

**MAY 15, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM OB-020

PURPOSE

To consider a reduction of public road frontage for Brandon Hagins for property located on the south side of Octavia Circle, west of Vester Drive, in Land Lots 911 and 962 of the 16th District (2930 Octavia Circle).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage 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 for proposed lot B. The proposed lot would meet all other zoning criteria for the R-20 zoning district.

STAFF COMMENTS

No staff comments.

RECOMMENDATION

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

ATTACHMENTS

Other Business application.

Application for "Other Business"

OB-020

Cobb County, Georgia

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

BOC Hearing Date Requested: May 15, 2018

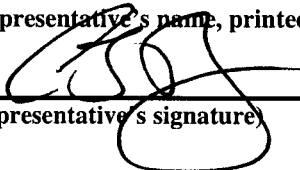
Applicant: Brandon Hagins Phone #: See Representative.
(applicant's name printed)

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:



Notary Public



My commission expires: 02-21-2022

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: 2 **Zoning Case:** V-130

Size of property in acres: 1.11 **Original Date of Hearing:** January 8, 2014

See attached BZA Minutes.

Location: 2930 Octavia Circle

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 911 & 962 **District(s):** 16

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

To waive the public road frontage and concurrent variances for setbacks of existing structures. See 134-27(7).

(List or attach additional information if needed)


ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-20
BOC Hearing Date: 05-15-18

Applicant: BRANDON HAGINS
Titleholder(s): ROBERT E. RAMALEY
PIN#: 16096200050

PROPERTY OWNER'S CERTIFICATION

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

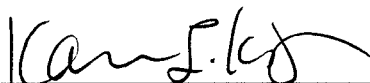

Signature of Owner _____ Date 4-9-18

Title: _____

Printed Name: Robert E Ramaley

Address: _____

Telephone No.: (770) 841-0169


Signature of Notary Public _____

4-9-18
Date

(Notary Seal)



Zoned R-20
FLUM:
LDR

Variance Request Plat

2930 Octavia Drive Cobb County, Georgia

Land Lot 911 and 962, 16th District, 2nd Section

prepared for:
Brandon Hagins

DGM
LAND PLANNING
CONSULTANTS


1635 Oaklawn
Suite 112-314
KENNESAW
GA 30152
770 514-9006
FAX 514-9491

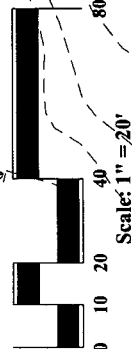
April 8, 2018

Site Data

Total Site Area: 1.11 AC
(48,347 SF) R-20

Existing Zoning: R-20

R-20 Building Setbacks:
front: 35' (local)
side: 10'
rear: 35'

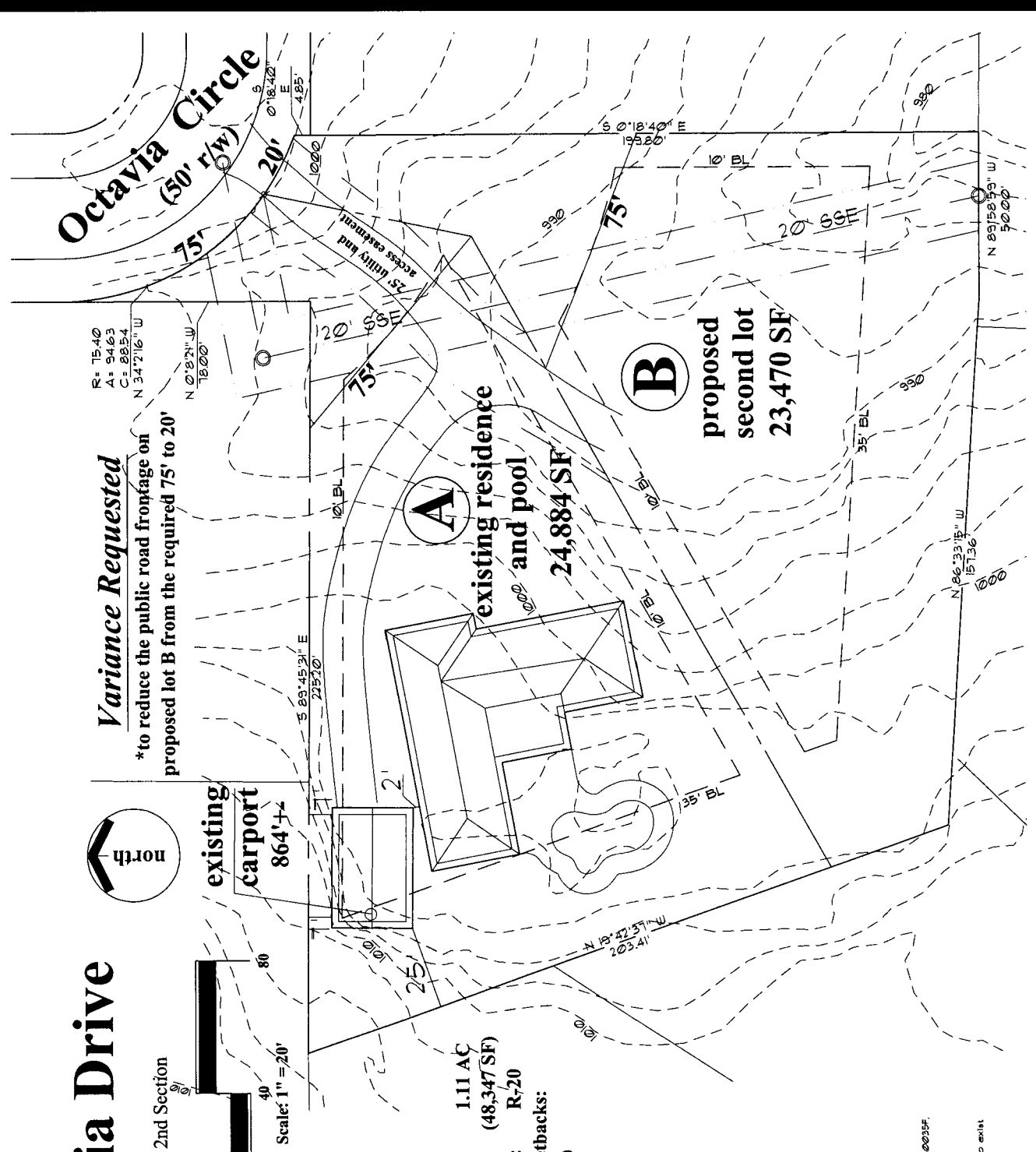


Variance Requested
*to reduce the public road frontage on proposed lot B from the required 75' to 20'

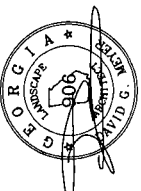
existing carport 864'±

A
existing residence and pool 24,884 SF

B
proposed second lot 23,470 SF



- Notes:
1. Boundary from J.A. Evans Surveying Company, Inc. dated June 23, 1994.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) 15067C00035F, 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.
 7. No utility easements are known to exist on site.



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

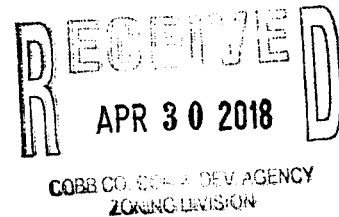
ADAM J. ROZEN

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 Brandon Hagins regarding a 1.11 Acre Tract located in Land Lots 911, 962, 16th District, 2nd Section, Cobb County, Georgia (OB-020).

Dear John:

This firm has been engaged by and represents the Applicant, Brandon Hagins (“Applicant”) concerning the above-captioned Other Business Application with a request to *reduce the public road frontage on the proposed Lot B from the required 75’ to 20’* 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, 2930 Octavia Circle, consists of a 1.11 acre tract of land located on the south side of Octavia Circle and west of Vester Drive (hereinafter the “Subject Property”). The Subject Property is zoned 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 Octavia Circle and within a surrounding single-family residential neighborhood which is residentially driven and largely developed at lot sizes approximately one half (1/2) of the square footage proposed.¹ Historically, the property has been utilized in its as-built condition and has been granted variances for accessory structures and uses ancillary to its residential use. The Applicant proposes to utilize the land to build one (1) single-family residential home on Lot B and in the process the existing accessory structures and other storage on Lot B will be removed and cleaned-up. Aside from the requested reduction in public frontage, Lot B is proposed to be built to Code and within the building setbacks. Lot A will remain in its as-built condition.

For this application, the request to waive the public road frontage requirement is in consideration due to the unique shape and location of Lot A and Lot B together as shown in the Site Plan dated April 12, 2018 (hereinafter “Site Plan”). The Subject Property is located along a

¹ The existing lot size is nearly fifty-thousand square feet (50,000 sf) and with the proposed split both Lots A and B will separately exceed twenty three thousand square feet (23,000 sf) (see attached Site Plan).

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

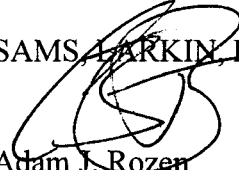
curve on Octavia Circle providing for pre-existing minimal road frontage as compared to nearby lots on Octavia Circle and Vestor Drive. By way of example, 1199 Vester Drive, east of the Subject Property, is fronted by 109.41 ft. of public right of way yet is only 19,871.65 sq. ft. Instead, the extraordinary and exceptional shape and characteristic of the Subject Property provide for a much lower ratio of lot square footage to road frontage.

This request will not cause a substantial detriment to the public good because the existing lot is over twice the minimum lot size; both lots will continue to be serviced by one access drive and the Subject Property was previously considered for and already granted variances to encroach into the setbacks. At completion, the proposal will result in less encroachment into existing setbacks, clean-up the assortment of items on Lot B, and instead, allow for one home to be built in its place. This improvement to Lot B and the Site overall would not cause contiguous property owners to be disturbed with this request. Additionally, although an Applicant is not responsible for establishing this as criteria for the granting of an Other Business Application, it is important that this request will not set an adverse precedence and will not impair the purpose, spirit and intent of the City's Zoning Ordinance. In this case, the Subject Property's proposed use will be for a single-family residential home on a lot with square footage exceeding the minimum required; therefore, the proposed use fits with and is complementary to its Zoning District and specifically along Octavia Circle. The intent and purpose of the request to waive the required road frontage is not to create a precedent of this type of occurrence, but rather to logically develop this uniquely shaped site.

Based on the foregoing, 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
Enclosure
cc: Mr. Donald Wells, Zoning Analyst
Mr. Brandon Hagins
Mr. Eric Feldman

Variance Request Plat

2930 Octavia Circle

Cobb County, Georgia

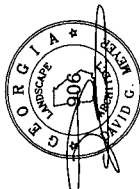
Land Lot 911 and 962, 16th District, 2nd Section

prepared for:
Brandon Hagins

DGM
LAND PLANNING
CONSULTANTS



16350b141
Suite 112-314
AGNES DRIVE
GA 30152
770 514-9006
FAX 514-9491



April 12, 2018

Site Data

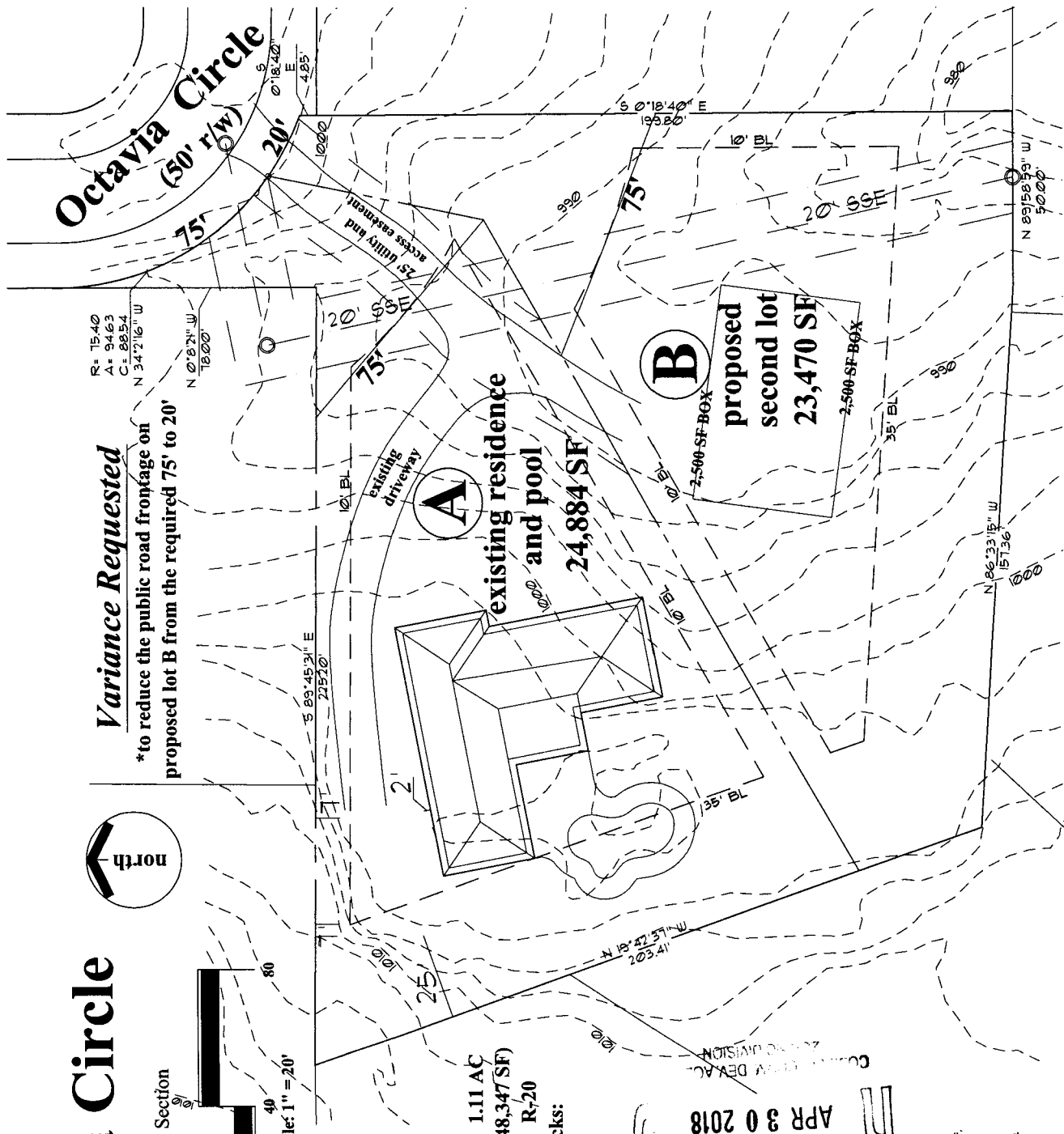
Total Site Area: 1.11 AC (48,347 SF) R-20

Existing Zoning: R-20

R-20 Building Setbacks:
front: 35' (local)
side: 10'
rear: 35'

Variance Requested

*to reduce the public road frontage on proposed lot B from the required 75' to 20'



Notes:

1. Boundary from J.A. Evans Surveying Company, Inc. dated June 23, 1998.
2. Topographic information from Cobb County GIS (www.cobbcountyga.com) dated March 4, 2018. No portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archaeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JANUARY 8, 2014
PAGE 4

OB-020-2018
Previous Variance
minutes
JAN 10 2014
COBB COUNTY
ZONING DEPARTMENT

REGULAR CASES

V-130¹³

ROBERT RAMALEY (Robert E. Ramaley, owner) requesting a variance to: 1) waive the rear setback for the existing house from the required 35 feet to 16.7 feet; 2) waive the setbacks for an accessory structure over 650 square feet (approximately 1,100 square foot 2 story brick and frame with basement) from the required 100 feet to 80 feet adjacent to the rear property line to the west, to 22 feet adjacent to the side property line to the south, and to 93 feet adjacent to the front property line to the east; 3) waive the setbacks for an accessory structure over 650 square feet (approximately 960 square foot metal building) from the required 100 feet to 44.9 feet adjacent to the side property line to the south and to 50.4 feet adjacent to the front property line to the east; and 4) allow an accessory structure (approximately 1,100 square foot 2 story brick and frame with basement and approximately 960 square foot metal building) to the front and side of the principal building in Land Lots 911 and 962 of the 16th District. Located on the south side of Octavia Circle, west of Vester Drive (2930 Octavia Circle). *(Previously continued by Staff)*

The public hearing was opened and Mr. Robert Ramaley addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Poteet, second by Hovey, to approve variance request **subject to:**

- **Family members *only* may live in garage apartment**
- **Residential type siding, matching the primary structure, to be installed on all sides of metal building to be completed by May 1, 2014**

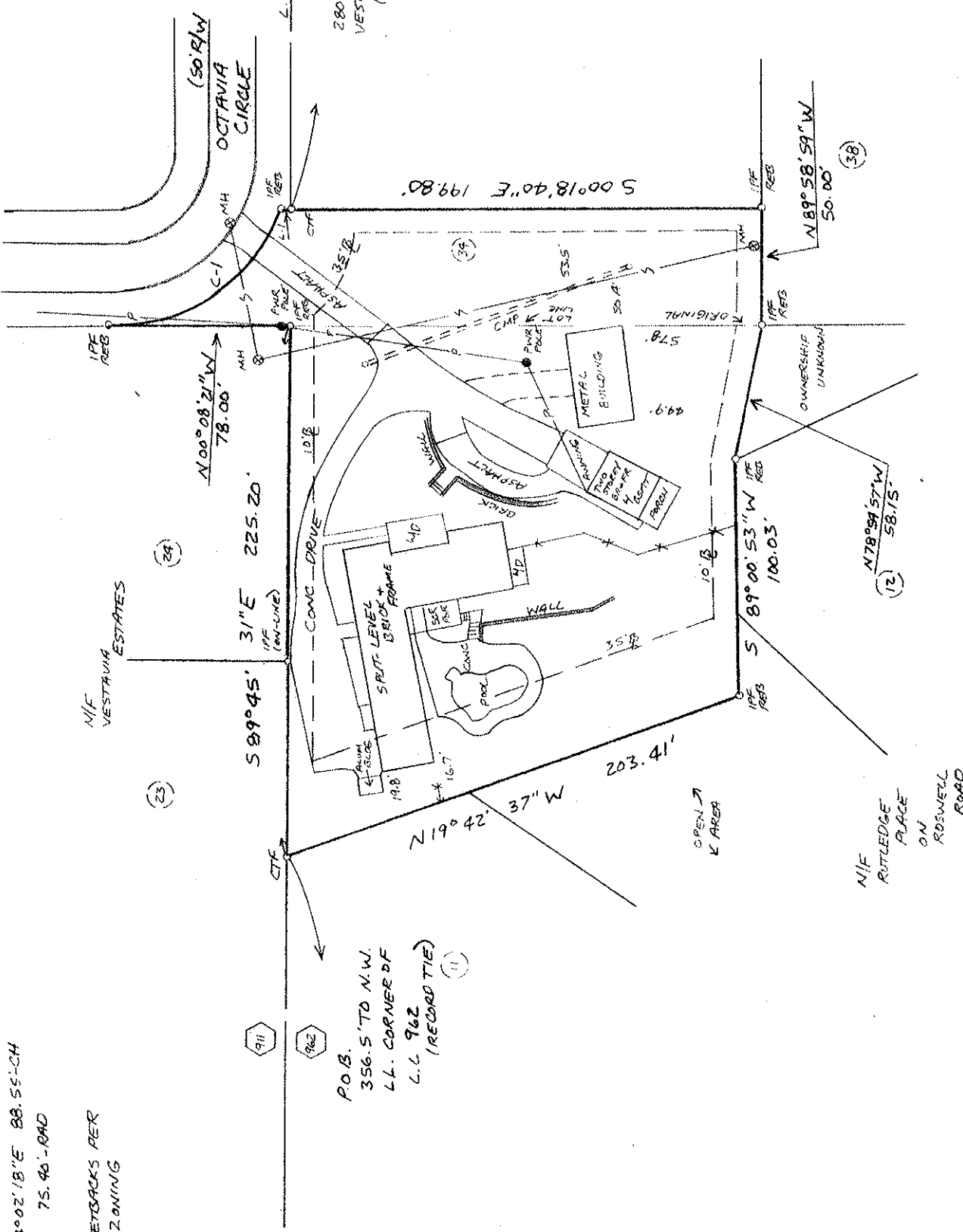
VOTE: ADOPTED unanimously

L-1 = S 00° 18' 40" E 4.85'
C-1 = S 34° 02' 18" E 88.55' - CH
99.64' - A 75.90' - ROAD

NOTE: SETBACKS PER R-20 ZONING

P.O.B. 356.5' TO N.W. LL. CORNER OF C.L. 962 (RECORD TIE)

280.0' TO S.O. RW VESTER DRIVE (RECORD TIE)



N/F VESTAVIA ESTATES

N/F RUTLEDGE PLACE ON ROSWELL ROAD

OWNERSHIP UNKNOWN

OPEN AREA

METAL BUILDING

TWO TRACK BUNKER BUILT 1957

SPLIT-LEVEL BRICK FRAME

(50' RW) OCTAVIA CIRCLE

IPF REB

(24)

(23)

(911)

(962)

(11)

(39)

(38)

(12)

APPLICANT: Robert Ramaley
PHONE: 770-841-0169
REPRESENTATIVE: Robert Ramaley
PHONE: 770-841-0169
TITLEHOLDER: Robert E. Ramaley
PROPERTY LOCATION: On the south side of
Octavia Circle, west of Vester Drive
(2930 Octavia Circle).

PETITION No.: V-130
DATE OF HEARING: 11-13-2013
PRESENT ZONING: R-20
LAND LOT(S): 911, 962
DISTRICT: 16
SIZE OF TRACT: 1.08 acres
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the rear setback for the existing house from the required 35 feet to 16.7 feet;
2) waive the setbacks for an accessory structure over 650 square feet (approximately 1,100 square foot "2 story brick
and frame with basement") from the required 100 feet to 80 feet adjacent to the rear property line to the west, to 22 feet
adjacent to the side property line to the south, and to 93 feet adjacent to the front property line to the east; 3) waive the
setbacks for an accessory structure over 650 square feet (approximately 960 square foot "metal building") from the
required 100 feet to 44.9 feet adjacent to the side property line to the south and to 50.4 feet adjacent to the front
property line to the east; and 4) allow an accessory structure (approximately 1,100 square foot "2 story brick and frame
with basement" and approximately 960 square foot "metal building") to the front and side of the principal building.

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

BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Robert Ramaley **PETITION No.:** V-130

COMMENTS

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

DEVELOPMENT & INSPECTIONS: Carport was constructed between 2006 and 2009 per ortho maps. No record of permit on file. Permit is required if variance for location is approved.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: There does not appear to be any adverse stormwater management impacts from the existing site conditions. However, there is a sizable metal shed located to the east of the 2-story brick and frame structure that is not included on the survey provided. It's size and location will impact the south and east property line setbacks as well.

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 comment.

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.

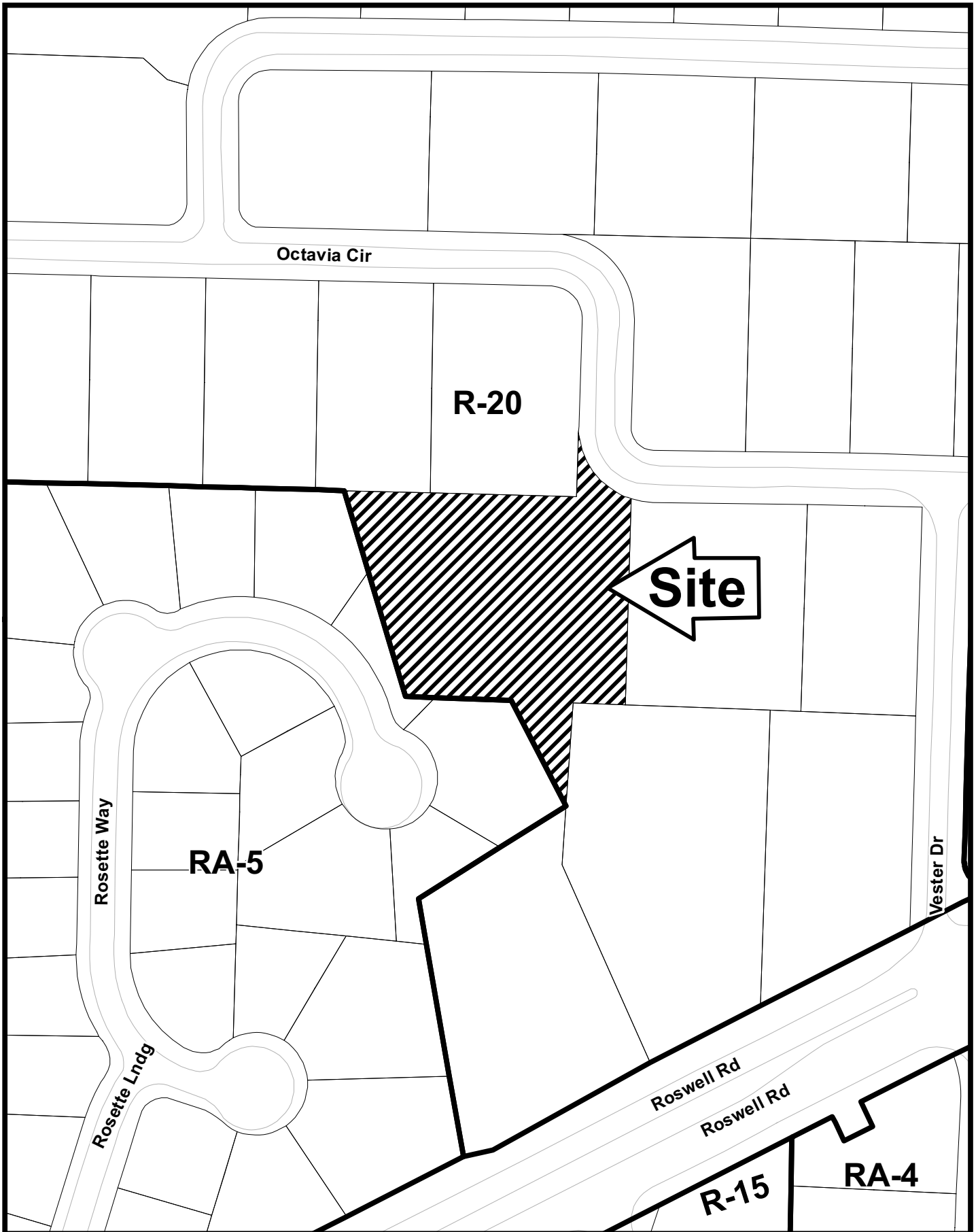
WATER: No conflict.

SEWER: No conflict. Existing "Brick and frame with basement" and crosstie wall appear to be outside the required sanitary sewer easement setback.

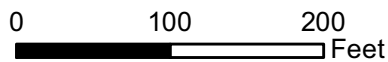
APPLICANT: Robert Ramaley **PETITION No.:** V-130

FIRE DEPARTMENT: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-130



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



-  City Boundary
-  Zoning Boundary

Application for Variance

Cobb County

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 SEP 11 PM 2:57

(type or print clearly)

Application No. V-130
Hearing Date: 11-13-13

Applicant ROBERT RAMALEY Phone # 770-841-0169 E-mail RAMALEYR@Comcast.net

ROBERT RAMALEY Address 2930 Octavia Circle, Marietta, GA
(representative's name, printed) (street, city, state and zip code) 30062

[Signature] Phone # 770-841-0169 E-mail RAMALEYR@Comcast.net
(representative's signature)

My commission expires: _____



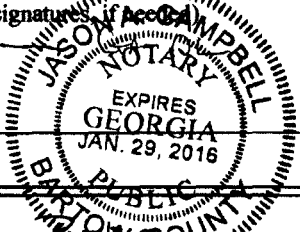
Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Titleholder ROBERT RAMALEY Phone # 770-841-0169 E-mail RAMALEYR@Comcast.net

Signature [Signature] Address: 2930 Octavia Circle Marietta GA
(attach additional signatures if applicable) (street, city, state and zip code) 30062

My commission expires: _____



Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Present Zoning of Property _____

Location 2930 Octavia Circle Marietta GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 911 & 962 District 16th Size of Tract 1.08 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 1.08 +/- Ac. Shape of Property _____ Topography of Property _____ Other _____

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 (if applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

List type of variance requested: Put an existing driveway for motorhome safety and
RV. STORAGE CARPORT

Protection from Weather