

**OCTOBER 17, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 049

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their September 13, 2017 Variance Hearing regarding Variance Application V-96 Michael A. Matthews.

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 September 13, 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 proposed reduction as recommended by the Board of Zoning Appeals.

ATTACHMENTS

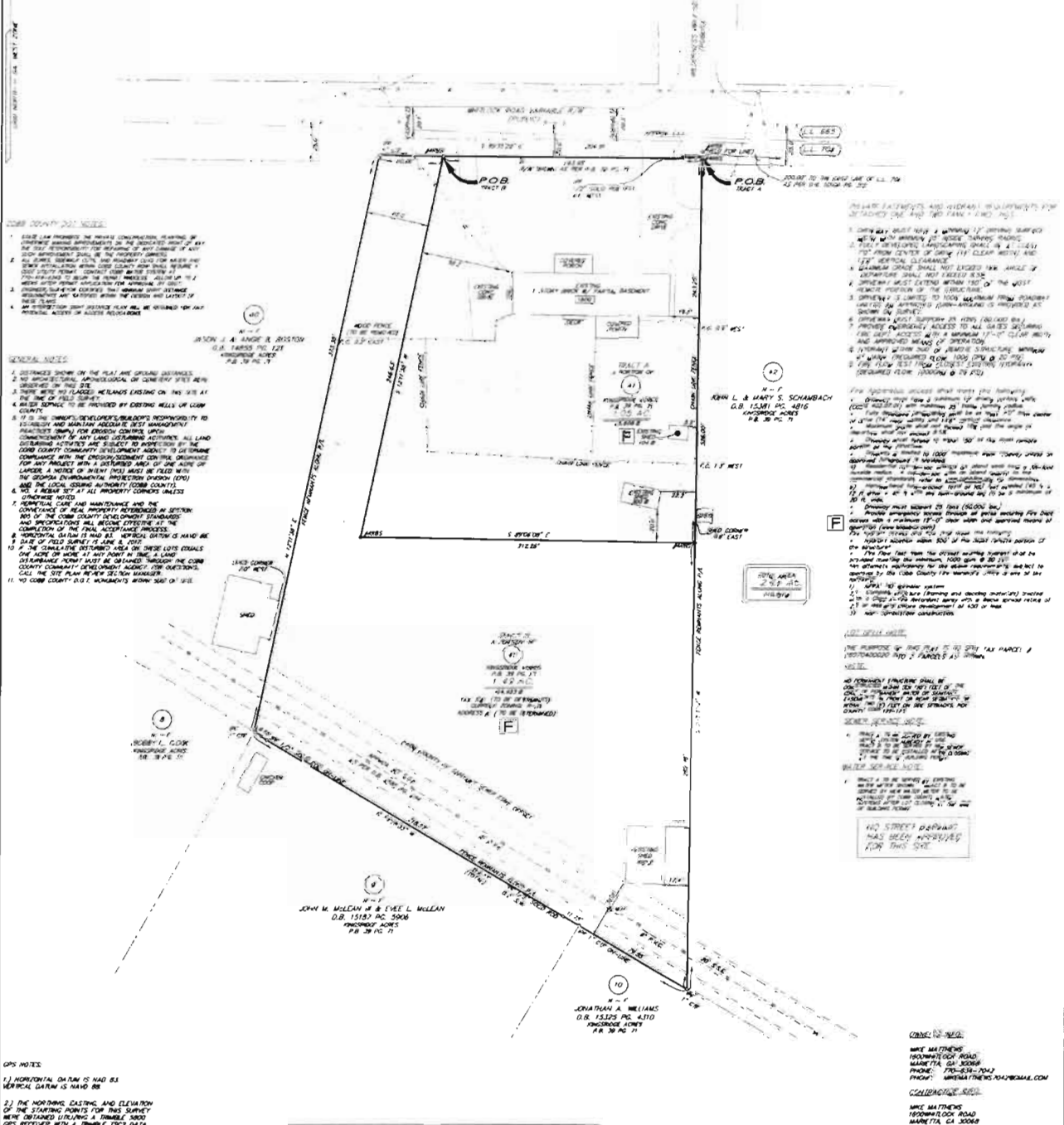
Variance analysis and minutes.

V-96
(2017)

LEGEND table with columns for symbols and descriptions of various lines and features like property boundaries, easements, and utility lines.

ZONING table with columns for zoning type, lot area, front setback, side setback, rear setback, etc.

Diagonal stamp: REVIEWED JUL 13 2017 COBB COUNTY DEV. AGENCY ZONING DIVISION



OPNS NOTES: 1) HORIZONTAL DATUM IS NAD 83... 2) THE HORIZONTAL DATUM AND ELEVATION OF THE STATIONING POINTS FOR THIS SURVEY... 3) THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE...

STATEMENT OF WORK: THIS PLAN IS A RETIREMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT... 3215... 7/24/17... 6:24/17...

SPR-2017-XXXXXX Gaskins logo and contact information for Michael A. Matthews, 1800 WHITLOCK ROAD, 1600 LOCATED IN L.L. 704, 16TH DISTRICT, 2ND SECTION COBB COUNTY, GA.

APPLICANT: Michael A. Matthews

PETITION No.: V-96

PHONE: 770-634-7042

DATE OF HEARING: 9-13-2017

REPRESENTATIVE: Michael A. Matthews

PRESENT ZONING: R-20

PHONE: 770-634-7042

LAND LOT(S): 704

TITLEHOLDER: Michael A. Matthews and Vicki L. Matthews

DISTRICT: 16

PROPERTY LOCATION: On the south side of Whitlock Road, across from Wilderness Way, west of Sandy Plains Road (1600 Whitlock Road).

SIZE OF TRACT: 2.54 acres

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the minimum public road frontage from the required 75 feet to 40 feet for proposed tract B; 2) waive the setback for an accessory structure over 650 square feet (existing 895 square foot shed) from the required 100 feet to 17 feet adjacent to the eastern property line and to 36 feet adjacent to the rear property line; and 3) waive the rear setback for an accessory structure under 650 square feet (existing 300 square foot shed) from the required 35 feet to 20 feet.

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

BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Michael A. Matthews **PETITION No.:** V-96

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: If granted, site grading plan approved by Stormwater Management Division will be required prior to permitting.

HISTORIC PRESERVATION: No comments.

DESIGN GUIDELINES: No comments.

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: No conflict.

SEWER: No conflict. 895 ft² shed appears to be adequate distance from sewer easement.

APPLICANT: Michael A. Matthews

PETITION No.: V-96

FIRE DEPARTMENT: - Driveway must have a minimum 12' driving surface width with minimum 25' inside turning radius.

- 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).
- Maximum grade shall not exceed 18%.
- Driveway must extend within 150' of the most remote portion of the structure.
- Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
- Driveway must support 25 Tons (50,000 lbs.)
- Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
- Hydrant within 500' of remote structure, minimum 6" main*
(Required Flow: 1000 gpm @ 20 psi)
- Fire Flow Test from closest existing hydrant*
(Required Flow: 1000 gpm @ 20 psi)

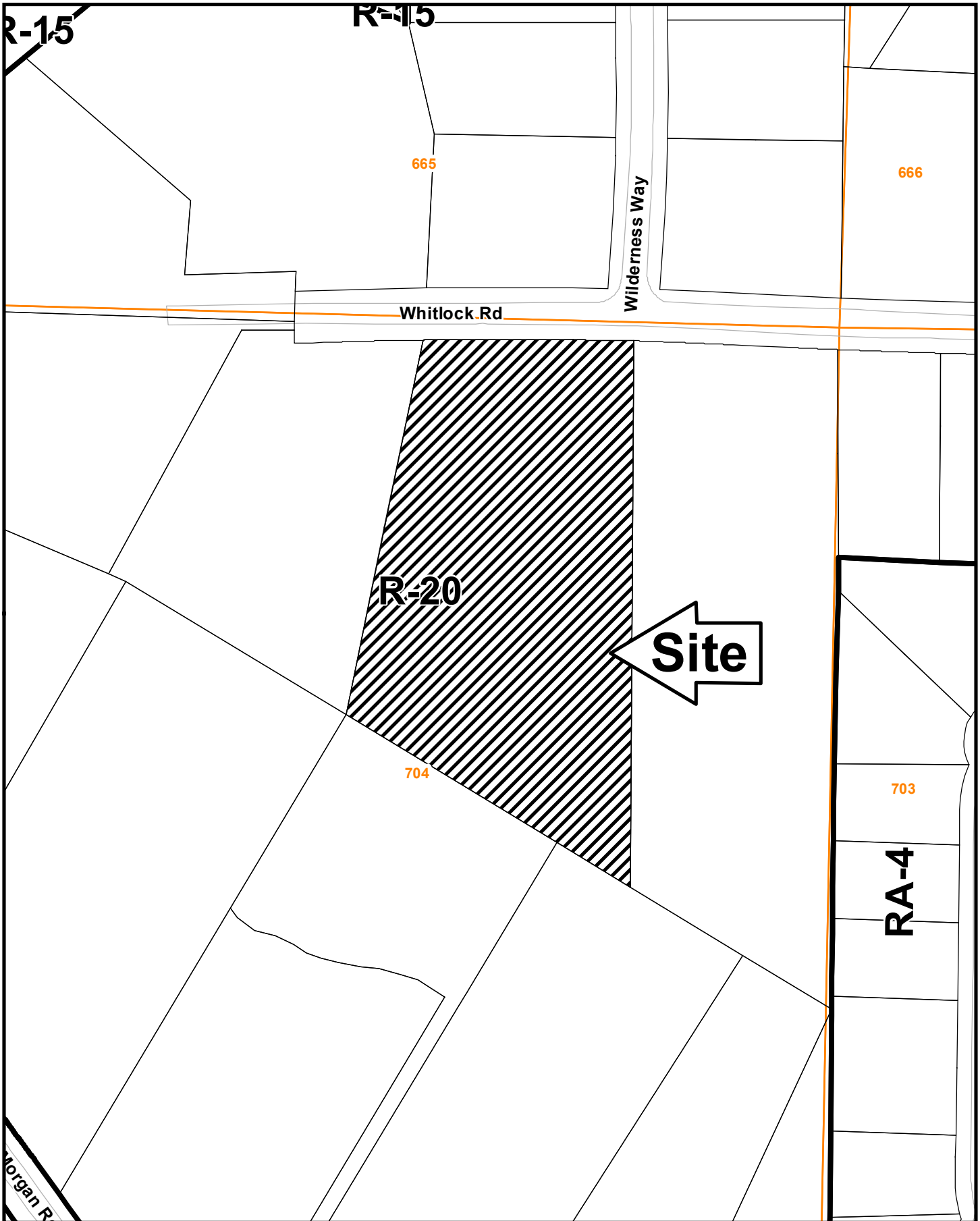
* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) 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.

Note:

- Dead-end access roads in excess of 1000 feet shall be provided with a turn-around. Residential cul-de-sac without island: 38-foot outside radius. Hammerhead turn-around: total of 120 feet needed (60 feet from center of drive).

V-96 2017-GIS



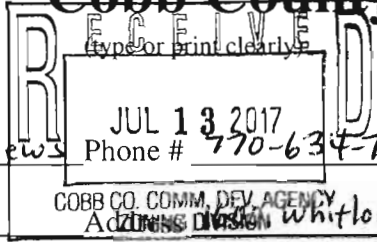
This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet

City Boundary
Zoning Boundary

Application for Variance

Cobb County

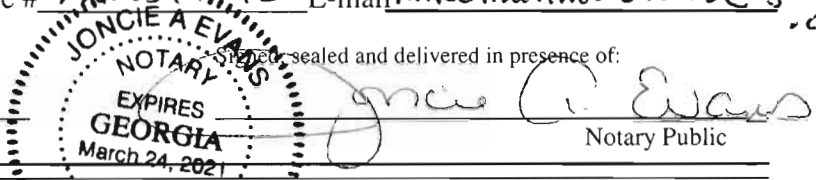


Application No. V-96
Hearing Date: 9-13-17

Applicant Michael A. Matthews Phone # 770-634-7042 E-mail mikematthews7042@gmail.com
Michael A. Matthews Phone # 770-634-7042 E-mail mikematthews7042@gmail.com
(representative's name, printed) (street, city, state and zip code)

Michael A. Matthews Phone # 770-634-7042 E-mail mikematthews7042@gmail.com
(representative's signature)

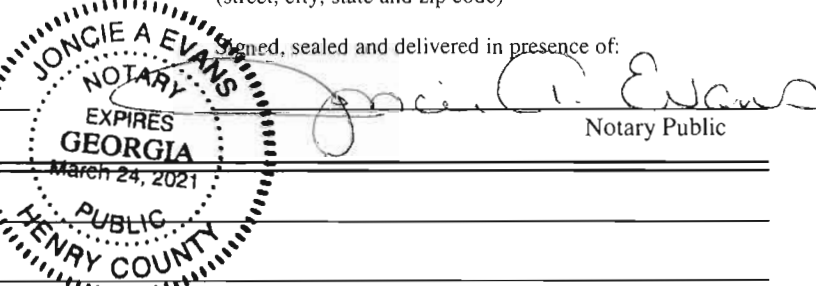
My commission expires: 03-24-2021



Signed, sealed and delivered in presence of:
Joncie A. Evans
Notary Public

Titleholder Michael A. Matthews Phone # 770-634-7042 E-mail mikematthews7042@gmail.com
Signature Michael A. Matthews Address: 1600 Whitlock Road, Marietta, GA 30066
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 03-24-2021



Signed, sealed and delivered in presence of:
Joncie A. Evans
Notary Public

Present Zoning of Property R4
Location 1600 Whitlock Road
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 704 District 16 Size of Tract 2.54 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:

Complying with the existing ordinances will hinder constructive use of the property and detract from the appearance of the neighborhood.

List type of variance requested: Request forty feet of road frontage for "flag lot". Request existing 895 ft² shed/barn be allowed to remain on Tract B although it encroaches on sewer easement. Note that smaller sheds shown on Tract A plat are "portable buildings."

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2017
PAGE 4**

CONSENT AGENDA (CONT.)

~~V-95 **EMILY SULLIVAN AND ANDREW SULLIVAN** (Andrew K. Sullivan and Emily Sullivan, owners) requesting a variance to 1) waive the side setback from the required ten feet to eight feet (existing) adjacent to the northern property line; and 2) allow a retaining wall up to ten feet in height within five feet of the property line (southern property line) in Land Lots 1042 and 1047 of the 17th District. Located on the east side of Denard's Mill, south of Sibley Forest (745 Denard's Mill).~~

~~To **approve V-95**, subject to:~~

- ~~1. **Development and Inspection Division comments and recommendations**~~
- ~~2. **Stormwater Management Division comments and recommendations**~~

V-96 **MICHAEL A. MATTHEWS** (Michael A. Matthews and Vicki L. Matthews, owners) requesting a variance to 1) waive the minimum public road frontage from the required 75 feet to 40 feet for proposed tract B; 2) waive the setback for an accessory structure over 650 square feet (existing 895 square foot shed) from the required 100 feet to 17 feet adjacent to the eastern property line and to 36 feet adjacent to the rear property line; and 3) waive the rear setback for an accessory structure under 650 square feet (existing 300 square foot shed) from the required 35 feet to 20 feet in Land Lot 704 of the 16th District. Located on the south side of Whitlock Road, across from Wilderness Way, west of Sandy Plains Road (1600 Whitlock Road).

To **approve V-96**, subject to:

1. **Fire Department comments and recommendations**
2. **Stormwater Management Division comments and recommendations**

At the reading of V-98 (James B. Nannen and Sandy W. Nannen), opposition was present; therefore, it was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 7 of these minutes for the final decision).