

**NOVEMBER 16, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

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 November 10, 2010 Variance Hearing regarding Variance Application:

V-79 Michael McMillen

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 12, 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 cases that were considered at the November 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 Variance case V-79 MICHAEL MCMILLEN.

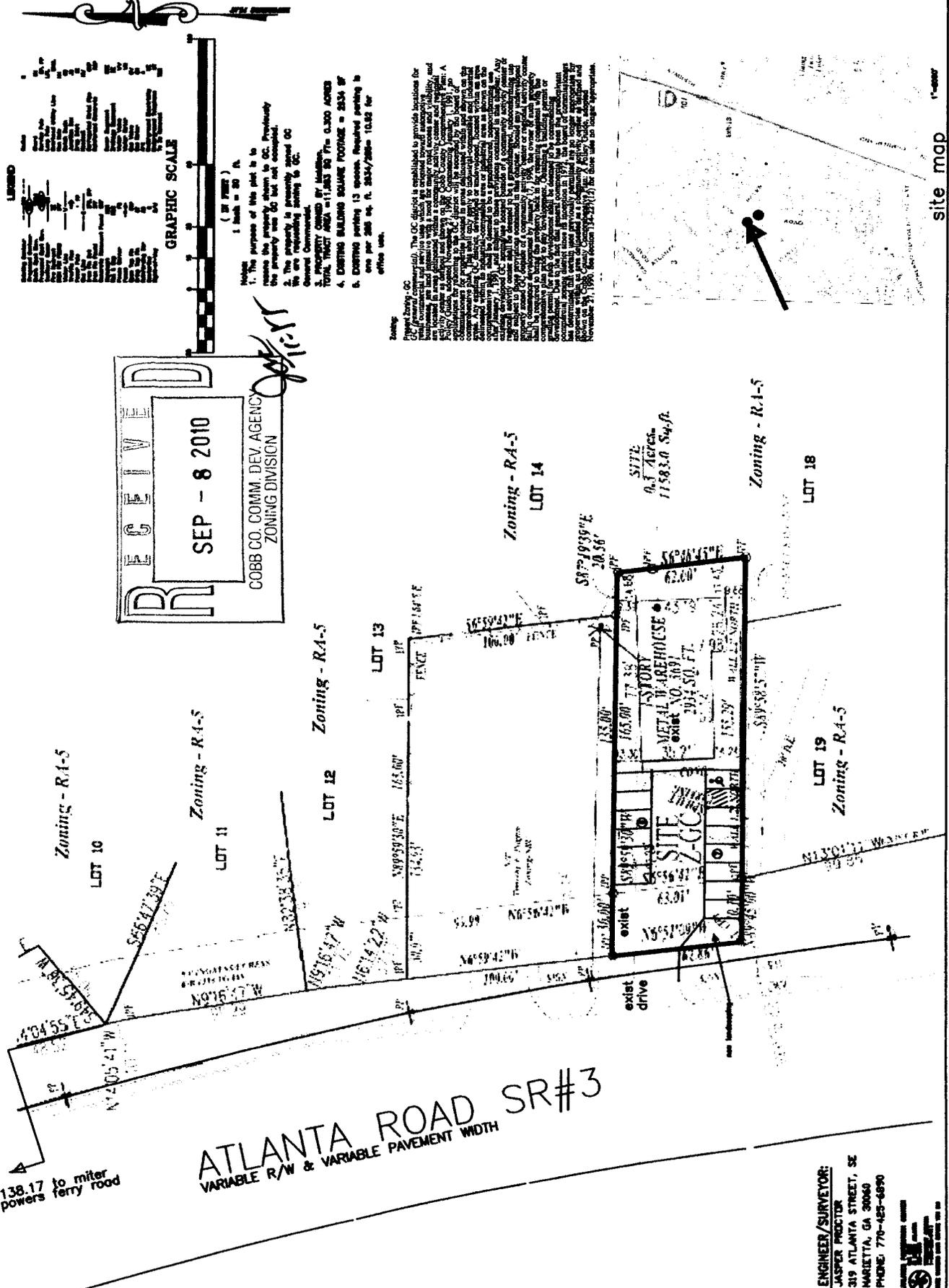
ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendation

300 Middle St. SE Suite 200 Marietta, Georgia 30060
ACME AMERICAN, L.L.C.
 Architects (Construction Managers, Engineers)
 Phone: (770) 425-5890 - Fax: (770) 425-5177

Project: **JUSTINE MCMILLAN**
 3601 Atlanta Road
 COBB COUNTY, GEORGIA
 LAND LOT 743, 17TH DISTRICT, 2nd SECTION

Scale: 1" = 40'-0"
 SHEET: **Z-1**
 DATE: BY: JS
 CHECK: BY: JWP



Cobb County Fire and Emergency Services

Applicant Name: Michael McMillen

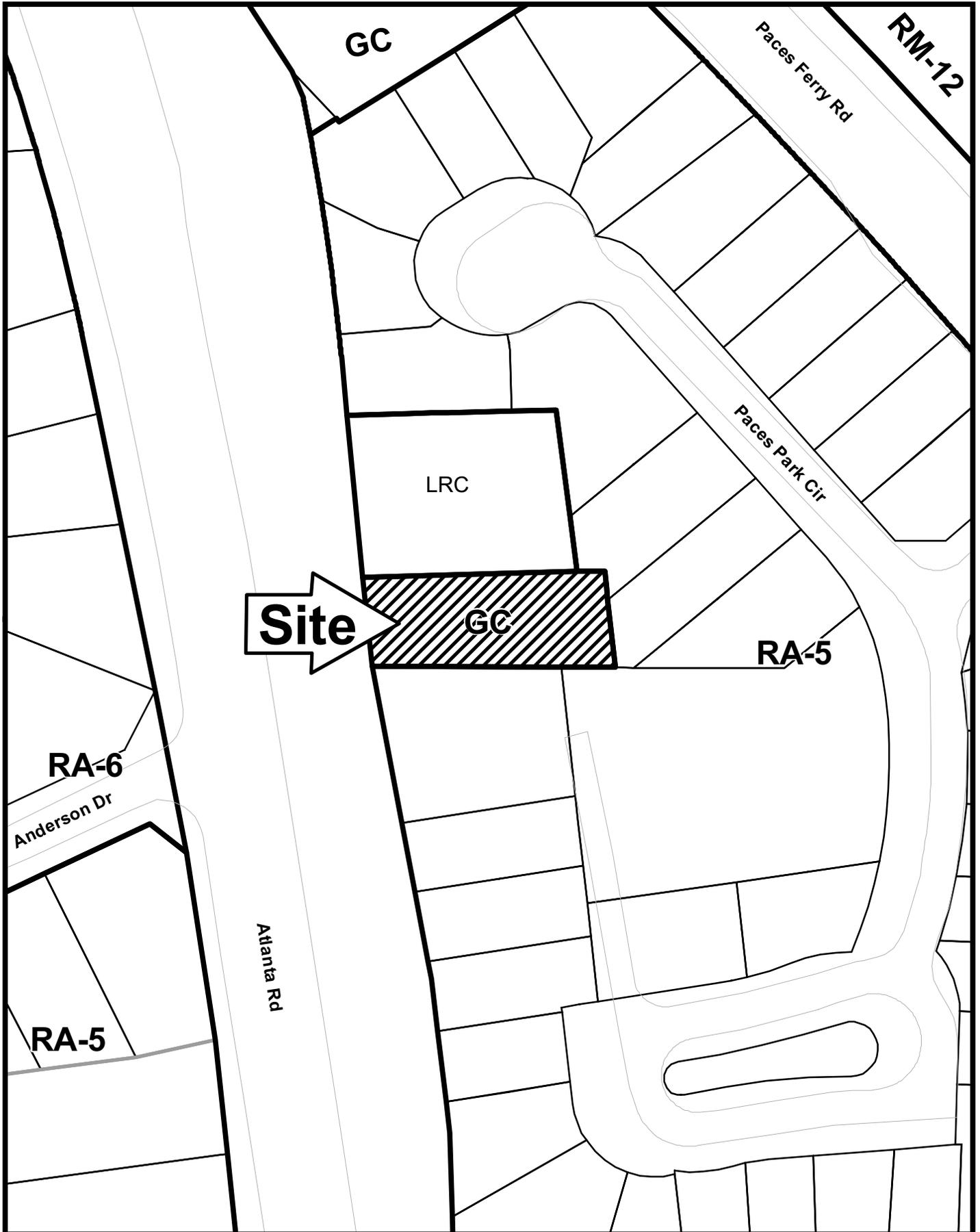
Petition Number: V-79

Date: 10/21/2010

Fire Marshal Comments

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

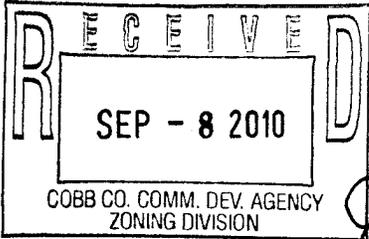
V-79



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-79
Hearing Date: 11-10-10

Applicant MICHAEL MCMILLEN Business Phone 770 333 9622 Home Phone _____

HYLTON B. DUNFEE JR Address 496 GREEN ST MARIETTA GA 30060
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone 770 424 7171 Cell Phone 770 853 7173
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Titleholder MICHAEL MCMILLEN Business Phone 770 333 9622 Home Phone 770 333 9622

Signature [Signature] Address 72 AUSTELL RD., MARIETTA, GA
(attach additional signatures, if needed) (street, city, state and zip code) 30060

Signature [Signature] Signed, sealed and delivered in presence of:
My commission expires: 3-18-12

Notary Public

Present Zoning of Property GENERAL COMMERCIAL

Location 3691 ATLANTA ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 743 District 17A Size of Tract .3 ACRE 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 0.3 AC. 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 PRESENTLY ZONED G.C. HOWEVER, THE PROPERTY HAS BEEN UNOCCUPIED FOR 1 YEAR OR GREATER.

List type of variance requested: ALLOW USE UNDER GC ZONING ON LOT SIZE LESS THAN 1 ACRE

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 10, 2010

DRAFT

V-79 **MICHAEL MCMILLEN** (Michael McMillen and Justin McMillen, JTWROS, owners) requesting a variance to waive the lot size from the required 20,000 square-feet to 11,583 square-feet to allow the applicant to apply for a ~~commercially usable zoning district~~ rezoning in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road (3691 Atlanta Road).

The public hearing was opened and Mr. Hylton Dupree, Mr. Mary Rose Barnes, Mr. Chuck Hamilton and Ms. Sandra Hembree addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Williams, to **approve** variance request **subject to:**

- **approval is to allow the Applicant/Owner to apply for rezoning**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on November 16, 2010 at 9:00 a.m.**

VOTE: **ADOPTED** unanimously

Clerk's Note: DOT staff was asked to verify, prior to the Board of Commissioners' zoning hearing, that the submitted lot size of 11,583 square feet does not include right-of-way.