

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 011

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their March 9, 2016 Variance Hearing regarding Variance Application V-30 RACETRAC PETROLEUM.

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on July 28, 2015, Section 134-94(a)(5), the Board of Commissioners shall consider granting a Special Exception for reduction of lot size, 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 March 9, 2016 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction of lot size as recommended by the Board of Zoning Appeals for Variance case V-30 RACETRAC PETROLEUM.

ATTACHMENTS

Variance analysis

APPLICANT: RaceTrac Petroleum
PHONE: 770-422-7016
REPRESENTATIVE: Parks F. Huff
PHONE: 770-422-7016
TITLEHOLDER: D I and G, LLC
PROPERTY LOCATION: On the south side of Pine Mill Drive, east of Canton Road
(1000 Pine Mill Drive).

PETITION No.: V-30
DATE OF HEARING: 02-10-2016
PRESENT ZONING: LI
LAND LOT(S): 157
DISTRICT: 16
SIZE OF TRACT: 1.69 acres
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 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.

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

BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS: _____



APPLICANT: RaceTrac Petroleum

PETITION No.: V-30

COMMENTS

TRAFFIC: Pine Mill Drive is a substandard street. Recommend improving Pine Mill Drive from along the frontage to the intersection with Winfred Drive to comply with Cobb County Development Standards.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No comments.

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: Staff has determined that the subject sites are not within the boundaries of approved design guidelines study areas; therefore do not have to comply with design guidelines requirements. 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.

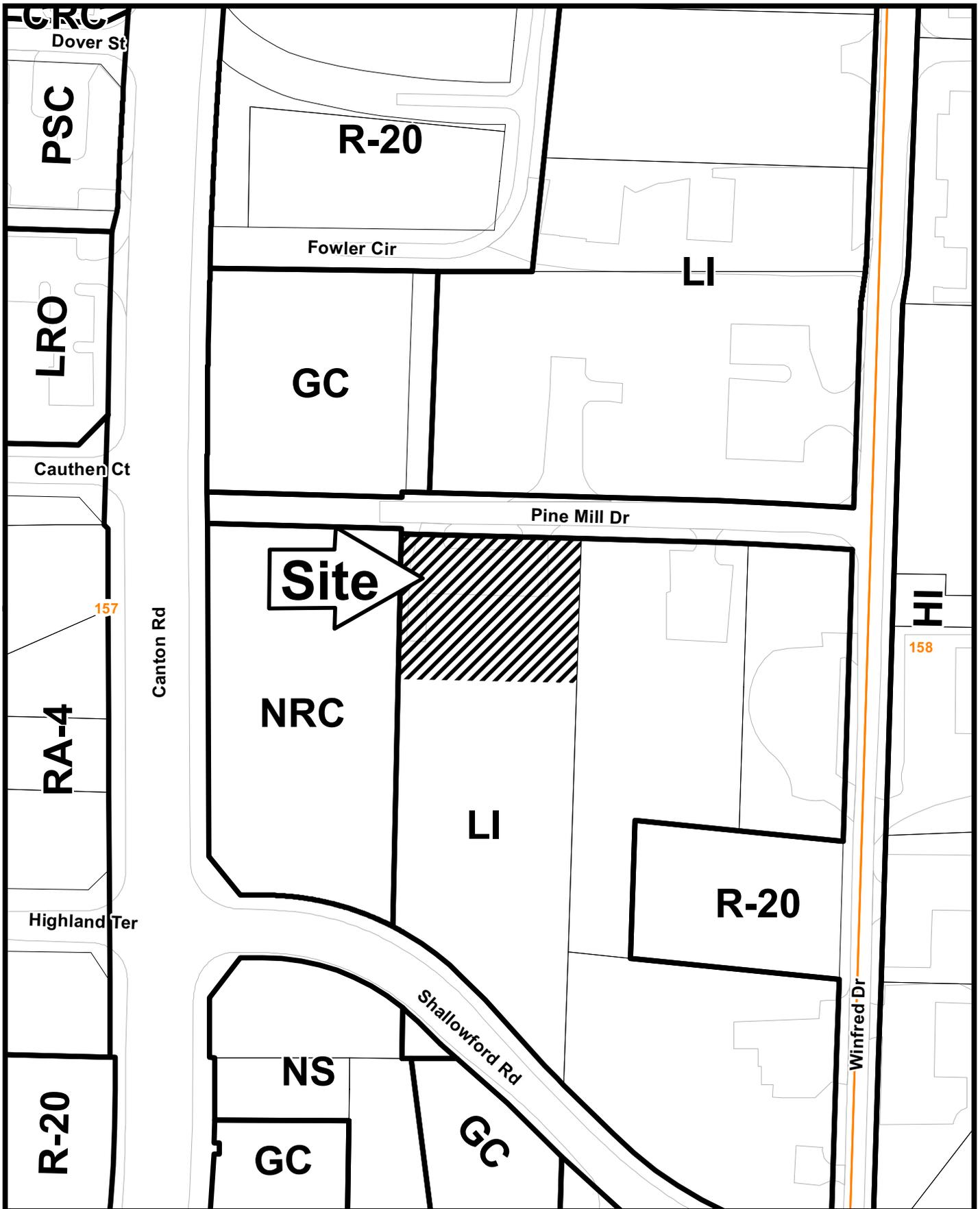
WATER: No conflict.

SEWER: No conflict.

APPLICANT: RaceTrac Petroleum **PETITION No.:** V-30

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.

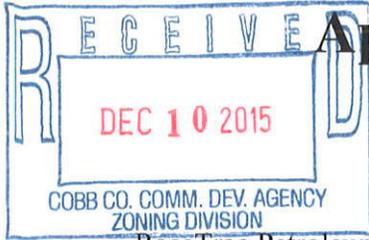
V-30



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



City Boundary
Zoning Boundary

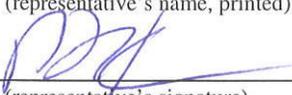


Application for Variance Cobb County

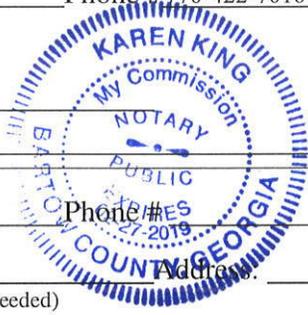
(type or print clearly)

Application No. V- 30
Hearing Date: Feb. 10, 2016

Applicant RaceTrac Petroleum Phone # _____ E-mail _____
SAMS, LARKIN, HUFF & BALLI, LLP
by: Parks F. Huff Address 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)


(representative's signature) Phone # 770-422-7016 E-mail phuff@slhb-law.com

My commission expires: 2-27-19



Signed, sealed and delivered in presence of:
Karen S. King
Notary Public

Titleholder See Attached Phone # _____ E-mail _____

Signature _____ Address _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____
Notary Public

Present Zoning of Property LI

Location Located on the south side of Pine Mill Drive, east of Canton Road (1000 Pine Mill Drive)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 157 District 16th Size of Tract 1.683 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 X Shape of Property _____ Topography of Property X Other _____

Does the property or this request need a second electrical meter? YES _____ NO X

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).

The subject property includes an existing industrial building. The rear setback will be 15 feet, an existing side setback of 17 feet and reduce the minimum lot size from 40,000 to 20,000 square feet.

List type of variance requested: Section 134-230: 1) Reduce the rear setback from 30 feet to 15 feet for an existing industrial building; 2) Reduce the side setback (west) from 20 feet to 15 feet (existing); and, 3) Reduce the lot size from 40,000 to 20,000 square feet.

Revised: November 18, 2015

* The Applicant specifically reserves the right to amend any information set forth in this Variance Application at any time during the variance process.