

**AUGUST 15, 2017 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM 036**

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-73 Yaneth Medina-Diaz.

**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.

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**ATTACHMENTS**

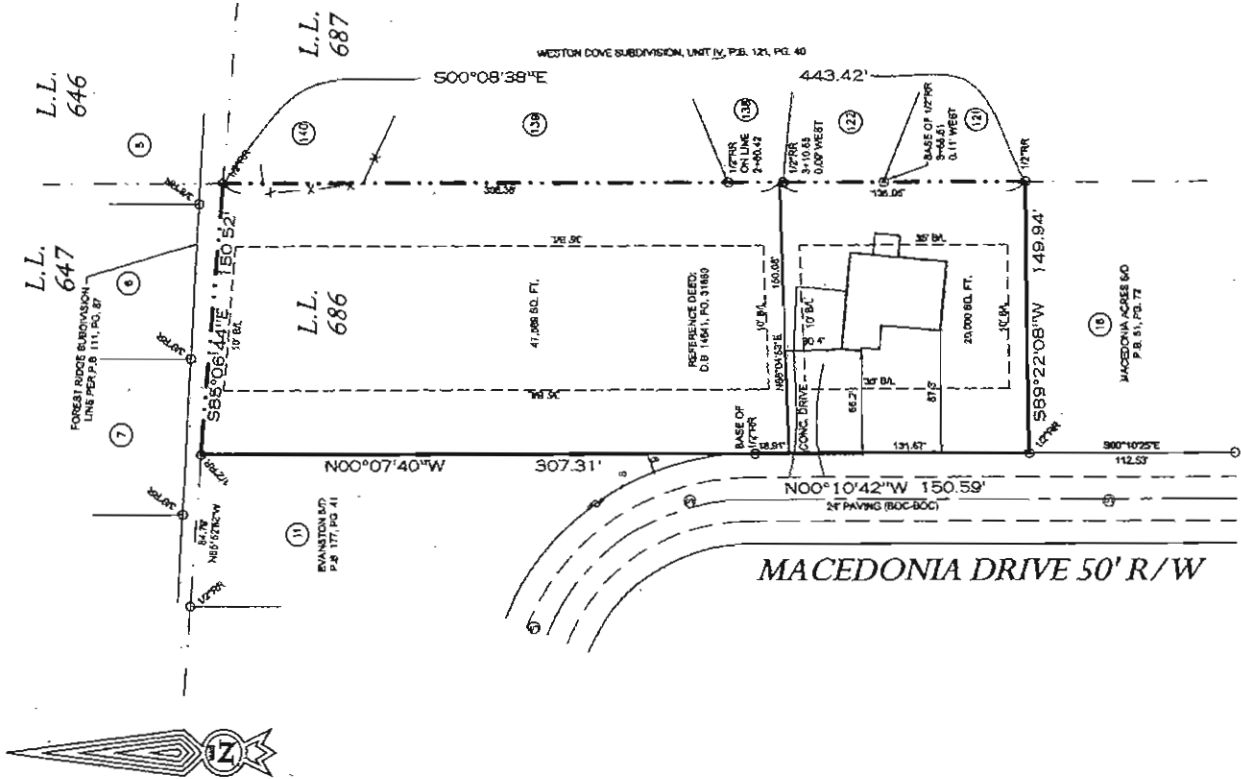
Variance analysis

*Plat of Survey, Etc.*

# ELLERY COCHRAN

LOCATED IN LAND LOT 686, 19TH DISTRICT  
SECOND SECTION, COBB COUNTY, GEORGIA

TOTAL AREA = 1.552 ACRES  
(67,589 SQ. FT.)



**NOTE:**  
THIS PLAT IS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. SOME ITEMS OF ADVERSE TITLE MAY NOT BE INCLUDED IN THIS SURVEY.  
THERE MAY BE UNDERGROUND UTILITIES LOCATED ON THE SURVEYED PROPERTY THAT ARE NOT SHOWN.  
THIS PLAT IS PREPARED FOR EXCLUSIVE USE BY THE CLIENT. USE BY ANY THIRD PARTY IS AT THEIR OWN RISK.  
BEFORE STARTING ANY BUILDING CONSTRUCTION ON THIS LOT, CONTACT THE SURVEYOR TO VERIFY THE BUILDING LINES SHOWN HEREON.

- LEGEND**
- CORNER MONUMENTATION
  - IPB = CORNER SET WITH A 1/2" STEEL PIPE IN CONCRETE
  - CONCRETE FOUNDATION
  - UNADJUTED CORNER
  - CORNER TO BE SET WHEN CONSTRUCTION BEGINS
  - TRUCK LINE
  - RR = STEEL REINFORCING ROD
  - OTF = OPEN TOP WATER PIPE
  - PT = POWER POLE
  - BL = BUILDING LINE
  - LL = LAND LOT LINE
  - OV = OVERHEAD POWER LINES
  - GAS MAINS
  - SANITARY SEWER MAIN
  - WF = WOOD OR FORMERLY OWNED BY HEAD OF WALL SET AT CORNER

**TECHNICAL DATA**  
TRaverse Precision: 1/10001  
Angle Precision: 1/10000  
Survey Adjustment: LEAST SQUARES  
Equipment: TOPCON 013-329  
Plat Precision: 1/333.677

**FLOOD STATEMENT**  
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAP, COMMUNITY FLOOD HAZARD IDENTIFICATION MAP, AND EFFECTIVE DATE: AUGUST 18, 1982. THE MAP GRAPHICALLY DENOTES THE SUBJECT PROPERTY TO BE IN ZONE: X. THE FLOOD HAZARD ZONE FOR THIS ZONE IS AN AREA ABOVE THE 100 YEAR FLOOD PLAIN.

V-73  
(2017)



**THE RUSSELLE COMPANY, INC.**  
PROFESSIONAL LAND SURVEYORS  
2981 POWDER SPRINGS ROAD  
MARIETTA, GEORGIA 30064  
VOICE: (770) 943-5908  
FAX: (770) 943-5904  
WWW.CRUSSELLE.COM

REVISIONS

DATE	DESCRIPTION

PROJ. NO. COB346  
FILE COB346.DWG  
FIELD SURVEY DATE: 10/08  
PLAT DATE: 10/08  
SCALE: 1" = 50'

**APPLICANT:** Yaneth Medina-Diaz

**PETITION No.:** V-73

**PHONE:** 678-598-2913

**DATE OF HEARING:** 7-12-2017

**REPRESENTATIVE:** J. Kevin Moore

**PRESENT ZONING:** R-20

**PHONE:** 770-429-1499

**LAND LOT(S):** 686

**TITLEHOLDER:** Yaneth Medina-Diaz

**DISTRICT:** 19

**PROPERTY LOCATION:** On the east side of  
Macedonia Drive, north of Hopkins Way

**SIZE OF TRACT:** 1.09 acres

(No Assigned Address).

**COMMISSION DISTRICT:** 4

**TYPE OF VARIANCE:** Waive the minimum public road frontage from the required 75 feet to 18 feet.

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

**BOARD OF APPEALS DECISION**

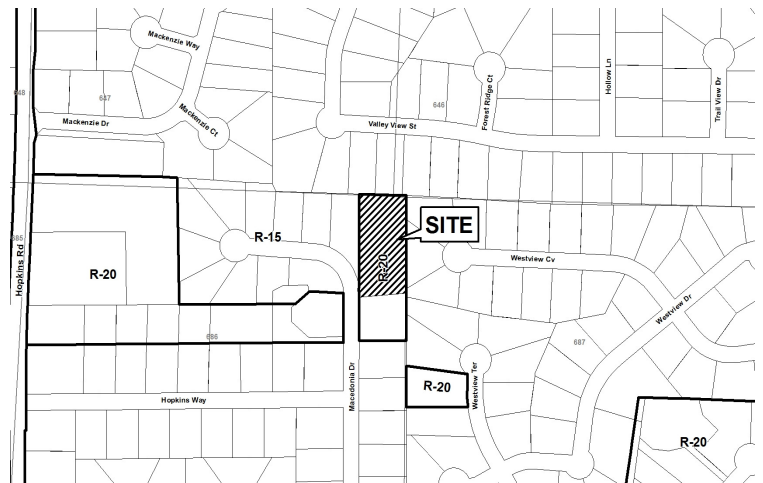
**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**       



**APPLICANT:** Yaneth Medina-Diaz

**PETITION No.:** V-73

\*\*\*\*\*

**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comments.

**SITE PLAN REVIEW:** No comments.

**STORMWATER MANAGEMENT:** No comments.

**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:** No comments.

**CEMETERY PRESERVATION:** No comments.

**WATER:** No conflict. (Powder Springs Service Area).

**SEWER:** No conflict. (Powder Springs Service Area)

**APPLICANT:** Yaneth Medina-Diaz

**PETITION No.:** V-73

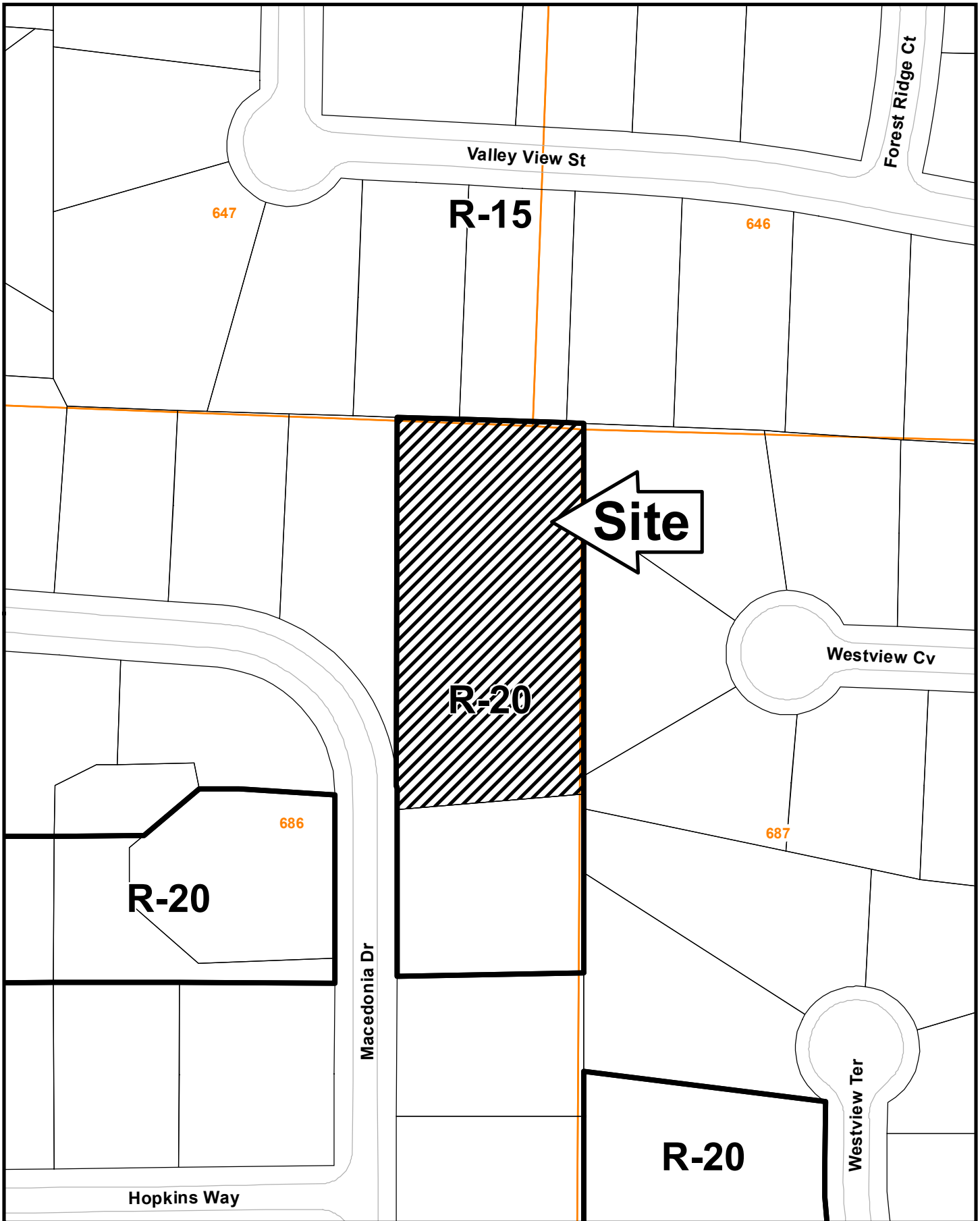
\*\*\*\*\*

- 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-73 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-73 (2017)  
Hearing Date: 07/12/2017

Applicant Yaneth Medina-Diaz Phone # (678) 598-2913 E-mail yanethmedina12@gmail.com  
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street  
J. Kevin Moore Address Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

BY: J. Kevin Moore Phone # (770) 429-1499 E-mail jkm@mij.s.com  
(representative's signature) Georgia Bar No. 519728

My commission expires: January 10, 2019

Signed, sealed and delivered in presence of:

Carelyn E. Cook  
Notary Public



Titleholder Yaneth Medina-Diaz Phone # (678) 598-2913 E-mail yanethmedina12@gmail.com

Signature Yaneth Medina-Diaz Address: 3305 Lancer Drive, Powder Springs, GA  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: January 10, 2019

Signed, sealed and delivered in presence of:

Carelyn E. Cook  
Notary Public



Present Zoning of Property R-20

Location Easterly side of Macedonia Drive; Northerly of Macedonia Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 686 District 19th Size of Tract 1.09± 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

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:

See Exhibit "A" attached hereto and incorporated herein by reference.

List type of variance requested: (1) Reduction of the required public road frontage for a single-family residential lot from seventy-five (75) feet to eighteen (18) feet.  
(See § 134-197(4)(c).)



V-73  
(2017)  
Exhibit

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE**



Application No.: V- 73 (2017)  
Hearing Date: July 12, 2017

**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

**Applicant/Property Owner: Yaneth Medina-Diaz**

Please state what hardship would be created by following the normal terms of the Ordinance:

The property which is the subject of the Application for Variance is located on the easterly side of Macedonia Drive, northerly of Macedonia Road, Land Lot 686, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and contains approximately 1.09 acres, is currently undeveloped, and is zoned to the R-20 zoning classification (hereinafter "Property" or "Subject Property"). Applicant purchased the Subject Property in 2013 with the intention of constructing her personal residence. It was only recently when Applicant started the initial process for permitting and construction that she became aware of the minimum required street frontage for the construction of a home. Access to the Property is from Macedonia Drive, and the Subject Property has approximately eighteen (18) feet of frontage on the public roadway. In order for the Property to comply with the R-20 zoning category, a variance must be obtained to reduce the minimum public road frontage requirement from seventy-five (75) feet to eighteen (18) feet. The requested variance is not substantial and would allow an otherwise reasonable and existing use of the Subject Property; especially, given that adjoining and surrounding properties are zoned to the R-15 and R-20 zoning classifications. It is also notable that the Subject Property is a separate, tax parcel and taxed as such by Cobb County.

**MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
JULY 12, 2017  
PAGE 5**

**CONSENT AGENDA (CONT.)**

**V-71**      **GARY WERT** (Town Center Associates, owner) requesting a variance to waive the allowable size of a wall sign from 851.6 square feet to 20,433 square feet in Land Lot 645 of the 16<sup>th</sup> District. Located on the south side of Ernest Barrett Parkway, east of Roberts Court, west of Interstate 575 (425 Ernest Barrett Parkway).

**To approve V-71, subject to:**

- 1. Rendering contained in the Variance Analysis, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. No words or images on the signs**

**V-72**      **ARBOR RIDGE PROPERTIES, LLC** (Arbor Ridge Properties, LLC, owner) requesting a variance to waive the minimum separation between buildings from the required 15 feet to 12 feet in Land Lots 694, 695 and 713 of the 19<sup>th</sup> District. Located on the east side of Powder Springs Road, south of Fair Road (2375 Powder Springs Road).

**To approve V-72, subject to:**

- 1. Fire Department comments and recommendations**

**V-73**      **YANETH MEDINA-DIAZ** (Yaneth Medina-Diaz, owner) requesting a variance to waive the minimum public road frontage from the required 75 feet to 18 feet in Land Lot 686 of the 19<sup>th</sup> District. Located on the east side of Macedonia Drive, north of Hopkins Way (No Assigned Address).

**To approve V-73, subject to:**

- 1. Fire Department comments and recommendations**

*At the call of V-75 (One Johnson Ferry LLC), opposition was present; therefore, V-75 was pulled from the Consent Agenda and moved to the Regular Agenda to be heard in its numerical order (see page 7 of these minutes for the final decision).*

**CONSENT VOTE: ADOPTED 5-0**