

**APRIL 16, 2013 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM #4**

**PURPOSE**

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their April 10, 2013 Variance Hearing regarding Variance Application:

V-47 St. Benedict’s Episcopal Church, 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. The Variance Analysis is attached for review. The Board of Zoning Appeals considered this variance at the April 10, 2013 Variance Hearing and recommended approval of the 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-47 St. Benedict’s Episcopal Church, LLC

**ATTACHMENTS**

Variance Analysis



**APPLICANT:** St. Benedict's Episcopal Church, LLC

**PETITION No.:** V-47

**PHONE:** 678-279-4300

**DATE OF HEARING:** 04-10-13

**REPRESENTATIVE:** John H. Moore

**PRESENT ZONING:** LRO, GC

**PHONE:** 770-429-1499

**LAND LOT(S):** 694

**TITLEHOLDER:** Irving C. Hoffman and Haynes Grading, Inc.

**DISTRICT:** 17

**PROPERTY LOCATION:** On the northeast corner of Cooper Lake Road and Weaver Street (2025, 2105 Cooper Lake Road).

**SIZE OF TRACT:** 2.09 acres

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** Waive the minimum lot size for a private school of general and special education from the required 5 acres to 2.09 acres.

**OPPOSITION:** No. OPPOSED        PETITION No.        SPOKESMAN       

**BOARD OF APPEALS DECISION**

APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       

STIPULATIONS:       



**APPLICANT:** St. Benedict's Episcopal  
Church, LLC

**PETITION No.:** V-47

\*\*\*\*\*

**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** No comments.

**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.

**DESIGN GUIDELINES:** No comment.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

**SEWER:** No conflict.

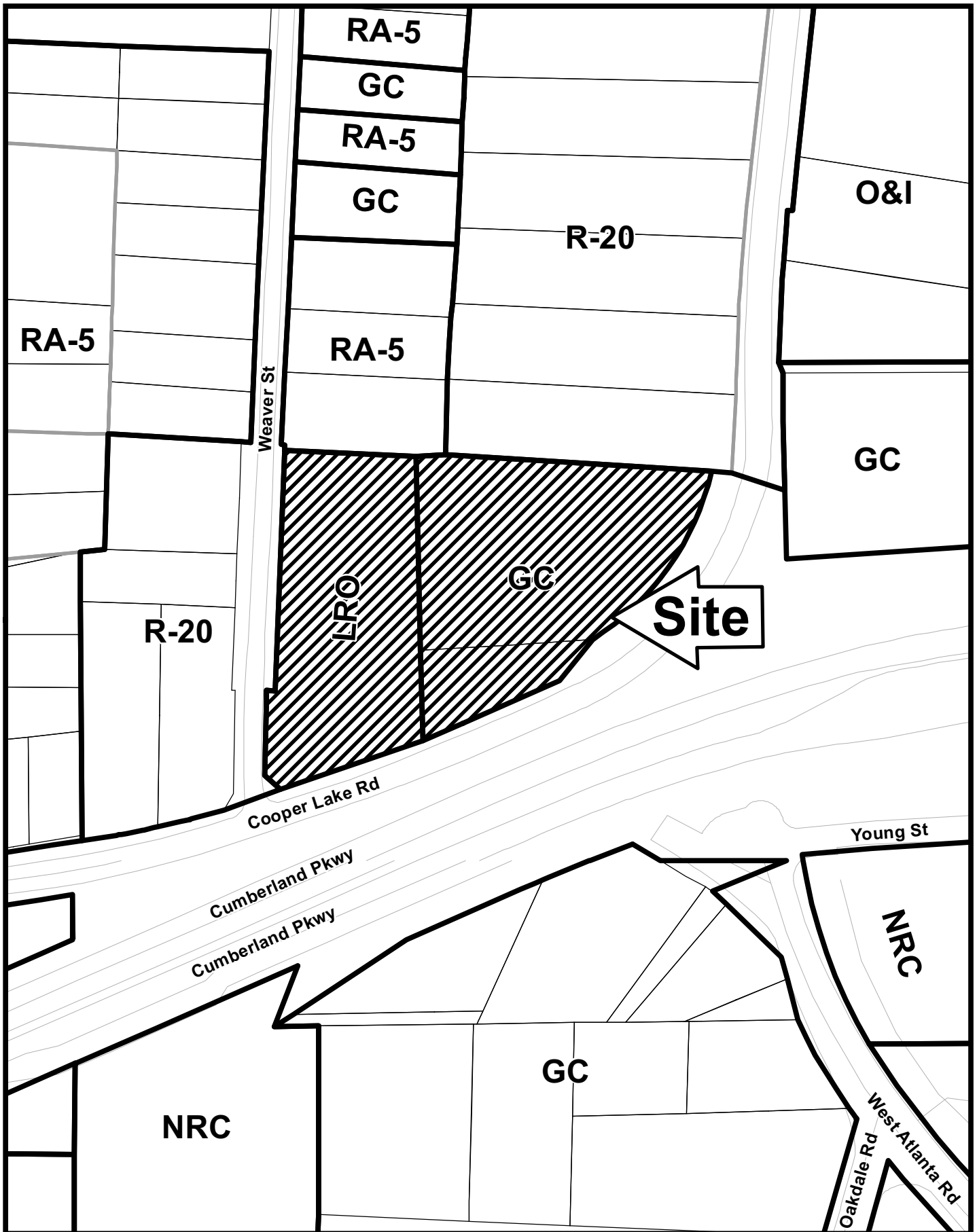
**APPLICANT:** St. Benedict's Episcopal  
Church, LLC

**PETITION No.:** V-47

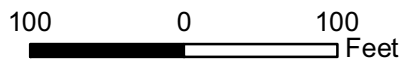
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-47



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- 47 (2013)  
Hearing Date: 04/10/2013

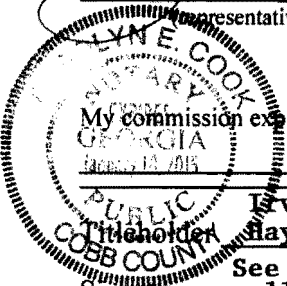
Applicant St. Benedict's Episcopal Church, LLC Phone # (678) 279-4300 E-mail fr.bsully@gmail.com  
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street  
John H. Moore Address Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jmoore@mijs.com  
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]  
Notary Public

My commission expires: January 10, 2015



Irving C. Hoffman and Phone # \_\_\_\_\_ E-mail \_\_\_\_\_  
Haynes Grading, Inc.

Signature See Exhibit "A" attached collectively hereto Address: \_\_\_\_\_  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_

Present Zoning of Property GC, LRO

Location Northwesterly side of Cooper Lake Road; easterly side of Weaver Street  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 694 District 17th Size of Tract 2.091 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 X 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.

See Exhibit "B" attached hereto and incorporated herein by reference.

List type of variance requested: Waiver of minimum five (5) acre requirement for the operation of a private school to 2.091 acres, more or less. (See § 134-271(7)(a)).

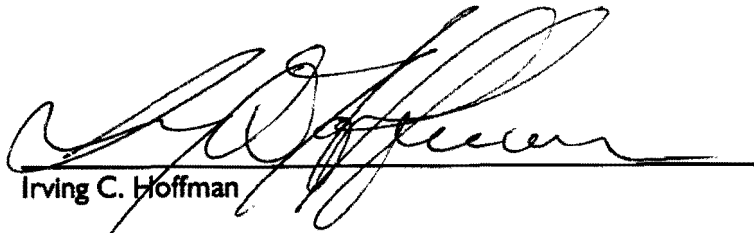
COBB COUNTY GEORGIA  
 FILED IN OFFICE  
 2013 FEB 14 PM 4:38  
 COBB COUNTY ZONING DIVISION  
 Notary Public

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE**

**Application No.:** V-\_\_\_\_\_ (2013)  
**Hearing Date:** April 10, 2013

**BEFORE THE COBB COUNTY PLANNING COMMISSION AND  
THE COBB COUNTY BOARD OF COMMISSIONERS**

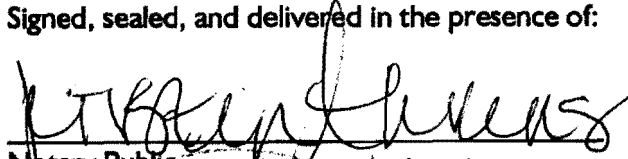
**Applicant:** St. Benedict's Episcopal Church, LLC  
**Property Owners:** Irving C. Hoffman and Haynes Grading, Inc.

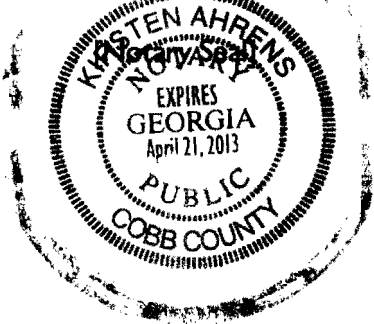
  
Irving C. Hoffman

**Address:** 3504 Ivy Manor Road  
Smyrna, Georgia 30080

**Telephone No.:** (770) 435-4117

Signed, sealed, and delivered in the presence of:

  
Notary Public  
Commission Expires: 4/21/13



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COBB COUNTY ZONING DIVISION



**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE**

**Application No.:** V-\_\_\_\_\_ (2013)  
**Hearing Dates:** April 10, 2013

**BEFORE THE COBB COUNTY PLANNING COMMISSION AND  
THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant:** St. Benedict's Episcopal Church, LLC  
**Property Owners:** Irving C. Hoffman and Haynes Grading, Inc.

HAYNES GRADING, INC.

BY: Jordan C. Haynes  
Jordan C. Haynes  
Vice President/Chief Financial Officer

(Corporate Seal)

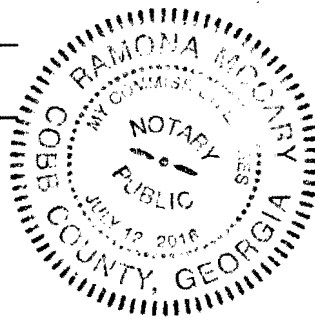
Address: 3105 Cooper Lake Road SE  
 Smyrna GA 30080  
Telephone No.: (770) 432-4998

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2013 FEB 14 PM 4:18  
COBB COUNTY ZONING DIVISION

Signed, sealed, and delivered in the presence of:

Ramona McCarty  
Notary Public  
Commission Expires: \_\_\_\_\_

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE**

**Application No.:** V-\_\_\_\_\_ (2013)

**Hearing Date:** April 10, 2013

**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

**Applicant:** St. Benedict's Episcopal Church, LLC

**Property Owners:** Irving C. Hoffman and Haynes Grading, Inc.

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant filed an Application for Rezoning, being Z-11 (2013), which is scheduled for hearings before the Cobb County Planning Commission and the Cobb County Board of Commissioners on March 5, 2013, and March 19, 2013, respectively, to rezone approximately 2.091 acres located on the northwesterly side of Cooper Lake Road and the easterly side of Weaver Street (being 2025 Weaver Street and 2105 Cooper Lake Road) (hereinafter the "Property" or the "Subject Property") to the Office and Institutional ("OI") zoning category. The purpose of the rezoning of the Subject Property is to allow for the expansion of its existing day school program. Applicant's day school program accommodates grades pre-school through 5<sup>th</sup> grade and is located at its main Church campus at 2160 Cooper Lake Road. The proposed expansion of the day school program would allow Applicant to add grades 6<sup>th</sup> through 8<sup>th</sup>.

Applicant, by this Application for Variance, seeks a waiver of the minimum five-acre requirement in order to accommodate the proposed expansion of its day school program on the Subject Property. By waiving the minimum acreage requirement, Applicant can expand its program to better serve not only its Church members, but children and families in the community.

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