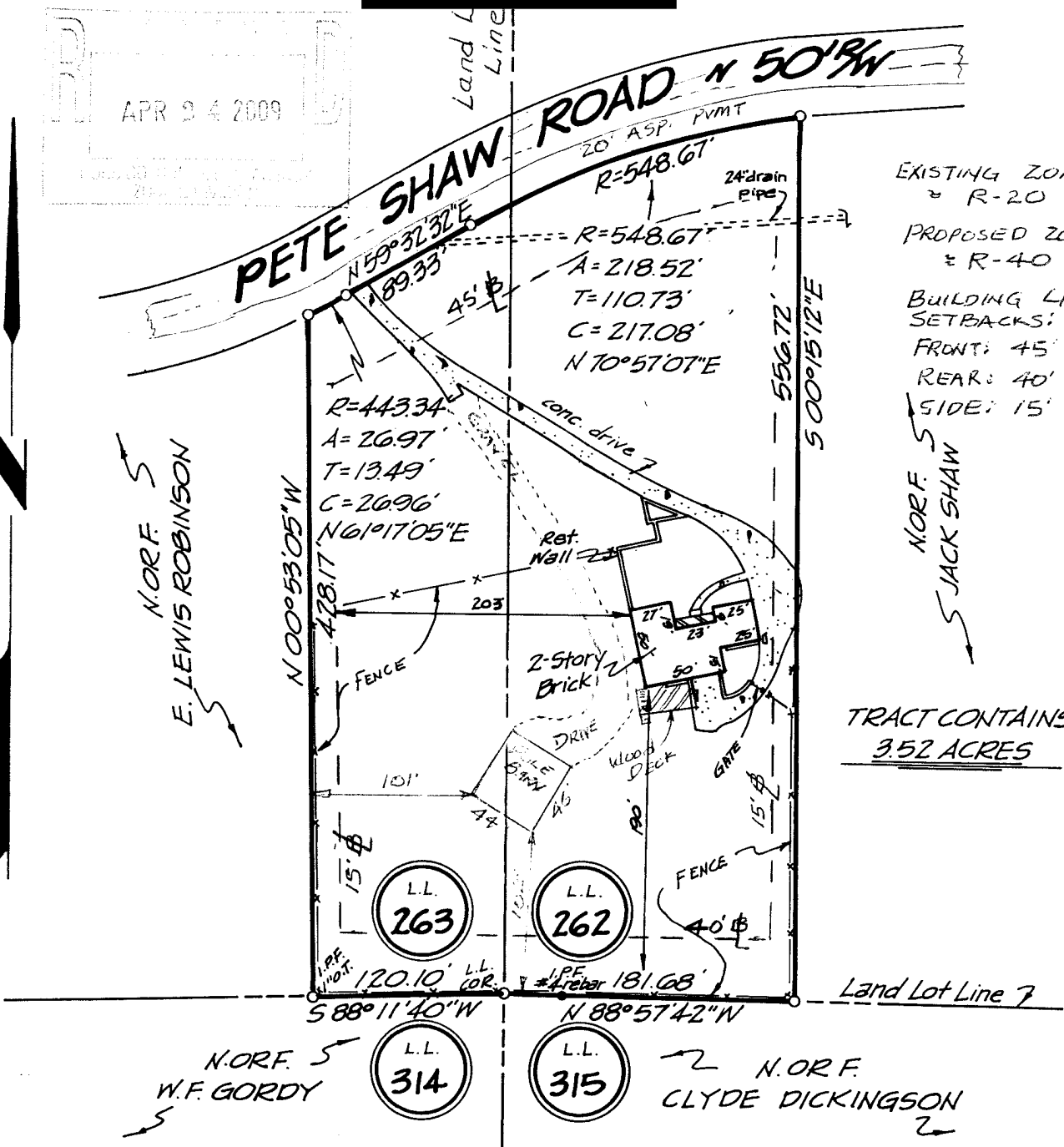


Z-18
(2009)

3002 PETE SHAW ROAD
MARIETTA, GEORGIA 30066

APR 24 2009



EXISTING ZONING
= R-20

PROPOSED ZONING
= R-40

BUILDING LINE
SETBACKS:
FRONT: 45'
REAR: 40'
SIDE: 15'

TRACT CONTAINS
3.52 ACRES

"F.I.A. Official Flood Hazard Map" Community No. 130052, Page 50, dated 12-4-85 shows this property not to be in an area having special flood hazards.



SURVEY FOR
LEONARD E. BURGER
-AND-
BETTIE H. BURGER

SUBD.		
LOT—	BLOCK—	UNIT—
LAND LOT— 262 & 263		
DISTRICT— 16TH		SECTION— 2ND
COUNTY— COBB		STATE— GA.
DATE— MAY 15, 1987		SCALE 1" = 100'
REVISED— JUNE 5, 1987		A 866-83-2

REV= JUNE 8, 1987 REY. - Nov. 7, 1991
Rev. APR 20, 2009

All matters of title are excepted.

SOUTHERN SURVEYING & MAPPING CO., INC.
4076 EBENEZER ROAD, N.E.
MARIETTA, GEORGIA 30066
PHONE 926-7759

APPLICANT: Leonard E. Burger, Jr.
404-893-4723

PETITION NO: Z-18
HEARING DATE (PC): 07-07-09

REPRESENTATIVE: Michael W. Burger
678-468-8284

HEARING DATE (BOC): 07-21-09
PRESENT ZONING: R-20

TITLEHOLDER: Leonard E. and Bettie H. Burger

PROPOSED ZONING: R-40

PROPERTY LOCATION: Located on the south side of Pete Shaw Road, west of Bramblebush Trail.

PROPOSED USE: Single-Family Residential and Parking More Than Three Vehicle and/or Recreational Vehicles

ACCESS TO PROPERTY: Pete Shaw Road

SIZE OF TRACT: 3.5 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing house

DISTRICT: 16

LAND LOT(S): 262, 263

PARCEL(S): 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-80/ Single-family house
- SOUTH:** R-15/ Highland View subdivision
- EAST:** R-20/ Single-family house
- WEST:** R-20/ Single-family house

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

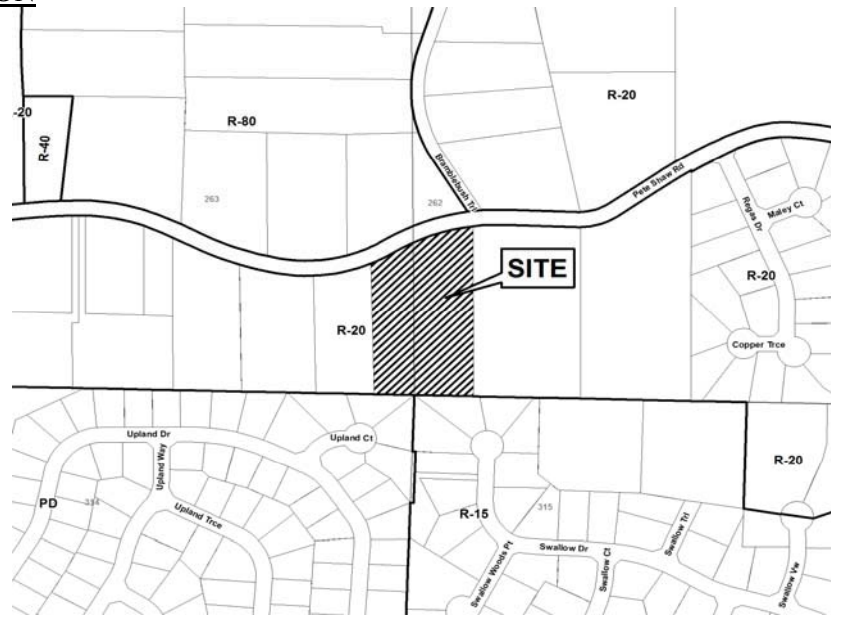
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

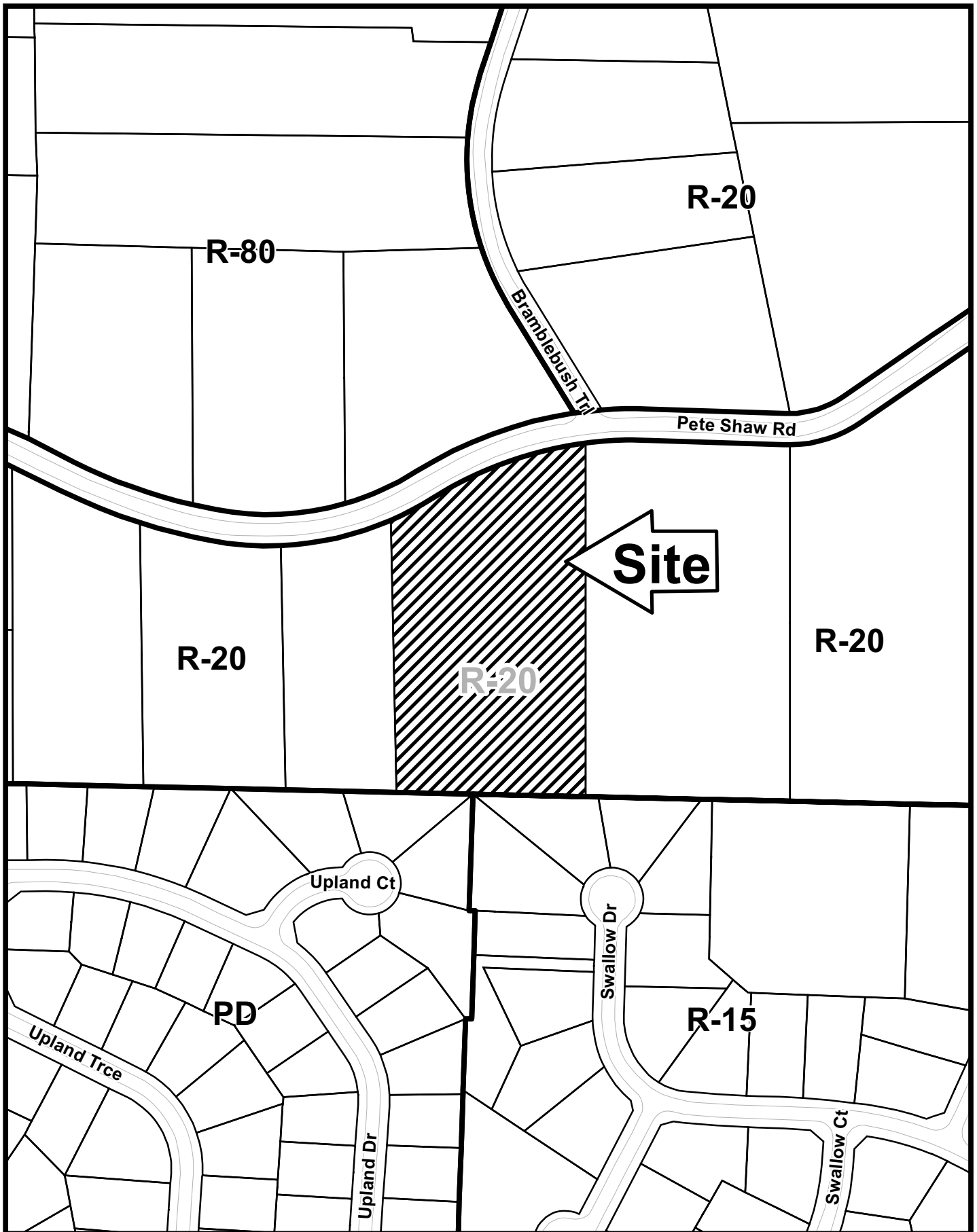
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

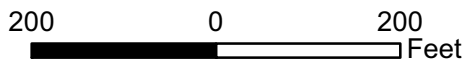
STIPULATIONS:





Z-18



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Leonard E. Burger, Jr.

PETITION NO.: Z-18

PRESENT ZONING: R-20

PETITION FOR: R-40

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential (1 to 2.5 units per acre)

Proposed Number of Units: 1(existing) **Overall Density:** 0.28 **Units/Acre**

Present Zoning Would Allow: 6 **Units** **Decrease of:** 5 **Units/Lots**

The applicant is requesting rezoning to the R-40 zoning district for an existing single-family house, and to park more than three boats and/or recreational vehicles on the property. The house and property would remain unchanged. The applicant owns more than the three vehicle limit under the R-20 zoning code, and has received a Notice of Violation from Code Enforcement. Under the R-40 zoning code, the applicant can have more than three vehicles as long as the vehicles are screened from Pete Shaw Road via landscaping or fencing. The applicant has a boat, two jet skis, a pick-up truck, and a small Bob-Cat type vehicle (used to maintain the property). Most of the vehicles are kept in a pole barn behind the house within an area that has dense vegetation; the vehicles cannot be seen from Pete Shaw Road, which is approximately 300-feet away.

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. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

STORMWATER MANAGEMENT COMMENTS:

No comments.

APPLICANT: Leonard E. Burger, Jr.

PETITION NO.: Z-18

PRESENT ZONING: R-20

PETITION FOR: R-40

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

FIRE COMMENTS:

No comments.

APPLICANT Leonard E Burger, Jr

PETITION NO. Z-018

PRESENT ZONING R-20

PETITION FOR R-40

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 12" DI / S side Pete Shaw Rd

Additional Comments: Records show address connected

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: 220' SW / Upland Ct**

Estimated Waste Generation (in G.P.D.): **A D F** 400 **Peak** 1000

Treatment Plant: Noonday

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

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

Additional Comments:

**Not available to property. Sewer easements necessary

Notes FYI:

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

APPLICANT: Leonard E. Burger, Jr. _____

PETITION NO.: Z-18 _____

PRESENT ZONING: R-20 _____

PETITION FOR: R-40 _____

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Pete Shaw Road	1900	Minor Collector	30 mph	Cobb County	60'

Based on 2005 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Pete Shaw Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 south side of Pete Shaw Road, a minimum of 30' from the roadway centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-18 LEONARD E. BURGER, JR.

- A. 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. Other properties in this area of Pete Shaw Road are zoned R-20, R-40, and R-80.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is located on a large lot, in a heavily wooded area. The applicant's property will remain as it currently exists.
- C. 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. 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 to be within a Low Density Residential Land Use Category.
- E. 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 applicant's property is located in an area of large lots that are all heavily wooded. The applicant proposes to put the vehicles to the rear of the house, at least 300-feet off the road. The area the applicant proposes to put the vehicles is densely wooded.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- No junk or inoperative vehicles;
- Vehicles be screened from Pete Shaw Road with existing vegetation, or fencing if ever needed;
- Water and Sewer comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations 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.