

**MAY 17, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM 023**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their April 13, 2016 Variance Hearing regarding Variance Application V-45 JONATHAN MOORE.

**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 April 13, 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-45 JONATHAN MOORE.

**ATTACHMENTS**

Variance analysis.



**APPLICANT:** Johnathan Moore  
**PHONE:** 770-363-4396  
**REPRESENTATIVE:** Garvis L. Sams, Jr.  
**PHONE:** 770-422-7016  
**TITLEHOLDER:** Patricia Hames Hilderbrand  
**PROPERTY LOCATION:** At the south end of Old Trace Road, south of Dallas Highway  
(No Address Given).

**PETITION No.:** V-45  
**DATE OF HEARING:** 04-13-2016  
**PRESENT ZONING:** R-30  
**LAND LOT(S):** 20  
**DISTRICT:** 19  
**SIZE OF TRACT:** 2.19 acres  
**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1) Waive the required public road frontage in order to allow the construction of home accessed via a private easement; and 2) allow a third house off a private easement

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

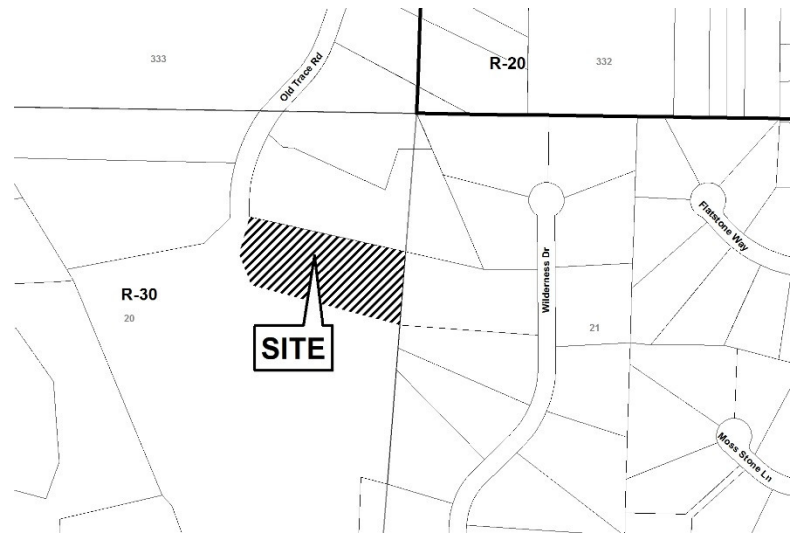
**BOARD OF APPEALS DECISION**

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

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

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

**STIPULATIONS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**APPLICANT:** Johnathan Moore **PETITION No.:** V-45

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**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** If this variance request is approved, a lot split plat must be recorded prior to the issuance of the building permit showing the proposed lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

**STORMWATER MANAGEMENT:** Well closure should be per Georgia Environmental Protection Division well abandonment requirements.

**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 site is not within the boundaries of approved design guidelines study areas; therefore does 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:** Water service to be provided by 8" DI water main in Old Trace Rd.

**SEWER:** No conflict

**APPLICANT:** Johnathan Moore

**PETITION No.:** V-45

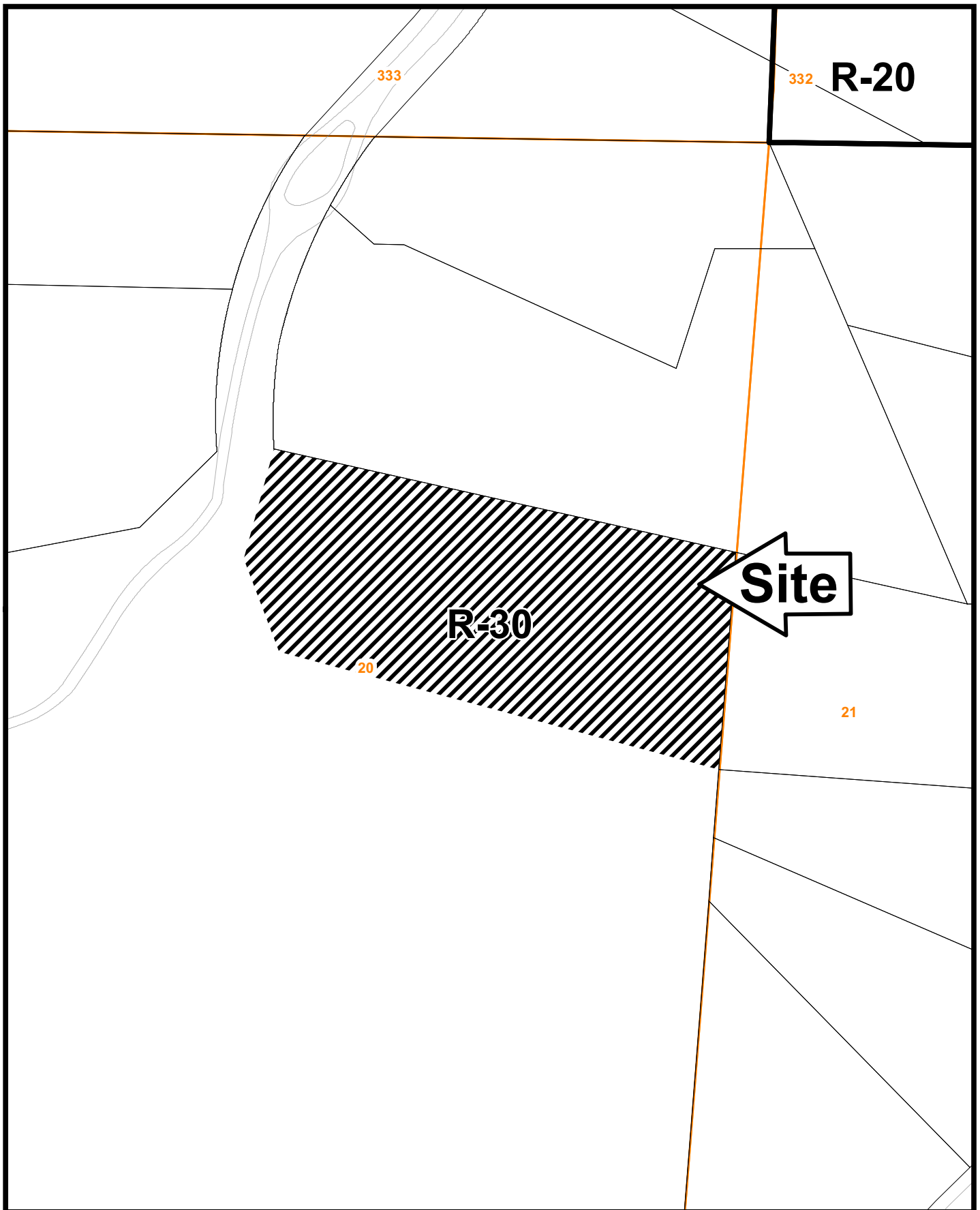
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- FIRE DEPARTMENT:**
1. Driveway must have a minimum 20' driving surface width with minimum 25' inside turning radius where serving 3 or more residence and 12' where serving 2 or less residence.
  2. Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
  3. Maximum grade shall not exceed 18%.
  4. Driveway must extend within 150' of the most remote portion of the structure.
  5. Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
  6. Driveway must support 25 Tons (50,000 lbs.)
  7. Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
  8. Hydrant within 500' of remote structure, minimum 6" main\*  
(Required Flow: 1000 gpm @ 20 psi)

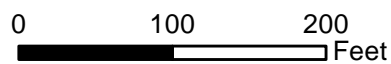
\* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

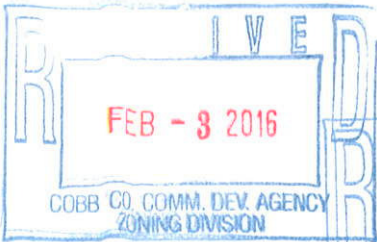
- 1.) NFPA 13D Sprinkler System
- 2.) Complete structure treated with a Class-A Fire Retardant spray meeting a flame spread of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.

# V-45

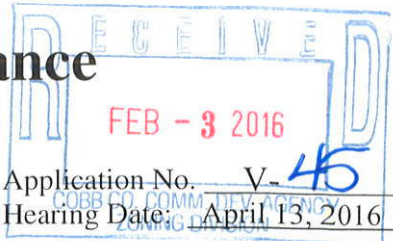


This map is provided for display and planning purposes only. It is not meant to be a legal description.



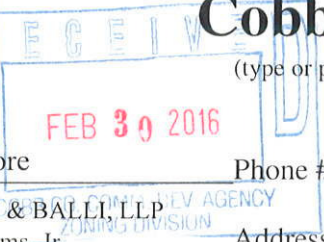


# Application for Variance Cobb County



(type or print clearly)

Application No. V-45  
Hearing Date: April 13, 2016



Applicant Jonathan Moore Phone # 770-363-4396 E-mail jlmooore120@gmail.com

SAMS, LARKIN, HUFF & BALLI, LLP  
by: Garvis L. Sams, Jr. 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 gsams@slhb-law.com

Signed, sealed and delivered in presence of:

My commission expires: 2-27-19



Karen S. King  
Notary Public

Titleholder See Attached Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

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

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_  
Notary Public

Present Zoning of Property R-30

Location At the south end of Old Trace Road, west of Wilderness Drive  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 20 District 19th Size of Tract 2.187 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 \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other X

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).

Waiver of Development Standards, Sec. 203.03 (Lots accessing private easements). A literal interpretation or enforcement of Ordinance requirements creates an unnecessary hardship and precludes the Applicant from accepting property from family members in order to construct a private residence.

List type of variance requested: Waive the required public road frontage in order to allow the construction of home accessed via a private easement.