

**NOVEMBER 20, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM OB-59

PURPOSE

To consider amending the site plan and the stipulations for Steven W. Barnes, Sr. regarding rezoning application Z-18 of 2002 (Willoughby and Sewell Development Company, Inc.), for property located on the southeast side of Tanner Circle, east of Brookstone Walk in Land Lot 225 of the 20th District (1668 Tanner Circle).

BACKGROUND

The property was rezoned to RA-5 for a cluster home subdivision in 2002. One of the zoning stipulations called for a 25-foot landscape buffer along the eastern side of this lot, which is adjacent to a three-acre single-family lot. The applicant would like to reduce the buffer since part of the house and a retaining wall are in the buffer area. The applicant is the fourth owner of the house, which was built in 2003. It appears the house and retaining wall have always been in the buffer. If approved, all previous stipulations not in conflict would remain in effect

STAFF COMMENTS

Stormwater Management: Subject to no stream buffer encroachment.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the site plan and stipulation amendment.

ATTACHMENTS

Other Business application, proposed site plan and zoning stipulations.

Application for "Other Business"

OB-059-2018

Cobb County, Georgia

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

BOC Hearing Date Requested: 11-20-18

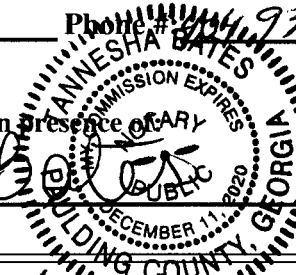
Applicant: Steven W Barnes, Sr. (applicant's name printed) Phone #: 404-931-8886

Address: 1668 Tanner Circle NW Acworth GA 30101 E-Mail: sbarnes@bellsouth.net

Steven W Barnes, Sr. Address: 1668 Tanner Circle NW Acworth GA 30101
(representative's name, printed)

St Barnes Phone #: 404-931-8886 E-Mail: sbarnes@bellsouth.net
(representative's signature)

Signed, sealed and delivered in presence of Vanhesha Bates
Notary Public My commission expires: 12/11/2020

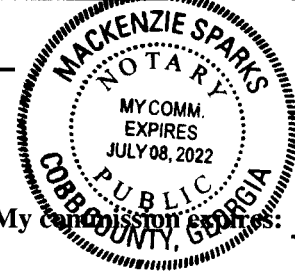


Titleholder(s): Steven W Barnes, Jr & Jan C Barnes Phone #: 404-931-8886
(property owner's name printed)

Address: 1668 Tanner Circle NW Acworth GA 30101 E-Mail: sbarnes@bellsouth.net

St Barnes Jan C Barnes
(Property owner's signature)

Signed, sealed and delivered in presence of: Mackenzie Sparks
Notary Public My commission expires: July 8, 2022



Commission District: 1 Zoning Case: Z 18 2002

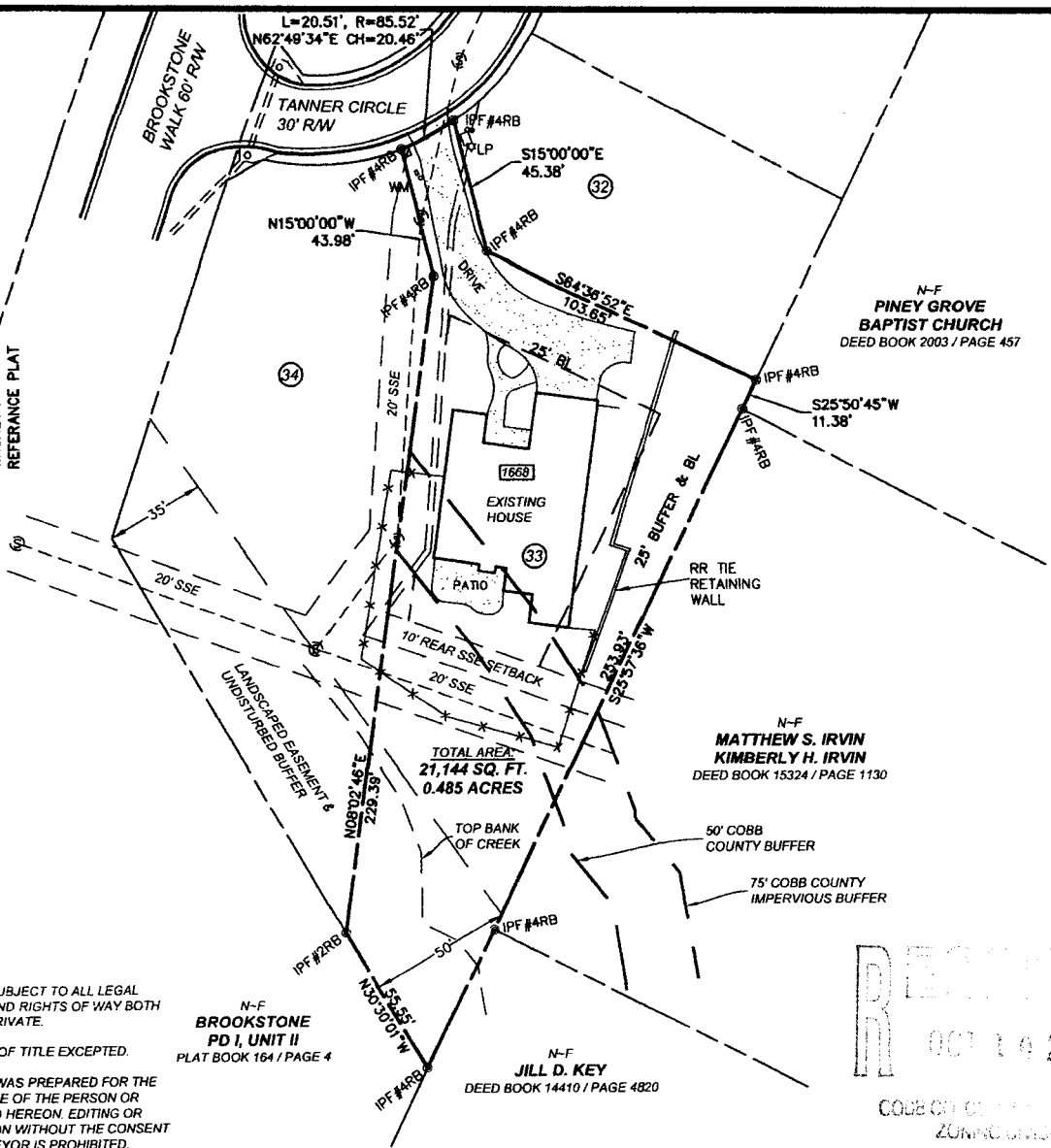
Size of property in acres: .485 Original Date of Hearing: Mar 5, 2002 Mar 19, 2002

Location: 1668 Tanner Circle NW Acworth GA 30101
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 225 District(s): 20

State specifically the need or reason(s) for Other Business: Reduce Buffer *

X From John Moore letter dated March 13, 2002, stipulation #10.
(List or attach additional information if needed)



NOTES:

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE.

ALL MATTERS OF TITLE EXCEPTED.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. EDITING OR REPRODUCTION WITHOUT THE CONSENT OF THE SURVEYOR IS PROHIBITED.

REFERENCE PLATS:

PLAT BOOK 245 PAGE 62

PROPERTY ADDRESS:

1668 TANNER CIRCLE, ACWORTH, GEORGIA 30101

FLOOD HAZARD NOTE:

THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD PER FIRM MAP 13067C0077G DATED 12/16/2008 COBB COUNTY GA.

SURVEY NOTES:

THIS PLAT WAS CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE IN EXCESS OF ONE FOOT IN: 287,967 FEET

INSTRUMENT USED: TOPCON GPT-3005W W/ CARLSON SURVEYOR DATA COLLECTOR.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 25,060 FEET, AND ANGULAR ERROR OF 3" PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES METHOD.

DISTANCES SHOWN ON THE PLAT ARE GROUND DISTANCES.

HORIZONTAL DATUM NAD 83

VERTICAL DATUM NAVD 88



BOUNDARY SURVEY FOR:
 STEVEN WILLIAM BARNES, SR.
 JAN CAROLE BARNES
 1668 TANNER CIRCLE
 TOTAL AREA = 21,144 S.F. 0.485 ACRES

SURVEYOR CERTIFICATION:

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A SECTION 15-6-67.

EDWARD G. VICKREY RLS 2563 _____ / DATE

LAND LOTS	225	SHEET NO. 1 of 1
DISTRICT	20TH	
SECTION	2ND	
COUNTY	COBB	
CITY	COBB	
STATE	GEORGIA	

LAND SYSTEMS LLC
 LAND SURVEYING SERVICES
 1872 Winndale Road
 Dallas Georgia 30157
 (404) 285-2563 Fax: 770 445 7405

JOB NO.	2017-50	SUBDIVISION:	BROOKSTONE COMMONS
DRAWN BY	JV	REVISIONS	
CHECKED BY	EV	DATE	
DATE	9/18/17		
SCALE	1"=40'		
FIELD DATE	9/15/17		



ORIGINAL DATE OF APPLICATION: 03-19-02APPLICANTS NAME: WILLOUGHBY AND SEWELL
DEVELOPMENT COMPANY, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-19-02 ZONING HEARING:**

WILLOUGHBY AND SEWELL DEVELOPMENT COMPANY, INC. (Willoughby and Sewell Development Company, Inc. and Willoughby and Sewell Builders, Inc., owners) for Rezoning from **OI** to **RA-5** for the purpose of a Subdivision in Land Lot 225 of the 20th District. Located on the east and west sides of Brookstone Walk, south of Brookstone Drive.

MOTION: Motion by W. Thompson, second by Olens, as part of the consent agenda, to **approve** rezoning to the **RA-5** zoning district **subject to:**

- **letter of agreeable stipulations dated March 13, 2002 from Mr. John Moore to include revised site plan enclosed with said letter (attached hereto and made a part of these minutes)**
- **any modifications to the site plan to be approved by the District Commissioner**
- **Cemetery Preservation Commission comments and recommendations;**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations (to include comments received on March 19, 2002 attached hereto and made a part of these minutes)**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

REC
10
OCT 19 2018
COBB COUNTY
ZONING DEPARTMENT

MOORE INGRAM JOHNSON & STEELE

PAGE 5 OF

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON[†]
ROBERT D. INGRAM[†]
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK[†]
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE

SUSAN S. STUART
RODNEY R. MCCOLLOCH
DANIEL A. LANDIS^{*}
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
THOMAS L. SCHAEFER^{**}
TRACY D. TEMPLETON
PATRICK D. DODSON^{***}

MAIN OFFICE
POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

WRITER'S DIRECT DIAL NUMBER

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

JONATHAN H. PETCU
AMY K. WOO
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
JIMMY D. HOLBROOK, JR.^{***}
KIM A. BRANGHAM
BART W. REED
TARA C. RIDDLE
JOSHUA M. BOOTH^{***}
JEREMY A. DANTIN
JANIS H. LEBORDE
KELLI L. CROSS
C. LEE DAVIS

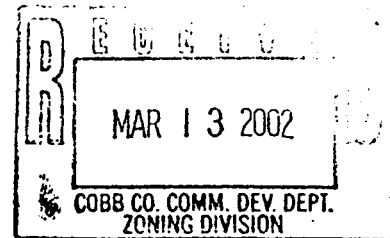
TANYA L. CROSSE^{***}
ROBERT W. BROWN^{*}
JASON L. FOSS
JAMES S. WIDENER
LAURA E. PEEL
VICTOR P. VALMUS
JASON C. FISHER

[†] ALSO ADMITTED IN TN
^{*} ALSO ADMITTED IN NC
^{**} ALSO ADMITTED IN GA
^{***} ADMITTED ONLY IN TN

March 13, 2002

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered



RE: Application for Rezoning

Application No.: Z-18 (2002)

Applicant: Willoughby & Sewell Development
Company, Inc.

Owners: Willoughby & Sewell Builders, Inc.
and Willoughby & Sewell Develop-
ment Company, Inc.

Min. Bk. 19 Petition No. Z-18
Doc. Type Letter of Agreement
Stipulations
Meeting Date March 19, 2002

Property: 11.84 acres located on the
easterly and westerly sides of
Brookstone Walk, Land Lot 225,
20th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, this firm represents Willoughby & Sewell Development Company, Inc., who is the Applicant and one of the Property Owners, and Willoughby & Sewell Builders, Inc., the remaining Property Owner (hereinafter collectively referred to as "Applicant"), in their Application for Rezoning with regard to an 11.84 acre tract located on the easterly and westerly sides of Brookstone Walk, Land Lot 225, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, conferences with area residents, and reviewing the staff comments and recommendations, we have been authorized by the

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Petition No. 2-18
Meeting Date March 19, 2002
Continued

Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Property. This letter shall supersede and replace in full our previous letter of stipulations and conditions, including the referenced site plans, dated and submitted February 27, 2002.

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property will be from the Office and Institutional ("OI") zoning category to the RA-5 zoning category, site plan specific, to that certain Zoning Plan prepared by Gaskins Surveying & Engineering Company dated December 27, 2001, last revised February 22, 2002.
- (3) Further, by submission of this letter of agreeable stipulations and conditions, Applicant hereby amends the Application for Rezoning by submitting herewith the revised site plan above-referenced dated December 27, 2001, last revised February 22, 2002, prepared by Gaskins Surveying & Engineering Company.
- (4) The Subject Property, comprised of a total of 11.84 acres, shall be developed for a single-family residential community with a total of thirty-four (34) residences resulting in a net density of 2.87 units per acre.
- (5) Residences constructed within the proposed development shall have a minimum of 1,900 square feet upwards to 3,500 square feet, or greater.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

- (6) All front yards of the residences within the proposed residential community shall be sodded.
- (7) The entrance to the proposed residential community shall be professionally landscaped with entrance signage being brick entry pillars located as shown and reflected on the referenced site plan.
- (8) The minimum lot size of lots within the proposed residential community is approximately 8,114 square feet; and the average lot size is approximately 11,531 square feet.
- (9) The proposed residential community shall have the following setbacks:
 - (a) Front Setback - Fifteen (15) feet;
 - (b) Side Setback - Five (5) feet or fifteen (15) feet between structures; and
 - (c) Rear Setback - Twenty-five (25) feet.
- (10) Applicant agrees to a twenty-five (25) foot landscape buffer on the easterly, northeasterly, northwesterly, and westerly sides of the Subject Property. Further, Applicant agrees to a landscape buffer located along the southerly and southwesterly sides of the Subject Property varying in width from thirty-five (35) feet to fifty (50) feet. All buffers are more particularly shown and reflected on the referenced Zoning Plan submitted contemporaneously herewith.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

- (11) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (12) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (13) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (14) Applicant shall comply with the Cobb County Tree Ordinance; and in that regard, Applicant shall use best efforts to minimize grading so as to avoid mass grading of the Subject Property.
- (15) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) The streets within the proposed development shall be public right-of-way. The right-of-way shall be thirty (30) feet in width with a paving width of twenty-four (24) feet from back of curb to back of curb, together with a utility easement ten (10) feet in width located along those portions of the above rights-of-way which have residences immediately adjacent thereto; and
 - (b) Installation of sidewalk, curb, and gutter along the proposed streets.

MOORE INGRAM JOHNSON & STEELE

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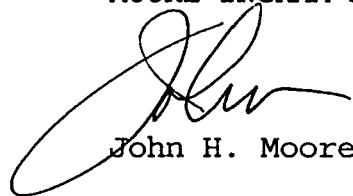
Petition No. 2-18
Meeting Date March 19, 2002
Continued

We believe that the requested zoning, pursuant to the referenced revised Zoning Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the development of the surrounding property. The proposed residential community shall be of the highest quality as evidenced within the existing Brookstone Community developed by Applicant. Thank you for your consideration in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

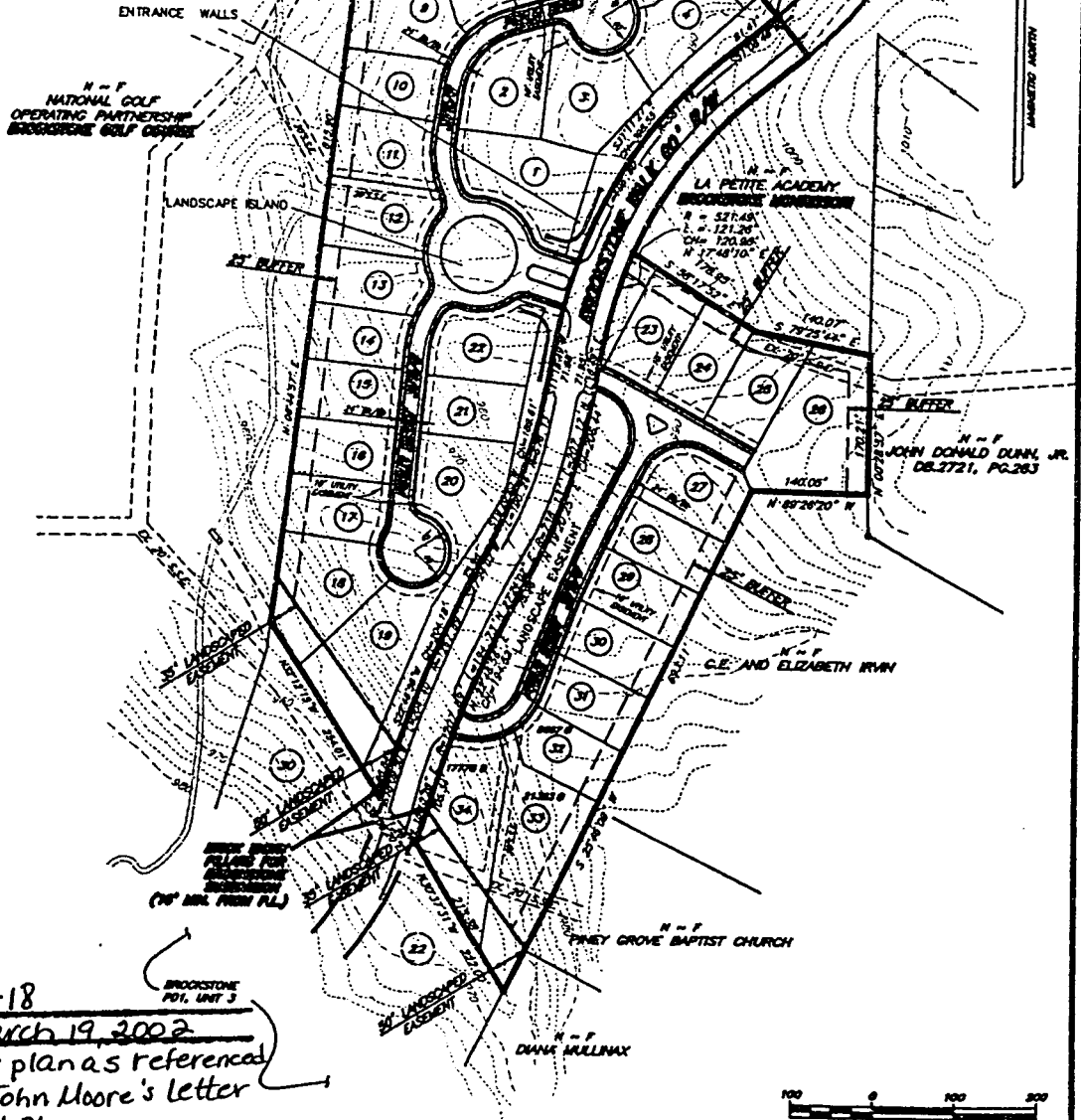
c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
George Woody Thompson, Jr.
William L. Askea
Joe L. Thompson
Samuel S. Olens
(With Copy of Enclosure)

DEVELOPMENT STANDARDS

TOTAL SITE AREA = 11.84 AC.
 EXISTING ZONING: OMI
 PRESENT ZONING: PFD
 PROPOSED LOTS= 34
 MIN. LOT SIZE = 8114#
 AVG. LOT SIZE = 11531#
 MIN. LOT WIDTH: 70' @ FRONT B.L.
 MIN. SETBACKS: FRONT= 15'
 SIDE= 5' OR 15' BETWEEN STRUCTURES
 REAR= 25'

N-F
 WILLOUGHBY & SEWELL
 BUILDERS INC.

LOT#	SO. FT.
1	15823
2	11841
3	13089
4	13281
5	11558
6	11383
7	8114
8	8258
9	16124
10	8730
11	10380
12	11344
13	8387
14	8285
15	8682
16	8387
17	8604
18	14754
19	16238
20	10488
21	8255
22	11483
23	8748
24	8788
25	8684
26	20257
27	10578
28	8282
29	9085
30	8280
31	8684
32	8637
33	21323
34	17775



Petition No. Z-18
 Meeting Date March 19, 2002
 Continued Site plan as referenced
in John Moore's letter
of 3/13/02.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD
 PLAN AND IS IN ZONE _____ ACCORDING TO FEMA (F.I.A.)
 COMMUNITY NUMBER _____ MAP NUMBER _____
 F. 15027 C. 0082 F. DATED _____ JULY 16, 1988



DATE	12-27-01	REVISION	
SCALE	1"=100'	3-21-02	
DRAWN BY	J. GAS		
CHECKED BY			
	JOM/RESTRICTIONING		
GASON SURVEYING & ENGINEERING COMPANY			
1201 FORDEY SPRINGS ROAD		PHONE: 770-824-7888	
MARIETTA, GEORGIA 30064		FAX: 770-824-7883	
www.gasonsurvey.com			

ZONING PLAN FOR
BROOKSTONE COMMONS
 LOCATED IN LL 225
 20th DISTRICT, 2nd SECTION
 COBB COUNTY, GA.

Z 18

Brookstone, aka Willoughby & Sewell Development Company, Inc.

As a condition of Zoning, the Applicant/Owner agrees to fully protect and save harmless the 50-foot stream buffer lying along the southern property line adjacent to Lots 30 and 22 of Brookstone, PD1, Unit 3. The middle buffer may be eliminated in favor of piping from street at Lot 16 to street at Lots 29, 30 so long as the Water Quality benefits now provided by the buffer are provided for in an enhanced Water Quality-Best Management Practice elsewhere and the concentrated discharge does not negatively impact the golf course downstream. The North buffer may be eliminated so long as the Water Quality benefits of the final design are enhanced per comment above re; middle buffer.

Min. Bk. 19
Petition No. 2-18
Doc. Type Stormwater Comments
Tendered 3/19/02
Meeting Date March 19, 2002

FILED WITH COUNTY CLERK THIS 19th DAY
OF March 2002 BY H. Himpelbert
RE 3/18
H. Himpelbert
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

FILE 11 07 11