

**JUNE 18, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM #2

PURPOSE

To consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals from their May 8, 2013 Variance Hearing regarding Variance Application:

V-51 Jeremy Rzentkowski

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on February 26, 2013, Section 134-94(4), the Board of Commissioners shall consider granting a Special Exception for backyard chickens, as pets or food source, after approval by the Board of Zoning Appeals. The Variance Analysis is attached for review. The Board of Zoning Appeals considered this appeal at the May 8, 2013 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals for Variance case:

V-51 Jeremy Rzentkowski

ATTACHMENTS

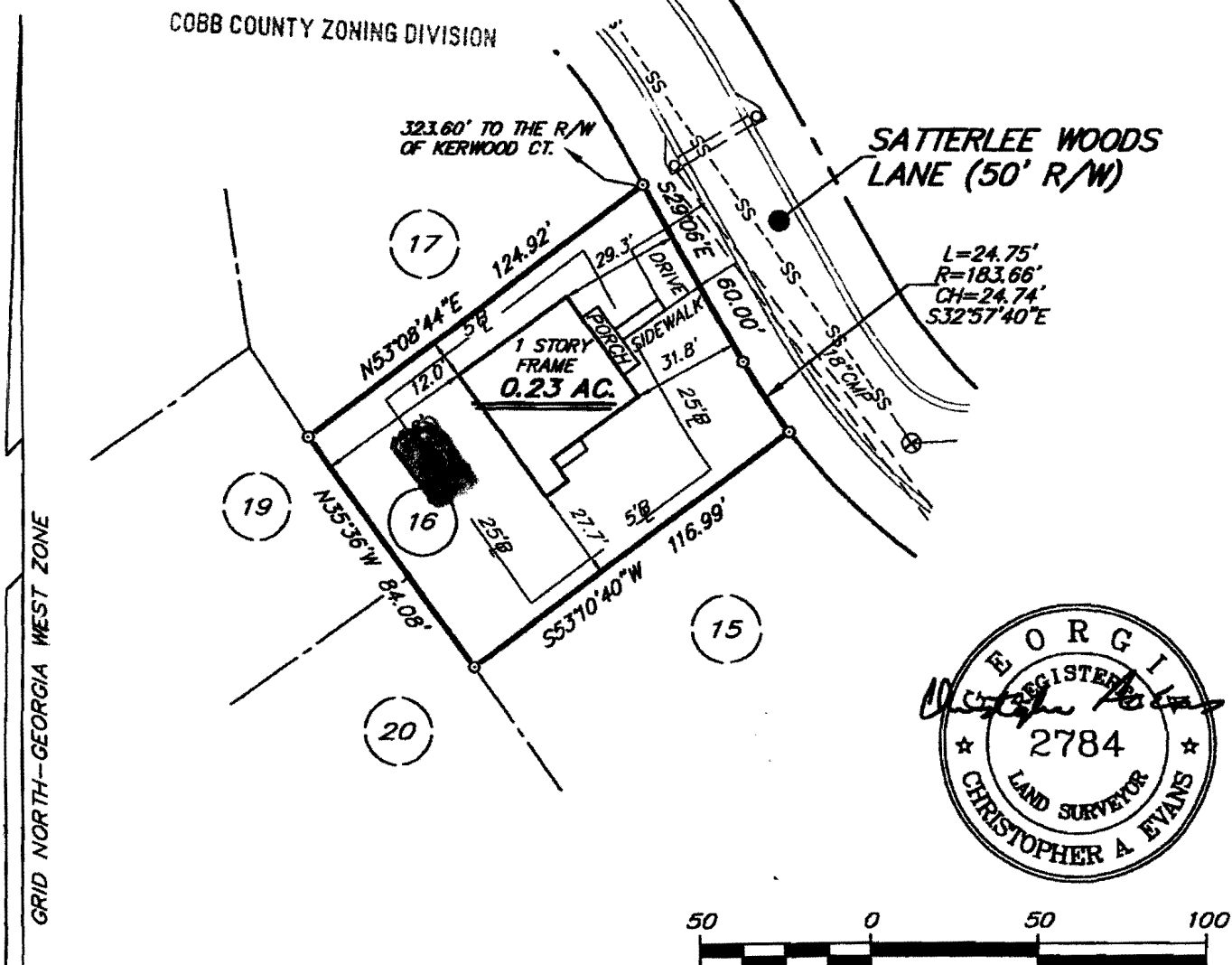
Variance Analysis and minutes.

V-51 (2013)

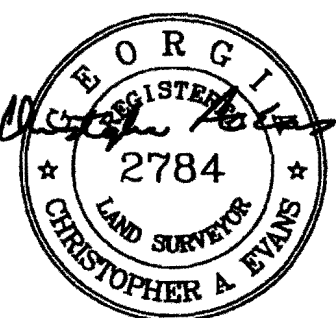
THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/10,000⁺; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/54,340. MATTERS OF TITLE ARE EXCEPTED.

2013 MAR 12 PM 12:22

COBB COUNTY ZONING DIVISION



L=24.75'
R=183.66'
CH=24.74'
S32°57'40\"/>



LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130052, MAP NUMBER # 13067 C 0216 G DATED DECEMBER 16, 2008.

DATE	: 10-27-09	REVISIONS
SCALE	: 1" = 50'	
DRAWN BY	: MAN	
CHECKED BY	: CAE	
FIELD BOOK	: 443B	

ASBUILT SURVEY FOR:

**NORTHWEST METRO ATLANTA
HABITAT FOR HUMANITY**
"HILLCREST EAST LOT 16"

LOCATED IN L.L. 495
18th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

Gaskins

ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL

1266 Powder Springs Rd Phone: (770) 424-7168
www.gscsurvey.com

Plotted on: Oct 27, 2009 - 12:54pm
Drawing name: J:\C123\HILLWORK\LOT\DWG\HCE LOT 16 CL.dwg
Red By: Sally Jordan

APPLICANT: Jeremy Rzentkowski

PETITION No.: V-51

PHONE: 770-966-9333

DATE OF HEARING: 05-08-13

REPRESENTATIVE: Jeremy Rzentkowski

PRESENT ZONING: R-15/OSC

PHONE: 770-966-9333

LAND LOT(S): 495

TITLEHOLDER: Jeremy Rzentkowski and Florenda Rzentkowski

DISTRICT: 18

PROPERTY LOCATION: On the west side of Satterlee Woods Lane, east of Hillcrest Drive (6963 Satterlee Woods Lane).

SIZE OF TRACT: 0.23 acre

COMMISSION DISTRICT: 4

TYPE OF VARIANCE: Request for appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source.

OPPOSITION: No. OPPOSED PETITION No. SPOKESMAN

BOARD OF APPEALS DECISION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

STIPULATIONS:



APPLICANT: Jeremy Rzentkowski **PETITION No.:** V-51

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: This parcel has very limited usable area with the steep slope at the rear of the lot.

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.

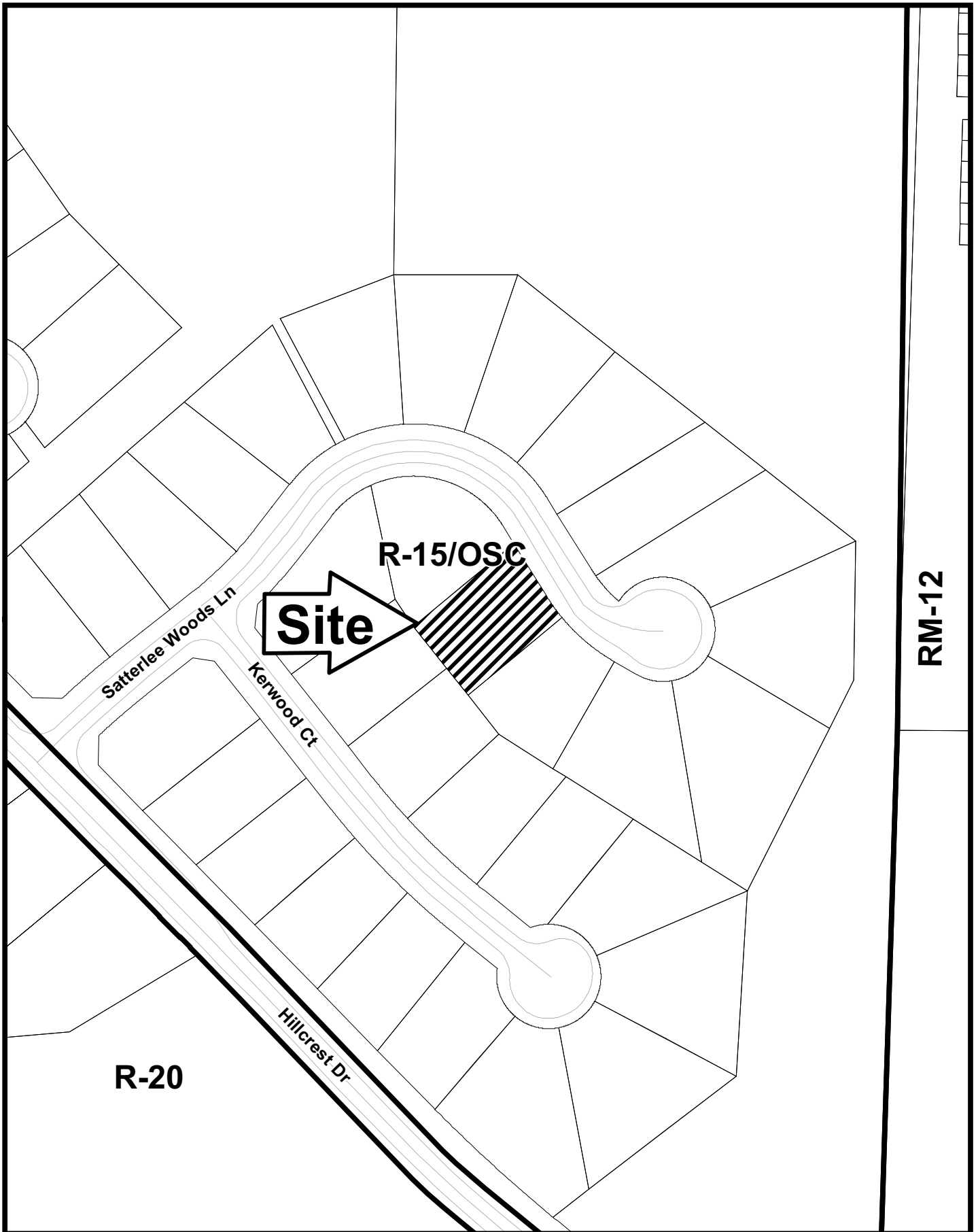
WATER: No conflict.

SEWER: No conflict.

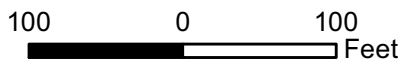
APPLICANT: Jeremy Rzentkowski **PETITION No.:** V-51



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-51



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

Application for Variance Cobb County

(type or print clearly)

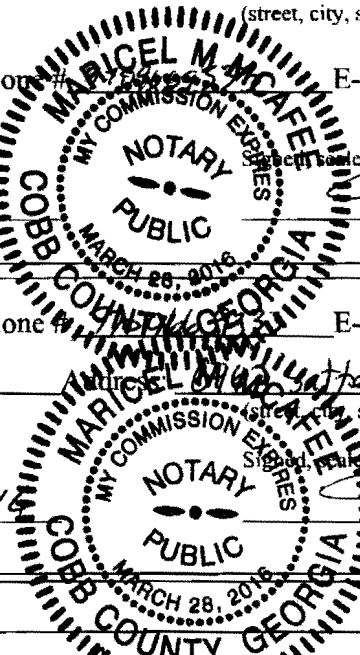
Application No. V-51
Hearing Date: 5-8-13

Applicant Jeremy Rzentkowski Phone # 7709669333 E-mail rzentkowski@gmail.com

Jeremy Rzentkowski Address 6963 Satterlee woods Lane Austell GA 30168
(representative's name, printed) (street, city, state and zip code)

 Phone # _____ E-mail rzentkowski@gmail.com
(representative's signature)

My commission expires: March 28, 2016 _____
Notary Public



Titleholder Jeremy + Florenda Rzentkowski Phone # _____ E-mail rzentkowski@gmail.com

Signature  Address 6963 Satterlee woods Lane Austell GA 30168
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: March 28, 2016 _____
Notary Public

Present Zoning of Property RA5

Location 6963 Satterlee woods Lane Austell GA 30168
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 495 District 18th Size of Tract 0.23 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

List type of variance requested: Chickens

V-51 (2013)

COBB COUNTY GEORGIA

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Requirements for Variance Application

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COBB COUNTY ZONING DIVISION

Application No. _____

Hearing Date: _____

Applicant's information for requesting backyard chickens

- 1. Is there a Homeowners Association (HOA) that oversees the property or subdivision? YES ___; NO X.
- 2. Does the HOA support your request? YES ___; NO ___; N/A- No HOA X.
- 3. Are there valid covenants or restrictions on the property that prohibit backyard chickens? YES ___ NO X.
(If there are valid covenants or restrictions prohibiting backyard chickens, then this application will not be heard by the Board of Zoning Appeals; This application will not be accepted, or will be withdrawn).
- 4. How many hens do you propose (no male birds allowed)? 2.
- 5. Can you comply with the County Code Sec-134-94(4)(a-j) below? YES X NO ___.



 Signature

Jeremy Rzentkowski

 Print Name

County Code adopted by the Board of Commissioners February 26, 2013:

Sec. 134-94 (4) Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source.

Poultry meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet considering the following minimum conditions:

- (a) Written consent or opposition of adjacent property owners, including the homeowners association, if applicable;
- (b) The poultry shall be kept/ maintained within a fenced area;
- (c) Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;
- (d) The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;
- (e) The poultry shall not cause a nuisance, as defined by State Law;
- (f) There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;
- (g) The slaughter of any hen on site is strictly prohibited;
- (h) The fee for the variance application shall be \$150.00;
- (i) The duration of any Variance approved for Poultry as Pets or Food Source shall not exceed 2 years; renewable for subsequent 2 year terms thereafter;
- (j) Any Variance approved for Poultry as Pets or Food Source shall be considered by the Board of Commissioners' in accordance with Section 134-271(8).

IMPORTANT NOTE: The following announcement concerns variance applications requesting backyard chickens relating to the Official Code of Cobb County, Chapter 134-94(4), adopted by the Board of Commissioners on February 26, 2013. Applicants are advised that variance applications requesting backyard chickens which are approved by the Board of Zoning Appeals take the form of a recommendation to the Board of Commissioners (BOC), who makes a final determination whether to grant a special exception for the backyard chickens. The BOC determination will take place the following month at the scheduled Zoning Hearing.

V-51 (2013)

COBB COUNTY GEORGIA
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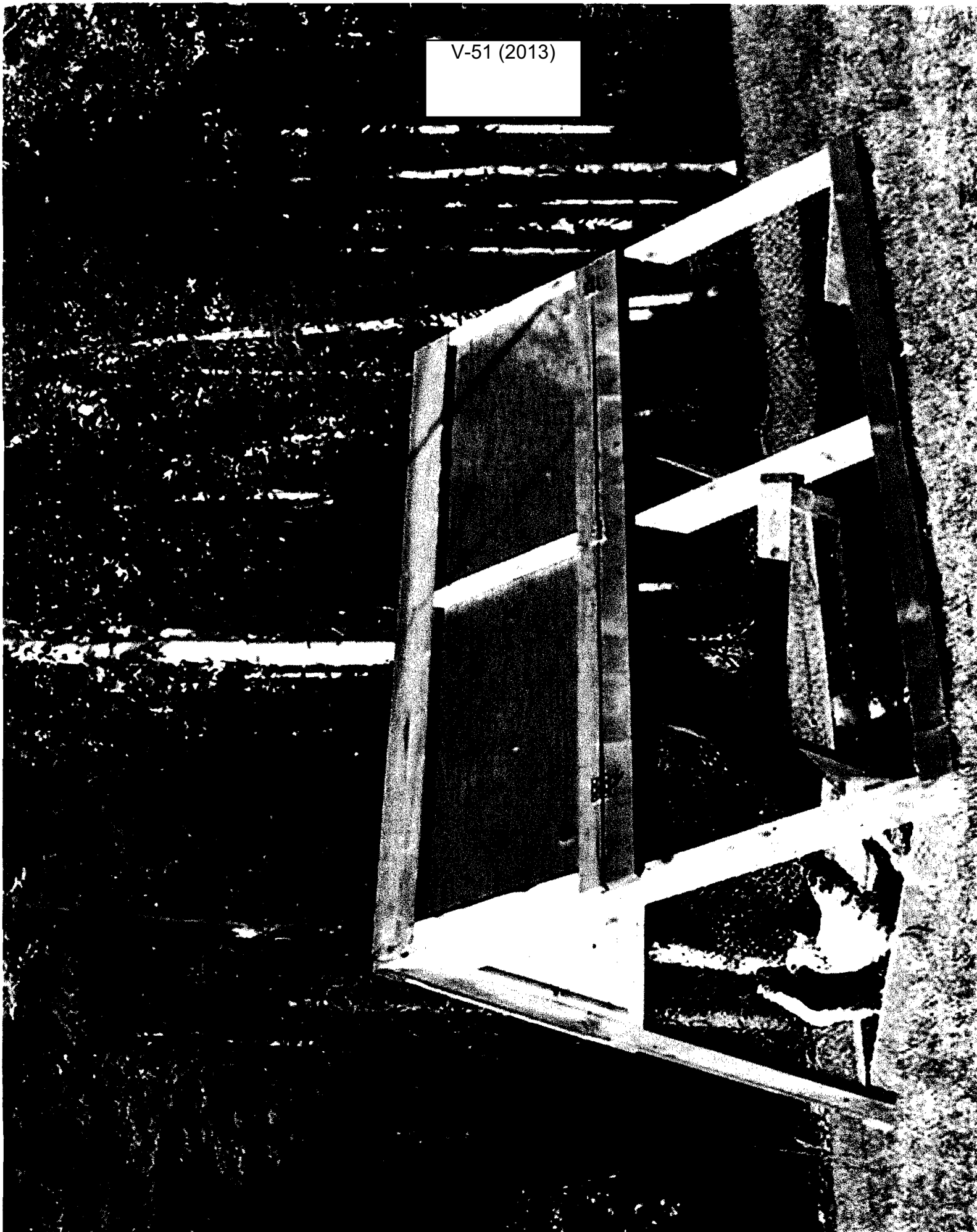
2013 MAR 12 PM 12: 22

COBB COUNTY ZONING DIVISION

The following picture is a coop design called "A" Fram ARK it is a moveable design so that it can be moved so the chickens can enjoy new clean grass

The coop structure would only be moved within the red rectangle behind the house.

V-51 (2013)



MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 8, 2013
PAGE 7

~~REGULAR CASES (CONT.)~~

V-46 JAMES B. SUTFIN, II (CONT.)

MOTION: Motion by Poteet, second by Williams, to approve variance requests No. 2, No. 3, No. 5 and No. 6 subject to:

- No residential or commercial use of the accessory structure
- Within 60 days of issuance of a Certificate of Occupancy for the proposed 3,000 square foot metal building, the existing garage and existing wood barn are to be torn down and the driveway/concrete removed, as shown on revised site plan dated April 15, 2013 (attached and made a part of these minutes)
- Concrete pad to rear of proposed building, as shown on original site plan, never to be built
- Installation of screening plantings (3 feet on center) along the western side of the proposed accessory structure to be approved by the County Arborist, and to be perpetually maintained

VOTE: ADOPTED unanimously

V-51 JEREMY RZENTKOWSKI (Jeremy Rzentkowski and Florenda Rzentkowski, owners) requesting a variance for appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source in Land Lot 495 of the 18th District. Located on the west side of Satterlee Woods Lane, east of Hillcrest Drive (6963 Satterlee Woods Lane).

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

MOTION: Motion by Homan, second by Hovey, to approve variance request for 12 months subject to:

- No sale of animals or eggs
- Maximum of two chickens allowed on this property
- Coop or fenced-in area restricted to backyard *only*, chickens to be kept in an area within ten feet of the back of the house for the length of house
- Final ratification of lot size reduction by the Board of Commissioners as required by code at their June 18, 2013 Zoning Hearing

VOTE: ADOPTED unanimously