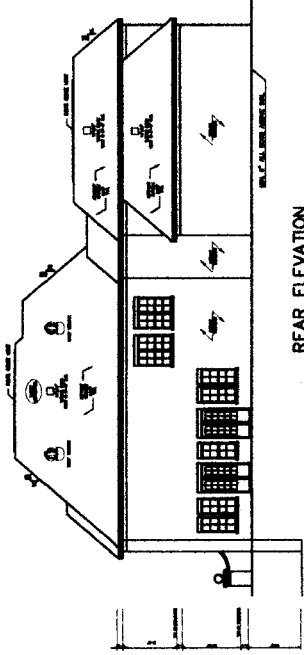
Building Permit #
24 HOURS CONTACT:
Mansour Maghari (404) 567 9197

INDEX OF DRAWINGS:

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FRONT ELEVATION
SCALE: 1/8"=1'-0"

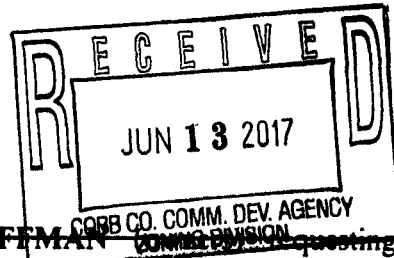


REAR ELEVATION
SCALE: 1/8"=1'-0"

- GENERAL NOTES:
1. Provide 1/2" x 4" x 8" studs with 2x4s on 16" o.c. Provide 2x4s on 16" o.c. in all walls and 2x6s on 16" o.c. in all ceilings.
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MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2006
PAGE 5

See stipulation #7



~~Z-4~~

~~IRVING C. AND BARBIE S. HOFFMAN requesting
Rezoning from GC to LRO for the purpose of an Office and Day Care in
Land Lot 694 of the 17th District. Located at the northeast intersection of
Weaver Street and Cooper Lake Road.~~

~~Prior to a motion and vote on the Consent Agenda, Mr. Mark Danneman,
Zoning Division Manager, informed the Board that the Applicant had
requested a continuance. There was no opposition present. Therefore, the
following motion was made:~~

~~MOTION: Motion by Thompson, second by Lee, to continue rezoning
request until the March 21, 2006, Board of Commissioners zoning
hearing.~~

~~VOTE: **ADOPTED** unanimously~~

Z-5

ASIF RAZA (owner) requesting Rezoning from R-30 to R-15 for the
purpose of Two Single-Family Houses in Land Lot 753 of the 16th
District. Located on the east side of Johnson Ferry Road, south of
Wellington Lane.

MOTION: Motion by Lee, second by Goreham, as part of the Consent
Agenda, to approve rezoning to the R-15 zoning district subject to:

- letter of agreeable stipulations from Mr. James Balli, dated February 1, 2006 (copy attached and made a part of these minutes)
- full engineering for project to be completed prior to issuance of land disturbance permit
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

Min. Bk. 39 Petition No. Z-5
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 2/21/06

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARRS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN

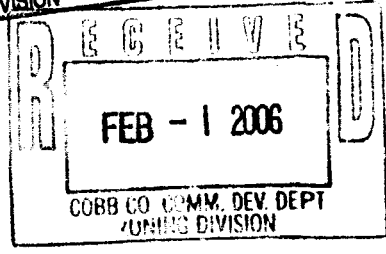
OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Mr. Jason Campell, Planner II
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

February 1, 2006



770-422-7016
TELEPHONE
770-426-6583
FACSIMILE
WWW.SAMSLARKINHUFF.COM

Re: Application of Asif Raza to Rezone a .96 Acre Tract
from R-30 to R-15 (No. Z-5) with requested Variances to the front
and rear setback requirements on Lot 1.

Dear Jason:

This firm has been engaged by and represents the applicant and property owners concerning the above-captioned application for rezoning. In that regard, the Application is scheduled to be heard and considered by the Cobb County Planning Commission on February 7, 2006 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on February 21, 2006.

With respect to the foregoing and consistent with the dialogue established with the County's professional staff and the District Planning Commissioner, I am proposing the following amended stipulations and requesting the following contemporaneous variances.

The Applicant is requesting a contemporaneous variance to the setback requirements for Lot 1 as shown on the Site Plan. The Variance requested would be to reduce the front setback requirements from 40' to 10' and the rear setback requirements from 30' to 10'. This will allow the single-family residence to face southerly toward the proposed access drive.

The balance of this letter will serve as my clients' expression of agreement with the following stipulations which, upon the zoning application being approved, as amended and modified hereby, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

Petition No. 2-5
Meeting Date 2/21/06
Continued

VIA HAND DELIVERY

Mr. Jason Campbell, Planner II
Cobb County Zoning Department
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February 1, 2006

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The architectural style of the two proposed two-story residences shall be at least three (3) side brick. The price points would be a minimum of \$400,000, 4,000 square foot minimum and each residence would include a three (3) car garage.
3. Subject to recommendations from the Stormwater Management Division with respect to maximum impervious surface coverage at the Site.
4. Following recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer, including location of the meter within the right-of-way. Applicant states it has acquired a 20' sanitary sewer easement across 1952 Wellington Lane to allow access to existing sewer underneath Wellington Lane.
5. Following recommendations from the Department of Transportation, including the following:
 - a. Voluntary donation of right-of-way fifty-five feet (55") from the centerline of Johnson Ferry Road.
 - b. Shared driveway access for both residences as shown on the Site plan.
6. Applicant hereby agrees to grant and record a 25' foot wide driveway easement to Lot 2 to provide joint use of the existing driveway and to allow for possible future expansion into a public road should the property located to the south desire to construct two single family homes.
7. Applicant agrees that both homes shall be constructed to face southerly toward the proposed access drive. This will be achieved to provide for uniformity should the property located to the south become developed into two single family residences.



VIA HAND DELIVERY

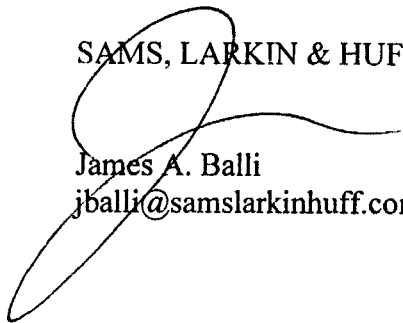
Petition No. 2-5
Meeting Date 2/21/06
Continued

Mr. Jason Campbell, Planner II
Cobb County Zoning Department
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February 1, 2006

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendation to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP


James A. Balli
jballi@samslarkinhuff.com

JAB/ns

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission
Mr. Robert L. Hosack, Jr., AICP, Director
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery
Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery
Mr. Asif Raza