

**OCTOBER 19, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 1

PURPOSE

To consider a stipulation amendment for Richard Duncan regarding application Z-141 (Richard Duncan) of 2006, for property located at the northwestern intersection of Bryant Lane and Beaver Shop Road in Land Lot 484 of the 16th District.

BACKGROUND

The subject property was zoned R-15 with stipulations in 2006. Stipulations from Mr. Richard Duncan’s letter detailed a number of stipulations regarding the detached single-family houses. Price points were added to further describe the house product. This was done by way of common practice to describe the proposed subdivision, not to stipulate a house price, which the County does not practice. The applicant’s request would be to remove stipulation #2 of the attached stipulation letter. Additionally, Mr. Duncan would like to remove the first bullet point that requires the *“house footprints to be approved by District Commissioner prior to issuance of Land Disturbance Permits”*. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached (see Exhibit A). The request has been submitted to Staff, which has no comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendment.

ATTACHMENTS

Zoning Stipulations (Exhibit A)
Other Business Application (Exhibit B)

ORIGINAL DATE OF APPLICATION: 09-19-06APPLICANTS NAME: RICHARD DUNCANTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-19-06 ZONING HEARING:**

RICHARD DUNCAN (Richard Duncan, Thomas Larry Horton and Copeland and Patricia Massengale, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lot 484 of the 16th District. Located at the northwestern intersection of Bryant Lane and Beaver Shop Road and on the western side of Bryant Lane, north of Priscilla Drive.

The public hearing was opened and Mr. Richard Duncan and Mr. James Edmondson addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Kesting, to **approve** rezoning to the **R-15** zoning district **subject to:**

- **house footprints to be approved by District Commissioner prior to issuance of Land Disturbance Permits**
- **Exhibit "A" from Mr. Richard Duncan received by the Zoning Division August 14, 2006, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **homeowners association shall be responsible for the proper maintenance of the detention pond as defined by staff**
- **entrance shall contain ground-base monument signage, and professionally designed, landscaped and maintained**
- **landscaping along Bryant Lane, with final approval by the District Commissioner**
- **four-sided architecture on all homes adjacent to Bryant Lane and Beaver Shop Road**
- **no variances are granted with this approval; applicant/developer apply through normal variances process for any setback reductions**
- **grading limited to house pads and streets and utilities**
- **four-way stop sign, subject to staff approval**
- **no alleys, no rear entrance; garages on front only**
- **construction to commence within twenty-four (24) months from the date of final approval of this rezoning request (completion of curb and gutter) or the property shall revert to the original zoning category**
- **engineering plan to include water, sewer and stormwater easements; design to be completed prior to issuance of Land Disturbance Permits with final approval by the District Commissioner**

ORIGINAL DATE OF APPLICATION: 09-19-06

APPLICANTS NAME: RICHARD DUNCAN

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 09-19-06 ZONING HEARING (Continued):

- **final acceptance of subdivision subject to approval by District Commissioner**
- **Fire Department comments**
- **Historic Preservation comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Cobb 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**

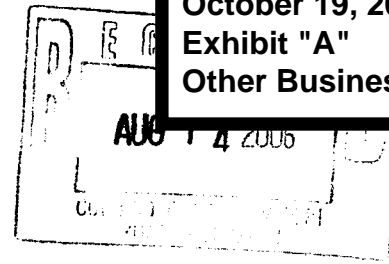
VOTE: **ADOPTED** unanimously

NOTE: See the September 26, 2006 Regular Board of Commissioners meeting minutes, Consent Agenda Item No. 11EE for a correction to rezoning case Z-141.

Min. Bk. 45 Petition No. Z-141
Doc. Type Exhibit A
From Mr. Richard Duncan
Meeting Date Sept. 19, 2006

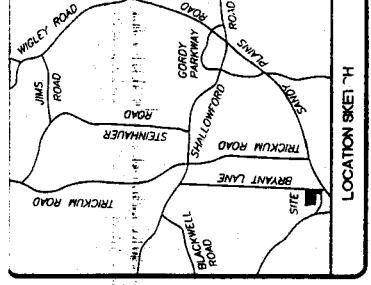
EXHIBIT "A"

October 19, 2010
Exhibit "A"
Other Business Item 01



**STIPULATION PAGE
Z-141**

1. Houses will be two-story traditionals with a minimum of 3000 sq ft.
2. Houses will be priced from \$500,000 and up.
3. Houses will have at least 3 sides of brick or stone and rear will be Hardy/Fiber Cement siding.
4. Front and side yards will be of sod with irrigation.
5. The subdivision will have a Mandatory Home Owner's Association.
6. Entrance monument will be brick with stone accents.
7. Entrance landscape will be of sod with irrigation.



THIS PLAN FILED IN OFFICE 52318 RECORDED IN PLAT BOOK 241 PAGE 15

REFERENCES

1. SURVEY FOR KENNETH L. CHALKER, JR., PREPARED BY KENNEDY SURVEYING CO., INC. DATED FEBRUARY 17, 2009 AND RECORDED IN PLAT BOOK 241 PAGE 15.
2. SURVEY FOR THE STATE OF GEORGIA, PREPARED BY BRUNNELL ENGINEERING, INC. DATED MARCH 17, 2009 AND RECORDED IN PLAT BOOK 241 PAGE 15.
3. SURVEY FOR THE STATE OF GEORGIA, PREPARED BY BRUNNELL ENGINEERING, INC. DATED MARCH 17, 2009 AND RECORDED IN PLAT BOOK 241 PAGE 15.
4. LOT 10 SURVEY FOR WESLEY S. DANAHAN, PREPARED BY BRUNNELL ENGINEERING, INC. DATED JUNE 17, 2008 AND RECORDED IN PLAT BOOK 241 PAGE 15.
5. COBB COUNTY TAX MAP 18-48.

SURVEYOR'S NOTES

1. BEARINGS ARE GEORGIA STATE PLANE - WEST ZONE MODELS AND ARE BASED ON COBB COUNTY MONUMENTS 18009-1 AND 18009-2.
2. MONUMENT 18009-1 IS FOUND NORTHWEST OF THE INTERSECTION OF SHALLOWFORD ROAD AND BLACKWELL ROAD.
3. MONUMENT 18009-2 IS FOUND NORTHWEST OF THE INTERSECTION OF SHALLOWFORD ROAD AND BRYANT LAKE ROAD.
4. DISTANCES ARE GROUND MEASUREMENTS.
5. ELEVATIONS ARE MANDATORY AS ABOVE DESCRIBED MONUMENTS.

CONTINUING LINE TABLE

LINE	BEARING	DISTANCE
C1	N86°50'39"W	17.50'
C2	N87°00'00"W	10.00'
C3	S72°00'00"W	20.00'
C4	S44°50'30"W	48.71'
C5	S71°00'00"W	18.75'
C6	S74°00'00"W	18.75'
C7	S72°00'00"W	17.50'
C8	S87°36'17"E	25.00'
C9	N102°34'00"W	38.46'
C10	N41°47'16"W	15.41'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N86°50'39"W	17.50'
L2	N87°00'00"W	10.00'
L3	S72°00'00"W	20.00'
L4	S44°50'30"W	48.71'
L5	S71°00'00"W	18.75'
L6	S74°00'00"W	18.75'
L7	S72°00'00"W	17.50'
L8	S87°36'17"E	25.00'
L9	N102°34'00"W	38.46'
L10	N41°47'16"W	15.41'

CONTINUING CURVE TABLE

LINE	BEARING	DISTANCE
C1	N86°50'39"W	17.50'
C2	N87°00'00"W	10.00'
C3	S72°00'00"W	20.00'
C4	S44°50'30"W	48.71'
C5	S71°00'00"W	18.75'
C6	S74°00'00"W	18.75'
C7	S72°00'00"W	17.50'
C8	S87°36'17"E	25.00'
C9	N102°34'00"W	38.46'
C10	N41°47'16"W	15.41'

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING	CHORD
C1	101.82'	100.00'	50.00'	S50°27'17"E	98.00'
C2	50.00'	50.00'	50.00'	N112°48'51"E	29.39'
C3	50.00'	50.00'	50.00'	N112°48'51"E	29.39'
C4	50.00'	50.00'	50.00'	S88°17'45"W	47.84'
C5	50.00'	50.00'	50.00'	S72°00'00"W	47.84'
C6	50.00'	50.00'	50.00'	S71°00'00"W	47.84'
C7	50.00'	50.00'	50.00'	S74°00'00"W	47.84'
C8	50.00'	50.00'	50.00'	S72°00'00"W	47.84'
C9	50.00'	50.00'	50.00'	S87°36'17"E	47.84'
C10	50.00'	50.00'	50.00'	N102°34'00"W	47.84'
C11	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C12	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C13	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C14	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C15	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C16	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C17	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C18	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C19	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C20	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C21	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C22	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C23	50.00'	50.00'	50.00'	N41°47'16"W	47.84'
C24	50.00'	50.00'	50.00'	N41°47'16"W	47.84'

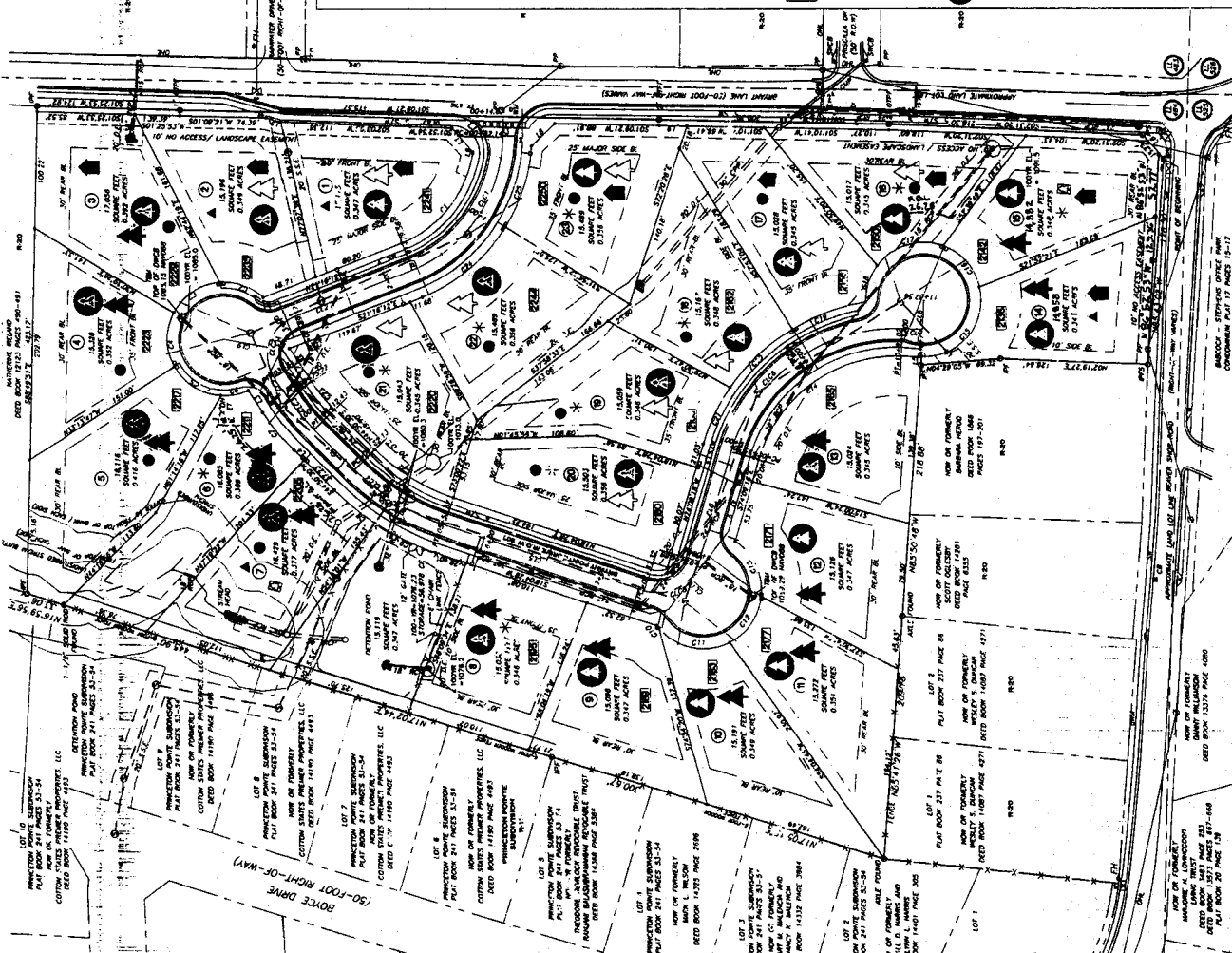
NOTES

1. TOTAL SITE AREA = 10.254 ACRES
2. AREA OF RIGHT-OF-WAY ACQUISITION = 10.254 ACRES
3. CHALK LANE ZONING = R-15 740 ACRES
4. PROPOSED DENSITY = 23 UNITS/0.285 ACRES
5. MINIMUM LOT SIZE = 15,000 SQ. FT. PER ACRE
6. MINIMUM HOUSE SIZE = 1,500 SQ. FT.
7. BRIDGING STRUCK LINES ARE AS SHOWN ON LOTS 4, 14 & 16 - 26.35'
8. ROAD = 30 FEET (1/4" MARK) SIDE = 25 FEET
9. TOTAL NUMBER OF LOTS = 23
10. SANITARY SEWER - COBB COUNTY
11. WATER SUPPLY - COBB COUNTY
12. BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY FOR RICHARD DANAHAN, PREPARED BY BRUNNELL ENGINEERING, INC. DATED FEBRUARY 22, 2008 AND RECORDED IN PLAT BOOK 241 PAGE 15.
13. JOINDER INFORMATION TAKEN FROM COBB COUNTY GIS AND FIELD TEAM.
14. TOPOGRAHY (VERTICAL DATUM NAD83) TO BE DETERMINED BY THE SURVEYOR ON THIS SITE.
15. ALL CONVEYANCES TO BE MADE BY THE GRANTEE TO THE SITE EXCEPT FOR THE SITE.
16. NO DEVELOPMENT AGREEMENT FASIS.
17. ALL CONVEYANCES TO BE MADE BY THE GRANTEE TO THE SITE EXCEPT FOR THE SITE.
18. ALL CONVEYANCES TO BE MADE BY THE GRANTEE TO THE SITE EXCEPT FOR THE SITE.
19. ALL CONVEYANCES TO BE MADE BY THE GRANTEE TO THE SITE EXCEPT FOR THE SITE.
20. ALL CONVEYANCES TO BE MADE BY THE GRANTEE TO THE SITE EXCEPT FOR THE SITE.
21. ALL CONVEYANCES TO BE MADE BY THE GRANTEE TO THE SITE EXCEPT FOR THE SITE.

MOVEMENT

MOVEMENT	NORTHING	EASTING	ELEVATION	DESCRIPTION
1801009-1	1,471,628.68984	2,198,921.73231	1083.971	J.T. BRASS D&A
1801009-2	1,470,843.58862	2,240,078.89149	1080.122	J.T. BRASS D&A

NO FURTHER SURVEYING SHALL BE CONSIDERED NECESSARY TO THE FRONT OR REAR ALIEN EASEMENTS ON THIS LOT OR TO THE INTERIOR OF THE LOT. THE SURVEYOR'S RESPONSIBILITY IS TO THE CLIENT AND NOT TO THE ADJACENT OWNERS. THE SURVEYOR'S RESPONSIBILITY IS TO THE CLIENT AND NOT TO THE ADJACENT OWNERS. THE SURVEYOR'S RESPONSIBILITY IS TO THE CLIENT AND NOT TO THE ADJACENT OWNERS.



LAND LOT 484
16th DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA

FLAT SHEET
FINAL PLAT FOR:
BRYANT POINTE SUBDIVISION

DATE: 8-22-1992

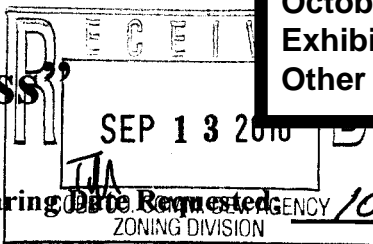
AWK DICKSON
COMMUNITY INFRASTRUCTURE CONSULTANTS

2775 PINEBUSH DRIVE, SUITE 100
ALPHARETTA, GA 30201
PHONE: (770) 941-5574
FAX: (770) 941-5574

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

October 19, 2010
Exhibit "B"
Other Business Item 01



BOC Hearing Date Requested: 10-19-2010

Applicant: Richard A. Duncan Phone #: 678-591-7624
(applicant's name printed)

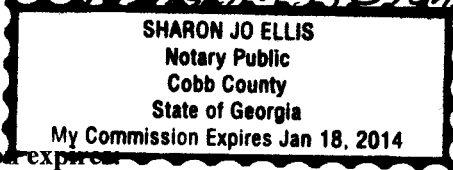
Address: 4302 Fairbrook Ln. Kennerston, GA E-Mail: Riversoth59@yahoo.com

Richard A. Duncan Address: 4302 Fairbrook Ln.
(representative's name, printed)

[Signature] Phone #: 678-591-7624 E-Mail: Riversoth59@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:

Sharon Ellis My commission expires: _____
Notary Public



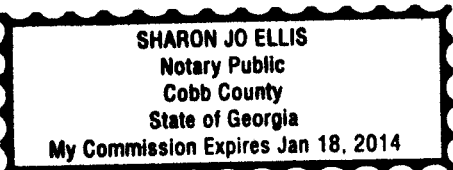
Titleholder(s): GARY M. DUFFY, INC. Phone #: 770-861-5205
(property owner's name printed)

Address: P.O. Box 800125 Roswell, GA 30075 E-Mail: _____

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Sharon Ellis My commission expires: _____
Notary Public



Commission District: 3 Zoning Case: 2-141

Date of Zoning Decision: 9-19-06 Original Date of Hearing: 9-19-06

Location: Intersection of Beneshop + Bryant Ln.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 484 District(s): 16th

State specifically the need or reason(s) for Other Business: Economic Down Fall

- ~~1. House Size to be changed from 3000sq ft to 2500sq ft~~
- 1. House Price point to be changed from 500,000 to the 400,000.
- 2. House Footprint to approved By Staff rather than District Commissioner

(List or attach additional information if needed)