



Case# LUP-5
Public Hearing Dates:
PC: 05-01-18
BOC: 05-15-18

Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

SITE BACKGROUND

Applicant: Dathan Johnson and Marie Johnson

Phone: 678-988-7208

Email: DathanJJohnson@gmail.com

Representative Contact: Dathan Johnson

Phone: 678-988-7208

Email: DathanJJohnson@gmail.com

Titleholder: Dathan J. Johnson and Marie L. Johnson

Property Location: East side of Shadyside Road, north of Hurt Road

Address: 3319 Shadyside Road

Access to Property: Shadyside Road

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: R-20/Single-family Residential

Current use of property: Single-family House

Proposed use: Pet Dealer (Renewal)

Future Land Use Designation: Low Density Residential (LDR)

Site Acreage: 2.12 acres

District: 19

Land Lot: 769 and 770

Parcel #: 19077000020

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: Donald Wells)

Based on the analysis of this case, Staff recommends **APPROVAL for 24 months** of the applicant's request, subject to:

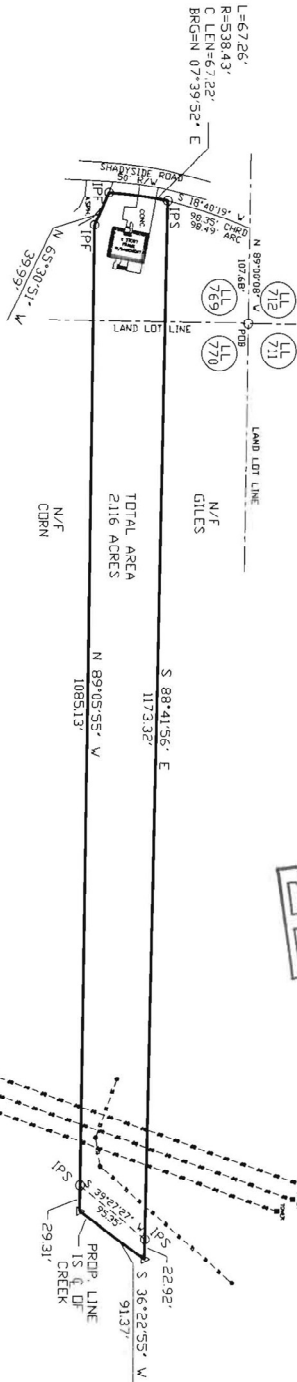
1. Maximum of one customer per week on site;
2. Maximum of 15 dogs on the property;
3. Maximum of three litters per year; and
4. Stormwater Management Division comments and recommendations.

THIS PLAN WAS PREPARED FROM A FIELD SURVEY USING A TRIPLET SECOND DIGITAL DISTANCE METER AND AN ELECTRONIC ANGLE MEASUREMENT INSTRUMENT. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSEST PRECISION OF ONE FOOT IN 10,000 FEET + AND AN ANGULAR ERROR OF 3" PER ANGLE. LEAST SQUARES HAS BEEN ADJUSTED USING THE METHOD OF LEAST SQUARES. THIS PLAN HAS BEEN CALCULATED FOR A TOTAL AREA OF 2116 SQUARE FEET WITHIN ONE FOOT IN 50,000+ FEET REPRESENTATION THAT IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

ALL MATTERS OF TITLE ARE EXCEPTED ALL I.P.F. & I.P.S. ARE "Y" REBAR UNLESS NOTED OTHERWISE. THIS PLAN IS SUBJECT TO ALL LOCAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.



JAMES H. RADER GEORGIA NO. 57303



RECEIVED
 FEB - 1 2018
 COBB CO. COMMUNITY DEVELOPMENT
 ZONING DIVISION

LEGEND

- 1 POWER POLE
- 2 1/2\"/>



THIS SURVEY SHALL NOT BE USED WITH AN AIRWAY OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO, FUTURE CONSTRUCTION OF ROADS, CONSTRUCTION OF AIRWAYS, OR ANY OTHER AIRWAY. LAND SURVEYING AND MAPPING, INC. ITS ASSOCIATES, AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE DATE AND SCOPE.

REVISIONS

NO.	DATE	DESCRIPTION

LANDPRO SURVEYING AND MAPPING, INC.
 2115 ALIBON DR
 WOODSTOCK, GA 30188
 404.386.2170 PHONE
 www.landprosurveying.com

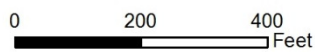
SURVEY FOR:



NEWLAND	
LAND LOTS 769 & 770	
DISTRICT 19	
SECTION 2	
COBB COUNTY, GA	
SCALE 1" = 80'	
DATE 02/29/07	PROJECT NO 20070580

LUP-5 2018-Aerial Map



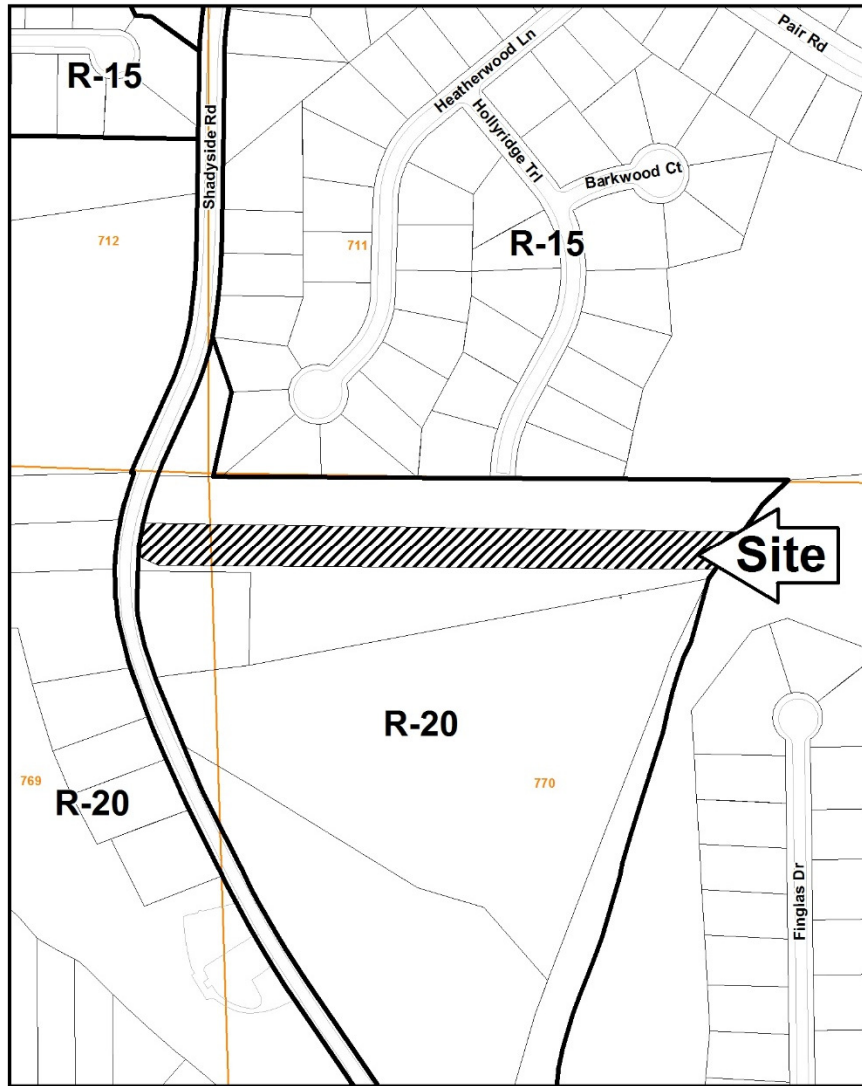
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Land Lot
-  City Boundary

North
Zoning: R-20 (Single Family Residential)
Future Land Use: LDR (Low Density Residential)

LUP-5 2018-GIS



WEST
Zoning: R-20
(Single Family Residential)

Future Land Use: LDR (Low Density Residential)

EAST
Zoning: R-20
(Single Family Residential)

Future Land Use: LDR (Low Density Residential)

SOUTH
Zoning: R-20 (Single Family Residential)
Future Land Use: LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

Request for a Temporary Land Use Permit

The Board of Commissioners may permit temporary land use permits for uses that are uniquely located and are considered compatible with adjoining zoning districts and nearby uses for designated periods of time for uses, exceptions or professions in areas, along roadways and within districts where the zoning regulations would otherwise prohibit such operations. Customary home occupations as defined in this chapter do not require a temporary land use permit.

Summary of the applicant's proposal

Applicant is requesting a renewal of the Temporary Land Use Permit for the purpose of operating a pet dealer's business from his home. The applicant has indicated there will be one employee and the hours of operation will be Monday through Sunday between 9:00 AM to 6:00 PM. Most of the pets will be delivered to the new owners. The applicant has one pick-up truck related to this request. The applicant is proposing outdoor storage of pet supplies. This application is NOT the result of a Code Enforcement complaint, but is instead a requirement of the Georgia Department of Agriculture which requires one to have a Pet Dealer License if he or she produces more than one litter in a calendar year. The applicant plans to have more than one litter per year, not to exceed five. The applicant is requesting to be approved for 24 months.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

No comment.

DEPARTMENT COMMENTS- Water and Sewer

Existing water and sewer customer.

DEPARTMENT COMMENTS- Stormwater Management

No comments.

DEPARTMENT COMMENTS- Transportation

Recommendations

1. Recommend no parking on the right-of-way.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

DEPARTMENT COMMENTS- Planning Division

No comment.

STAFF ANALYSIS

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in bold, with the staff analysis following:

(1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.

This request may permit a use that will adversely affect neighboring properties; however, most pets will be delivered to new owners and this use will be seasonal.

(2) Parking and traffic considerations.

Clients will park in the driveway.

(3) Number of nonrelated employees.

The applicant will have one unrelated employee.

(4) Number of commercial and business deliveries.

The applicant will not have any business related deliveries.

(5) The general presumption of the Board of Commissioners that residential neighborhoods should not allow noncompatible business uses.

Permitting business uses in residential areas creates traffic and parking concerns.

(6) Compatibility of the business use to the neighborhood.

The proposed use is surrounded by residential uses and is indicated as Low Density Residential (LDR) on the *Cobb County Comprehensive Plan*.

(7) Hours of operation.

The applicant is requesting Monday through Sunday between the hours of 9:00AM to 6:00PM.

(8) Existing business uses in the vicinity.

There are no known businesses in this residential area.

(9) Effect on property values of surrounding property.

Staff has not received any complaints regarding this use. Based on this, staff does not think there will be a negative effect on property values.

(10) Circumstances surrounding neighborhood complaints

This request is NOT the result of a complaint to the Code Enforcement Division. No complaints have been received by the Code Enforcement Division since the approval of the Temporary Land Use Permit.

STAFF ANALYSIS (Continued)

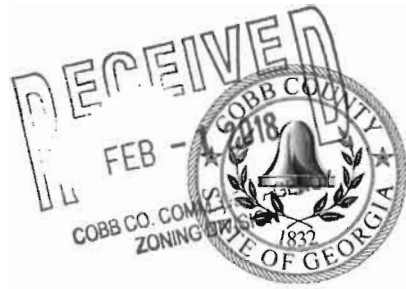
(11) Intensity of the proposed business use.

The proposed use may increase traffic in the area.

(12) Location of the use within the neighborhood.

The proposed use is located on a main road and has not caused any problems.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Revised October 1, 2009

Application #: LUP-5

PC Hearing Date: 5-1-18

BOC Hearing Date: 5-15-18

TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Pet ~~D.~~ Pet Dealer
2. Number of employees? 1
3. Days of operation? Monday - Sunday
4. Hours of operation? 9am - 6pm
5. Number of clients, customers, or sales persons coming to the house per day? _____ ; Per week? 0-2
6. Where do clients, customers and/or employees park?
Driveway: ; Street: _____ ; Other (Explain): _____
7. Signs? No: ; Yes: _____. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.):
Pickup Truck
9. Deliveries? No ; Yes _____. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) _____
10. Does the applicant live in the house? Yes ; No _____
11. Any outdoor storage? No _____ ; Yes (If yes, please state what is kept outside): Supplies
12. Length of time requested (24 months maximum): 24 mths
13. Is this application a result of a Code Enforcement action? No ; Yes _____. (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: [Signature] Date: 2/1/18

Applicant name (printed): Dathan Johnson

Revised December 18, 2013

**CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS
TO ACCOMPANY APPLICATION FOR LAND USE PERMIT**

RECEIVED
FEB 1 2009
ZONING DIVISION

By signature, it is hereby acknowledged that I give my consent/or have no objection that Dathan Johnson
intends to make an application for a Land Use Permit for the purpose of
Pet Dealer on the premises described in the application.

	Signature	Printed name	Address
1.	<i>Derek J. Pierce</i>	Derek J. Pierce	3301 Shadyside Rd. SW Marietta GA 30008
2.	<i>Marcus Parker</i>	Marcus Parker	3318 Shadyside Rd Marietta GA 30008
3.	<i>Rosen W Coen</i>	Rosen W Coen	3357 SHADYSIDE RD 30008
4.			
5.			
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Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____