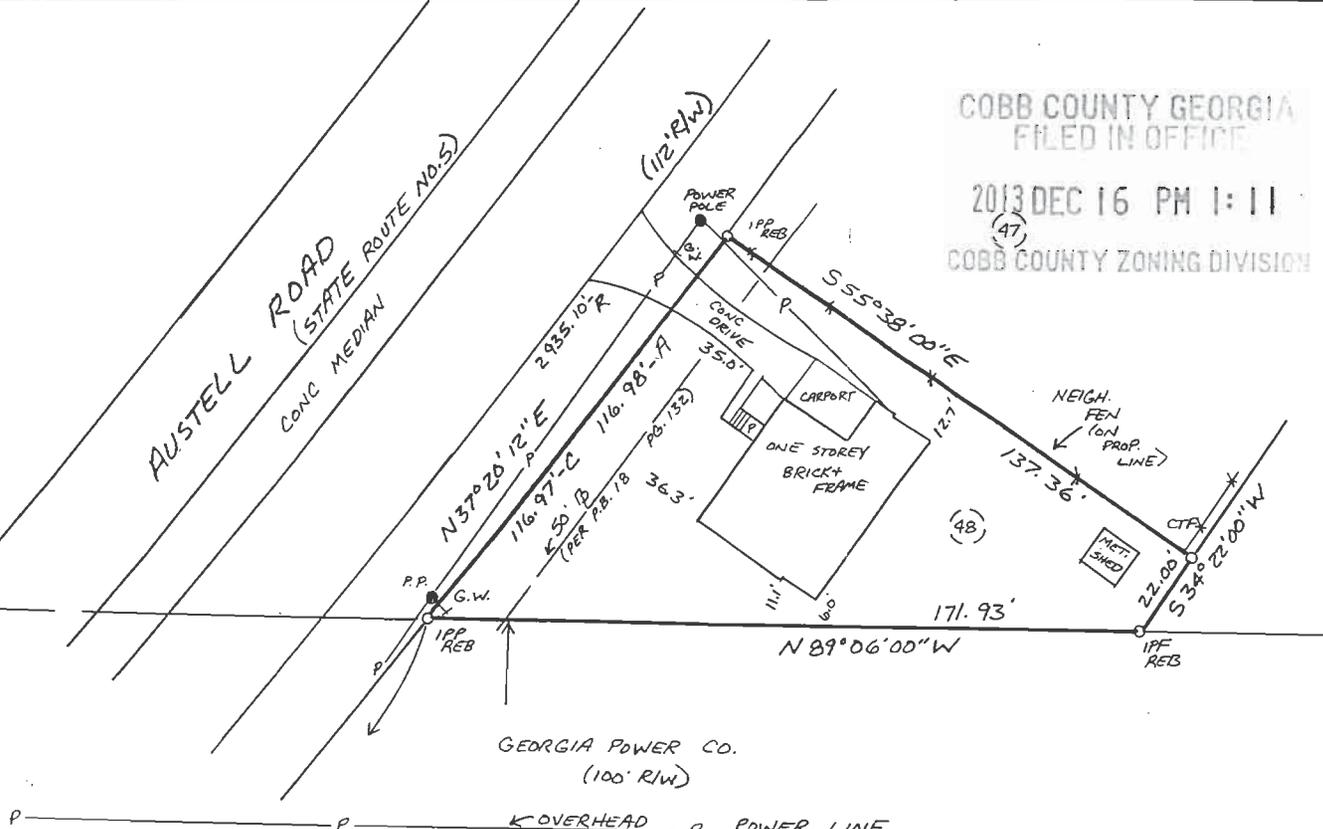


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(47)  
COBB COUNTY ZONING DIVISION



AUSTELL ROAD  
(STATE ROUTE NO. 5)  
CONC MEDIAN



AREA = 0.2194 ACRES  
#1877 AUSTELL ROAD  
D.B. 14562 PGS. 5379-53

LUP-9  
(2014)

P.O.B.  
332.36' TD R/W MON.  
AT R/W OF AUSTELL CIRCLE  
(FIELD TIE)

I HAVE THIS DATE, EXAMINED THE "FHA OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED HOUSE IN AN AREA HAVING SPECIAL FLOOD HAZARDS. **NOT**

PANEL NO. 13067C0116Pg  
LOCATION COBB  
ZONE "X"



THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000 FEET AND AN ANGULAR ERROR OF SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 20,000 FEET.

EQUIPMENT USED:  
TOPCON GTS-210

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

*James A. Evans, Jr.*  
**J.A. EVANS**  
SURVEYING CO., INC.  
POWDER SPRINGS, GEORGIA  
PH. 770-943-0000

**SURVEY FOR:**  
CELINE B. HERNANDEZ

LOT PT. 48 BLK.	UNIT	REVISIONS
SANTALL		
LAND LOT 155		
DISTRICT 17TH SECTION 2ND		CC
COBB COUNTY, GEORGIA		DRWN
PLAT BOOK 18 PAGE 132		CHKD
DATE: 3-29-12 SCALE: 1" = 30'		JOB #
		115-12

E. COOK

ORIGINALLY FINAL PLATTED 3/5/59

REPRO PRODUCTS 51305

**APPLICANT:** Celene B. Hernandez

**PETITION NO.:** LUP-9

(770) 316-0885

**HEARING DATE (PC):** 03-04-14

**REPRESENTATIVE:** Celene B. Hernandez

**HEARING DATE (BOC):** 03-18-14

(770) 316-0885

**PRESENT ZONING:** R-20

**TITLEHOLDER:** Celene B. Hernandez

**PROPOSED ZONING:** Land Use Permit

**PROPERTY LOCATION:** Southeast side of Austell Road,

northeast of Austell Circle

**PROPOSED USE:** Allow More Unrelated

(1877 Austell Road).

Adults and More Vehicles than Code Permits

**ACCESS TO PROPERTY:** Austell Road

**SIZE OF TRACT:** 0.2194 acre

**DISTRICT:** 17

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

**LAND LOT(S):** 155

**PARCEL(S):** 6

**TAXES: PAID**  **DUE** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**COMMISSION DISTRICT:** 4

**NORTH:** O&I/ Daycare Center

**SOUTH:** R-20/ Undeveloped

**EAST:** R-20/ Santell Subdivision

**WEST:** O&I/ Daycare Center

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

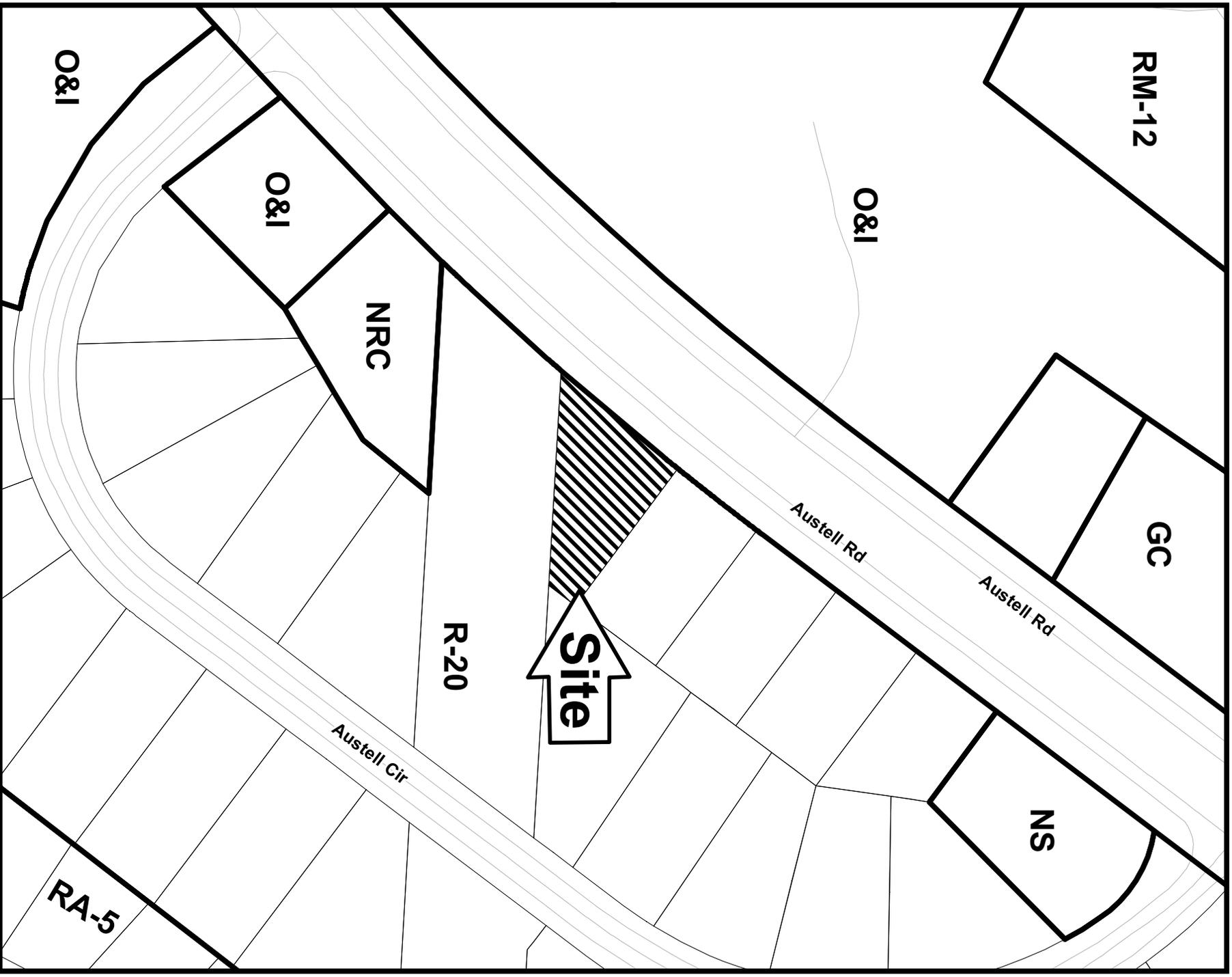
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

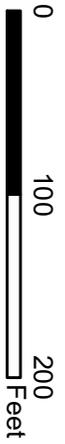
**STIPULATIONS:**



# LUP-9



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



City Boundary  
Zoning Boundary

**APPLICANT:** Celene B. Hernandez

**PETITION NO.:** LUP-9

**PRESENT ZONING:** R-20

**PETITION FOR:** LUP

\*\*\*\*\*

**ZONING COMMENTS:** Staff Member Responsible: Donald Wells

The applicant is requesting a Temporary Land Use Permit (LUP) in order to allow 4 related adults to live in a single family home and 5 vehicles regularly parked at the property. Per the County Code one family or two or fewer unrelated adults and their children and/or grandchildren may live in a single family home. The County Code also requires 390 square feet of living space per person, per vehicle as documented by the tax record. The applicant is requesting approval for 24 months. This application is a result of a compliant received by the Cobb County Code Enforcement Division.

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

No comments.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

Recommend no parking on the right-of-way.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

\*\*\*\*\*

**FIRE COMMENTS:**

No comments for this request, however, not to be used for a group home or personnel care home, without Fire Department approval. If there are four or more unrelated occupants, the structure must meet NFPA 101, Life Safety Code requirements and the Official Code of Cobb County, Georgia.

**APPLICANT: Celene B. Hernandez**

**PETITION NO.: LUP-9**

**PRESENT ZONING: R-20**

**PETITION FOR: LUP**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

No comments.

## STAFF RECOMMENDATIONS

**LUP-9                      CELENE B. HERNANDEZ**

The applicant is requesting a Temporary Land Use Permit (LUP) in order to allow 4 related adults to live in a single family home and 5 vehicles regularly parked at the property. Per the County Code one family or two or fewer unrelated adults and their children and/or grandchildren may live in a single family home. The County Code also requires 390 square feet of living space per person, per vehicle as documented by the tax record. The tax record shows 900 square feet of living space at the property. That will allow a maximum total of 2 related adults to live at the property, and 2 vehicles regularly parked at the property. The property is directly across the street from Duck Tails Day Care and Learning Center. Staff does not desire to break up a family. The applicant is requesting approval for 24 months. This application is a result of a compliant received by the Cobb County Code Enforcement Division. The property is located in a platted subdivision (Santell) within the Neighborhood Activity Center (NAC) land use category on the *Cobb County Comprehensive Plan*, and is zoned R-20. Based on the above analysis, Staff recommends **APPROVAL** of the applicants' request subject to the following conditions:

- Maximum 4 vehicles regularly parked at the property;
- All vehicles must be parked on a hard and treated surface;
- Group Home prohibited as a permitted use;
- Department of Transportation comments and recommendations

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**



Application #: L112-9  
 PC Hearing Date: 3-4-14  
 BOC Hearing Date: 3-18-14

## TEMPORARY LAND USE PERMIT WORKSHEET FOR NUMBER OF ADULTS AND/OR VEHICLES

1. Number of unrelated adults in the house? NONE
2. Number of related adults in the house? 4
3. Number of vehicles at the house? 5
4. Where do the residents park?  
 Driveway: 4; Street: \_\_\_\_\_; Garage: 1
5. Does the property owner live in the house? Yes \_\_\_\_\_; No ✓
6. Any outdoor storage? No \_\_\_\_\_; Yes ✓ (If yes, please state what is kept outside): yard tools

7. Length of time requested (24 months maximum): 24 months
8. Is this application a result of a Code Enforcement action? No \_\_\_\_\_; Yes ✓ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

9. Any additional information? (Please attach additional information if needed):  
ALL CARS ARE PARKED ON HARD SURFACE

Applicant signature: Mona B. Hernandez Date: 12/16/13

Applicant name (printed): Celene Beatriz Hernandez

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### ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: R-20

Size of house per Cobb County Tax Assessor records: 900

Number of related adults proposed: 4 Number permitted by code: 2

Number of unrelated adults proposed: 1 Number permitted by code: 2

Number of vehicles proposed: 5 Number permitted by code: 2

Number of vehicles proposed to be parked outside: 4 Number of vehicles permitted 3



Cobb County... Expect the Best!

**COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY**  
**Code Enforcement Division**

Mailing Address:  
 P.O. Box 649  
 Marietta, GA 30061

Physical Address:  
 1150 Powder Springs Rd.  
 Suite 400  
 Marietta, GA 30064

Phone: (770)528-2180  
 Fax: (770)528-2092

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COBB COUNTY ZONING DIVISION

# Notice of Violation

Violation Number

CODE-2013-08229

Date

November 1, 2013

The Cobb County Code Enforcement Division has grounds to believe the property located at:

1877 AUSTELL RD	17	0155	006	R-20
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)
				(Zoning)

and/or HERNANDEZ CELENE B (1256 FAIRRIDGE CIR SW, MARIETTA, GA 30008-6837)  
 and/or MARGARITO ROJOSANCHEZ

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from November 1, 2013. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment, or both.

Violation	Code Section	Requirement for Compliance
PARKING STANDARDS	134-272 (5) b & c	All vehicles must be parked on a hardened/treated surface. All tires must be on hardened/treated surface. Surface must be installed flush with the ground and capable of supporting all vehicle/equipment tires without driving onto or over an unapproved parking surface.
PERMITTED USE/SINGLE FAMILY DWELLING	134-197 (3)	Must comply with all requirements in the attached definition of dwelling unit. **see attached**

Brent Farrell 678-581-5421  
 Inspector Telephone



**COBB COUNTY  
COMMUNITY DEVELOPMENT AGENCY**

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Jerry Lanham  
SFCN  
COBB COUNTY Division Manager

Code Enforcement Division  
1150 Powder Springs St, Ste 400  
Marietta, Georgia 30064  
(770) 528-2180 fax (770) 528-2092

Incident Number: CODE-2013-082229

Follow the attached ordinances – One family (within the fourth degree) **OR** two or fewer unrelated adults may occupy a single-family residence. There must be at least 390 square feet of total building square footage for each related adult occupant and each vehicle regularly parked at the residence.

The tax records for this property show \_\_\_\_\_ 900 \_\_\_\_\_ square feet which allows for \_\_\_\_\_ 2 \_\_\_\_\_ related adults or two or fewer unrelated adults; and \_\_\_\_\_ 2 \_\_\_\_\_ vehicles to be regularly parked at this residence.

Please provide a notarized statement within the next 10 days stating how many adults reside at this residence, and how they are related. Additionally, please state the vehicles that are regularly parked at this residence.

---

**Section 134-1 DEFINITIONS**

*Adult* means any person over the age of 18 years old or legally emancipated in the State of Georgia

*Family* means two or more persons related by blood, legal adoption, or marriage, occupying a dwelling. Related means persons are all related to each other within the fourth degree, as defined in O.C.G.A. § 53-2-1, which includes parents, children, grandparents, grandchildren, brothers and sisters. State of Georgia authorized foster children of a family member shall also be deemed a member of the family for this purpose

*Single-family dwelling unit:* A single-family dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren.

- (1) A single-family dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.
- (2) A single-family dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant.

(3) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the single-family dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of three or less (of the total) parked outside of a garage, carport or the like for properties zoned RA-5, R-15 and R-20. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of four or less (of the total) parked outside of a garage, carport or the like for properties zoned R-30 and R-40. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of five or less (of the total) parked outside of a garage, carport or the like for properties zoned R-80 and RR. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of nights in any seven-day period.

Exceptions to subparagraphs (2) and (3) may be considered as part of a land use permit processed in accordance with section 134-36

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