

**FEBRUARY 20, 2018 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 3**

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**ITEM OB-007**

**PURPOSE**

To consider a stipulation amendment for Duncan Land Investments, LLC regarding rezoning application Z-56 and Z-58 of 2013 for property bounded by Piedmont Road, Fairview Drive, and Bob Bettis Drive in Land Lot 594 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned in 2013 to RA-5 for a ten-lot residential subdivision. One of the zoning stipulations stated that a 6-foot tall privacy fence would be installed along Piedmont Road. The fence was installed, but it exceeds 6-feet in height. The columns are 8-feet in height with the wood planks being 6.5-feet in height. The applicant would like to keep the taller fence due to the road noise from Piedmont Road. If approved, all previous zoning stipulations would remain in effect.

**DEPARTMENT COMMENTS**

**Cobb D.O.T.:** Recommend fence be installed outside of the right-of-way. Recommend fence be installed where it will not impede the line of sight for the driveways or roadways.

**Water and Sewer:** Columns/fence must be located adequate distance from public water and sewer lines.

**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

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

**RECEIVED**  
JAN 16 2018  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

OB-007

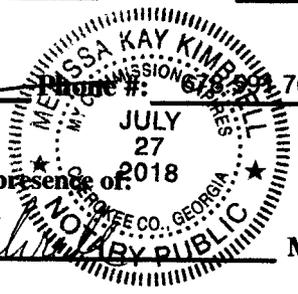
BOC Hearing Date Requested: 2-20-18

**Applicant:** Duncan Land Investments, LLC Phone #: 678.591.7624  
(applicant's name printed)

**Address:** 4302 Farmbrook Ln., Kennesaw, GA. 30144 E-Mail: duncanlandinvest@yahoo.com

Richard Duncan Address: 4302 Farmbrook Ln., Kennesaw, GA. 30144  
(representative's name, printed)

*[Signature]*  
(representative's signature)



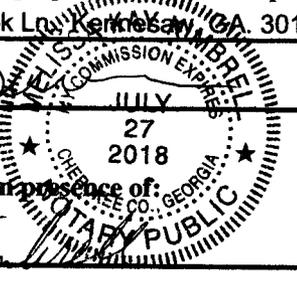
Phone #: 678.591.7624 E-Mail: riversouth59@yahoo.com

Signed, sealed and delivered in presence of:  
Melissa Kay Kimbrell My commission expires: July 27, 2018  
Notary Public

**Titleholder(s):** Duncan Land Investments, LLC Phone #: 678.591.7624  
(property owner's name printed)

**Address:** 4302 Farmbrook Ln., Kennesaw, GA. 30144 E-Mail: duncanlandinvest@yahoo.com

*[Signature]*  
(Property owner's signature)



Signed, sealed and delivered in presence of:  
Melissa Kay Kimbrell My commission expires: July 27, 2018  
Notary Public

**Commission District:** 3 **Zoning Case:** Z-56 and Z-58

**Size of property in acres:** NA **Original Date of Hearing:** September 17, 2013

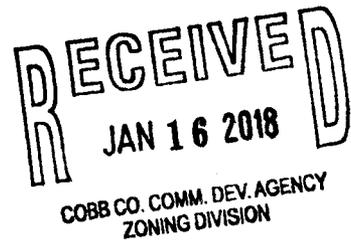
**Location:** Privacy fencing along piedmont Rd., starting at the corner of Piedmont Rd. and Bob Bettis Rd. (Fairview Heights)  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 594 **District(s):** 16

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

*including fence posts*  
To allow fence along Piedmont Rd. to be no greater than 6'6" and to allow columns to be no greater than 8' tall

(List or attach additional information if needed)



## Stipulation Letter

For zoning cases Z-56 and Z-58

Duncan Land Investments and Copperleaf Partners, Inc.

September 6, 2013

- 1) Applicant seeks rezoning for the subject property from the existing category of R-20 to the proposed zoning category of RA-5.
- 2) Subject property will be developed for a single family detached residential development consisting of 13 maximum lots. All lots shall comply with the minimum of 7,000 square feet per lot required under RA-5 zoning.
- 3) Minimum house size in the new proposed subdivision will be 2,100 square feet of heated and cooled living space
- 4) Elevations of the homes shall contain brick, stone, stacked stone, cedar shakes, cementitious shake siding and/or cementitious siding, board and batten, or combinations thereof.
- 5) All lots in the new proposed subdivision will be sodded fronts and at least 15 feet along both sides.
- 6) Side setbacks will be 10 feet with a minimum of 20 feet in between homes.
- 7) There will be a mandatory HOA that will require maintenance and upkeep of landscaping and fencing around the detention pond.
- 8) Applicant agrees that along Piedmont Rd. there will be 6 ft. tall privacy shadowbox fencing, along with sod and an irrigation system to be maintained by the proposed subdivision's HOA.
- 9) Applicant agrees that all worker's vehicles will be parked on site and not on Piedmont Rd., or on any other surrounding subdivision streets.
- 10) Construction work hours will comply with Cobb County Code Ordinance on Monday through Friday. Construction work hours on Saturday will be from 9-6. No work on Sundays.
- 11) All utilities servicing the residents within the proposed subdivision shall be underground.
- 12) Applicant agrees to comply with all Cobb County Stormwater management comments and recommendations, and also all Cobb County DOT comments and recommendation of the subject property.

- 13) The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application.
- 14) These applicants agree to allow the Georgia Native Plant Society to conduct a "plant rescue" prior to the commencement of construction of the subject property.

