



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-52
Public Hearing Dates:
PC: 09-04-18
BOC: 09-18-18

SITE BACKGROUND

Applicant: Joseph W. Cartus, II and Carol M. Cartus

Phone: (770) 850-8944

Email: bcartus@yahoo.com

Representative Contact: Joseph W. Cartus, II and Carol M. Cartus

Phone: (770) 850-8944

Email: bcartus@yahoo.com

Titleholder: Carol M. Cartus and Joseph W. Cartus, II

Property Location: West side of Timberland Drive, south of Hallmark Drive

Address: 1373 Timberland Drive

Access to Property: Timberland Drive

QUICK FACTS

Commission District: 2-Ott

Current Zoning: R-80 (Single-family Residential)

Current use of property: Single-family House

Proposed zoning: R-40 (Single-family Residential)

Proposed use: Single-family House

Future Land Use Designation: Very Low Density Residential (VLDR)

Site Acreage: 0.986 ac

District: 17

Land Lot: 1002

Parcel #: 17100200350

Taxes Paid: Yes

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

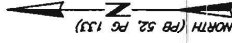
Based on the analysis of the case, Staff recommends **APPROVAL**, subject to:

1. Proposed garage to be architecturally compatible with existing home;
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-52
(2018)

LEGEND

- 1/2" REBAR FOUND
- 3/4" CIP
- 3/4" CRIMP TOP PIPE FOUND
- 3/4" OIT
- 3/4" OPEN TOP PIPE FOUND
- FIRE HYDRANT
- POWER POLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- GUY WIRE
- WATER METER
- POWER BOX
- CABLE TV PEDestal
- TELEPHONE PEDestal
- OVERHEAD POWER
- FENCE



NOTES

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE REPORT, EASEMENTS AND OTHER ENGINEERING RECORDS. RECORDS MAY EXIST BUT MAY NOT BE SHOWN ON THIS PLAN. THE SURVEYOR MAKES NO FINDINGS THAT A TITLE REPORT MAY DISCLOSE ANY UNRECORDED INTERESTS.
- ONLY VISIBLE UTILITIES SHOWN.

CURRENT ZONING
R-80 (PER COBB COUNTY GIS)

FRONT SETBACK - 80 FEET
REAR SETBACK - 30 FEET
SIDE SETBACK - 25 FEET

PROPOSED ZONING
R-40 (SHOWN ON PLAN)

FRONT SETBACK - 45 FEET
REAR SETBACK - 45 FEET
SIDE SETBACK - 15 FEET

FLOOD NOTE

I HAVE EXAMINED THE TYPICAL FLOOD HAZARD MAP AND FOUND IN MY OPINION, REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT AN ELEVATION CERTIFICATE, SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO SAND DUNNION. REVISED DATE: 03/04/13
MAP NUMBER: 1308702107H

CLOSURE NOTE

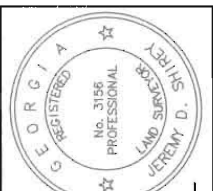
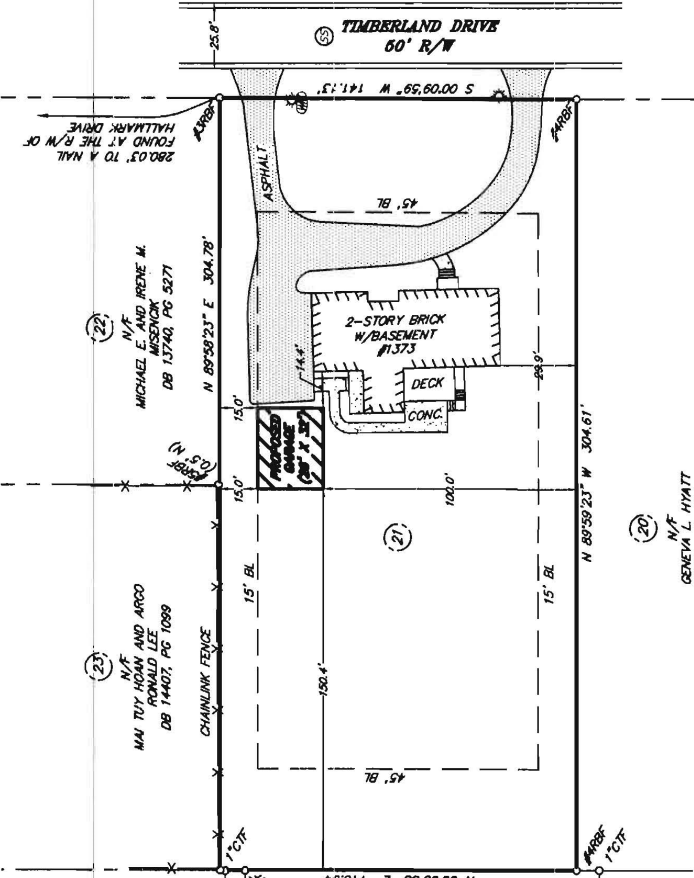
THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE OF 1 FOOT IN 14822 FEET, AN ANGLE ERROR OF 04 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD. THIS PLAN HAS BEEN CHECKED FOR ACCURACY AND FOUND TO BE WITHIN THE TOLERABLE LIMITS. THE SURVEYOR HAS GATHERED THE INFORMATION USED TO PREPARE THIS PLAN.

RECORDING INFORMATION

RECEIVED

MAY 11 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



THIS PLAN IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBMIT OR CREATE A NEW PARCEL. THE SURVEYOR'S RESPONSIBILITY IS TO CORRECT THE RECORDS TO REFLECT THE PRESENT RECORDED INFORMATION. THIS PLAN DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH ANY APPLICABLE REGULATIONS OR STANDARDS. THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AND THAT THE SURVEYOR IS A MEMBER OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN P.C.G.A. SECTION 15-8-67.

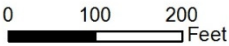
Gregory D. Shirey
DATE: 5/15/18

52 CURETON LANE MORELAND, GA 30259 678-633-5685 WWW.WIDEOPENLANDSURVEYING.COM		FIELD DATE: 5/1/18
JOB #1854		PLAT DATE: 5/21/18
LAND SURVEYING, LLC		SCALE: 1"=40'
SITE PLAN FOR: BILL CARTUS LOT 21, BLOCK E, TERRELL MILL ESTATES, UNIT 5 DB 150866, PG 1803; PG 52, PG 133		COUNTY: COBB
WIDE OPEN		DISTRICT: 17th
LAND SURVEYING, LLC		LAND LOT: 1002
		SECTION: 2nd

Z-52 2018-Aerial Map



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



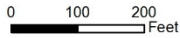
Legend:
[Dashed line] Zoning Boundary
[Solid line] City Boundary

North
Zoning: R-80 Single Family Residential
Future Land Use: VLDR Very Low Density Residential

Z-52 2018-GIS



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



Legend:
 Zoning Boundary
 City Boundary

WEST
Zoning: R-40 Single Family Residential
Future Land Use: VLDR Very Low Density Residential

EAST
Zoning: R-80 Single Family Residential
Future Land Use: VLDR Very Low Density Residential

SOUTH
Zoning: R-80 Single Family Residential
Future Land Use: VLDR Very Low Density Residential

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-80 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-80 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-40 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-40 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.

Summary of the applicant's proposal

The applicant is requesting a rezoning of the subject property from its current R-80 single-family residential district zoning to the R-40 single-family residential district in order to construct a new two-car garage of approximately 832 square feet with architecture matching the existing house. The plat was recorded in 1971 and the lot size remains as it was when first platted, which is 0.99 acres or half the minimum for the current R-80 district. The request will allow the applicant to correct this existing condition and to seek a variance for the proposed garage.

Residential criteria

Allowable units as zoned: 1

Proposed # of units: 1

Net density: 1

Increase of units: 0

Acres of floodplain/wetlands: 0

Impervious surface shown: Under 30%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

1. Waive the north side setback from 100 feet to 15 feet for proposed accessory building.

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

Approval of this petition will not have an impact on the enrollment.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Terrell Branch
4. Wetlands: No
5. Streambank buffer zone: No
6. Special site conditions and/or additional comments:
 - This is an existing residential parcel within a platted subdivision.
 - Subject to site plan approval.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Very Low Density Residential (VLDR) future land use category. The purpose of the VLDR category is to provide for areas that are suitable for very low-density housing, particularly in locations that may not have basic services such as sewer, or where the existing or desired residential density is zero (0) to two (2) dwelling units per acre.

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 notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

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 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)

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.

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**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

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" in Timberland Drive

Additional water comments: Existing water customer.

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: in Timberland Drive ROW

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

Treatment plant: R. L. Sutton

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

Additional sewer comments: existing sewer customer

*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.

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 onsite and/or offsite easements, and dedication of onsite 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.

DEPARTMENT COMMENTS- Transportation

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

Roadway	Location	Average daily trips	Level of service
Timberland Drive	N/A	N/A	N/A

Comments and observations

Timberland Drive is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. Recommend the applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend removing the second driveway upon redevelopment.

STAFF ANALYSIS

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 bold):

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 request is meant to allow for the construction of a garage and is not intended to change the character of the property. This request is the same request the neighbor to west had in 2016.

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

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The request will not change the lot other than to allow construction of a garage.

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;

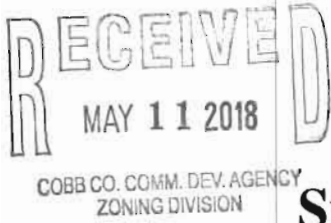
It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates the property to be within the VLDR very low density residential future land use category. This category forecasts densities between 0-2 dwelling units per acre. The proposal results in 1 unit per acre, which is consistent with the area.

STAFF ANALYSIS

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;

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The request is meant to bring the existing house and lot into conformity with the Zoning Code.

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-52
Sept. 2018

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 832 square feet
- b) Proposed building architecture: Brick to match existing house

c) List all requested variances: _____
 Variance needed for new structure over 650 square feet which requires a 100 foot setback from the property lines. we need a waiver for the North side of the new structure from 100 to 15 feet. The other three sides are fine (see survey).

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

- a) Proposed use(s): N/A
- b) Proposed building architecture: _____
N/A
- c) Proposed hours/days of operation: _____
N/A
- d) List all requested variances: _____
N/A

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

N/A

.....
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). N/A

CARTUS DETACHED GARAGE PLAN
VISUAL REPRESENTATION

RECEIVED
MAY 11 2018

COBB CO. COMMUNITY AGENCY



Z-52 (2018)
Representation of
Proposed
Detached Garage

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 _____