

**SEPTEMBER 18, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 2

PURPOSE

To consider a stipulation amendment for Brian K. Mosher regarding rezoning application Z-13 (Billy H. Boyd) of 1989, for property located on the east side of Canton Road, south of Rosedale Drive, in Land Lots 588 and 637 of the 16th District.

BACKGROUND

The subject property is zoned General Commercial (GC) to allow a light automotive repair business. One of the stipulations from the 1989 rezoning case states “all work on cars to be done inside building”. The applicant would like to amend this stipulation due to the fact some vehicles have minor problems that may prohibit them from being moved inside the building, such as a flat tire or dead battery. The applicant is proposing the stipulation be amended to read:

“all work on cars to be inside building, with the exception of changing or charging dead batteries, changing flat tires or the like without air-powered tools for the purpose of enabling cars to be driven under their own power inside the building for additional repairs”.

If approved, all other stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

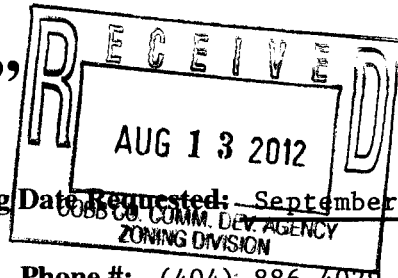
The Board of Commissioners conduct a Public Hearing and consider the stipulation amendment.

ATTACHMENTS

Other Business Application and stipulations.

Application for "Other Business" Cobb County, Georgia

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



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BOC Hearing Date Requested: ~~September 18, 2012~~

Applicant: Brian K. Mosher Phone #: (404) 886-4029
(applicant's name printed)

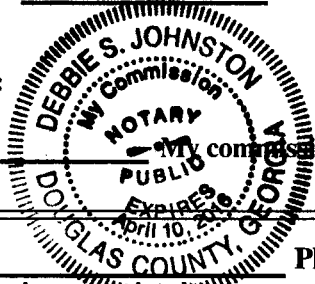
Address: 2558 Canton Rd. Marietta, GA 30066 E-Mail: bkml822@gmail.com
joel.larkin@samslarkinhuff.com

Joel Larkin, Esq. Address: 376 Powder Springs St., Suite 100, Marietta GA
(representative's name, printed) 30064

[Signature] Phone #: (770) 422-7016 E-Mail: jlarkin@samslarkinhuff.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



My commission expires: April 10, 2016

Titleholder(s): Brian K. Mosher Phone #: (404) 886-4029
(property owner's name printed)

Address: 2558 Canton Rd. Marietta, GA 30066 E-Mail: bkml822@gmail.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 3 **Zoning Case:** Z-13 1989

Date of Zoning Decision: 2/21/1989 **Original Date of Hearing:** 2/21/1989

Location: 2558 Canton Road, Marietta, GA 30066
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 588 and 637 **District(s):** 16th

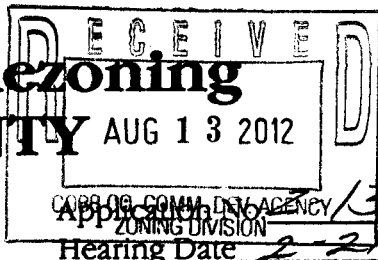
State specifically the need or reason(s) for Other Business: _____

Request is to change stipulation number 2 to read: "all work on cars to be inside building, with the exception of changing or charging dead batteries, changing flat tires or the like without air-powered tools for the purpose of enabling cars to be driven under their own power inside the building for additional repairs."

(List or attach additional information if needed)

Application for Rezoning COBB COUNTY

(type or print clearly)



Applicant Billy H. Boyd Business Phone 974-1244 Home Phone 382-1510
Address 4939 WOMACK AVENUE; ACWORTH, GA 30101

(representative's name, printed)

Business Phone _____ Home Phone _____

(representative's signature)

Titleholder Billy H. Boyd Business Phone 974-1244 Home Phone 382-1510
Signature [Signature] Address 4939 WOMACK AVENUE; ACWORTH, GA 30101

(attach additional signatures, if needed)

Zoning Request From ~~NS~~ NS To GC
(present zoning) (proposed zoning)

For the Purpose of AUTOMOTIVE REPAIR & TUNE-UP SHOP Size of Tract 1/2 - 3/4 acre(s)

(subdivision, restaurant, warehouse, apts., etc.)
Location 2558 CANTON HIGHWAY STATE RT. # 5 & BLACKWELL LANE
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 588, 637 District 16

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no there are such assets. If any, they are as follows:

[Signature]
Applicant's Signature

FOR OFFICIAL USE ONLY

Recommendation of Planning Commission 2/21/89 Planning Commission recommended approval of application subject to: 1) minor auto work only, no changing or mounting; 2) all work on cars to be inside building; 3) no wrecked or dismantled vehicles to be parked on site; 4) no billboards; 5) no portable signs; 6) existing privacy fence to rear of property to be replaced with 8 ft. privacy fence to rear of property to be replaced with 8 ft. privacy fence with wooded slats; 7) small building to

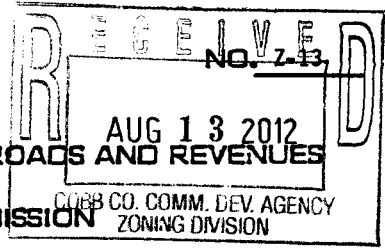
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[Signature] Chairman

Board of Commissioners' Decision 2/21/89 Board of Commissioners **approved** application as recommended by the Planning Commission. Carried 5-0.

[Signature] Chairman

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COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application _____ Date of Hearing 2/21/89

Applicant's Name Billy H. Boyd

Address _____

Recommendation of Planning Commission (Cont. from Page 1)

rear of property to be used for office use only; 8) area to the rear of building to be cleaned of all debris. Motion by Wise, second by Dameron, carried 4-0.

Henry A. ... Chairman

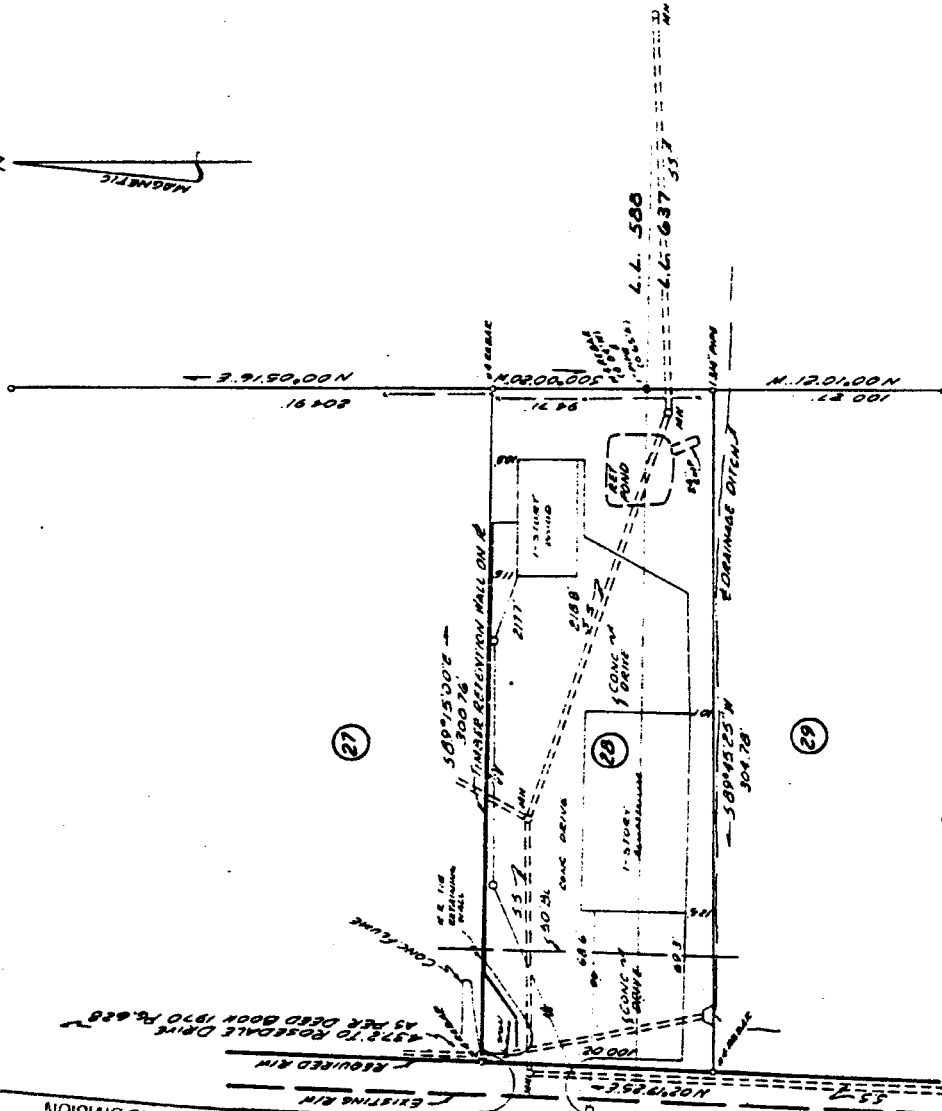
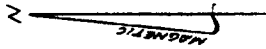
Final Decision of Board of Commissioners (Cont. from Page 1)

Philip L. ... Chairman

RD
EST. 1914
 AUG 13 2012
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

S.R. #5

MARIETTA CANTON HWY



SURVEY & PLAT OF PROPERTY IN
 L.L. 588 & 637-16TH DISTRICT
 COBB COUNTY, GEORGIA
 EDNA H. OWENSBY SUBDIVISION
 MADE FOR
**BOYD BURTON CONTRACTORS,
 INC.**

JULY 12, 1988
 SCALE 1" = 50'



William W. Wheeler

PREPARED BY
BI-JO
 LAND SURVEYING/PLANNING
 DEVELOPMENT DESIGN/SUPERVISION
 1639 LOMER ROBINELL RD.
 MARIETTA, GEORGIA 30068
 (404) 871-5079

E.C. PLAT 1: 227, 192

#88125