

**APRIL 20, 2010 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1**

ITEM #6

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their March 10, 2010 Variance Hearing regarding Variance Application:

V-18 Randal Lowe Plumbing, LLC

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 13, 2000, and amended on July 8, 2003, Section 134-271 (8), any use proposed for a parcel or tract of land which does not have the minimum lot size required, approval of a Special Exception by the Board of Commissioners is required after approval by the Board of Zoning Appeals. Attached is the Variance Analysis and recommendation of the Board of Zoning Appeals for the case that was considered at the March 10, 2010 Variance Hearing that required a Special Exception.

FUNDING

N/A

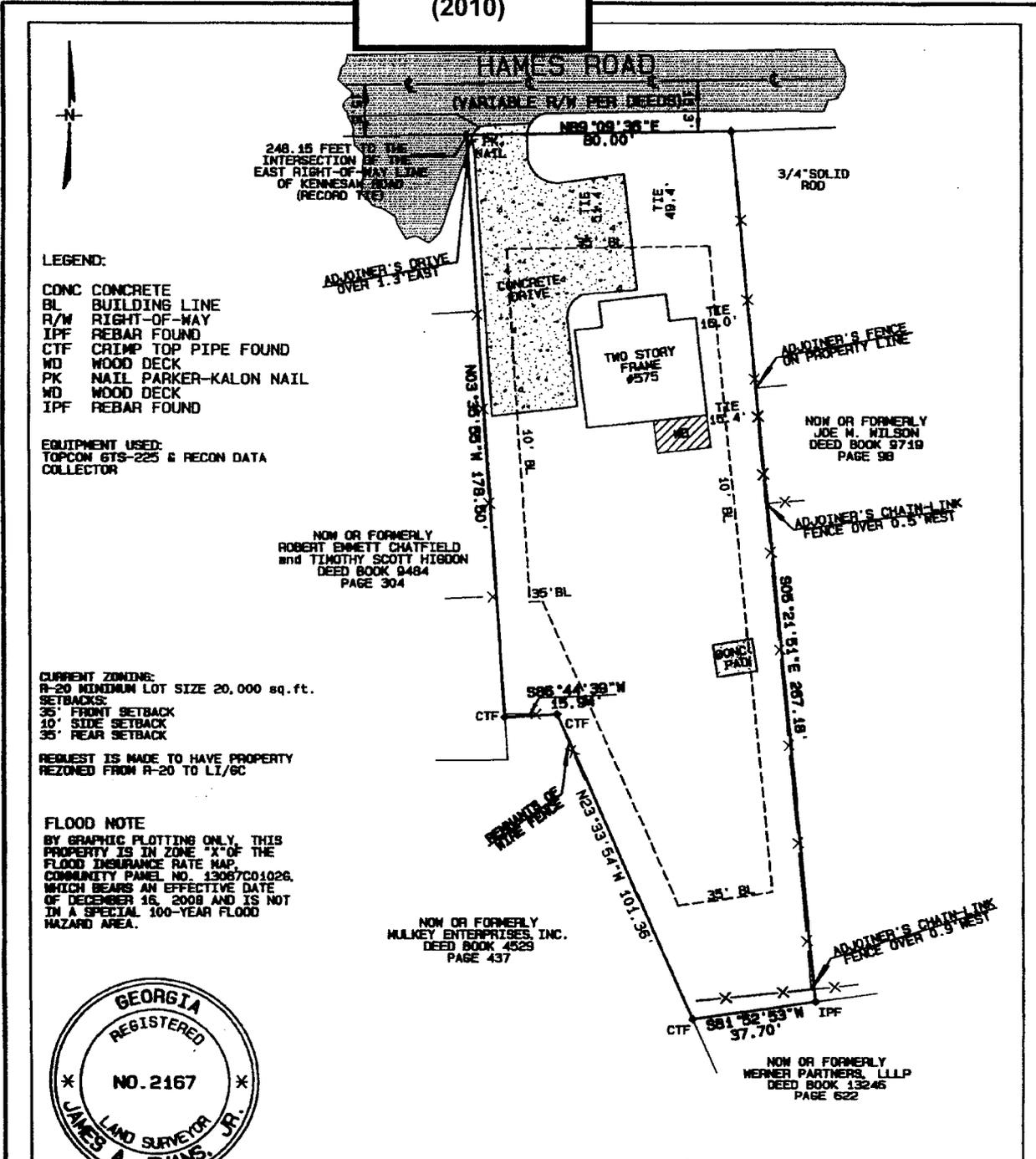
RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for V-18 Randal Lowe Plumbing, LLC

ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendations

V-18
(2010)



LEGEND:

- CONC CONCRETE
- BL BUILDING LINE
- R/W RIGHT-OF-WAY
- IPF REBAR FOUND
- CTF CRIMP TOP PIPE FOUND
- WD WOOD DECK
- PK NAIL PARKER-KALON NAIL
- WD WOOD DECK
- IPF REBAR FOUND

EQUIPMENT USED:
TOPCON GTS-225 & RECON DATA COLLECTOR

CURRENT ZONING:
R-20 MINIMUM LOT SIZE 20,000 sq.ft.
SETBACKS:
35' FRONT SETBACK
10' SIDE SETBACK
35' REAR SETBACK

REQUEST IS MADE TO HAVE PROPERTY REZONED FROM R-20 TO LI/6C

FLOOD NOTE

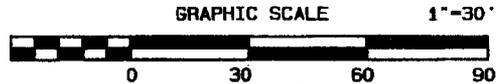
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 13067C01026, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 16, 2008 AND IS NOT IN A SPECIAL 100-YEAR FLOOD HAZARD AREA.



SURVEYORS CERTIFICATION:
IN MY OPINION THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND WAS PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS BY LAW.

James A. Evans, Jr.
GEORGIA REGISTERED LAND SURVEYOR # 2167

#575 HAMES ROAD
AREA=0.4506 ACRES
(19,630 sq.ft.)



SURVEY & RE-ZONING PLAT FOR:		 J.A. Evans & Associates, Inc. 3279 POWDER SPRINGS ROAD POWDER SPRINGS, GEORGIA 30127 770-943-0000 OFFICE 770-943-9003 FAX evansassoc@att.net
GAYLE LOWE		
G.W.L. and MARY LOU KIRK ESTATE		
DEED BOOK 14640, PAGE 5325	DATE: DECEMBER 23 2009	
PLAT BOOK 63, PAGE 21	DRAWN BY: jtl CHECKED BY: cab	
LAND LOT 939, 16TH DISTRICT, 2ND SECTION	SCALE: 1" = 30'	
COBB COUNTY, GEORGIA	JOB#090579-2	

JAE JOB #090579-2

APPLICANT: Randal Lowe Plumbing, LLC
PHONE: 770-499-2296
REPRESENTATIVE: Garvis L. Sams, Jr.
PHONE: 770-422-7016
PROPERTY LOCATION: Located on the south side of Hames Road, east of Kennesaw Avenue (575 Hames Road).

PETITION NO.: V-18
DATE OF HEARING: 03-10-10
PRESENT ZONING: R-20
LAND LOT(S): 939
DISTRICT: 16
SIZE OF TRACT: .4506 acre
COMMISSION DISTRICT: 1

TYPE OF VARIANCE: Waive the lot size from the required 20,000 square feet to 19,630 square feet to allow applicant to apply for rezoning to GC.

COMMENTS

TRAFFIC: This request will not have an adverse impact on traffic.

DEVELOPMENT & INSPECTIONS: If this variance request is approved, a plat must be recorded referencing the variance case and showing all improvements and normal setbacks. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: No comment.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

CEMETERY PRESERVATION: No comment.

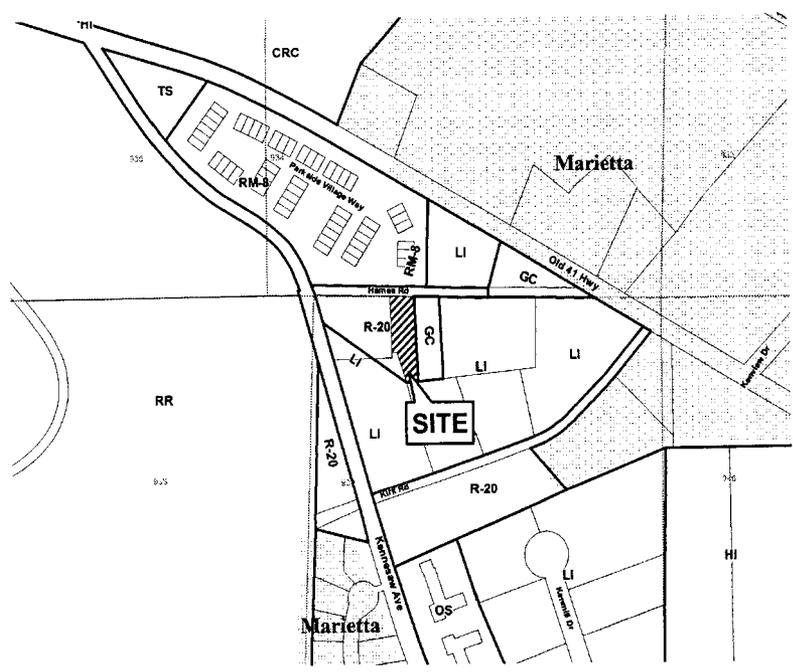
WATER: Available in road right-of-way.

SEWER: Not available to property. Nearest sewer is Old Hwy 41, easement required. Commercial use would require connection. Special assessment applicable.

OPPOSITION: NO. OPPOSED PETITION NO. SPOKESMAN

BOARD OF APPEALS DECISION

APPROVED X MOTION BY B. Hovey
 REJECTED SECONDED J. Williams
 HELD CARRIED 5 - 0
 STIPULATIONS: Special Exception granted
 with stipulations.



Cobb County Fire and Emergency Services

Applicant Name: Randal Lowe Plumbing, LLC

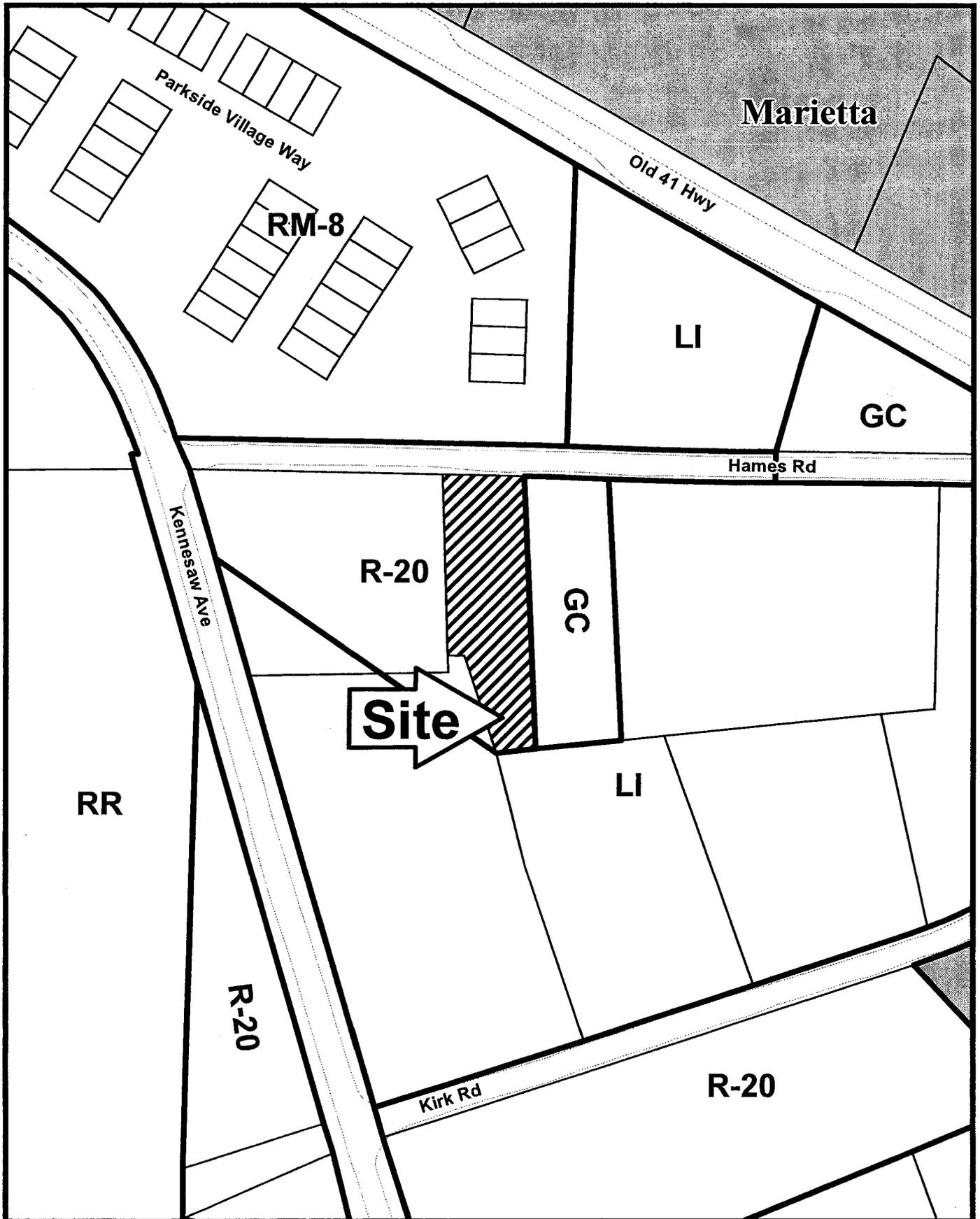
Petition Number: V-18

Date: 2/25/2010

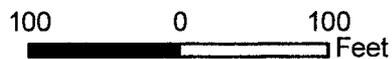
Fire Marshal Comments

No comments except that a Certificate of Occupancy must be acquired from the CCFMO before occupancy. Contact CCFMO for C/O process.

V-18



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



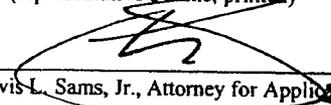
City Boundary
Zoning Boundary

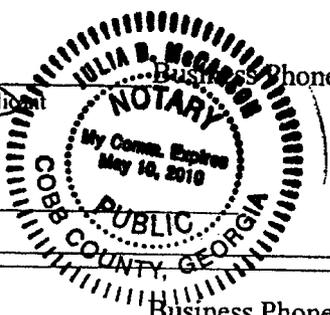
Application for Variance Cobb County

(type or print clearly)

Application No. v- 12
Hearing Date: 03/10/10

Applicant Randal Lowe Plumbing, LLC Business Phone 770/499-2296 Home Phone _____
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

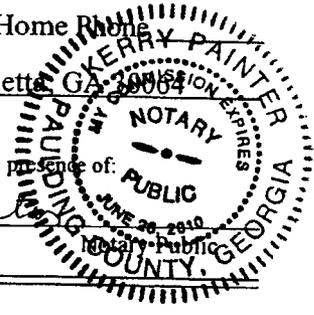
By:  Business Phone 770/422-7016 Fax 770/426-6583
Garvis L. Sams, Jr., Attorney for Applicant



Signed, sealed and delivered in presence of:
Julia B. McGarson
Notary Public

My commission expires: _____

Titleholder Gayle A. Lowe Business Phone 770/499-9180 Home Phone _____
Signature X Gayle A. Lowe Address: 505 Hames Road, Marietta, GA 30064
Gayle A. Lowe (street, city, state and zip code)



Signed, sealed and delivered in presence of:
Kerry Painter
Notary Public

My commission expires: 6-26-10

Present Zoning of Property R-20

Location 575 Hames Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 939 District 16th Size of Tract 0.4506 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property XX Shape of Property _____ Topography of Property _____ Other _____

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

The subject property is located within an area under the Cobb County Future Land Use Map which is shown as Industrial Compatible ("IC") which contemplates industrial and commercial uses. However, the size of the subject property (0.4506 acres or 19,630 square feet) does not meet district requirements for the rezoning of the subject property in the absence of obtaining a waiver with respect to minimum square footage. Therefore, a literal interpretation or enforcement of Ordinance provisions creates a hardship for the applicant.

List type of variance requested: A waiver of square footage requirements from 20,000 square feet to 19,630 square feet in order to allow the filing of an application to rezone the subject property to the General Commercial (GC) zoning classification