

**MAY 15, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-019

PURPOSE

To consider a reduction of public road frontage and lot size for Steve Jordan for property located on the west side of Powder Springs Road, north of Green Drive, in Land Lot 475 of the 19th District (1822 Powder Springs Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage and to minimum lot size pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is zoned R-20 and does not have the required 75’ of public road frontage as required by the zoning code. The property is located off a 14’ access easement formally known as Esten Drive. When located off a private easement, the lot is required to have 80,000 square feet. This lot is 23,980 square feet which meets the R-20 lot size, but does not meet the 80,000 square feet requirement. The proposal meets all other zoning criteria such as setbacks, minimum house size and impervious surface.

STAFF COMMENTS

Cobb DOT: Recommend entrance on Powder Springs 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.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction to public road frontage and minimum lot size.

ATTACHMENT

Other Business application.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: May 15, 2018

OB-019

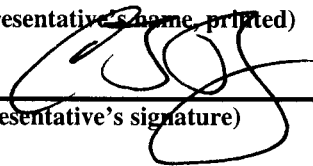
Applicant: Steve Jordan Phone #: See Representative.
(applicant's name printed)

Address: See Representative. E-Mail: See Representative.

Sams, Larkin, Huff & Balli, LLP
Adam J. Rozen, Esq.

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

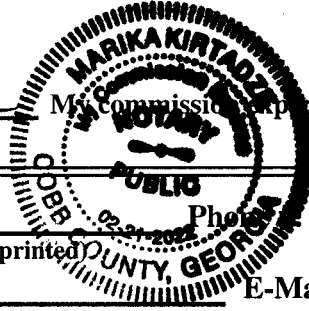
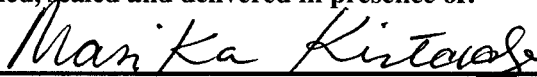
(representative's name printed)



Phone #: (770) 422-7016 E-Mail: arozen@slhb-law.com

(representative's signature)

Signed, sealed and delivered in presence of:



My commission expires: 02-21-2022

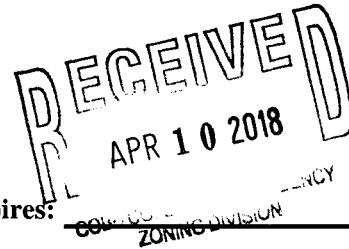
Notary Public

Titleholder(s): See attached. Phone: See Representative.
(property owner's name printed)

Address: See Representative. E-Mail: See Representative.

See attached.

(Property owner's signature)



Signed, sealed and delivered in presence of:

My commission expires:

Notary Public

Commission District: 4 **Zoning Case:** N/A

Size of property in acres: 0.554 **Original Date of Hearing:** N/A

Location: 1822 Powder Springs Rd.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 475 **District(s):** 19

State specifically the need or reason(s) for Other Business: _____

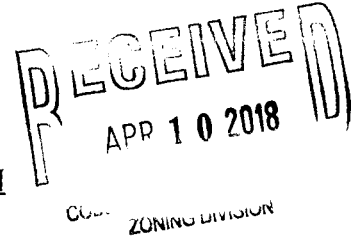
To allow one single family home off of a private easement without the required minimum public road frontage. See 134-271(7).

(List or attach additional information if needed)

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-019
BOC Hearing Date: 05-15-18

Applicant: STEVE JORDAN
Titleholder(s): BALDWIN J. WOOD Trustee of the Sallie V. Wood Revocable Trust Agreement Dated February 5, 2009
PIN#: 19047500060



PROPERTY OWNER'S CERTIFICATION

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

Baldwin J. Wood 4-5-18
Signature of Owner Date
Title: Trustee, Sallie V. Wood Revocable Trust
Printed Name: Baldwin J. Wood

Address: 3101 Mollified Lane
Charlottesville, VA 22911

Telephone No.: (434) 962-5685

Kristen Lynn Conover 4/5/18
Signature of Notary Public Date

(Notary Seal)



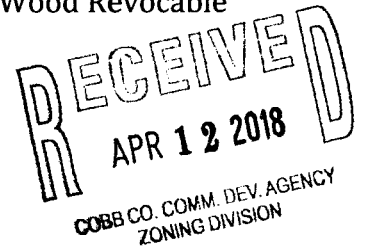
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-19
BOC Hearing Date: 05-15-18

Applicant: STEVE JORDAN

Titleholder(s): JAMES ARTHUR WOOD, III Trustee of the Sallie V. Wood Revocable Trust Agreement Dated February 5, 2009

PIN#: 19047500060



PROPERTY OWNER'S CERTIFICATION

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

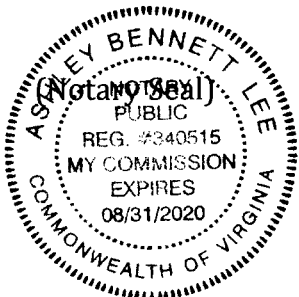
James Arthur Wood III 4/10/18
Signature of Owner Date
Title: Trustee
Printed Name: James Arthur Wood

Address: 2406 Latham Ct.
Midlothian, VA 23113

Telephone No.: (804) 519 7674

Asley Bennett Lee
Signature of Notary Public

4/10/18
Date



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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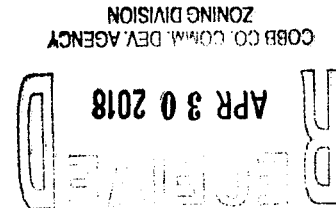
ADAM J. ROZEN

WWW.SLHB-LAW.COM

April 30, 2018

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs St, Suite 400
Marietta, GA 30064



Re: Other Business Application of Steve Jordan regarding a 0.554 Acre Tract located in Land Lot 475, 19th District, 2nd Section, Cobb County, Georgia (OB-019).

Dear John:

This firm has been engaged by and represents the Applicant, Steve Jordan (“Applicant”) concerning the above-captioned Other Business Application with a variance request to *waive the 75’ public road frontage* required by Cobb County’s R-20 zoning district. The Application is scheduled to be heard and considered by the Board of Commissioners on May 15, 2018.

The property at issue consists of a 0.554 acre tract of land located along the north side of Green Drive with a Powder Springs Road address (1822 Powder Springs Road or “Subject Property”). The Subject Property is zoned R-20 Single-Family Residential (“R-20”) which would allow the proposed use of the property for a single-family residential home. Moreover, the Subject Property is in an area along Powder Springs Road which is residentially driven with surrounding single-family residential homes and the Subject Property is intended for the proposed uses. As you can see from the site plan and a physical inspection of the surrounding and Subject Property’s location and history of this area along Powder Springs Road and Green Drive, the tract is appropriate for the single-family residential home which the Applicant proposes. Currently, the Subject Property is hidden by existing and mature landscaping and is positioned near a single-family residential neighborhood. The site meets the spirit and intent of the Code of Ordinances and the R-20 zoning district.

Historically, the property was utilized for a single-family residential home and was conveyed to a predecessor in the 1950’s along with the rights of ingress and egress along the existing private drive as shown on the Site Plan (“private drive”) and as further evinced by the recorded easement in 1979 (collectively the “easement”). The property constructed a residential home until another predecessor unsuccessfully attempted to renovate and remodel the home which later caused it to be torn down. The Applicant proposes to again utilize the Subject Property to build one (1) single-family residential home and update the overall appearance of the site.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency

April 30, 2018

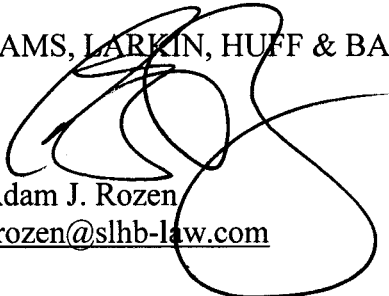
Page 2

The intent and purpose of this request will not cause a substantial detriment to the public good as the Applicant proposes to simply utilize the long-established private easement and this activity would not cause contiguous property owners to be disturbed. The indicated driveway area is the same dimensions and will be used for the same purpose as intended many years ago. As shown in the Site Plan, the private easement would continue to be utilized as a private driveway in order to access the proposed single-family residential home. The site is subject to exceptional circumstances and conditions as it lies along Powder Springs Road because the Subject Property is an island surrounded by other lots with no direct connection to public road frontage which provides this unique hardship for the Applicant. The inability to utilize the Subject Property for one (1) single-family residential home which is consistent with the R-20 zoning district, is not a self-imposed hardship but one which is, in fact, due to the positioning of the Subject Property being land locked and thus, inaccessible which constitutes a *true* hardship. Additionally, although an Applicant is not responsible for establishing this as criteria for the granting of an Other Business Application or variance, it is important that a requested waiver of the Code not set an adverse precedence and not impair the purpose, spirit and intent of the County's Zoning Ordinance. In this case, the Subject Property's proposed use will be for a single-family residential home; therefore, the proposed use fits with and is complementary to this sub-area for the County, specifically along Powder Springs Road. It just so happens to be landlocked in a peculiar, extraordinary and exceptional way. Typically, most single-family residential homes within Cobb County meet the minimum required public-road frontage; however, the Applicant referenced above has mitigated all aspects of accessing the property with the private easement and thus, the request to waive the required minimum public road frontage should be granted.

For all the reasons stated herein above and with all of the information and documentation which is before you, we respectfully request that the Other Business Application be approved. In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Adam J. Rozen
arozen@slhb-law.com

AJR/mek
Enclosures
cc: Mr. Steve Jordan

Variance Request Plat

1822 Powder Springs Road

Cobb County, Georgia

Land Lot 475, 19th District, 2nd Section

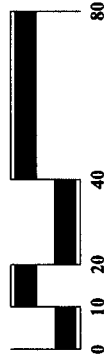
prepared for:

Mr. Steven Jordan

DGM
LAND PLANNING
CONSULTANTS



1635 Old Hwy 41
Suite 1112-314
KENNESAW
GA 30152
770 514-9006
FAX 514-9491



Scale: 1" = 20'

April 8, 2018

APR 30 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Variance Requested

to waive the 75' public road frontage requirement

Site Data

Total Site Area: .55 AC (23,980 SF)

Existing Zoning: R-20

R-20 Building Setbacks:

front: 40' (arterial)

side: 10'

rear: 35'

- Notes:
1. Boundary from Tri-Line Surveying, Inc. dated March 7, 2006
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) #13067C144, dated March 4, 2013, no portion of this site contains floodplain.
 4. No cemeteries are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No archeological or architectural landmarks are known to exist on site.
 7. No utility easements are known to exist on site.

