

LUP-10  
(2014)

**GENERAL NOTES~**

ANG. ERROR: 2" PER TURN  
FIELD PRECISION: 1 IN 56,553  
COMPASS RULE ADJUSTMENT  
EQUIPMENT: TOPCON GTS-235.  
PLAT PRECISION: 1 IN 290,124  
ALL MATTERS OF TITLE ARE EXCEPTED.

ALL I.P.'s ARE 1/2" REBARS,  
UNLESS OTHERWISE INDICATED.

THIS SURVEY WAS PREPARED  
WITHOUT THE BENEFIT OF A  
TITLE SEARCH. THERE MAY BE  
EASEMENTS OR OTHER  
ENCUMBRANCES NOT SHOWN.

\*PER DEED AND PLAT RECORDS;  
NO MONUMENT FOUND.

REFERENCES: 1) DB 14870, PG. 6182  
2) PB 7, PG. 197

CURRENT ZONING = R-20.

SETBACKS:  
FRONT = 35'  
SIDE = 10'  
REAR = 35'



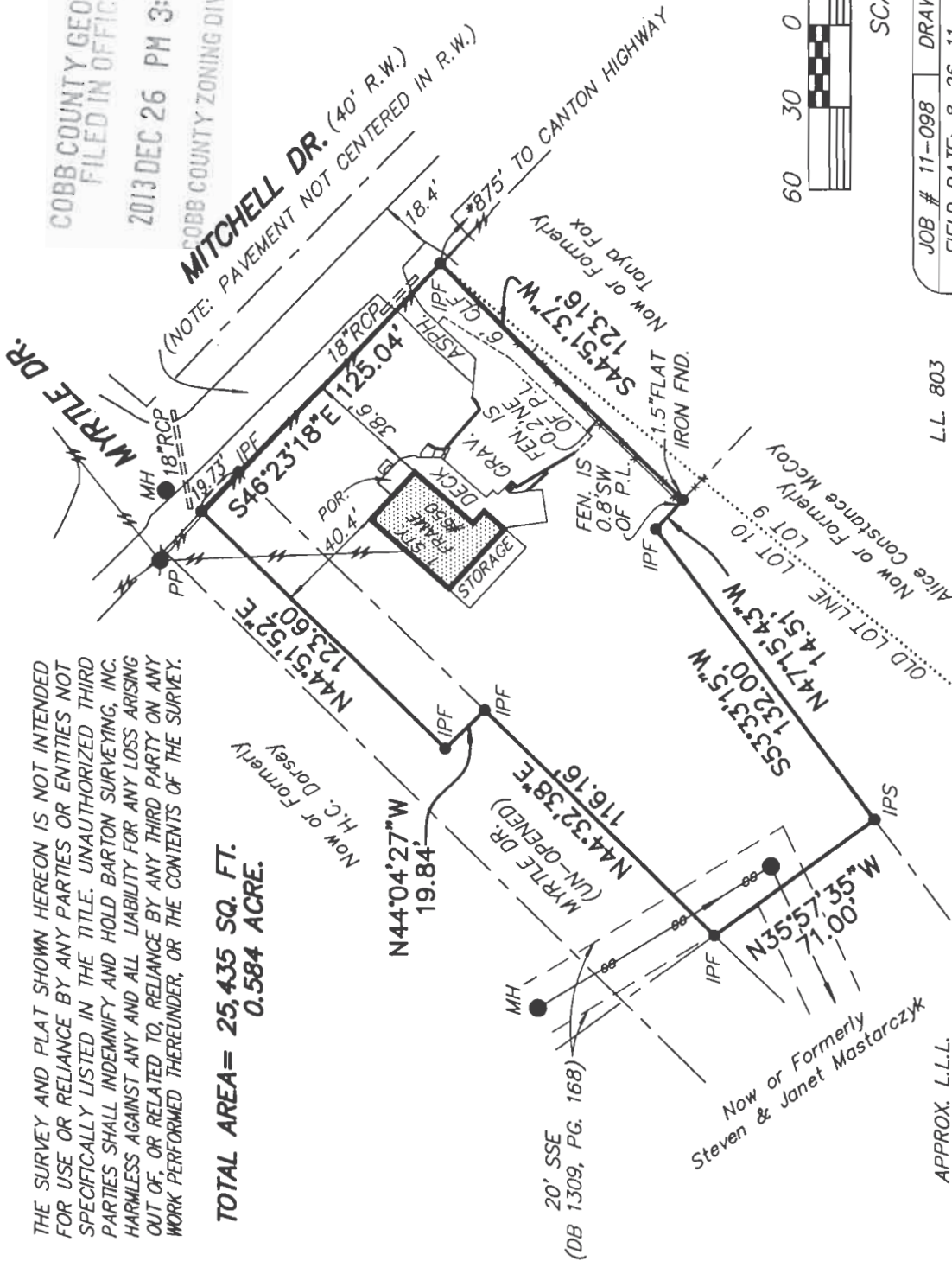
SCALE IN FEET

JOB # 11-098 DRAWN BY: TLD CHECKED BY: DB  
FIELD DATE: 8-26-11 PLAT PREPARED: 8-29-11

**BOUNDARY SURVEY FOR**

**MARSHA SOUDERS**

(INCLUDES PART OF LOT 10, BLOCK A, WEST OAK SUBDIVISION)  
LOCATED IN LAND LOT 803  
16th DISTRICT, 2nd SECTION  
COBB COUNTY, GEORGIA  
AUGUST 26, 2011 1"=60'



THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD BARTON SURVEYING, INC. HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

**TOTAL AREA= 25,435 SQ. FT.  
0.584 ACRE.**

MAGNETIC NORTH

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13067C 0106 G, DATED DECEMBER 16, 2008, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

L.L. 803  
L.L. 854

APPROX. L.L.L.

**BARTON SURVEYING  
INC.**



1500 PALM STREET  
CANTON, GEORGIA 30115  
(770) 345-2810



**APPLICANT:** Marsha Souders

(770) 833-7173

**REPRESENTATIVE:** Marsha Souders

(770) 833-7173

**TITLEHOLDER:** Robert S. Souders

**PROPERTY LOCATION:** Southwest side of Mitchell Drive,  
west of Canton Road

(650 Mitchell Drive).

**ACCESS TO PROPERTY:** Mitchell Drive

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

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ West Oak Subdivision

**SOUTH:** R2 (City of Marietta)/ Single Family Home

**EAST:** R-20/ West Oak Subdivision

**WEST:** R-20/ West Oak Subdivision

**PETITION NO:** LUP-10

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

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

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Parking Equipment for  
Landscape Business

**SIZE OF TRACT:** 0.58 acre

**DISTRICT:** 16

**LAND LOT(S):** 803

**PARCEL(S):** 27

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

**COMMISSION DISTRICT:** 3

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

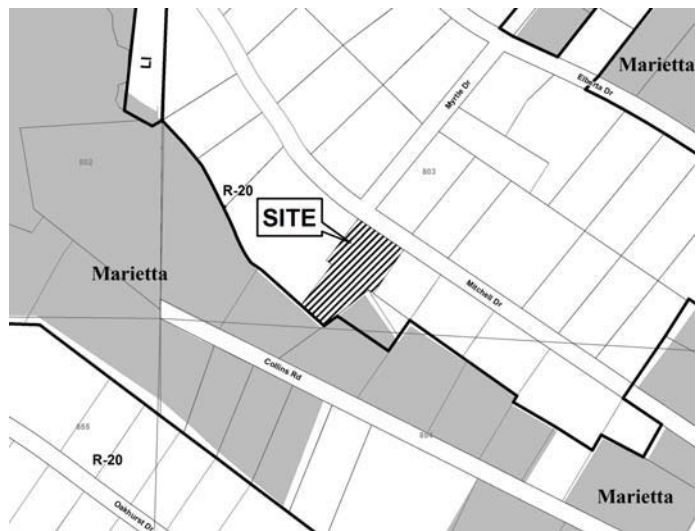
**BOARD OF COMMISSIONERS DECISION**

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

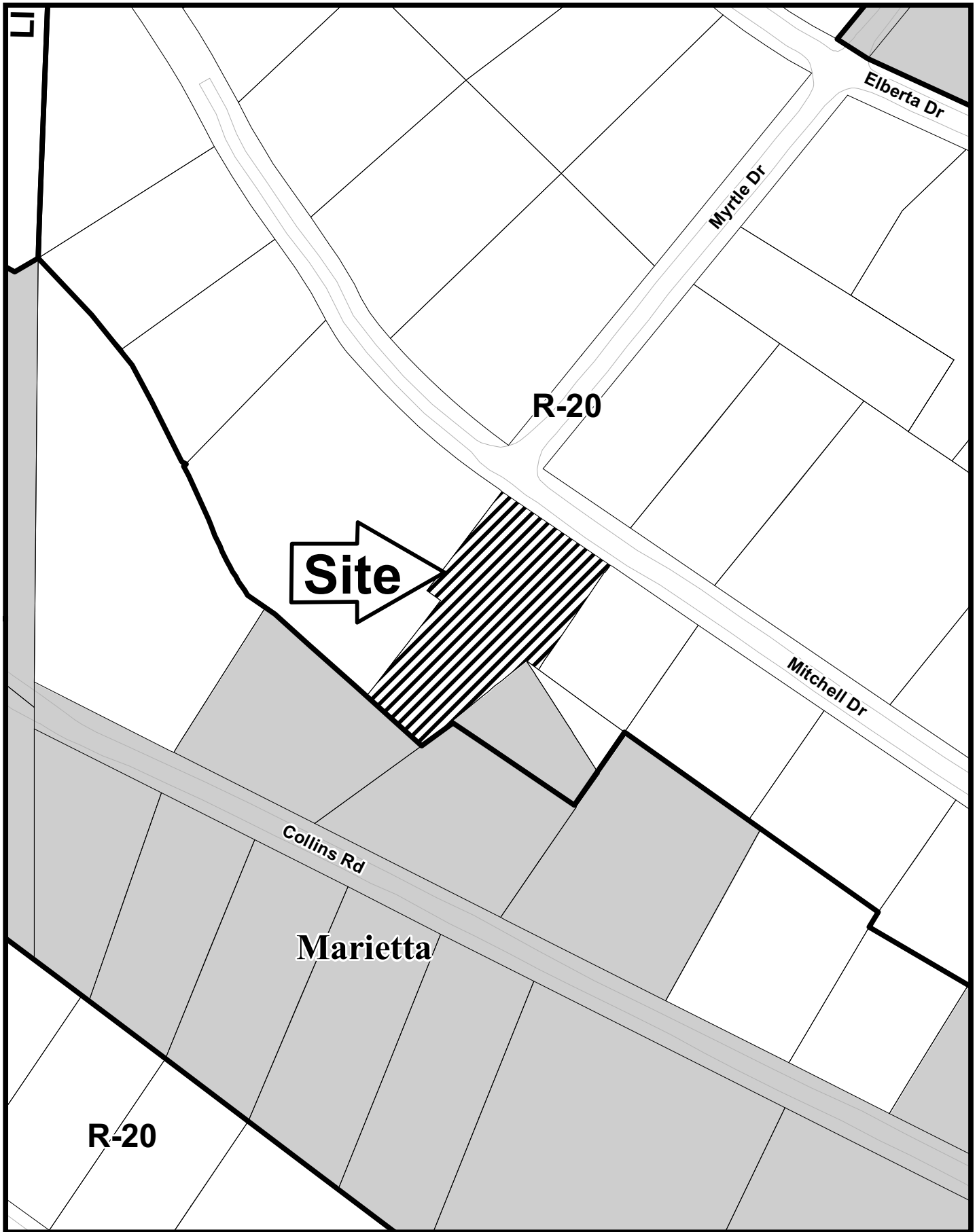
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

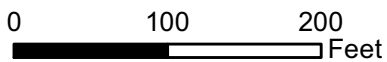
**STIPULATIONS:**



# LUP-10



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



City Boundary  
Zoning Boundary

**APPLICANT:** Marsha Souders

**PETITION NO.:** LUP-10

**PRESENT ZONING:** R-20

**PETITION FOR:** LUP

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

The applicant is requesting a Temporary Land Use Permit to operate a landscaping service from this property. The business will operate Monday through Friday, from 8:00 am to 6:00 pm. There will be 2 employees, and the applicant will not have any clients, customers, or sales persons coming to the house. The applicant is requesting 2 business related vehicles over 12,500 pounds, and a bobcat with a trailer to be regularly parked at the property. The applicant states there will be no signs, outdoor storage. The applicant does not live at the property, and has requested approval for 12 months.

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment.

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**WATER & SEWER COMMENTS:**

No comments.

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**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.

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**FIRE COMMENTS:**

APPLICANT: Marsha Souders

PETITION NO.: LUP-10

PRESENT ZONING: R-20

PETITION FOR: LUP

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek Trib #3 FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on \_\_\_\_\_.

APPLICANT: Marsha Souders

PETITION NO.: LUP-10

PRESENT ZONING: R-20

PETITION FOR: LUP

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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed operation is an intense use for a residentially zoned parcel. The paving required to provide adequate parking for all the business equipment may exceed the 35% allowable impervious coverage limit for this zoning district.
2. If approved all chemicals, fertilizers, etc must be stored under cover.

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## STAFF RECOMMENDATIONS

### **LUP-10      MARSHA SOUDERS**

The applicant is requesting a Temporary Land Use Permit to operate a landscaping service from this property. The business will operate Monday through Friday, from 8:00 am to 6:00 pm. There will be 2 employees, and the applicant will not have any clients, customers, or sales persons coming to the house. The applicant is requesting 2 business related vehicles over 12,500 pounds, and a bobcat with a trailer to be regularly parked at the property. The applicant states there will be no signs, outdoor storage. The applicant does not live at the property. The property is located in a platted subdivision (West Oak) within the Industrial Compatible (IC) land use category on the *Cobb County Comprehensive Plan*, and is zoned R-20. The applicant is requesting approval for 12 months. This application is a result of a complaint received by the Cobb County Code Enforcement Division. Applicant has submitted the attached "Consent of Contiguous Occupants or Land Owners" for your review. Based on the above analysis and a strict interpretation of the Code, Staff recommends **DENIAL** of the applicants' request

**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.**



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Application #: LUP-10  
 PC Hearing Date: 3-4-14  
 BOC Hearing Date: 3-18-14

## TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business, or request? Landscape Service
  2. Number of employees? 2
  3. Days of operation? Mon - Fri
  4. Hours of operation? 8A - 6p
  5. Number of clients, customers, or sales persons coming to the house per day? 0 ; Per week? 0
  6. Where do clients, customers and/or employees park?  
 Driveway: \_\_\_\_\_ ; Street: \_\_\_\_\_ ; Other (Explain): NONE  
SON - Lives at home
  7. Signs? No: X ; Yes: \_\_\_\_\_. (If yes, then how many, size, and location): \_\_\_\_\_
  8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): Ford F150 with Dump body  
Ford F550 - utility truck - bobcat + trailer
  9. Deliveries? No X ; Yes \_\_\_\_\_. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) \_\_\_\_\_
  10. Does the applicant live in the house? Yes \_\_\_\_\_ ; No SON Lives at home
  11. Any outdoor storage? No X ; Yes \_\_\_\_\_. (If yes, please state what is kept outside): \_\_\_\_\_
  12. Length of time requested (24 months maximum): 12 months
  13. Is this application a result of a Code Enforcement action? No \_\_\_ ; Yes X (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
  14. Any additional information? (Please attach additional information if needed):  
Attached letter
- Applicant signature: Marsha Sanders Date: 12/26/13
- Applicant name (printed): Marsha Sanders

COBB COUNTY GEORGIA  
 FILED IN OFFICE  
 2013 DEC 26 PM 3:39  
 COBB COUNTY ZONING DIVISION

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ATTACHMENT –APPLICATION FOR TEMPORY LAND USE PERMIT

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**TO:** COBB COUNTY ZONING  
**FROM:** MARSHA SOUDERS  
**SUBJECT:** LAND USE – 650 MITCHELL DR 30066  
**DATE:** DECEMBER 26, 2013  
**CC:**

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I purchased property zone CRC in the City of Marietta, 301-311 Old Clay St. last August which was said to allow a commercial landscape businesses. CRC, Community Retail Commercial 708.16. The property has two houses that needed to be removed. This required the asbestos testing and abatement. The work was completed two weeks ago. I went to get the permits to demo the houses and additional filings to get business license and was told we could not operate the business from this property. Two weeks ago I was told we are inside the “overlay” district for City of Marietta. – Commerical Corridor Design Overlay District – 712.09. This was the first news about this zoning. In further checking, we are not really in the district overlay, but in the 750 foot extended buffer of the overlay. I am asking the city to see if there is anything we can do about rezoning. If not, I’ll have to sell the property and look for another place to operate the business, Georgia Tree Pro, Inc. During this time, I’d like to use the property at 650 Mitchell Drive to park the equipment used most frequently for our work. If allowed to do so, we will pave a parking area to accommodate the 2 trucks and bobcat on trailer. By granting the Temporary Land Use Permit it will allow me time to sort out the issues with property by either rezoning or sell and purchase another location.

Thank you for your consideration of this request.



Marsha Souders  
3711 Roselle Way  
Marietta GA 30062  
770 833 7173-Cell

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2013 DEC 26 PM 3:39  
COBB COUNTY ZONING DIVISION

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

LUP-10 (2014)  
Notice of  
Violation



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

COBB COUNTY ZONING DIVISION  
 2013 DEC 26 PM 3:39  
 COBB COUNTY GEORGIA  
 FILED IN OFFICE

# Notice of Violation

**Violation Number** CODE-2013-09098 **Date** December 12, 2013

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

650 MITCHELL DR		16	0803	027	R-20
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)
and/or SOUDERS ROBERT S E WAY, MARIETTA, GA 30062					
and/or BRAD MALLETT					

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 December 12, 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
PERMITTED USE/CUSTOMARY HOME OCCUPATION	134-197 (3)	Observe all Customary Home Occupation (CHO) regulations. **No employees, clients, materials, equipment, etc. allowed at residence. Only 1 business vehicle weighing less than 12,500 lb. gross vehicle weight is allowed at residence.
USE LIMITATION/ BUSINESS VEHICLES	134-197 (11) c	Only one business vehicle weighing less than 12,500 lbs. gross vehicle weight allowed at residence. 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.
PARKING STANDARDS	134-272 (5) b & c	
USE LIMITATIONS/ OUTSIDE STORAGE	134-197 (11) e	Only firewood and lawn furnishings are allowed to be stored outside. Remove all other items.

*Miller*