

**APRIL 19, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM #2

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their April 13, 2011 Variance Hearing regarding Variance Application:

V-27 Robinson Road Development, LLC

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 case that was considered at the April 13, 2011 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-27 Robinson Road Development, LLC

ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendation



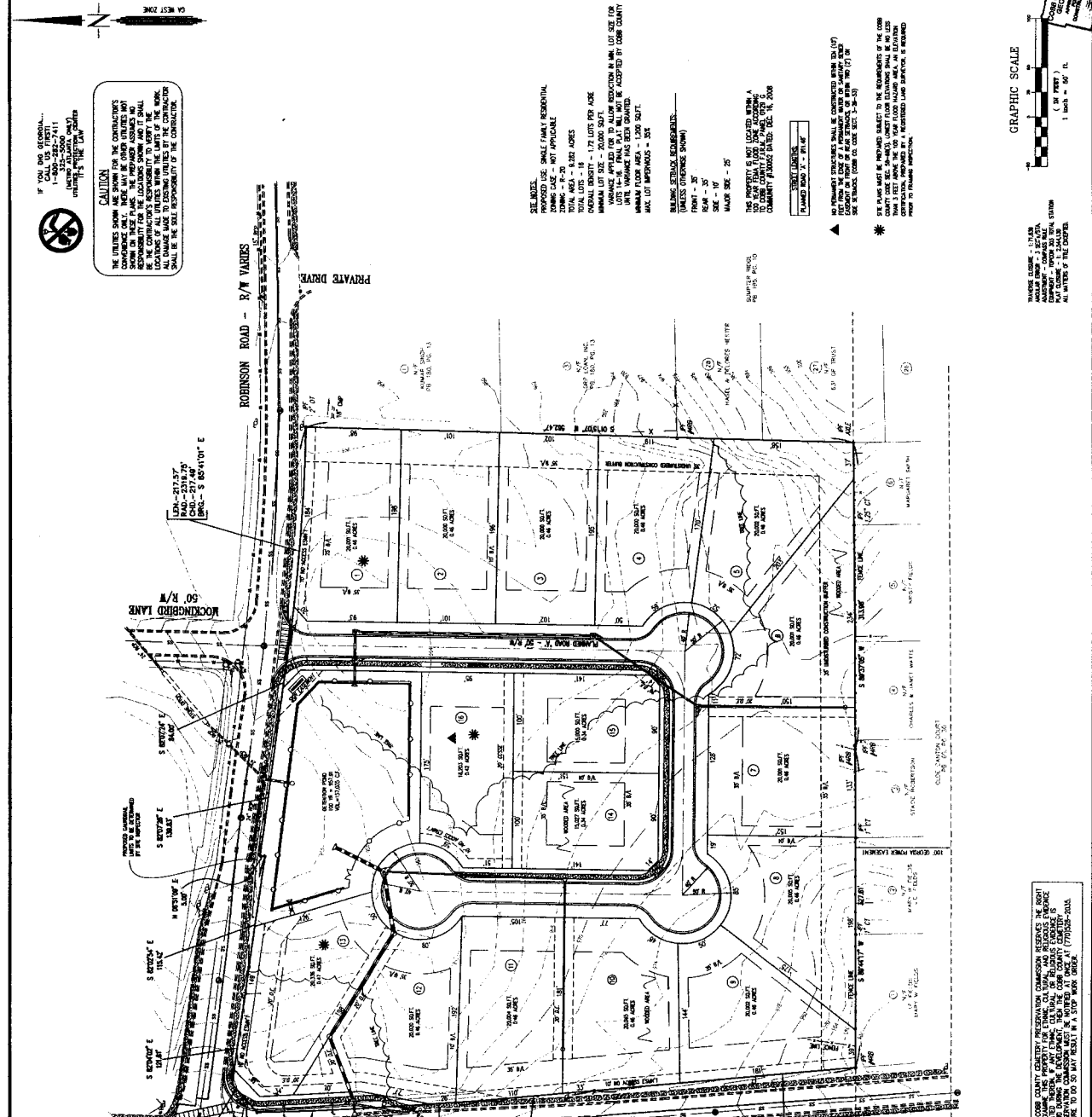
Centerline Surveying Systems, Inc.
 01 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144
 PHONE: (770) 424-0028 FAX: (770) 424-2399

ROBINSON GARDENS
 CONCEPT PLAN FOR
 LAND LOT

NO.	DATE	REVISION DESCRIPTION
1	11-29-10	PEN COUNTY COMMENTS
2		MSC

DRAWN BY: [Signature]	DATE: 11-29-10
CHECKED BY: [Signature]	DATE: 12-01-10
PROJECT NO.	
REVISION NO.	

C-2



CAUTION
 THE UTILITIES SHOWN HEREON ARE THE PROPERTY OF THE CONTRACTOR'S ADJACENT OWNERS. THESE UTILITIES ARE NOT TO BE MOVED OR DELETED WITHOUT THE WRITTEN CONSENT OF THE ADJACENT OWNERS AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE ADJACENT OWNERS OF ANY CHANGES TO THE UTILITIES SHOWN ON THIS PLAN. ALL UTILITY TRENCHES SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

IF YOU ARE INTERESTED...
 1-800-252-7211
 1-800-252-7211
 CENTERLINE SURVEYING SYSTEMS, INC.
 01 SHILOH ROAD, SUITE 1210
 KENNESAW, GA 30144

LEGEND

	POWER POLE
	W/GRWY WIRE
	TRAFFIC CONTROL
	FENCE LINE
	FIRE HYDRANT
	SANITARY SEWER
	WATER MAIN
	STORM PIPE
	GATE INLET
	CATCH BASIN
	SPECIMEN TREE

24 HR. CONTACT INC.
 TODD TREASHER
 D.B.A. ROBINSON ROAD DEVELOPMENT, LLC (604) 581-4064
 MARBETTA, GEORGIA 30047

PRELIMINARY CERTIFICATE STATEMENT

WHEREAS, THE DEVELOPER HAS COMPLETED THE PRELIMINARY PLAT APPROVAL PROCESS AND HAS OBTAINED THE NECESSARY APPROVALS FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY;

AND WHEREAS, THE DEVELOPER HAS OBTAINED THE NECESSARY APPROVALS FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY;

TODD TREASHER, DEVELOPER

PRELIMINARY PLAT APPROVAL CERTIFICATE

DATE: [blank]

ALL REQUIREMENTS OF THE COM. COUNTY SUBDIVISION REGULATIONS RELATIVE TO THE PREPARATION AND SUBMISSION OF A PRELIMINARY PLAT HAVING BEEN SATISFIED BY THE DEVELOPER;

AND WHEREAS, THE DEVELOPER HAS OBTAINED THE NECESSARY APPROVALS FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY;

TODD TREASHER, DEVELOPER

GENERAL NOTES

1. ALL UTILITIES ARE TO BE LOCATED IN ACCORDANCE WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY REGULATIONS.

2. ALL UTILITIES ARE TO BE LOCATED IN ACCORDANCE WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY REGULATIONS.

3. ALL UTILITIES ARE TO BE LOCATED IN ACCORDANCE WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY REGULATIONS.

CONTRACTOR REQUIREMENTS

1. THE CONTRACTOR SHALL MAINTAIN EXISTING UTILITIES AT ALL TIMES.

2. THE CONTRACTOR SHALL MAINTAIN EXISTING UTILITIES AT ALL TIMES.

3. THE CONTRACTOR SHALL MAINTAIN EXISTING UTILITIES AT ALL TIMES.

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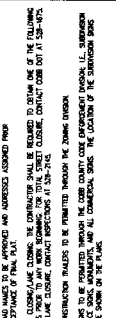
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APPLICANT: Robinson Road Development, LLC **PETITION NO.:** V-27
PHONE: 404-281-4554 **DATE OF HEARING:** 04-13-11
REPRESENTATIVE: Todd Thrasher **PRESENT ZONING:** R-20
PHONE: 404-281-4554 **LAND LOT(S):** 1054
PROPERTY LOCATION: At the southeast **DISTRICT:** 16
intersection of Old Canton Road and Robinson Road. **SIZE OF TRACT:** 9.28 acres
COMMISSION DISTRICT: 2

TYPE OF VARIANCE: Waive the lot size of lots 14 and 15 from the required 20,000 square-feet to 15,000 square-feet, and lot 16 from the required 20,000 square-feet to 18,000 square-feet.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. 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: The reduced lot sizes are the result of a stormwater management requirement to over-size the detention pond to accommodate significant upstream offsite runoff through the site.

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: No Conflict.

SEWER: No permanent structures shall be constructed within ten feet of the edge of permanent sanitary easement on front or rear setbacks, or within two feet on side setbacks.

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

BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** K. Swanson

REJECTED **SECONDED** B. Hovey

HELD **CARRIED** **5 - 0**

STIPULATIONS: 1) final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on April 19, 2011 at 9:00 a.m., 2) Development and Inspections Division comments and recommendations, 3) Stormwater Management Division comments and recommendations, 4) Sewer Division comments and recommendations.



Cobb County Fire and Emergency Services

Fire Marshal Comments

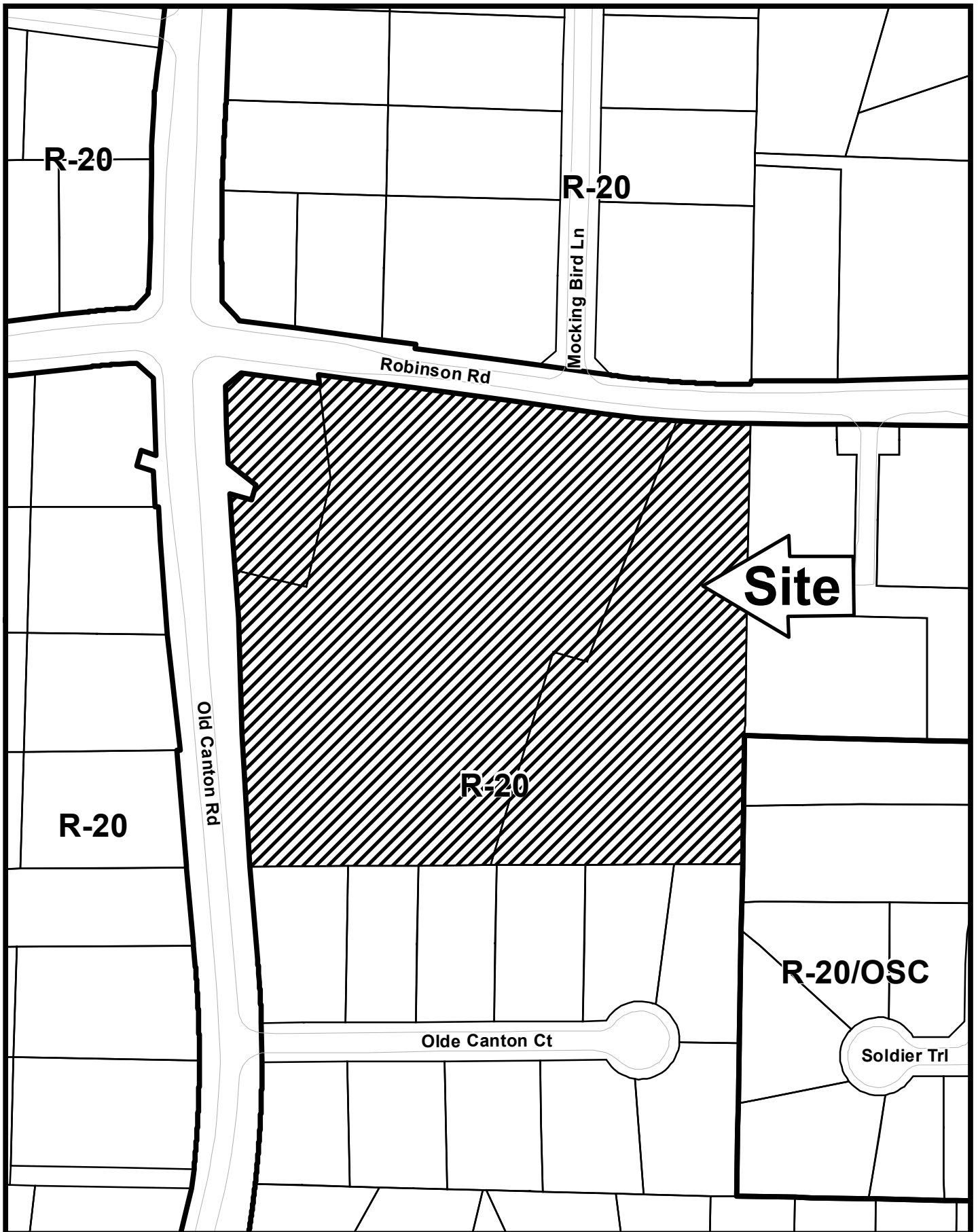
Applicant Name: **Robinson Road Development, LLC**

Petition Number: V-27

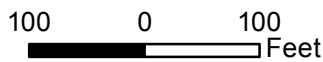
Date: 3/25/2011

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-27



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-27

Hearing Date: 4-13-11

Applicant Robinson Road Development LLC Phone # 404-281-4554 E-mail Todd@brooks.chodwick.com

TODD THRASHER
(representative's name, printed)

Address 4121 Thunderbird Dr. Marietta, GA 30067
(street, city, state and zip code)

Todd Thrasher, Member
(representative's signature)

Phone # (404) 281-4554 E-mail _____

Notary Public
Cherokee County, Georgia
My Commission Expires
May 31, 2012

Signed, sealed and delivered in presence of:

Douglas B. Patton
Notary Public

Titleholder Robinson Road Development LLC Phone # (404) 281-4554 E-mail Todd@brooks.chodwick.com

Signature Todd Thrasher, Member
(attach additional signatures, if needed)

Address: 4121 Thunderbird Dr. Marietta, GA 30067
(street, city, state and zip code)

Notary Public
Cherokee County, Georgia
My Commission Expires
May 31, 2012

Signed, sealed and delivered in presence of:

Douglas B. Patton
Notary Public

Present Zoning of Property R-20

Location corner of Robinson Rd and old Canton Rd (S.E. corner) Robinson Gardens
Subdivision
(street address, if applicable; nearest intersection, etc.) SPR 2010-00230

Land Lot(s) 1054 District 16 Size of Tract 9.28 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 _____ Shape of Property _____ Topography of Property _____ Other X

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.

During the plan review process for this proposed subdivision, Cobb stormwater asked us to over detain stormwater from the site due to an undersized pipe under Robinson Rd. In order to do this, the detention pond was increased in size and lots 14, 15 and 16 were reduced. Cobb Stormwater agreed to support this reduction in lot size in order to install the larger pond and help reduce the flooding potential down stream.

List type of variance requested: Reduction of Lots 14, 15 + 16 from the min. 20,000 sq. ft. to 15,000, 15,000 and 18,000 respectively.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
APRIL 13, 2011**

V-27 **ROBINSON ROAD DEVELOPMENT, LLC (owner)** requesting a variance to waive the lot size of Lots 14 and 15 from the required 20,000 square-feet to 15,000 square-feet, and on Lot 16 from the required 20,000 square-feet to 18,000 square-feet in Land Lot 1054 of the 16th District. Located at the southeast intersection of Old Canton Road and Robinson Road.

The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

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

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on April 19, 2011 at 9:00 a.m.**
- **Development and Inspections Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Sewer Division comments and recommendations**

VOTE: **ADOPTED** unanimously

Clerk's Note: Due to visibility of the detention pond lot from the proposed subdivision and from Robinson Road, there is expected to be decorative fencing and extensive landscaping. The BZA requested that the Homeowner's Association protect and maintain the integrity of the fencing and landscaping for the long term.