

**FEBRUARY 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-01

PURPOSE

To consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals from their December 10, 2014 Variance Hearing regarding Variance Application:

V-119 David and Katrina Blauvelt

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on February 26, 2013, and amended on March 11, 2014, 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 December 10, 2014 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-119 David and Katrina Blauvelt

ATTACHMENTS

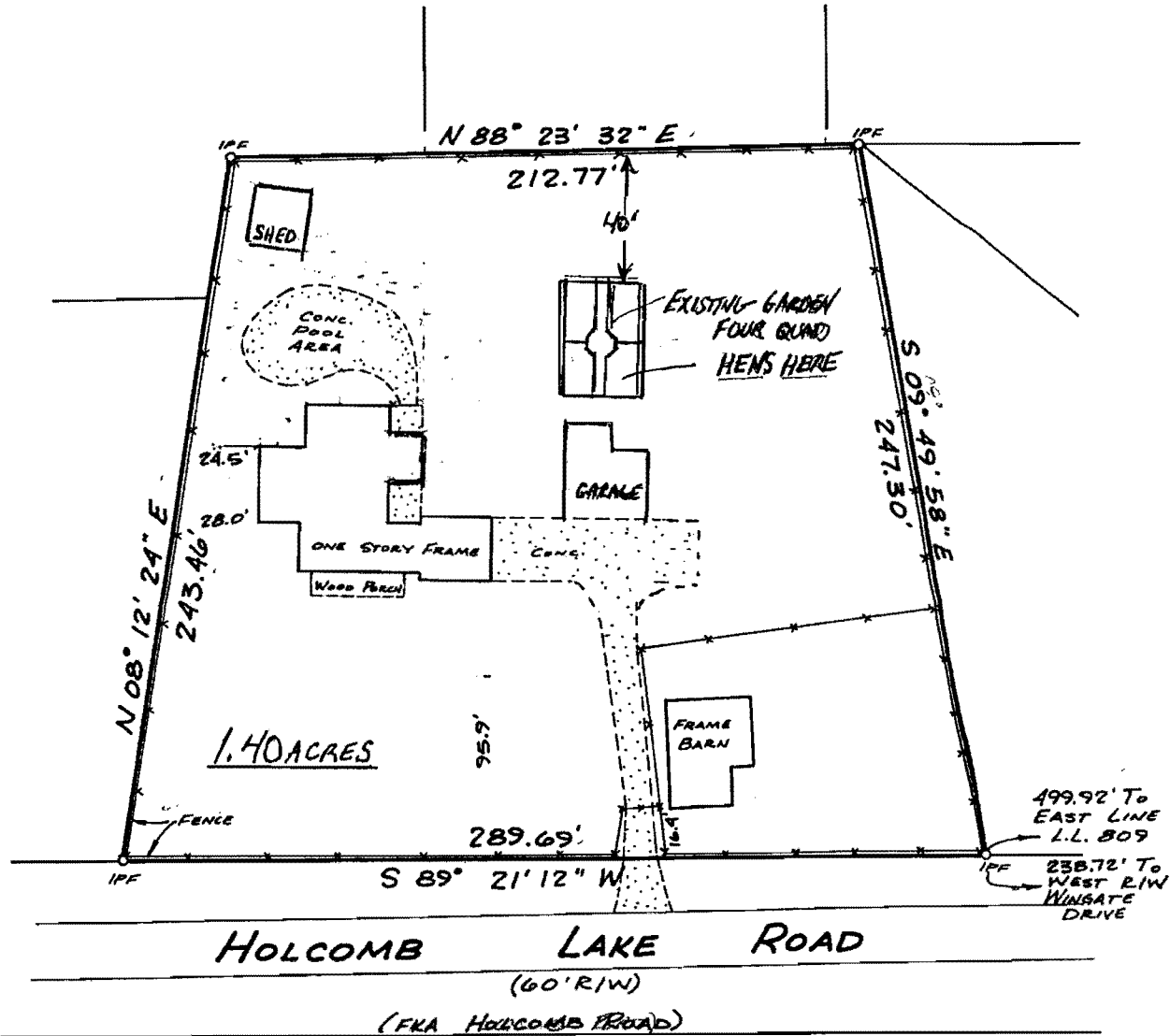
Variance analysis and minutes.

V-119
(2014)

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY MEASUREMENTS OF ONE FOOT IN 10,000 FEET, AND AN ANGULAR ERROR OF ONE SECOND PER ANGLE POINT, AND WAS ADJUSTED BY THE METHOD OF LEAST SQUARES. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

OCT - 9 2014

N



McLUNG
SURVEYING INC.

1545 HOLCOMB LAKE ROAD

This property (is not) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.

In my opinion this plat is a correct representation of the land plotted.

Perry E. McClung
Perry E. McClung, Surveyor



1.5.17.11 10

Fences should not be placed using side dimensions from house.

PROPERTY OF
DAVID M. BLAUVELT
KATRINA D. BLAUVELT

40'

LAND LOT 809
DISTRICT 16TH SECTION 2ND
COUNTY COBB
GEORGIA

DATE 7-28-95 SCALE 1" = 40'

DB 6102 PG 314
PB PG
MM

APPLICANT:	<u>David and Katrina Blauvelt</u>	PETITION No.:	<u>V-119</u>
PHONE:	<u>404-200-6998</u>	DATE OF HEARING:	<u>12-10-2014</u>
REPRESENTATIVE:	<u>Katrina Blauvelt</u>	PRESENT ZONING:	<u>R-30</u>
PHONE:	<u>404-200-6998</u>	LAND LOT(S):	<u>809</u>
TITLEHOLDER:	<u>David M. Blauvelt and Katrina D. Blauvelt</u>	DISTRICT:	<u>16</u>
PROPERTY LOCATION:	<u>On the north side of</u> <u>Holcomb Lake Road, east of Scufflegrit Road</u> <u>(1545 Holcomb Lake Road).</u>	SIZE OF TRACT:	<u>1.4 acres</u>
TYPE OF VARIANCE:	<u>An authorization upon appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source.</u>		

OPPOSITION: No. OPPOSED _____ PETITION No. _____ SPOKESMAN _____

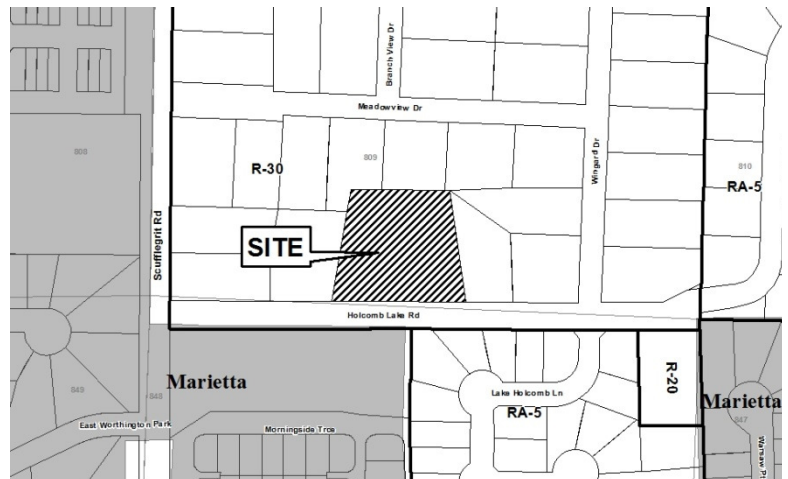
BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS: _____



APPLICANT: David and Katrina Blauvelt **PETITION No.:** V-119

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 comment.

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.

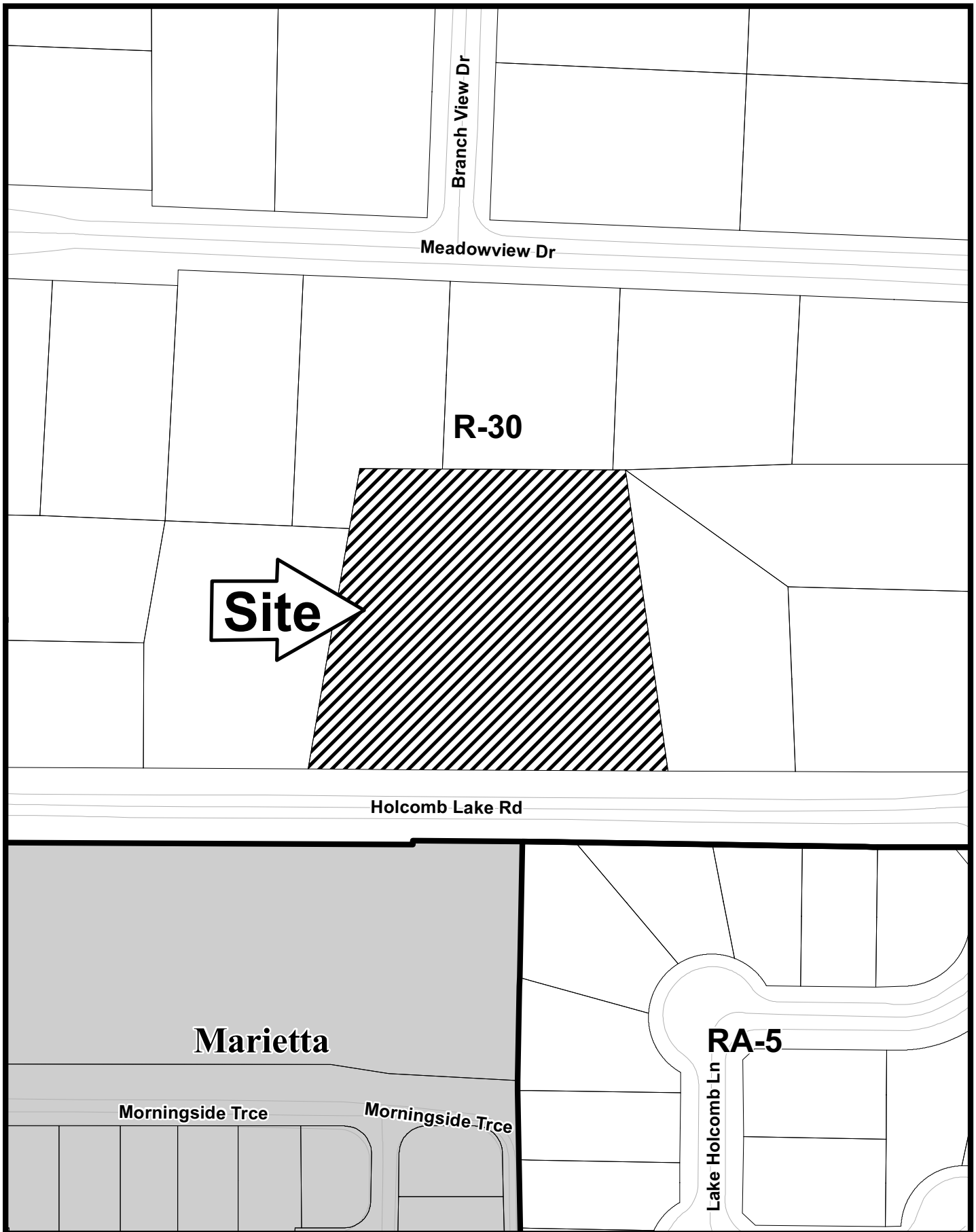
WATER: No conflict.

SEWER: No conflict.

APPLICANT: David and Katrina Blauvelt **PETITION No.:** V-119

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-119



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

0 100 200 Feet



City Boundary
Zoning Boundary

Application for Variance

Cobb County

(type or print clearly)

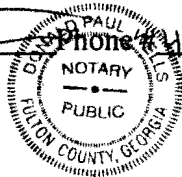
OCT - 9 2014

Application No. V-719

Hearing Date: 12-10-14

Applicant David + Katrina Blumett Phone # 404-200-6998 E-mail Katrina.Blumett@gmail.com
Katrina Blumett Address 1545 Holcomb Lake Rd Marietta GA
(representative's name, printed) (street, city, state and zip code) 30062

[Signature] Phone # 404-200-6998 E-mail Katrina.Blumett@gmail.com
(representative's signature)

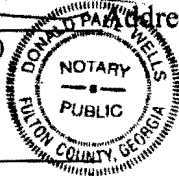


Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: _____
My Commission Expires
March 24, 2017

Titleholder Katrina Blumett Phone # 404-200-6998 E-mail Katrina.BLAUMETT@gmail.com
Signature [Signature] Address: 1545 Holcomb Lake Rd Marietta GA
(attach additional signatures, if needed) (street, city, state and zip code) 30062



Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: _____
My Commission Expires
March 24, 2017

Present Zoning of Property R30

Location 1545 Holcomb Lake Rd Marietta GA 30062 off of
(street address, if applicable; nearest intersection, etc.) Suffrage

Land Lot(s) 809 District 16th Size of Tract 1.40 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 1.4 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: _____

Applicant's information for requesting backyard chickens

1. How many hens do you propose (no male birds allowed)? 2-4.
2. Have you mailed a notice of your application and its information to your Homeowners Association (if such exists. Instructions for identifying whether or not Homeowners Associations exist are available for downloading via the Community Development webpage. YES ___ NO NO HON
3. Can you comply with the County Code Sec-134-94(4)(a-i) below? YES ☒ NO ____.

[Signature]
Signature

Karim Blauvelt
Print Name

County Code adopted by the Board of Commissioners March 11, 2014:

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) The poultry shall be kept/ maintained within a fenced area to the rear of the house;
- (b) 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;
- (c) 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;
- (d) The poultry shall not cause a nuisance, as defined by State Law;
- (e) There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;
- (f) The slaughter of any hen on site is strictly prohibited;
- (g) The fee for the variance application shall be \$150.00; renewal fees shall be \$100.00
- (h) The duration of any Variance approved for Poultry as Pets or Food Source shall not exceed 2 years; renewable for up to 2 year terms thereafter;
- (i) 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). The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section.

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 March 11, 2014. 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). The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section. The BOC determination will take place the following month at the scheduled Zoning Hearing.



V-119
(2014)



V-119
(2014)

RECEIVED
OCT - 9 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



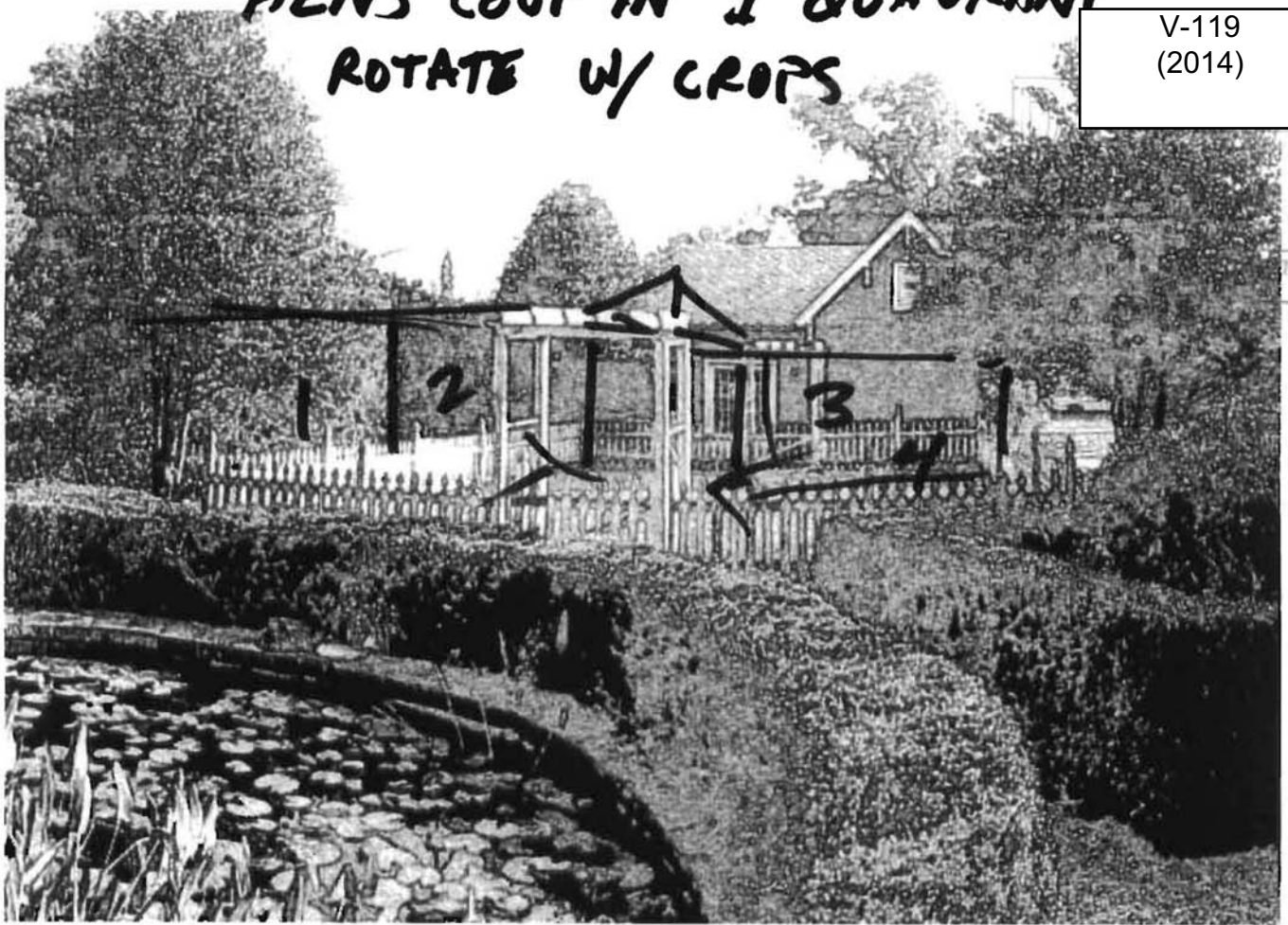
RD
OCT - 9 2014
COBB CO. COMM DEV AGENCY
ZONING DIVISION

V-119
(2014)

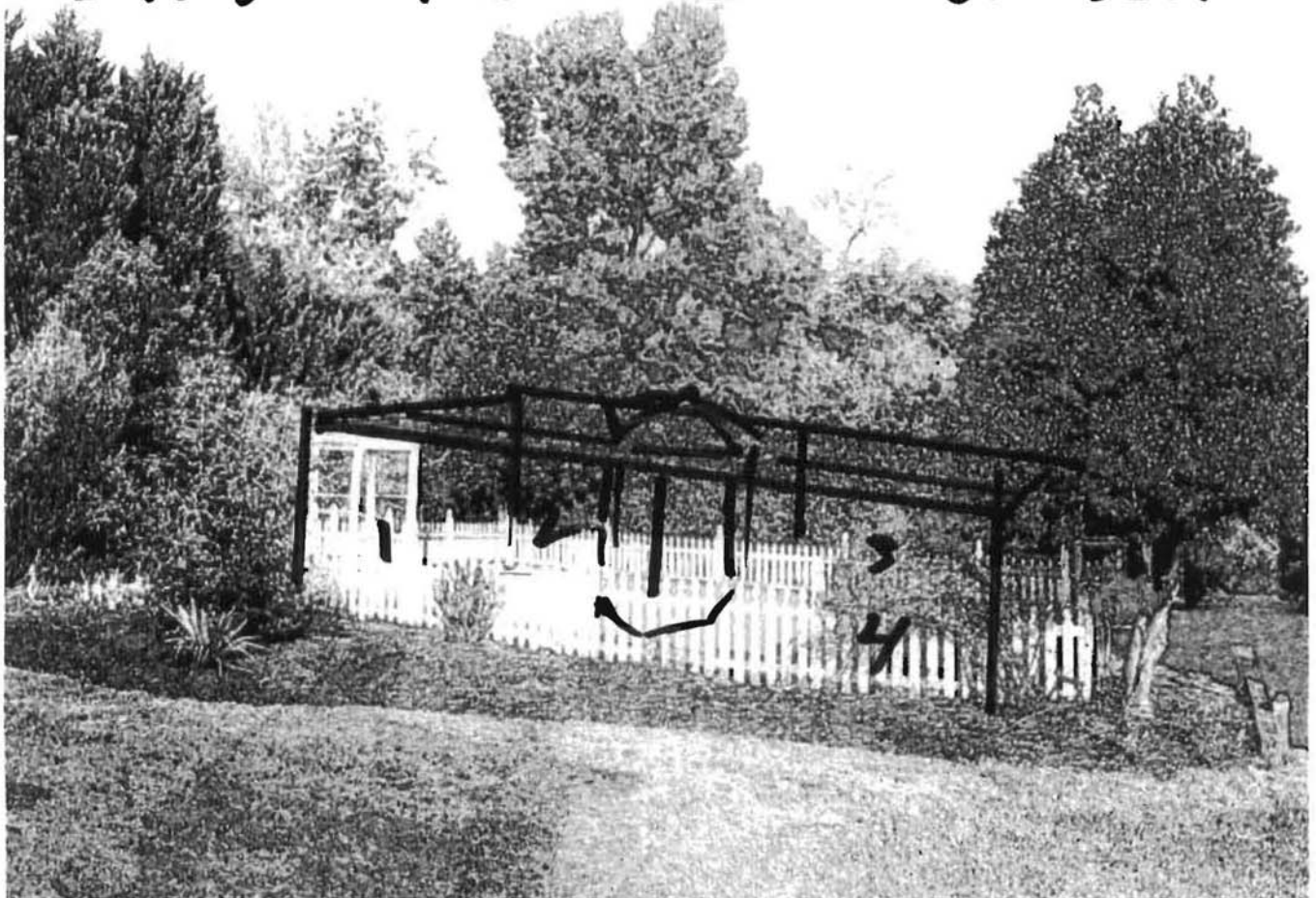


HENS COUP IN 1 QUADRANT
ROTATE W/ CROPS

V-119
(2014)



ENCLOSED 4 QUAD VEGGIE GARDEN



**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
DECEMBER 10, 2014
PAGE 3**

CONSENT AGENDA (CONT.)

- V-119** **DAVID AND KATRINA BLAUVELT** (David M. Blauvelt and Katrina D. Blauvelt, owners) requesting a variance to an authorization upon appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source in Land Lot 809 of 16th District. Located on the north side of Holcomb Lake Road, east of Scufflegrit Road (1545 Holcomb Lake Road).

To **approve** variance request subject to:

- **Approval is for 24 months**
- **No roosters**
- **Maximum of four hens**
- **Hen house is to be located in existing garden area**

~~**V-120** **SHANNON C. SMITH** (Grant J. Smith and Shannon C. Smith, owners)~~

~~requesting a variance to waive the major side setback from the required 25 feet to 21.4 feet adjacent to the north property line in Land Lot 194 of the 20th District. Located at the southwest corner of Haydenbrook Drive and Haydenbrook Trail (1971 Haydenbrook Trail).~~

~~To **approve** variance request subject to:~~

- ~~• **Site plan dated July 18, 2014 (attached and made part of these minutes)**~~
- ~~• **Use of existing driveway location**~~
- ~~• **Proposed garage equipment *only***~~
- ~~• **Garage architecture and color to be in keeping with the house**~~
- ~~• **Stormwater Management Division comments and recommendations**~~

- V-121** **GERALD J. KRESKE** (Gerald John Kreske and Janet C. Kreske, owners) requesting a variance to: 1) waive the side setback from the required 5 feet to 3 feet adjacent to the north property line; and 2) waive the rear setback from the required 30 feet to 28.5 feet in Land Lot 774 of the 19th District. Located at the northwest corner of Velvet Creek Way and Velvet Creek Drive (3412 Velvet Creek Drive).

To **approve** variance request subject to:

- **Site plan dated July 15, 2014 (attached and made part of these minutes)**
- **Stormwater Management Division comments and**