

**COBB COUNTY BOARD OF ZONING APPEALS
VARIANCE HEARING SUMMARY AGENDA
MARCH 9, 2016**

CONSENT CASES

- V-30** **RACETRAC PETROLEUM** *(Previously continued by staff from the February 10, 2016 hearing)*
- V-31** **JON ERWIN** *(Previously continued by Staff from the February 10, 2016 Board of Zoning Appeals hearing)*
- V-32** **MEDART CONDOMINIUM**
- V-33** **DEAN & BEAURY TALLEY**
- V-34** **MARK THIBEAUX**
- V-35** **QUICK RESPONSE FORCE**
- V-36** **YHDR LLC**
- V-37** **DANIEL C. NICHOLS**
- V-38** **AMBER M. BISHOP**
- V-39** **STEPHEN SNOW**
- V-40** **SOUTH EASTERN ENGINEERING, INC**
- V-42** **QUIKTRIP CORPORATION**
- V-43** **ROBERT A. HAYES**
- V-44** **TRATON HOMES, LLC**
- OB-001** **LARRY EPSTEIN**

WITHDRAWN CASE

- V-41** **BETHANY PRESBYTERIAN CHURCH (PCUSA), INC –**
WITHDRAWN WITHOUT PREJUDICE

CONTINUED OR HELD CASES BY BOARD OF ZONING APPEALS OR STAFF - NOT TO BE HEARD

- V-82¹⁵** **PHILLIP WALLACE** *(Held by the Board of Zoning Appeals from their May 13, 2015 hearing and continued by the Board of Zoning Appeals from their August 12, 2015 and December 9, 2015 hearings until their May 11, 2016 hearing; therefore will not be considered at this hearing)*
- V-140¹⁵** **EZ 69 RH WINDY HILL, LLC** *(Continued by Staff from the November 11, 2015 Board of Zoning Appeals hearing, continued by the Board of Zoning Appeals from their December 9, 2015 hearing, and continued by staff until the May 11, 2016 Board of Zoning Appeals hearing; therefore will not be considered at this hearing)*

OTHER BUSINESS

ITEM OB-001-2016

To consider amending the stipulations for Larry Epstein regarding variance application V-1 (Larry Joel Epstein and Bonnie Irlyn Epstein) of 2013, for property located on the northern end of Wellington Lane, east of Johnson Ferry Road in Land Lots 678 and 754 of the 16th District.

COBB COUNTY BOARD OF ZONING APPEALS
VARIANCE HEARING *CONSENT* AGENDA
MARCH 9, 2016

V-30 **RACETRAC PETROLEUM** (D I and G, LLC, owner) requesting a variance to: 1) waive the rear setback from the required 30 feet to 15 feet; 2) waive the side setback from the required 20 feet to 15 feet adjacent to the western property line; and 3) waive the minimum lot size from the required 40,000 square feet to 20,000 square feet in Land Lot 157 of the 16th District. Located on the south side of Pine Mill Drive, east of Canton Road (1000 Pine Mill Drive). *(Previously continued by Staff until the March 9, 2016 Board of Zoning Appeals hearing)* Staff recommends **approval** of the request subject to:

1. Traffic comments to be done at redevelopment

V-31 **JON ERWIN** (MSC NAPLES, LLC, owner) requesting a variance to: 1) waive the front setback from the required 100 feet to 29 feet; 2) waive the side setback from the required 50 feet to 20 feet adjacent to the western property line; and 3) waive the maximum allowable impervious surface from 80% to 89% in Land Lot 557 of the 16th District. Located on the west side of Sandy Plains Road, at the terminus of Post Oak Tritt Road (2745 Sandy Plains Road). *(Previously continued by Staff until the March 9, 2016 Board of Zoning Appeals hearing)* Staff recommends **approval** of the request subject to:

1. Traffic comments
2. Setback reductions are only for the proposed building shown on the site plan dated October 22, 2015

V-32 **MEDART CONDOMINIUM** (Pythagoras Professional Group, LLC, owner) requesting a variance to allow an electronic sign on a lot without at least 200 feet of public road frontage on one road (105.89 feet) in Land Lot 856 of the 19th District. Located on the northwest corner of Story Place and Austell Road (3834 Austell Road). Staff recommends **approval** of the variance request subject to:

1. The sign rendering received by the Zoning Division on December 21, 2015

V-33 **DEAN & BEAURY TALLEY** (Dean B. Talley and Beaury A. Talley, owners) requesting a variance to: 1) waive the rear setback from the required 30 feet to 25 feet; 2) waive the front setback from the required 20 feet to 19 feet; and 3) waive the maximum allowable impervious surface from 40% to 45% in Land Lots 994 and 995 of the 17th District. Located on the south side of Palisades Court, east of North Palisades Circle and Terrell Mill Road (3180 Palisades Court). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 6, 2016
2. Stormwater Management comments

V-34 **MARK THIBEAUX** (Mark Anthony Thibeaux and Kathleen M. Thibeaux, owners) requesting a variance to: 1) waive the rear setback for an accessory structure under 650 square feet (rear shed #1) from the required 35 feet from the rear to 10 feet and from the required 10 feet adjacent to the western side to zero feet; 2) waive the setback for an accessory structure under 650 square feet (500 square foot awning #1) from the required 35 feet from the front to 23 feet; 3) waive the setback for an accessory structure under 650 square feet (400 square foot awning #2) from the required 10 feet to three feet adjacent to the east property line; and 4) allow an accessory structure (both awnings) to be located in front of the principal structure in Land Lot 1289 of the 19th District. Located on the north side of First Street, east of June Drive (1876 First Street). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 7, 2016
2. Development & Inspections comments

V-35 **QUICK RESPONSE FORCE** (The Holy Sabbath Ministries International, Inc., owner) requesting a variance to: 1) waive the minimum lot size for a church use from the required five acres to 0.55 acre; 2) waive the setbacks for a church use from the required 50 feet to 30 feet from the front, to 42 feet adjacent to the north property line, and to 22 feet from the rear; 3) waive the 35 foot landscape screening buffer adjacent to a residential property line to zero feet on the north, east, and south property lines; and 4) allow parking in the front yard of an R district for a use other than single-family residential in Land Lot 477 of the 17th District. Located on the south side of Cooper Lake Road, west of King Springs Road (1130 Cooper Lake Road). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 7, 2016
2. Sewer comments

V-36 **YHDR LLC** (owner) requesting a variance to: 1) waive the maximum allowable sign area from 347.22 square feet (previous case V-147 of 2015) to 620 square feet on the front facade; and 2) waive the maximum allowable sign area from 137.66 square feet to 347.22 square feet on the side facade in Land Lots 780, 781, 848 and 849 of the 19th District. Located on the east side of Austell Road, north of Floyd Road (3565 Austell Road). Staff recommends **approval** of the variance request subject to:

1. The sign renderings received by the Zoning Division on January 13, 2016

V-37 **DANIEL C. NICHOLS** (Charles E. Nichols and Floya L. Nichols, owners) requesting a variance to waive the setback for an accessory structure (approximately 1,000 square foot garage) from the required 100 feet to 35 feet adjacent to the east property line and to 45 feet adjacent to the west property line of proposed tract 1 in Land Lot 14 of the 19th District. Located on the north side of Dallas Highway, east of Midway Road (4356 Dallas Highway). Staff recommends **approval** of the request subject to:

1. Lot split to be recorded in Superior Court

V-38 **AMBER M. BISHOP** (Amber M. Bishop and Shelly L. Weed, owners) requesting a variance to: 1) waive the side setback from the required five feet to four feet adjacent to the east property line; and 2) increase the maximum allowable impervious surface from 40% to 44% in Land Lot 694 in the 17th District. Located on the north side of Cooper Lake Road, west of Maner Street (1935 Cooper Lake Road). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 14, 2016
2. Stormwater Management comments

V-39 **STEPHEN SNOW** (Stephen Snow and Amber Snow, owners) requesting a variance to waive the setback for a retaining wall between six feet and 11 feet in height (eight foot wall) from the required 10 feet to zero feet adjacent to the rear property line in Land Lot 257 of the 20th District. Located on the south side of Kinghorne Drive, west of Kinghorn Court (971 Kinghorne Drive). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 14, 2016
2. Stormwater Management comments
3. Site Plan Review comments

V-40 **SOUTHEASTERN ENGINEERING, INC** (Anil M. Patel, owner) requesting a variance to: 1) waive the rear setback from the required 40 feet to 15 feet; and 2) waive the landscape screening buffer adjacent to a residentially zoned property from the required 50 feet to 15 feet along the rear in Land Lots 498, 503 and 504 of the 18th District. Located on the south side of Mableton Parkway, west of Lee Industrial Boulevard (7040 Mableton Parkway). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 14, 2016
2. Stormwater Management comments
3. Tree Protection and Landscape Plan dated February 5, 2016

V-42 **QUIKTRIP CORPORATION** (owner) requesting a variance to: 1) waive the maximum gross floor area for a convenience food store with a self-service fuel sales from 3,000 square feet to 5,858 square feet; and 2) waive the required landscape screening buffer adjacent to residential property from the required 40 feet to zero feet adjacent to the western property line in Land Lots 592 and 605 of the 18th District. Located on the south side of Six Flags Drive, west of Riverside Parkway and north of Interstate 20 (291 Six Flags Drive). Staff recommends **approval** of the variance request subject to:

1. Traffic comments
2. Stormwater Management comments

V-43 **ROBERT A. HAYES** (Robert A. Hayes and Christy L. Hayes, owners) requesting a variance to: 1) allow an accessory structure (proposed 975 square foot garage) to be located in front of the principal structure; 2) waive the rear setback for an accessory structure over 650 square feet (proposed 975 square foot garage) from the required 100 feet to five feet; and 3) allow a second electrical meter on a residential lot in Land Lot 276 of the 20th District. Located on the south side of Kennesaw Due West Road, west of Hickory Crest Drive and Burke Lake Road (601 Burke Lake Road). Staff recommends **approval** of the request subject to:

1. Site plan received January 14, 2016
2. No residential or commercial use in the accessory building

V-44 **TRATON HOMES, LLC** (owner) requesting a variance to waive the required 25 foot landscape screening buffer to 17 feet adjacent to the eastern property line and to 16 feet adjacent to the southern property line in Land Lot 622 of the 17th District. Located on the south side of Cooper Lake Drive, east of Cabretta Drive (Strand Drive). Staff recommends **approval** of the variance request subject to:

1. Site plan received by the Zoning Division on January 14, 2016
2. Stormwater Management comments

ITEM OB-001-2016

To consider amending the stipulations for Larry Epstein regarding variance application V-1 (Larry Joel Epstein and Bonnie Irlyn Epstein) of 2013, for property located on the northern end of Wellington Lane, east of Johnson Ferry Road in Land Lots 678 and 754 of the 16th District. Staff recommends **approval** of the request subject to:

1. Deferral of Code Enforcement action until May 8, 2019
2. All previous conditions not in conflict