

**APRIL 11, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 1

PURPOSE

To consider amending the stipulations for Javier Gonzalez Zuniga regarding V-109 (Anne Taylor) of 2007, for property located in Land Lot 224 of the 17th District, at the northeast intersection of Austell Road and Barber Road (1491 Austell Road).

BACKGROUND

The subject property received a zoning variance on September 12, 2007 relating to five zoning criteria. One of the stipulations restricted the property’s use for a real estate office only, with use change to be approved by the Board of Zoning Appeals. The applicant would like to amend the use of the property from a real estate office to a restaurant. The property had been used for a restaurant prior to the variance in 2007. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Zoning Appeals conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BZA

Hearing Date Requested: 4-11-12

Applicant: JAVIER GONZALEZ ZUNIGA Phone #: 770-298-1486
(applicant's name printed)

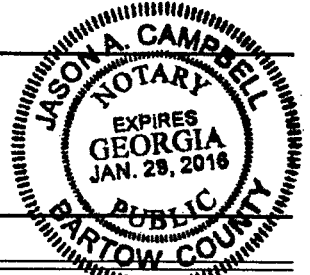
Address: 2871 BETUNA DR, AUSTELL, GA 30106 E-Mail: _____

Javier Gonzalez Zuniga Address: _____
(representative's name, printed)

Javier Gonzalez Z Phone #: _____ E-Mail: _____
(representative's signature)

Signed, sealed and delivered in presence of: Texas ID# 26010324

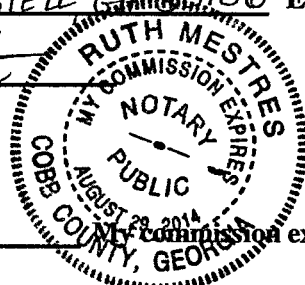
Jason D. Campbell My commission expires: _____
Notary Public



Titleholder(s): JAVIER GONZALEZ ZUNIGA Phone #: 770-298-1486
(property owner's name printed)

Address: 2871 BETUNA DR, AUSTELL, GA 30106 E-Mail: _____

X Javier Gonzalez Z
(Property owner's signature)



Signed, sealed and delivered in presence of: _____
Ruth Mestres My commission expires: August 29, 2014
Notary Public

Commission District: 4 VARIANCE Zoning Case: V-109 (2007)

Date of ^{Variance} ~~Zoning~~ Decision: 9-12-07 Original Date of Hearing: 9-12-07

Location: 1491 AUSTELL ROAD, MARIBETTA, GA 30008
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 224 District(s): 17

State specifically the need or reason(s) for Other Business: _____

Change of use to "RESTAURANT"

(List or attach additional information if needed)

Pd. CK 1029
219.00 / Appl. 300.00
Rec. 01093

Application for Variance Cobb County

(type or print clearly)

Application No. V-109

Hearing Date: 9-12-07

Applicant ANNE TAYLOR Business Phone 7707398948 Home Phone 6785718838

ANNE MICHELLE TAYLOR Address 1491 Austell Rd, Marietta
(representative's name, printed) (street, city, state and zip code)

AMT Business Phone 7707398948 Cell Phone 6785718838
(representative's signature)

Signed, sealed and delivered in presence of:

My commission Notary Public, Cobb County, Georgia
June 21, 2010
My Commission Expires June 21, 2010

[Signature]
Notary Public

Titleholder Owner ANNE TAYLOR Business Phone 7707398948 Home Phone 6785718838

Signature AMT Address: 1491 Austell Rd, Marietta GA 30067
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission Notary Public, Cobb County, Georgia
June 21, 2010
My Commission Expires June 21, 2010

[Signature]
Notary Public

Present Zoning of Property GC

Location 1491 AUSTELL ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 224 P42 District 17 Size of Tract .12 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 _____

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.

X Since purchasing the building I have had several costly and unresolvable problems. I purchased building on behalf of a relative who became very ill & could not complete his obligation to me. I have worked outside of Cobb County for years & would like the opportunity to have an office here.

List type of variance requested:
WAIVE THE LOT SIZE FROM A MINIMUM OF 20,000 SQFT TO 5432 SQFT

ORIGINAL DATE OF APPLICATION: 09-12-07

APPLICANT'S NAME: ANNE TAYLOR

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY
BOARD OF ZONING APPEALS ON SEPTEMBER 12, 2007**

ANNE TAYLOR (owner) requesting a variance to: 1) waive the minimum lot size from the required 20,000 square feet to 5,432 square feet; 2) waive the front setback from 50 feet to 0 feet; 3) waive the major side setback from 25 feet to 0 feet; 4) waive the required parking lot dimensions to allow a 19 foot wide drive aisle (24 foot required) and 16 foot deep parking stalls (19 feet required); and 5) waive the maximum allowable impervious surface from 70% to 100% in Land Lot 224 of the 17th District. Located at the northeast intersection of Austell Road and Barber Road (1491 Austell Road).

The public hearing was opened and Ms. Anne Taylor addressed the Board. Following presentation and discussion, the following motion was made:

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

- final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on September 18, 2007, at 9:00 a.m.
- letter of agreeable conditions from Ms. Anne Michelle Taylor submitted at the September 12, 2007 public hearing *with the exception of the listed prohibited uses* (attached and made a part of these minutes)
- per stated agreement by the Applicant at the public hearing and as described in the submitted letter – use restricted to real estate office *only*, with use change to be approved by the Board of Zoning Appeals
- wall signage only – no freestanding signs
- Development and Inspections Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Water Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED 4-0**

Min. Bk. 13 Petition No. V-109
Doc. Type Letter of
agreeable conditions
Meeting Date 9-12-07

To: Board of Zoning Appeals- September 12, Wednesday at 1 p.m.
Murray Homan, Bob Hovey, Bob Ott, Christi Trombetti, Judy Williams

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From: Anne Michelle Taylor

Re: 1491 Austell Road, Marietta, GA, 30008

I am requesting a variance to allow me to perform real estate activities at the above mentioned location. I initially acquired the building in an effort to help a family member pursue his business goals. However, he subsequently developed, and survived, congestive heart failure. In the same time frame his wife developed breast cancer. At this time my uncle advised me he could no longer take possession of the property.

This location will NOT be engaged in the following activities:

~~SELLING TIRES~~
~~AUTO SUPPLIES OR MAKE AUTO REPAIRS~~
~~POOL HALL~~
~~ADULT BOOKSTORE~~
~~CHECK CASHING~~
~~PAWN/TITLE SHOP~~

real estate office only

Very importantly, this location will not cause any traffic problems and not be a major gathering place for any reason.

This location Will be the following:

PROJECT A PROFESSIONAL APPEARANCE
PROPERLY MAINTAINED
CONTRIBUTE VALUABLE TAX DOLLARS
BE A POSITIVE ASSET TO THE COMMUNITY

The vast majority of my business is Internet based. I get referrals from organizations across the U.S ,and I in turn, via the Internet- send listings for rental, purchasing and selling of real estate. Homes are bought and sold on the Internet and this is the cutting edge of this industry. Similar to banks and other Internet only firms, its the new way to do business.

Most, if not all personal client contact will be held at the Vinings Club, a private membership facility that I joined five years ago for the purpose of meeting and entertaining. I have been brokering real estate for over nine years and I've always been a good neighbor. I will continue to be a good business partner for the Cobb county area and specifically Austell road.

Although I will have people working with me, this location I repeat ,will not be a gathering place for my business but an automatic advertising vehicle that will increase my visibility in the community and allow my business to secure more clients.

Professionally yours,


Anne Michelle Taylor

ORIGINAL DATE OF APPLICATION: 09-12-07APPLICANTS NAME: ANNE TAYLOR

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

BOC DECISION OF 09-18-07 ZONING HEARING:

**OTHER BUSINESS ITEM #3 – TO CONSIDER GRANTING A SPECIAL
EXCEPTION FOR REDUCING THE REQUIRED LOT SIZES AS
RECOMMENDED BY THE BOARD OF ZONING APPEALS FROM THEIR
SEPTEMBER 12, 2007 VARIANCE HEARING**

To consider granting Special Exceptions for reducing the required lot sizes as recommended by the Board of Zoning Appeals from their September 12, 2007 Variance Hearing regarding Variance Application V-109:

V-109 ANNE TAYLOR (owner) requesting a variance to: 1) waive the minimum lot size from the required 20,000 square feet to 5,432 square feet; 2) waive the front setback from 50 feet to 0 feet; 3) waive the major side setback from 25 feet to 0 feet; 4) waive the required parking lot dimensions to allow a 19 foot wide drive aisle (24 foot required) and 16 foot deep parking stalls (19 feet required); and 5) waive the maximum allowable impervious surface from 70% to 100% in Land Lot 224 of the 17th District. Located at the northeast intersection of Austell Road and Barber Road (1491 Austell Road).

Mr. Mark Danneman, Zoning Division Manager, provided information regarding V-109 (Anne Taylor). Following presentation and discussion, the following motion was made:

MOTION: Motion by Kesting, second by Olens, to approve a Special Exception pursuant to Zoning Ordinance Amendment adopted September 12, 2000 and amended July 8, 2003, Section 134-271(8) for V-109 (Anne Taylor) to waive the minimum lot size from the required 20,000 square feet to 5,432 square feet.

VOTE: **ADOPTED** unanimously

