

**NOVEMBER 21, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 045

PURPOSE

To consider a site plan and stipulation amendment for Green Park PCH, Incorporated regarding rezoning application Z-44 of 1995 for property located at the west side of Sandy Plains Road, north of Ebenezer Road, in Land Lot 525 of the 16th District (2941 Sandy Plains Road). (*Continued from the October 17, 2017 hearing*)

BACKGROUND

The subject property was rezoned to LRO on April 18, 1995 for an office. In 2003 the Board of Commissioners amended the use to a group home, which it still is today. The applicant would like to amend the site plan to allow the owner to enclose the open carport for more living space, and to add parking spaces to the front of the house. These two changes are shown on the submitted site plan. The additional construction would match the rest of the house. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Sandy Plains Road, a minimum of 50' from the roadway centerline. Recommend commercial driveway on Sandy Plains Road be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards. Recommend a deceleration lane or improved (large) turn radius on Sandy Plains Road for the entrance. Recommend design be determined during plan review, subject to Cobb County DOT approval. Recommend replacing disturbed curb, gutter, and sidewalk along the Sandy Plains Road frontage.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

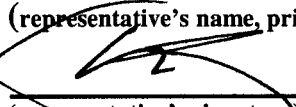
OB-045-2017

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

BOC Hearing Date Requested: October 17, 2017

Applicant: Green Park PCH, Incorporated **Phone #:** 770-596-4511
(applicant's name printed)

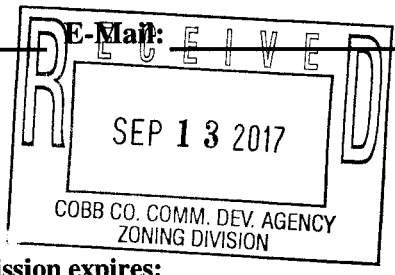
Address: PO Box 2367, Acworth, GA 30102 **E-Mail:** us@greenparkpch.com
SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)

(representative's signature) **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com

Signed, sealed and delivered in presence of Karen L. King **My commission expires:** 2-27-19
Notary Public 

Titleholder(s): See attached **Phone #:** _____
(property owner)

Address: _____
(Property owner's signature)



Signed, sealed and delivered in presence of: _____ **My commission expires:** _____
Notary Public

Commission District: 3 **Zoning Case:** Z-44

Size of property in acres: 0.720 **Original Date of Hearing:** April 18, 1995

Location: On the west side of Sandy Plains Road, north of Ebenezer Road (2941 Sandy Plains Road)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 525 **District(s):** 16th

State specifically the need or reason(s) for Other Business: To allow expansion to the existing building (as shown on the submitted site plan),

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application at any time during the rezoning process.
(List or attach additional information if needed)

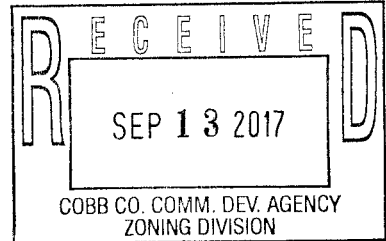
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-45
BOC Hearing Date: 10-17-17

Applicant: GREEN PARK PCH. INCORPORATED

Titleholder(s): Edward Infanzon and Julie Infanzon

PIN#: 16052500120



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Edward Infanzon 9.7.17
Signature of Owner Date

Printed Name: Edward Infanzon

Julie A. Infanzon 9.7.17
Signature of Owner Date

Printed Name: Julie A Infanzon

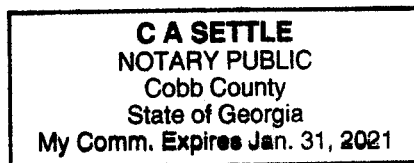
Address: 3495 Mill Bridge Dr
Marietta, GA 30062

Telephone No.: (770) 722-4353

C A Settle
Signature of Notary Public

Date 9/07/17

(Notary Seal)



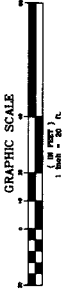
OB-045-2017
Proposed Six Plan



GREEN PARK PCH, INC.
18TH DISTRICT
2ND SECTION
COBB COUNTY GEORGIA
DATE: 09/09/2017
SCALE: 1" = 20'

FRONTLINE
3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
PH: (678) 355-9905
Fax: (678) 355-9805
www.frontline-surveying.com

ALL RIGHTS RESERVED TO THE CLIENT AND ALL RIGHTS RESERVED TO THE ENGINEER AND SURVEYOR. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE ENGINEER AND SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER AND SURVEYOR SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE ENGINEER AND SURVEYOR SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE ENGINEER AND SURVEYOR SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES.

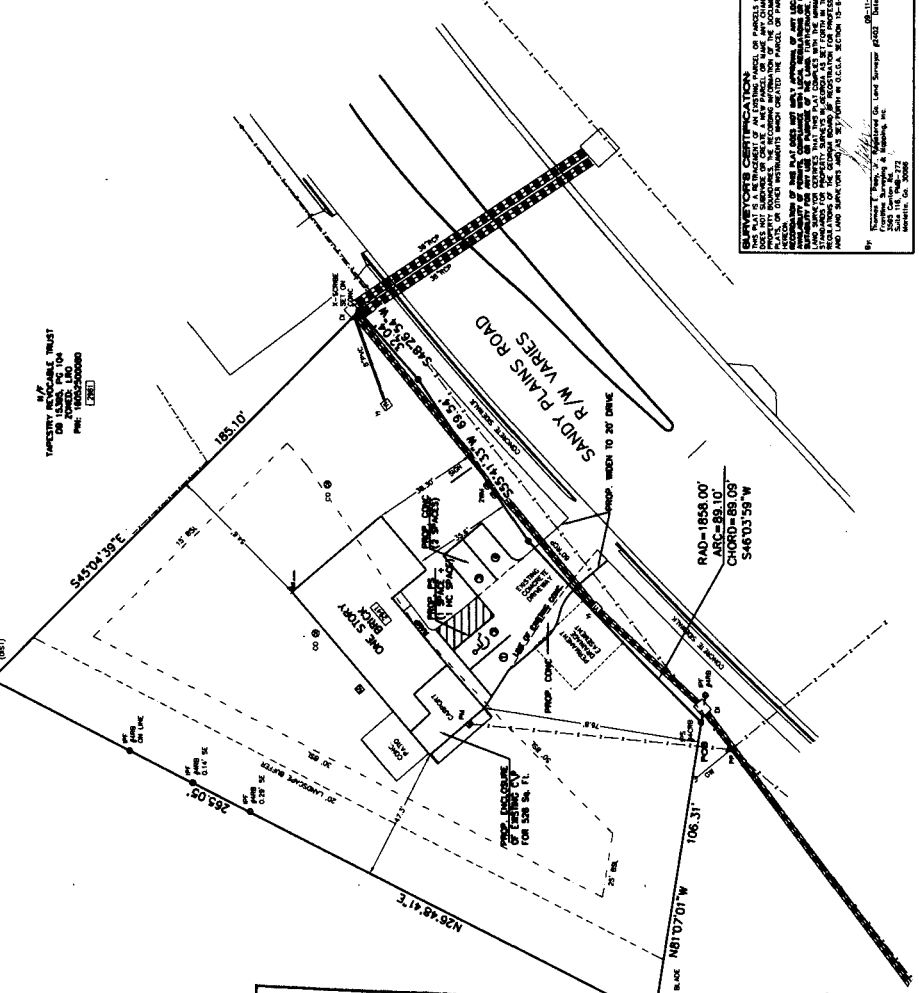


SURVEYOR'S CERTIFICATION
I, the undersigned, being a duly Licensed Professional Engineer and Surveyor for the State of Georgia, do hereby certify that I am the author of the foregoing plat and that the same is a true and correct representation of the facts and conditions as shown to me by the client and as the same appear on the ground. I further certify that the same has been prepared in accordance with the provisions of the Georgia Code, and that the same has been approved by me as the Engineer and Surveyor. My Commission Expires on 09/09/2017.
C. J. [Signature]
Professional Engineer and Surveyor
License No. 11522
State of Georgia
Date: 09/09/2017

EXISTING & PROPOSED ZONING:
LRO
FRONT SETBACK = 40'-00"
MIN SIDE SETBACK = 15'
MAJOR SIDE SETBACK = 25'-00"
REAR SETBACK = 30'
MIN LOT SIZE = 20,000 S.F.

GREEN PARK PCH, INC.
2841 SANDY PLAINS ROAD
18TH DISTRICT - 2ND SECTION
COBB COUNTY, GEORGIA
PH: 1688200180

CORNER: [Signature]
DATE: 09/09/2017
PH: 1688200180



RECEIVED
SEP 13 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

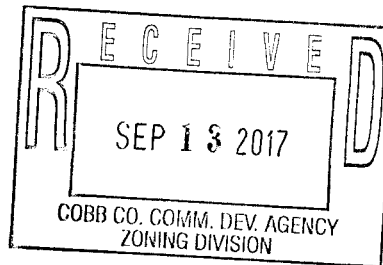
RECORDED FOR RANDALL J. SMAY & ANGELA P. SMAY BY LARRY P. SMAY, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 1994, LIST RECORDED JAN. 6, 1995. RIGHT OF WAY DEED FROM JULE FEEB 27, LOT 7, RECORDED IN DEED BOOK 100, PAGE 100, COBB COUNTY RECORDS, MARCH 17, 2001.

LEGEND:

- 1. BOUNDARY OF THE CLIENT
- 2. BOUNDARY OF THE SURVEYOR
- 3. BOUNDARY OF THE STATE
- 4. BOUNDARY OF THE COUNTY
- 5. BOUNDARY OF THE DISTRICT
- 6. BOUNDARY OF THE SECTION
- 7. BOUNDARY OF THE LOT
- 8. BOUNDARY OF THE EASEMENT
- 9. BOUNDARY OF THE ENCUMBRANCE
- 10. BOUNDARY OF THE RIGHT-OF-WAY
- 11. BOUNDARY OF THE ZONING DISTRICT
- 12. BOUNDARY OF THE ZONING DISTRICT
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- 21. BOUNDARY OF THE ZONING DISTRICT
- 22. BOUNDARY OF THE ZONING DISTRICT

SURVEY NOTES:

1. THE PROPERTY IS NOT LOCATED IN ANY SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP.
2. THE PROPERTY IS NOT LOCATED IN ANY SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP.
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22. THE PROPERTY IS NOT LOCATED IN ANY SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP.



Z-44

SALAY AND VILLA (Mark and Ann Villa and Randall J. and Angela P. Salay, owners) for Rezoning from R-20 to LRO for the purpose(s) of an Office (Financial Planning) and a Portrait Photography Studio in Land Lot 525 of the 16th District. 1.320 acre. Located on the west side of Sandy Plains Road, north of Ebenezer Road. The Board of Commissioners approved application subject to: 1) these uses only: 2,250 square foot structure for Financial Planning (with other related and associated professional rental uses, such as insurance agent and attorney office(s); with 850 square foot structure limited to portrait photography studio usage; 2) no expansions and/or additions to existing structures; 3) project subject to Drainage Division comments; 4) project should address CWA-NPDES-NPS requirements; 5) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements; 6) 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; 7) access locations to sites to be re-constructed to commercial widths of 24 to 30 feet and paved a minimum of 25 feet from the edge of Sandy Plains Road into the sites; 8) installation of a buffer per LRO zoning district requirements; 9) Planning Division Staff to review Comprehensive Land Use Plan/Map designation for this area and place on the 1995 Comprehensive Land Use Plan/Map Amendment List. Motion by Wysong, second by Byrne, carried 5-0.

~~Z-45~~

~~**LLOYD D. MILHOLLAND** for Rezoning from R-20 and HI to CO and HI for the purpose of Building Supply Business in Land Lots 131 and 132 of the 16th District. 1.47 acre. Located at the northeast intersection of Canton Road and Fowler Circle. The Board of Commissioners, as part of the Consent Agenda, approved application subject to any proposed changes to site to be submitted through Plan Review process. Motion by Poole, second by Wysong, carried 5-0.~~

Z-46

DR. KAREN MILLS for Rezoning from R-20 to OI for the purpose of a Medical/Dental Office in Land Lots 1003 and 1014 of the 16th District. 1.75 acre. Located on the southwest side of Marble Mill Road, south of Roselane Street. The Board of Commissioners, as part of the Consent Agenda, approved application subject to: 1) 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; 2) project should address CWA-NPDES-NPS requirements; 3) project subject to Drainage Division comments. Motion by Poole, second by Wysong, carried 5-0.

ITEM #2

To consider amending something previously adopted regarding application Z-44 of April 18, 1995 (Salay & Villa), located on the west side of Sandy Plains Road, north of Ebenezer Road in Land Lot 525 of the 16th District.

Mr. Danneman presented applicant's request to amend something previously adopted regarding stipulations pertaining to 2961 Sandy Plains Road (850 square foot structure). Specifically asked to be removed were stipulations calling for use of structure as a portrait photography studio only and no expansion and/or additions to the structure.

Following this presentation the Board of Commissioners **approved** request to amend something previously adopted regarding application Z-44 of April 18, 1995 (Salay and Villa), located on the west side of Sandy Plains Road, north of Ebenezer Road in Land Lot 525 of the 16th District **thereby allowing structure located at 2961 Sandy Plains Road to be used for an insurance office or other related professional office usages and further allowed the erection of addition(s) to the structure (approximately per the dimensions submitted - exhibit attached and made a part hereof), subject to: 1) all other previously approved conditions/stipulations remaining in effect; 2) the additions meeting all County requirements (i.e., setbacks, permitting, etc.); 3) allowance for the applicant to proceed prior to minute approval. Motion by Wysong, second by Poole, carried 5-0.**

ITEM #3

To consider amending something previously adopted regarding application Z-150 of September 20, 1994 (David Pearson), located on the south side of Eula Drive, west of Lassiter Road, north of Shallowford Road in Land Lots 267, 268 and 269 of the 16th District.

Mr. Danneman presented applicant's request to amend a PRD site plan to allow a drop-off type driveway to the amenity area.

Following this brief presentation, the Board of Commissioners **rejected** applicant's request to amend the PRD site plan for Christopher Robbins Subdivision amenity area (reference Z-150 of September 20, 1994), located on the south side of Eula Drive, west of Lassiter Road, north of Shallowford Road in Land Lots 267, 268 and 269 of the 16th District. **Motion by Wysong, second by Thompson, carried 5-0.**

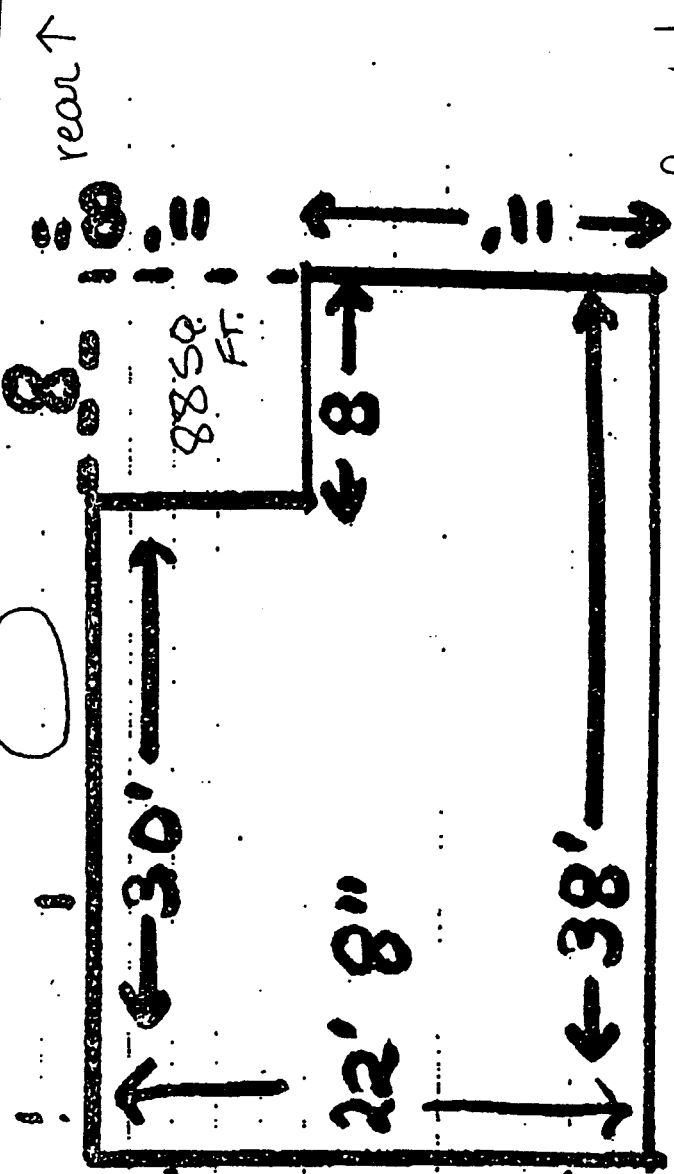
2961 SANDY

PLAINS RD

RECEIVED
SEP 13 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

1307
169 SQ FT
SEPTIC TANK

FENCE



2-44 q '95

additions as referenced in zoning minutes Cotton Business Item #2) of 12-17-96 K. H. Beck

--- = PROPOSED ADDITIONS

--- EXISTING STRUCTURE

STATE FARM INSURANCE

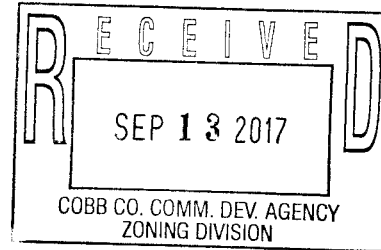
DOUG MIKULA, Agent
8292 Highway 92, Suite 120
Woodstock, GA 30189
Off. 770-591-0901
Fax. 770-592-5440

ATTACHMENT B

← SANDY PLAINS RD →

2-44
8-19-95

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 17, 2003
PAGE 17**



ITEM #4

To consider amending the stipulations for Mr. Ed Infanzon regarding Z-44 (Salay & Villa) of April 18, 1995, for property located on the west side of Sandy Plains Road, north of Ebenezer Road in Land Lot 525 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations. Following presentation and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** request to amend stipulations for Mr. Ed Infanzon regarding Z-44 (Salay & Villa) of April 18, 1995, for property located on the west side of Sandy Plains Road, north of Ebenezer Road in Land Lot 525 of the 16th District as follows:

- to allow a change in the use restrictions on the property at 2941 Sandy Plains Road for use as a Group Home *only*
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: ADOPTED unanimously

~~**ITEM #5**~~

~~To consider a site plan and stipulation amendments regarding Z-148 (Profile Properties, Inc.) of December 17, 2002, for property located at the southwest intersection of Factory Shoals Road and Knox Springs Road, east of Wade Road in Land Lots 489, 490, 512 and 513 of the 18th District.~~

~~Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan and stipulation amendments. The public hearing was opened and Mr. Kevin Moore, Mr. Ben Mould, Mr. Bailey, and Ms. Clara White addressed the Board. Following presentations and discussion, the following motion was made:~~

~~MOTION: Motion by W. Thompson, second by Olens, to **approve** a site plan and stipulation amendments regarding Z-148 (Profile Properties, Inc.) of December 17, 2002, for property located at the southwest intersection of Factory Shoals Road and Knox Springs Road, east of Wade Road in Land Lots 489, 490, 512 and 513 of the 18th District
subject to:~~