



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-23  
Public Hearing Dates:  
PC: 05-01-18  
BOC: 05-15-18

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**SITE BACKGROUND**

Applicant: Bobby D. McClure, on behalf of  
Columbus J. McClure

Phone: (770) 345-2123

Email: bobbyandjenny@windstream.net

Representative Contact: Bobby D. McClure

Phone: 770-345-2123

Email: bobbyandjenny@windstream.net

Titleholder: C.J. McClure

Property Location: West side of Carnes Drive,  
east side of Lakewood Road

Address: 117 Carnes Drive

Access to Property: Carnes Drive and Lakewood  
Road

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**QUICK FACTS**

Commission District: 3 - Birrell

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family Houses

Proposed zoning: R-12 (Single-family Residential),  
RD (Residential Duplex)

Proposed use: Two Single Family Houses

Future Land Use Designation: High Density  
Residential (HDR)

Site Acreage: 0.55 acres

District: 17

Land Lot: 220

Parcel #: 17022000230

Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:**  
(Zoning staff member: Terry Martin)

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

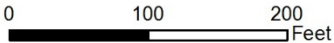
1. Variances identified in the Zoning Division comments;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. Department of Transportation comments and recommendations.



# Z-23 2018-Aerial Map



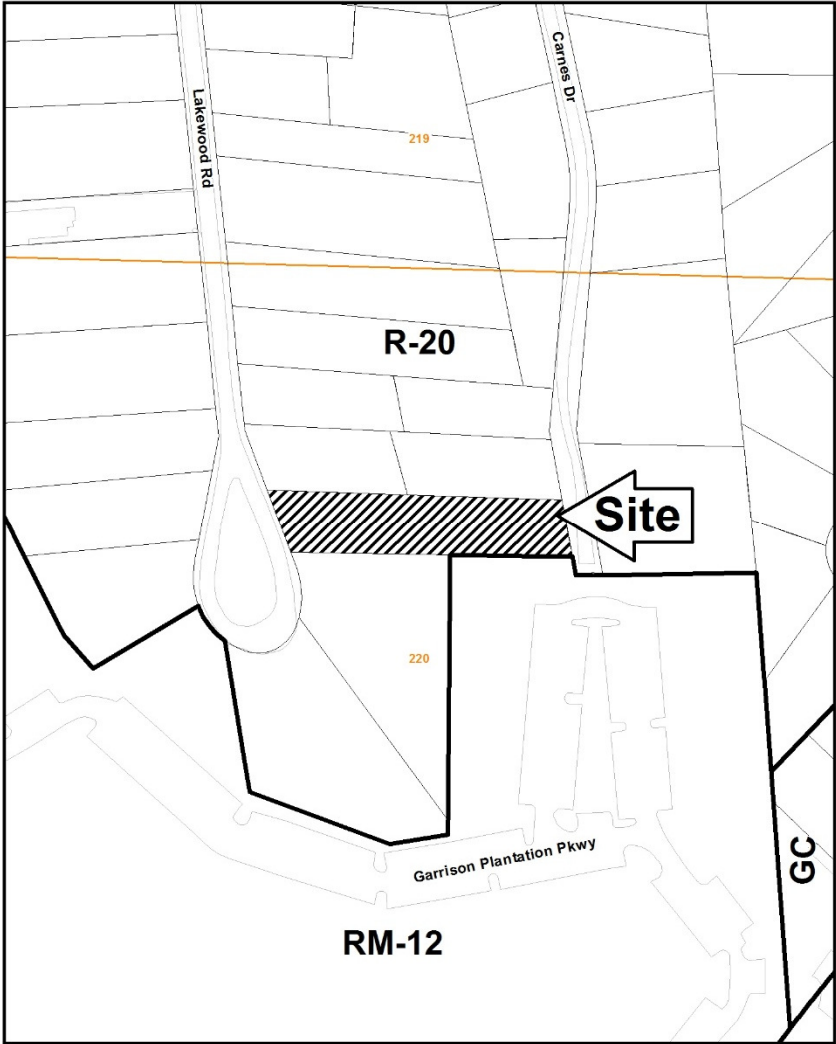
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Land Lot
- City Boundary

North  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** HDR (High Density Residential)

**Z-23 2018-GIS**



WEST  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** HDR (High Density Residential)

EAST  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** HDR (High Density Residential)

SOUTH  
**Zoning:** R-20 (Single-family Residential) and RM-12 (Multi-family Residential)  
**Future Land Use:** HDR (High Density Residential)

## DEPARTMENT COMMENTS- Zoning Division

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### **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.

### **Requested zoning district for the property**

The R-12 district is established to provide locations for single-family detached residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the R-12 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.

The RD district is established to provide locations for the development of affordable single-family detached or attached owner-occupied residential dwelling units, including duplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential categories 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 RD 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.

## DEPARTMENT COMMENTS- Zoning Division (Continued)

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### Summary of the applicant's proposal

The applicant is requesting a rezoning of the subject property from the R-20 zoning district to the R-12 zoning district for tract 1 and RD zoning district for tract 2 to facilitate a lot split. The duplex designation is necessary as the home on Carnes Drive is an existing duplex. The houses were built in the 1940s and 1950s. Also, variances will be needed to accommodate as built conditions including setbacks and accessory structure placements.

### Residential criteria

Allowable units as zoned: 1

Proposed # of units: 2

Net density: 3.63 units per acre

Increase of units: None, two existing homes

Acres of floodplain/wetlands: None

Impervious surface shown: Tract 1 – 26.98%, Tract 2 – 27.99%

### Are there any zoning variances?

Yes, the proposed site plan will require the following contemporaneous variances:

1. Waive the minimum lot size from the required 12,000 square feet to 10,023 square feet for proposed Tract 1;
2. Waive the minimum lot size from the required 20,000 square feet to 13,762 square feet for proposed Tract 2;
3. Waive the minimum house size from the required 1,000 square feet to 988 square feet for existing house on tract 1;
4. Waive the front setback from the required 40 feet to 25 feet on tract 1 and to 16 feet on tract 2;
5. Waive the side setback from the required 20 feet to 6 feet adjacent to the north property line on tract 1 and to 14 feet adjacent to the north property line on tract 2;
6. Allow an accessory structure (garage) to the side of the principle structure on tract 1;
7. Waive the side setback for an accessory structure under 650 square feet (garage) from the required 20 feet to 6 feet adjacent to the south property line on tract 1;
8. Allow an accessory structure (carport) to the front of the principle structure on tract 2;

**DEPARTMENT COMMENTS- Zoning Division (Continued)**

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9. Waive the front setback for an accessory structure under 650 square feet (carport) from the required 40 feet to zero feet;
10. Waive the side setbacks for accessory structures (storage buildings) from the required 20 feet to 3 feet adjacent to the south property line on tract 2; and
11. Waive the front setback for an accessory structure (storage building) from the required 40 feet to 20 feet on tract 2.

**DEPARTMENT COMMENTS- Fire Department**

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No comment.

**DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comment.

**DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

## **DEPARTMENT COMMENTS- School System**

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<b>School</b>	<b>Student Capacity</b>	<b>Student Enrollment</b>	<b>Capacity Status</b>
<b>Fair Oaks ES</b>	875	911	36 over capacity
<b>Griffin MS</b>	1162	1403	241 over capacity
<b>Osborne HS</b>	2062	2119	57 over capacity

<b>COMMENTS</b>
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Approval of this petition will not have an impact on the enrollment at these schools.

Note: Griffin MS will be relieved of overcrowding with the construction of a new Smyrna area middle school.

## **DEPARTMENT COMMENTS- Stormwater Management**

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No comments.



## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within a High Density Residential (HDR) future land use category, within the R-20 zoning district. The purpose of the HDR category is to provide for areas that are suitable for higher density housing between five (5) and twelve (12) dwelling units per acre. Density on any particular site should be sensitive to surrounding areas and should offer a reasonable transition of use intensity.

Comprehensive Plan Designation:  Consistent  Inconsistent

### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No

Was the City of Marietta notified?  Yes  No

Specific Area Policy Guidelines:  Yes  No

In order to establish an appropriate land use on the properties located just south of the City of Marietta along Hill Street, Garrison Road, Lakewood Road, Carnes Drive and Appleton Drive between Powder Springs Street and South Cobb Drive, the Board of Commissioners has established a High Density Residential (HDR) future land use category to assist in revitalizing this area of the County. Due to the site's proximity to existing Community Activity Center to the east and west, mixed-use to the north and High Density Residential to the south, the Board of Commissioners encourages townhome, owner-occupied units with an emphasis on urban design, inter parcel access, environmental sustainability and pedestrian accessibility to mitigate development impacts. Requests for changes in land use may be suitable if incorporated into a development assemblage, within the low to moderate range of dwelling units allowable in the HDR category and contains appropriate transitions to surrounding single-family structure

Masterplan/ Corridor Study  Yes  No

Design guidelines area?  Yes  No

Does the proposal plan comply with the design requirements?  Yes  No  N/A

Is the property within an Opportunity Zone?  Yes  No

*(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)*

Is the property within an Enterprise Zone?  Yes  No

*(The Smyrna-Osborne Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)*

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  Yes  No

*(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)*

**Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at [www.cobbcounty.org/econdev](http://www.cobbcounty.org/econdev).**

**Special District**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?  Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?  Yes  No

Is this property within the Six Flags Special Service District?  Yes  No

**Dobbins Air Reserve Base Zones**

Is the property within the Dobbins Airfield Safety Zone?  Yes  No

Is the property within the Clear Zone (CZ)?  Yes  No

Is the property within the Accident Potential Zone (APZ I)?  Yes  No

Is the property within the Accident Potential Zone II (APZ II)?  Yes  No

Is the property within the Noise Zone?  Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?  Yes  No

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

**DEPARTMENT COMMENTS- Water and Sewer**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 6" in Lakeside Road

Additional water comments: 6" in Carnes Drive

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: Along northern property line and in ROW of Lakeside Rd and Carnes Dr.

Estimated waste generation (in G.P.D.): Average daily flow = +160; Peak flow = +400

Treatment plant: South Cobb

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

Flow test required:  YES  NO

Letter of allocation issued:  YES  NO

Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments: CCWS records show one inactive account connected to sewer

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Carnes Drive	Local	25	Cobb County	50'
Lakewood Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Carnes Drive	N/A	N/A	N/A
Lakewood Road	N/A	N/A	N/A

### Comments and observations

Carnes Drive is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Lakewood Road is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

### Recommendations

1. 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 east side of Lakewood Road, a minimum of 25' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bolded):

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains similarly developed properties, many of the same age and lot size as those proposed by the applicants.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The proposal will not adversely affect the existing use or usability of adjacent or nearby property as it is simply seeking to bring the property into compliance by situating each, existing home on its own lot.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.

**D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the High Density Residential (HDR) category. The proposed lot split adheres to this category's intent of providing areas suitable for density between five and twelve dwelling units per acre in that it does not exceed these numbers with its current 3.63 dwelling units per acre.

STAFF ANALYSIS (Continued)

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**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**

With no intentions of altering the present state of either property, the applicant's request is to allow the sale of one of the existing homes. To accomplish this, the property must be subdivided to place each home on its own lot of record. Though, when split, the resultant lot sizes will not both comply with the current R-20 requirement of 20,000 as proposed tract 1 will be 10,023 square feet in size. The rezoning and identified variances will allow for the existing property and homes to come closer to compliance as each lot will only have one home.

**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.**

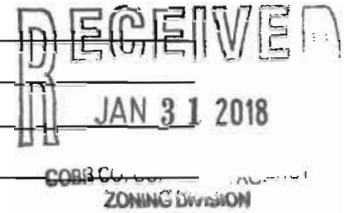
Application No. Z-23

May 2018

# Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): NA
- b) Proposed building architecture: \_\_\_\_\_
- c) List all requested variances: NA



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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): LOT SPLIT FOR PURPOSE OF SELLING LOT  
NA
- b) Proposed building architecture: \_\_\_\_\_  
NA
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: WAVE REQUIRED LOT SIZE FROM 12000 T 10023

.....  
Part 3. Other Pertinent Information (List or attach additional information if needed)

HOUSES BEEN THEIR SINCE 1946 + 1958

.....  
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?  
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

\_\_\_\_\_  
\_\_\_\_\_

**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 \_\_\_\_\_