

**AUGUST 15, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM 033

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their July 12, 2017 Variance Hearing regarding Variance Application V-66 Eric Wallace.

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 and/or public road frontage, 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 July 12, 2017 Variance Hearing and recommended approval of the Special Exception.

STAFF COMMENTS

See variance analysis.

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for the reduction of public road frontage as recommended by the Board of Zoning Appeals.

ATTACHMENTS

Variance analysis and minutes.

COMMENTS

TRAFFIC: Recommend driveway on West Sandtown Road be paved with a treated hardened surface for a minimum of 25’ from the edge of pavement or to the County right-of-way, whichever is greater in length. Recommend an access easement for construction of driveway on private property.

DEVELOPMENT & INSPECTIONS: No comments.

SITE PLAN REVIEW: If this variance request is approved, a Land Disturbance Permit must be obtained to the issuance of any building permits. The engineer must submit the civil engineering plans for this lot to the Site Plan Review Section, Community Development Agency for review and approval. Call 77-528-2147. A lot reconfiguration plat must also be recorded prior to the issuance of any building permits to allow for the construction of the house in the proposed location. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Per Cobb GIS and the deed and construction plans for Dowell Elementary School, the R/W for Old Marietta-Macland Road extends no further than the northeastern corner of 2137 West Sandtown Road. The Cobb County School District and Macland Road Church of Christ must therefore each grant an access easement for the encroachment of the proposed gravel drive through their respective properties. Evidence of these easements must be provided to the Site Plan review Section prior to the approval of any plats, land disturbance permits, or building permits.

STORMWATER MANAGEMENT: No adverse stormwater 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.

DESIGN GUIDELINES: The subject site is in the Macland Road Design Guidelines area. The requested variance is not significant; therefore, the applicant does not need to meet the requirements of the guidelines. No action is requested.

CEMETERY PRESERVATION: No comments.

WATER: No conflict.

SEWER: No conflict.

APPLICANT: Eric Wallace

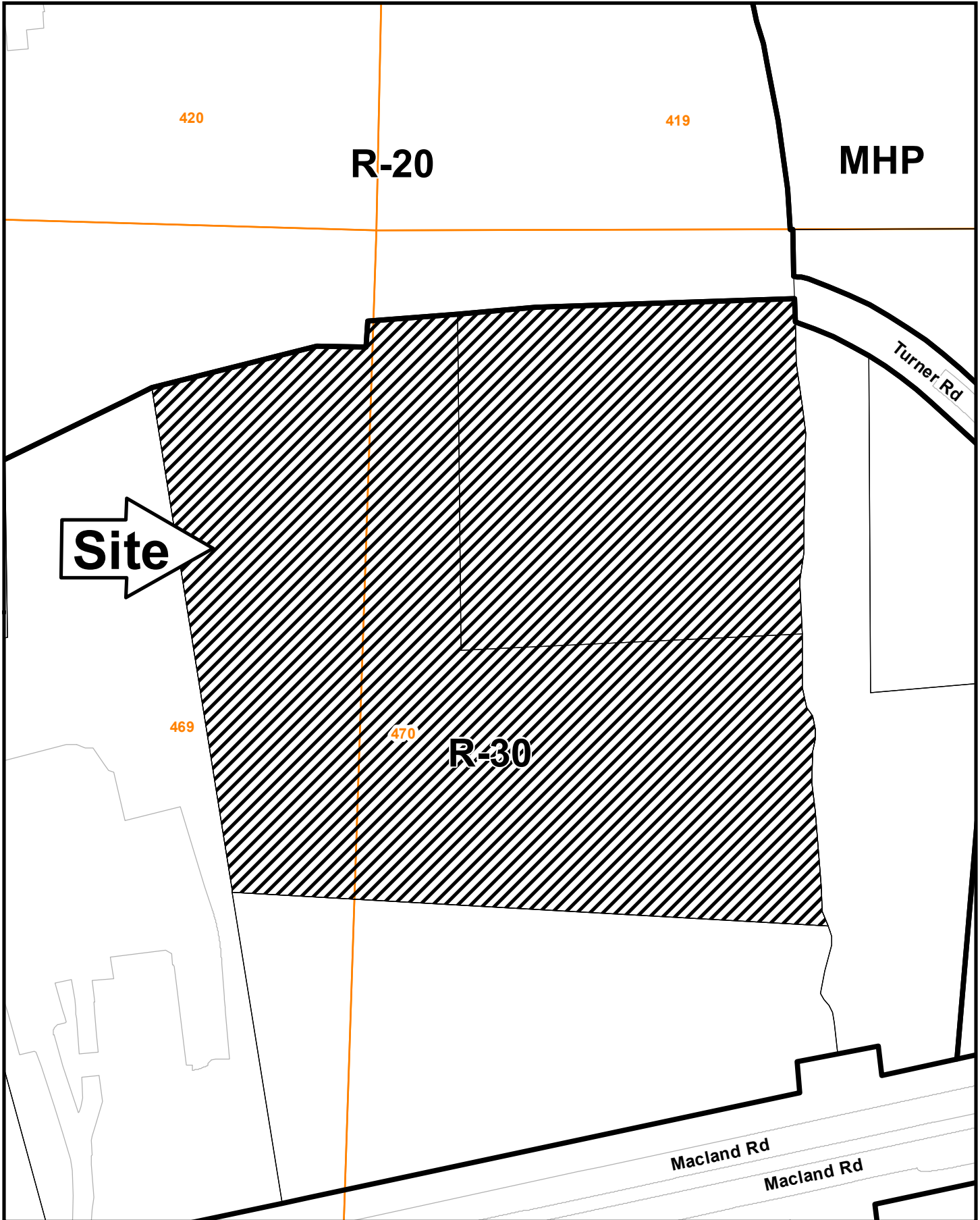
PETITION No.: V-66

- FIRE DEPARTMENT:**
1. Driveway must have a minimum 20' driving surface width with minimum 25' inside turning radius where serving 3 or more residence and 12' where serving 2 or less residence.
 2. Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
 3. Maximum grade shall not exceed 18%.
 4. Driveway must extend within 150' of the most remote portion of the structure.
 5. Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
 6. Driveway must support 25 Tons (50,000 lbs.)
 7. Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
 8. Hydrant within 500' of remote structure, minimum 6" main*
(Required Flow: 1000 gpm @ 20 psi)

* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) NFPA 13D Sprinkler System
- 2.) Complete structure treated with a Class-A Fire Retardant spray meeting a flame spread of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.

V-66 2017-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



Application for Variance Cobb County

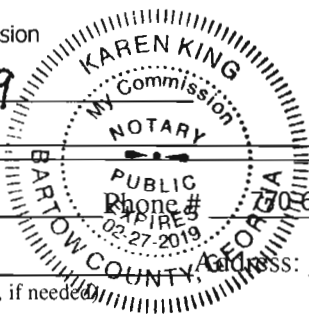
(type or print clearly)

Application No. V-66
Hearing Date: July 12, 2017

Applicant Eric Wallace Phone # 770-639-0179 E-mail ericwallace@advout.com
SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr. Address 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 770-422-7016 E-mail gsams@slhb-law.com
(representative's signature)
Parks F. Huff, Esq., with express permission

My commission expires: 2-27-19



Signed, sealed and delivered in presence of:
[Signature: Karen L. King]
Notary Public

Titleholder Eric Wallace Phone # 770-639-0179 E-mail ericwallace@advout.com

Signature See Attached Address: 1705 Rifle Ridge, Marietta, GA 30064
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____
Notary Public

Present Zoning of Property R-30

Location On the south side of Old Marietta - Macland Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 469 & 470 District 19th Size of Tract 10.644 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 _____ Shape of Property _____ Topography of Property _____ Other County ROW X - access to

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

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:
A literal interpretation or enforcement of provisions of the Cobb County Zoning Ordinance would disallow the development of the Subject Property.

List type of variance requested: Waive the required public road frontage to construct a driveway within the ROW of Old Macland Road to connect to West Sandtown Road.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 12, 2017
PAGE 6**

REGULAR AGENDA

V-66 **ERIC WALLACE** (Eric Wallace, owner) requesting a variance to 1) waive the minimum public road frontage from the required 75 feet to zero feet; and 2) allow parking and/or access to parking in a residential district on a non-hardened surface in Land Lots 469 and 470 of the 19th District. Accessed by a gravel drive off the east side of West Sandtown Road, north of Macland Road, and west of Ernest Barrett Parkway (2640 Maclabd Road).

The public hearing was opened, and Mr. Garvis L. Sams, Jr. and Mr. Billy Pigg addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Gunther, second by Williams, to **approve** V-66, subject to:

- 1. Email correspondence from Ms. Ashley White dated June 26, 2017 documenting the *revised* Department of Transportation comments and recommendations (attached and made a part of these minutes)**
- 2. Fire Department comments and recommendations**

VOTE: **ADOPTED** 5-0

CONSENT AGENDA (CONT.)

Mr. Pederson announced that the Applicant for V-62 arrived; thereafter, he read the petition back into the record; and then the following motion was made:

MOTION: Motion by Williams, second by Gunther, to **add** V-62 back to the Consent Agenda.

VOTE: ADOPTED 5-0

Presley, Robin

Subject: FW: July 2017 Variance Preliminary Analysis
Attachments: DOT VAR July 2017 V62-V75.doc; DOT VAR July 2017 V62-V75.pdf

From: White, Ashley
Sent: Monday, July 10, 2017 2:36 PM
To: Pederson, John <John.Pederson@cobbcounty.org>; Gunther, Skip <Skip.Gunther@cobbcounty.org>; Blair, Debra <Debra.Blair@cobbcounty.org>
Cc: Diaz, Amy <Amy.Diaz@cobbcounty.org>; Homan, Murray <Murray.Homan@cobbcounty.org>; McDaniel, B <bryantmcdaniel@gmail.com>; Williams, Judy <Judy.Williams@cobbcounty.org>; Sheffield, Monique <Monique.Sheffield@cobbcounty.org>
Subject: FW: July 2017 Variance Preliminary Analysis

All,

Our revised comments for V-66 are below (email dated 6/26/17).

Thanks,

Ashley White
Engineer II
COBB COUNTY DOT
1890 County Services Pkwy / Marietta, GA 30008 / Tel: (770) 528-3661
Cobb County DOT Website: www.cobbdot.org
Road Closure Information: cobbscommute.org

From: White, Ashley
Sent: Monday, June 26, 2017 10:25 AM
To: Martin, Terry L; Pederson, John; Kynard, Aja; Rousseau, Kimberly; Jenkins, Gwen; Jordan, Lori
Cc: Diaz, Amy; Bentley, Fred; Gunther, Skip
Subject: RE: July 2017 Variance Preliminary Analysis

We'd like to revise our DOT comments for V-66. We've had numerous discussions within our department and with the applicant's representative over the past week and would like to make the following revision:

V-66 DOT

Recommend applicant pave the road in the right-of-way from along the property frontage to the intersection with West Sandtown Road to comply with Cobb County Standards, or recommend applicant be responsible for the maintenance of the gravel driveway within the right-of-way.

Recommend an access easement for the construction of any portion of the driveway on private property.

Recommend applicant coordinate with Cobb County DOT to ensure compatibility with the proposed SPLOST project D6250 - West Sandtown Road (Phase 2) Safety and Operational Improvements.

I've also attached the revised documents.

Thanks

Ashley White