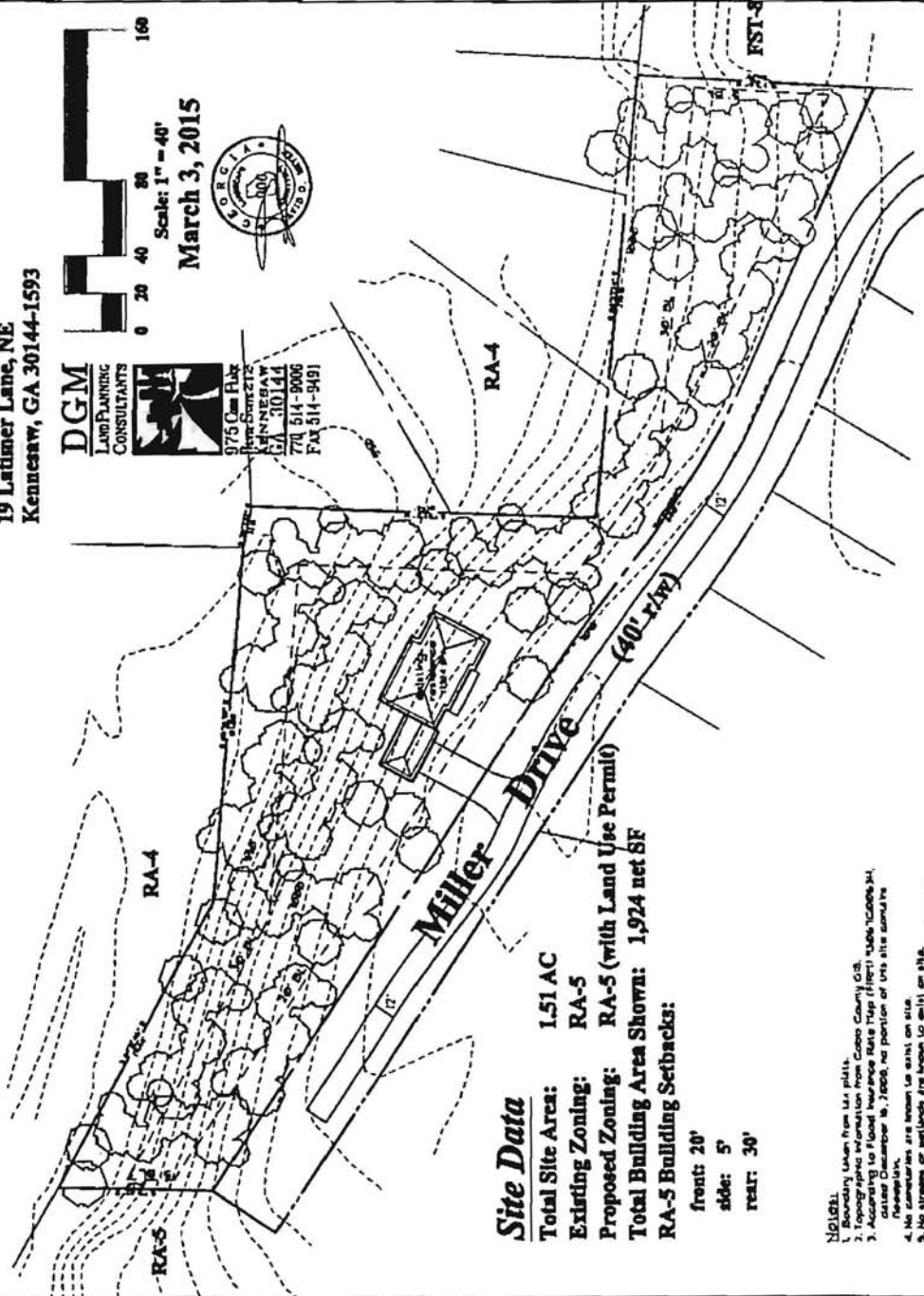


Land Use Permit Plan
1793 Miller Drive
Cobb County, Georgia
Land Lot 558, 559, 595, 16th District, 2nd Section
prepared for:
Hls House Recovery Residence, Inc
19 Latimer Lane, NE
Kennesaw, GA 30144-1593

DGM
LAND PLANNING
CONSULTANTS
Scale: 1" = 40'
March 3, 2015
975 Oak Ridge
Kennesaw, GA 30144
770 514-9006
FAX 514-9491



Site Data

Total Site Area: 1.51 AC
Existing Zoning: RA-5
Proposed Zoning: RA-5 (with Land Use Permit)
Total Building Area Shown: 1,924 net SF
RA-5 Building Setbacks:
front: 20'
side: 5'
rear: 30'

- Notes:**
1. Boundary taken from lot splits.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) "Zone 1" (Zone 1A) dated December 16, 2008, no portion of this site is in a flood zone.
 4. No stream or wetlands are known to exist on site.
 5. No stream or wetlands are known to exist on site.
 6. No archaeological or architectural landmarks are known to exist on site.
 7. No utility easements are known to exist on site.

APPLICANT: His House Recovery Residence, Inc.

PHONE#: (770) 312-2598 **EMAIL:** kliweikum@gmail.com

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

TITLEHOLDER: F. Michelle Anderson Metcalf, Deborah E.

Anderson Casteel, and Joyce D. Anderson

PROPERTY LOCATION: Northeast side of Miller Drive, north of

Piedmont Road

(1793 Miller Drive).

ACCESS TO PROPERTY: Miller Drive

PHYSICAL CHARACTERISTICS TO SITE: 2 Story Single Family

Home

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RA-5/Stillwater Lake

SOUTH: RA-5/Stillwater Lake

EAST: FST-8/Arbor Glen

WEST: RA-5/Stillwater Lake

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:

PETITION NO: **LUP-18**

HEARING DATE (PC): **06-02-15**

HEARING DATE (BOC): **06-16-15**

PRESENT ZONING: **RA-5**

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Faith Based Recovery

Residence

SIZE OF TRACT: **1.51 acres**

DISTRICT: **16**

LAND LOT(S): **558, 559, 595**

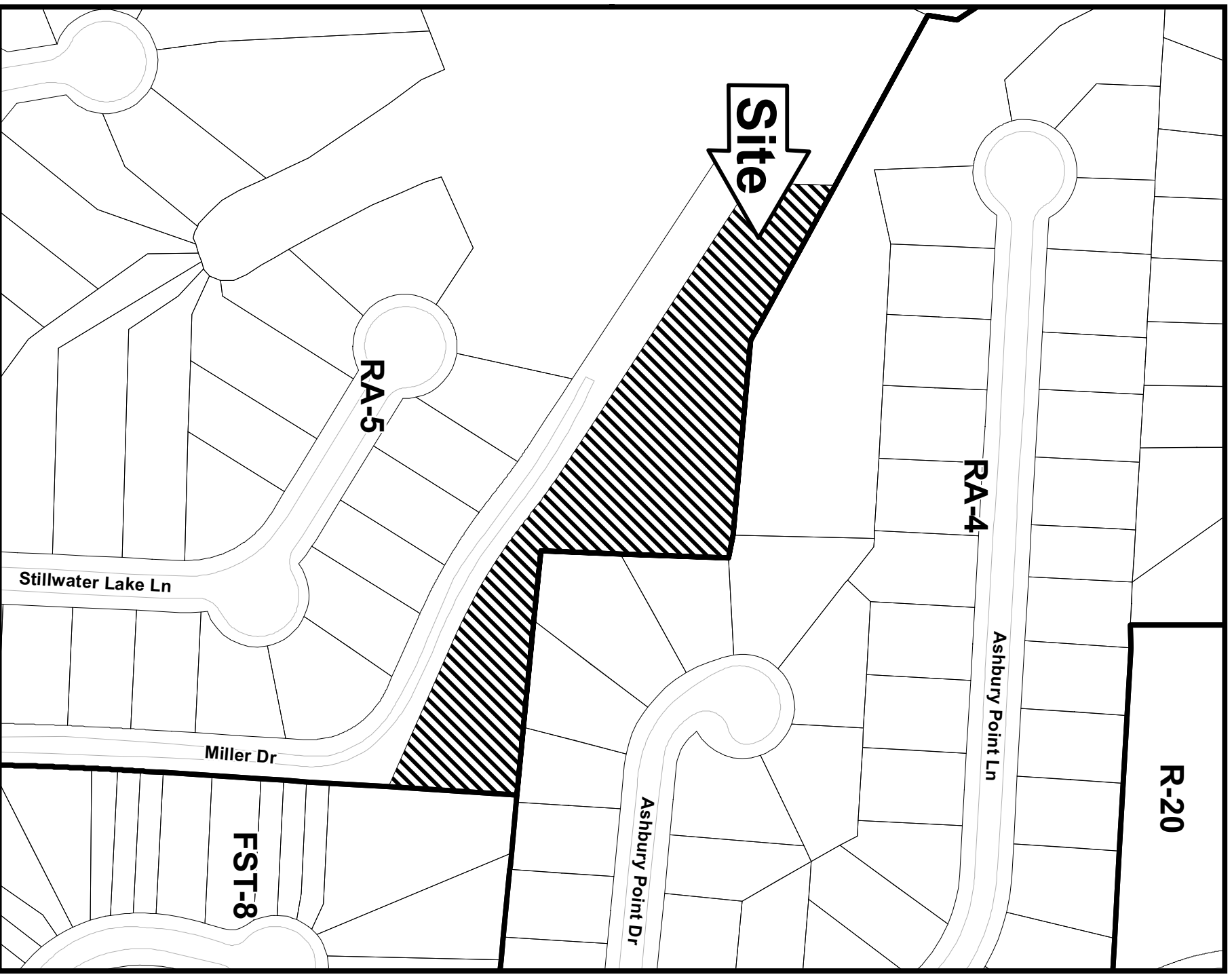
PARCEL(S): **4**

TAXES: PAID X **DUE**

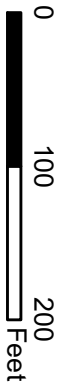
COMMISSION DISTRICT: **3**



LUP-18



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



City Boundary
Zoning Boundary

APPLICANT: His House Recovery Residence, Inc.

PETITION NO.: LUP-18

PRESENT ZONING: RA-5

PETITION FOR: LUP

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

The applicant is requesting a Temporary Land Use Permit faith based recovery residence that would allow up to 10 adults. The code only allows up to 4 adult with the Fire Marshal approval. The house will operate Sunday through Saturday, 24 hours a day. There will be 1 to 2 employees working at the house and will park on the driveway. The applicant does not expect any more than 1 customer per week. There will be no deliveries other than regular USPS mail. The applicant does not intend to live on the premises, and there will be no outdoor storage or any signs. This will not be a dwelling used as a residence by individuals on parole, probation, or serving a criminal sentence on condition of house arrest, for the purpose of rehabilitation of the individual while transitioning back into the community (halfway house). This application is the result of a Code Enforcement citation. The applicant is requesting approval for 24 months.

Historic Preservation: No comments.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

Property is served by public water and septic system. Recommend that the Environmental Health Dept confirm that the existing septic system is adequately sized for proposed use.

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.

APPLICANT: His House Recovery Residence, Inc.

PETITION NO.: LUP-18

PRESENT ZONING: RA-5

PETITION FOR: LUP

FIRE COMMENTS:

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

APPLICANT: His House Recovery Residence, Inc.

PETITION NO.: LUP-18

PRESENT ZONING: RA-5

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

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STAFF RECOMMENDATIONS

LUP-18 HIS HOUSE RECOVERY RESIDENCE, INC.

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
The application was the result of a complaint due to the number of vehicles parked on the property, including business trucks, and many people living at residence. The use and condition of the property has adversely affected the surrounding properties.
- (2) *Parking and traffic considerations.*
The applicant states there will not be any more cars than the code would allow for a normal single family home. However, this property came to the county's attention due to the number of vehicles parked onsite.
- (3) *Number of nonrelated employees.*
No more than 2 unrelated employees.
- (4) *Number of commercial and business deliveries.*
There are no commercial deliveries associated with this request.
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
This use is located in area having single-family residential homes and will exceed the maximum amount of adult the code will allow. The code allows 6 adults based off the square footage of the house on file with the Cobb County Tax Assessor's office.
- (6) *Compatibility of the business use to the neighborhood.*
There are no other business uses known to be in this residential area.
- (7) *Hours of operation.*
The hours of operation are 24 hours a day, seven (7) days a week.
- (8) *Existing business uses in the vicinity.*
There are no known existing businesses in the area.
- (9) *Effect on property values of surrounding property.*
Having a multitude of people living on a property starts to erode the low intensity character of a residential neighborhood and could have a negative effect on the property values.
- (10) *Circumstances surrounding neighborhood complaints.*
The use of the property has caused a compliant to Code Enforcement.
- (11) *Intensity of the proposed business use.*
The increase of allowed adults and employees could also increase the amount of daily traffic in and out of the neighborhood.

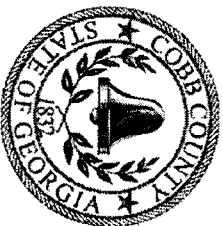
LUP-18 HIS HOUSE RECOVERY RESIDENCE, INC. (Continued)

(12)Location of the use within the neighborhood.

The home is located between two platted single-family subdivisions. Approval of the request may destabilize the nearby and adjacent sign family homes by allowing an overcrowded house with transient occupants.

Based on the above analysis, and strict interpretation of the ordinance, Staff recommends **DENIAL** of the applicant's 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.



Application #: LVF-18

PC Hearing Date: 06/02/2015

BOC Hearing Date: 06/16/2015

TEMPORARY LAND USE PERMIT WORKSHEET

(FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Faith Based Recovery Residence
2. Number of employees? 1-2
3. Days of operation? Sunday - Saturday
4. Hours of operation? 24 Hours/Day
5. Number of clients, customers, or sales persons coming to the house per day? 0-1; Per week? 0-1
6. Where do clients, customers and/or employees park?
Driveway: X; Street: _____; Other (Explain): _____
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.): 1-2
Non-Commercial Passenger Vehicles. _____
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.)

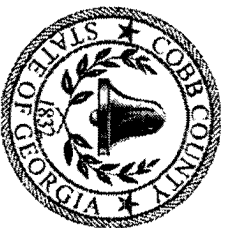
10. Does the applicant live in the house? Yes _____; No X
11. Any outdoor storage? No X; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested (24 months maximum): _____ 24 Months
13. Is this application a result of a Code Enforcement action? No _____; Yes X (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed):

Applicant signature: _____

Date: 4/2/15

Applicant name (printed): _____

Garvis L. Sams, Jr., Attorney for Applicant



Application #: LUF-18
PC Hearing Date: 06/02/2015
BOC Hearing Date: 06/16/2015

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

1. Number of unrelated adults in the house? 8-10
2. Number of related adults in the house? 0
3. Number of vehicles at the house? 1-2
4. Where do the residents park?
Driveway: x ; Street: ; Garage:
5. Does the property owner live in the house? Yes ; No x
6. Any outdoor storage? No x ; Yes (If yes, please state what is kept outside):
7. Length of time requested (24 months maximum): 24 Months
8. 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).
9. Any additional information? (Please attach additional information if needed):

Applicant signature: [Signature] Date: 4/2/15
Applicant name (printed): Garvis I. Sams, Jr., Attorney for Applicant

ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: RA-5
Size of house per Cobb County Tax Assessor records: 1,924
Number of related adults proposed: 0 Number permitted by code: 4
Number of unrelated adults proposed: 10 Number permitted by code: 1
Number of vehicles proposed: 2 Number permitted by code: 4
Number of vehicles proposed to be parked outside: 2 Number of vehicles permitted 3
Outside

S 19700



COBB COUNTY, GEORGIA
ORDINANCE CODE VIOLATION CITATION,
SUMMONS, ACCUSATION

CODE ENFORCEMENT DIVISION

DATE 1/7/15 TIME 2:15 AM/PM
NAME Wetum Kevin ALL
BUSINESS NAME _____
ADDRESS 19 Larimer Ln
CITY Kennesaw STATE GA ZIP 30144
PHONE _____ DOB 2/9/55 SEX M
HAIR br WEIGHT 172 HEIGHT 5'9"
DLN# 150422623 EXP 10/8/15

VIOLATION

Within the Unincorporated Area of Cobb County, Georgia, the
Violator did then and there commit the following offense:

VIOLATION: Permitted Use - Single Family Dwelling
CODE SECTION: 134-201.2(3)
DESCRIPTION: _____

OFFENSE LOCATION 1793 Miller Dr Marietta
ADDRESS, CITY _____

SUMMONS

YOU ARE HEREBY ORDERED TO APPEAR TO ANSWER THESE CHARGES ON THE
24 DAY OF January 2015 AT 9 AM AT THE MAGISTRATE
COURT OF COBB COUNTY, GEORGIA, 32 WADEL STREET, (BUILDING -D27)
MARIETTA, GA, 3rd FLOOR PUBLIC SAFETY BUILDING. FAILURE TO APPEAR
COULD SUBJECT YOU TO PENALTIES OF CONTEMPT OR A BENCH WARRANT
AS PROVIDED BY LAW. SIGNATURE ACKNOWLEDGES SERVICE OF THE
SUMMONS AND RECEIPT OF COPY OF SAME.

SIGNATURE [Signature]

ISSUE DATE 1/7/15 S 19700
CODE ENF OFFICER D. Heger
CCCE CASE NUMBER 2014-02163

Distribution: White: Court Copy; Yellow: Violator Copy; Pink: Code Enforcement

VIOLATOR COPY