

**OCTOBER 18, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM 064**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their September 14, 2016 Variance Hearing regarding Variance Application V-116 Alvin G. Raines.

**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 public road frontage, 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 September 14, 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 public road frontage as recommended by the Board of Zoning Appeals for Variance case V-116 Alvin G. Raines.

**ATTACHMENTS**

Variance analysis.

**RE-ZONING PLAT FOR:**

**Alvin G. Rains**

PIN 19038400110

1849 Lost Mountain Road

Land Lots 357 & 384 19th District

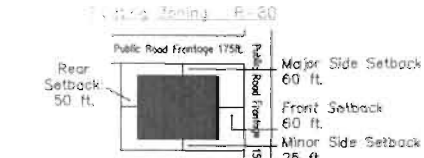
2nd Sect., Cobb County, Georgia



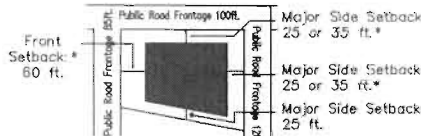
**V-116  
(2016)**

N/F  
RUSSELL & JEAN J. LOWERY  
PIN 19035700070  
1829 LOST MOUNTAIN ROAD

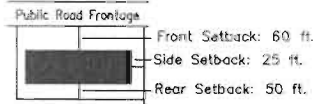
N/F  
JIMMY L. TURNER  
PIN 19035600040  
1841 MACLAND  
WOODS DRIVE



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

**MINIMUM BUILDING SETBACK REQUIREMENTS FOR R-80 ZONING DISTRICT**

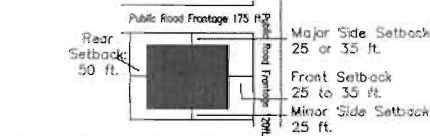
Lot size and setback requirements are as follows:

- a. Minimum lot size: 80,000 square feet. The board of zoning appeals shall not be authorized to recommend a variance for more than 25 percent of the minimum lot size.
- b. Minimum lot width at front setback line: 75 feet; cul-de-sac, 50 feet
- c. Minimum public road frontage: 75 feet; cul-de-sac, 50 feet
- d. Minimum building setbacks: As shown and applied in the following diagram:

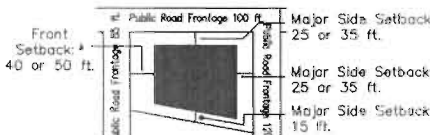
**MINIMUM BUILDING SETBACK REQUIREMENTS FOR R-80 DISTRICT**

Note: All setbacks shall be measured from future right-of-way

**Proposed Zoning - R-80**



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

**MINIMUM BUILDING SETBACK REQUIREMENTS FOR R-80 ZONING DISTRICT**

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- d. Minimum building setbacks: As shown and applied in the above diagram

**MINIMUM BUILDING SETBACK REQUIREMENTS FOR R-80 DISTRICT**

Note: All setbacks shall be measured from future right-of-way

I HEREBY CERTIFY TO ALL WHO VIEW THIS REGISTERED SURVEY TO BE LICENSED BY THE STATE OF GEORGIA, (A) THAT THIS SURVEY PREPARED BY ME DATED 02/21/16, CORRECTLY SHOWS THE LAND OWNED BY Alvin G. Rains

Registered Land Surveyor

This survey was prepared in accordance with the Technical Standards for Professional Surveying in Georgia as set forth in Chapter 180-2-2 of the Official Code of Georgia Annotated and the Registration for Professional Engineers and Land Surveyors in the State of Georgia, Public Act D.C.G.A. 156-67.

THE PURPOSE OF THIS REVISION IS TO RECORD TO THE PROPERTY THAT REFLECTS THE CONDITIONS OF THE ZONING CASE OF \_\_\_\_\_ approved by the Cobb County Board of Zoning Appeals on \_\_\_\_\_

Cobb County Zoning Division \_\_\_\_\_ Date \_\_\_\_\_

Development & Inspections Division \_\_\_\_\_ Date \_\_\_\_\_

Beats of Bearing

LEGEND	
FP	Flag Pinpoint
IPF	Iron Pin
IPF 1/2" REBAR	1/2" Iron Rebar Pinpoint
EP	Edge Pavement
CP	Corner of Beginning
CTP	Corner Top Pin of Field
CS	Centerline
CL	Chain Link Fence
JS	Junction Box
D	Drop Inset
PL	Property Line
CMP	Compacted Metal Pipe
RCP	Reinforced Concrete Pipe
SE	Drainage Easement
WV	Water Valve
WM	Water Meter
WV	Wells at Map
PL	Power Line

**REZONING SURVEY FOR:**  
**Alvin G. Rains**  
1849 Lost Mountain Road  
PIN 19038400110  
Land Lots 357 & 384 19th District  
2nd Sect., Cobb County, Georgia  
Area = 185,048 Sq Ft., 4.25 Acres

Computed by: RSN  
Drawn by: RSN  
Checked by: KLN

Plat Bk T5 Pg. 207  
Deed Bk 14164 Pg. 807

All iron pins are 1/2" Bar unless otherwise noted.  
Equipment used: Topcon GTS Total Station  
The field data upon which this plat is based has a closure precision of 1 foot in 25,000 feet and an angular error of 0.3 seconds per angle point.  
This plat has been calculated for closure and is found accurate within one foot in 519,647 feet.  
This plat is subject to all easements public and private.  
This plat may be based on a recorded plat from iron pins referenced on said plat for closure to be in accordance with F.R.M. Community Parcel # 13067C0591G, dated 12/16/2008 this property is not located in an area having special flood hazard.

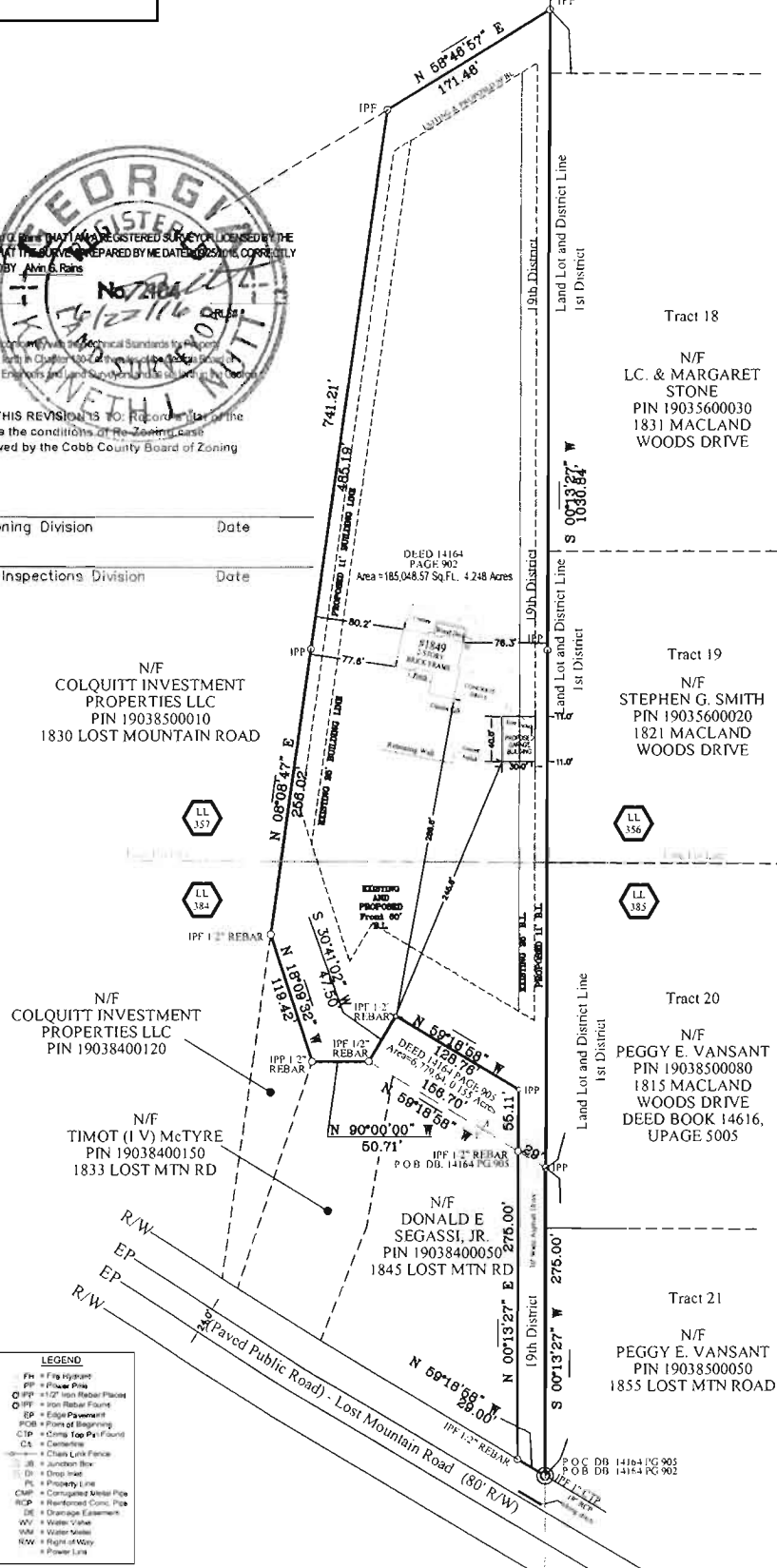
This survey was prepared in conformity with the Technical Standards for Property Surveying in Georgia as set forth in Chapter 180-7 of the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act D.C.G.A. 156-67

**GRAPHIC SCALE**  
0 20' 40' 80'  
SCALE: 1" = 80'

Job # 010104-1849 Lost Mtn Rd

**Perimeter Surveying Co., Inc.**  
1065 Sandtown Road, SW  
Marietta, GA 30008  
Phone: (770) 425-8824  
Fax: (770) 425-6768  
kencoper@aol.com

Kenneth L. Nutt, G.S. R.L.S. #2104  
COAR L S F 0 1 2 2 3



N/F  
COLQUITT INVESTMENT  
PROPERTIES LLC  
PIN 19038500010  
1830 LOST MOUNTAIN ROAD

N/F  
COLQUITT INVESTMENT  
PROPERTIES LLC  
PIN 19038400120

N/F  
TIMOT (I V) McTYRE  
PIN 19038400150  
1833 LOST MTN RD

N/F  
DONALD E  
SEGASSI, JR.  
PIN 19038400050  
1845 LOST MTN RD

Tract 18

N/F  
LC. & MARGARET  
STONE  
PIN 19035600030  
1831 MACLAND  
WOODS DRIVE

Tract 19

N/F  
STEPHEN G. SMITH  
PIN 19035600020  
1821 MACLAND  
WOODS DRIVE

Tract 20

N/F  
PEGGY E. VANSANT  
PIN 19038500080  
1815 MACLAND  
WOODS DRIVE  
DEED BOOK 14616,  
UPAGE 5005

Tract 21

N/F  
PEGGY E. VANSANT  
PIN 19038500050  
1855 LOST MTN ROAD

**APPLICANT:** Alvin G. Rains

**PETITION No.:** V-116

**PHONE:** 404-308-1131

**DATE OF HEARING:** 9-14-2016

**REPRESENTATIVE:** Alvin G. Rains

**PRESENT ZONING:** R-80

**PHONE:** 404-308-1131

**LAND LOT(S):** 357, 384

**TITLEHOLDER:** Alvin G. Rains and Kimberly L. Rains

**DISTRICT:** 19

**PROPERTY LOCATION:** On the north side of Lost Mountain Road, north of Macland Woods Drive (1849 Lost Mountain Road).

**SIZE OF TRACT:** 4.25 acres

**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1) Allow an accessory structure (proposed 1,200 square foot garage) to the front of the principal building; 2) waive the side setback for an accessory structure over 650 square feet (proposed 1,200 square foot garage) from the required 100 feet to 11 feet adjacent to the eastern property line; and 3) waive the minimum public road frontage from the required 75 feet to 29 feet.

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

**BOARD OF APPEALS DECISION**

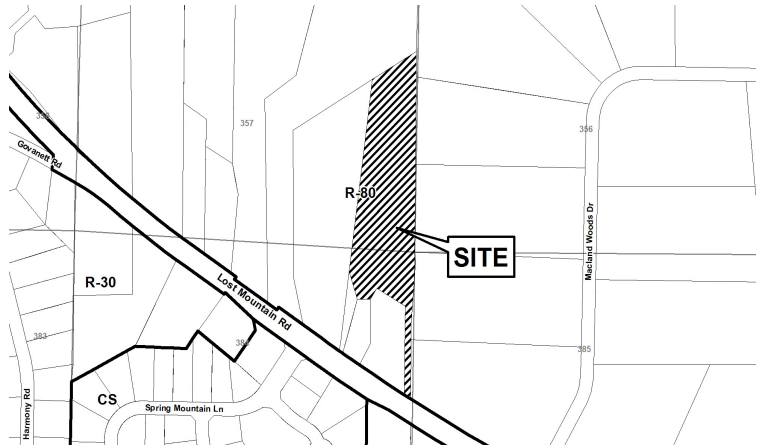
**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**       



**APPLICANT:** Alvin G. Rains **PETITION No.:** V-116

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**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** No comments

**SITE PLAN REVIEW:** No comments

**STORMWATER MANAGEMENT:** No adverse stormwater management impacts are anticipated for this existing structure.

**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 designed guidelines study areas; therefore does not have to comply with design guidelines requirements. No comments.

**CEMETERY PRESERVATION:** No comment

**WATER:** No conflict

**SEWER:** No conflict

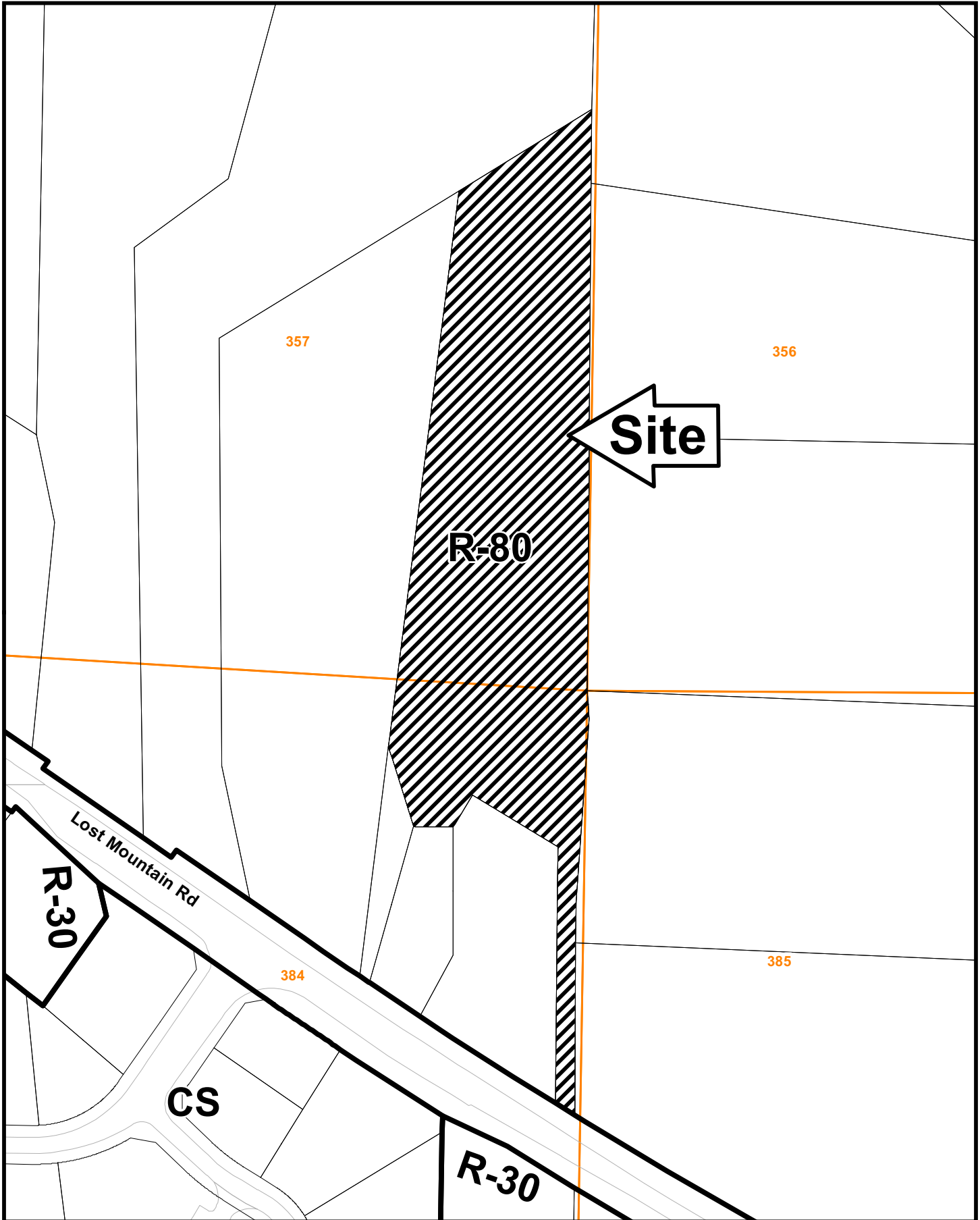
**APPLICANT:** Alvin G. Rains

**PETITION No.:** V-116

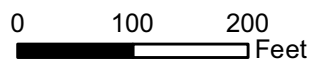
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**FIRE DEPARTMENT:** NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-116-2016 GIS



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-116  
Hearing Date: 9-14-16

Applicant Alvin G. Rains Phone # 404/308-1131 E-mail Cooteral@AOL.CO

Alvin G Rains Address \_\_\_\_\_  
(representative's name, printed) (street, city, state and zip code)

al o R Phone # \_\_\_\_\_ E-mail \_\_\_\_\_  
(representative's signature)



My commission expires: \_\_\_\_\_  
My Commission Expires March 24, 2017

Signed, sealed and delivered in presence of:

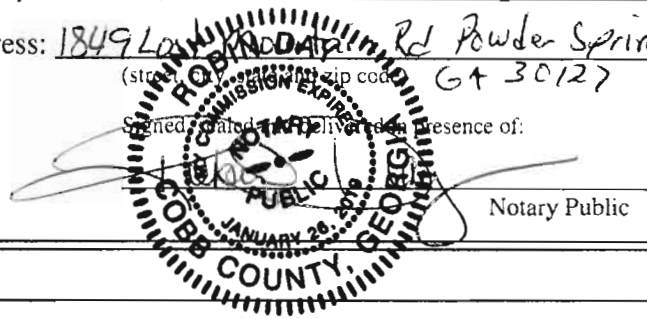
Donald Paul Wells  
Notary Public

Titleholder Alvin G. Rains Phone # 404/308-1131 E-mail Cooteral@AOL.Com

Signature Alvin G Rains Address: 1849 Lost Mountain Rd Powder Springs,  
(attach additional signatures, if needed) (street, city, state and zip code) GA 30127

My commission expires: 11/26/19

Signed, sealed and delivered in presence of:



Notary Public

Present Zoning of Property R-80

Location 1849 Lost Mountain Rd Powder Springs, GA 30127  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 357 & 384 District 19th Size of Tract 4.24 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 \_\_\_\_\_

Does the property or this request need a second electrical meter? YES  NO \_\_\_\_\_

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).

A Variance is needed for the location of a detached garage, Due to the width and slope of my property.

List type of variance requested: Variance 1) Waive required side setback of 25' feet to 11' feet.

Variance 2) Waive the current maximum square footage of 650 sq ft for detached garage to 1200 square foot detached garage.

Variance 3) Waive current build behind back corner of house to build outside front corner of house. (as shown on Rezoning Plat)

**MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
SEPTEMBER 14, 2016  
PAGE 3**

**CONSENT AGENDA (CONT.)**

**V-116**      **ALVIN G. RAINS** (Alvin G. Rains and Kimberly L. Rains, owners) requesting a variance to 1) allow an accessory structure (proposed 1,200 square foot garage) to the front of the principal building; 2) waive the side setback for an accessory structure over 650 square feet (proposed 1,200 square foot garage) from the required 100 feet to 11 feet adjacent to the eastern property line; and 3) waive the minimum public road frontage from the required 75 feet to 29 feet in Land Lots 357 and 384 of the 19<sup>th</sup> District. Located on the north side of Lost Mountain Road, north of Macland Woods Drive (1849 Lost Mountain Road).

To **approve** V-116, subject to:

**1. No commercial or dwelling use of the accessory structure**

~~**V-117**      **PEDRO A. HERNANDEZ** (Pedro Antonio Hernandez and Sonia M. Hernandez Campos, owners) requesting a variance to waive the side setback for an accessory structure under 650 square feet (approximately 500 square foot awning and metal shed) from the required 10 feet to one (1) foot adjacent to the western property line in Land Lot 980 of the 19<sup>th</sup> District. Located on the south side of Stanley Drive, east of Austell Powder Springs Road (4309 Stanley Drive).~~

~~To **approve** V-117, subject to:~~

~~**1. No commercial or dwelling use of the accessory structure**~~

**V-119**      **R. LEE SAAR** (R. Lee Saar and Christy L. Saar, owners) requesting a variance to 1) Waive the rear setback for an accessory structure under 650 square feet (approximately 504 square foot garage) from the required 35 feet to 28 feet; 2) waive the major side setback for an accessory structure under 650 square feet (approximately 342 square foot carport) from the required 25 feet to seven feet; 3) allow an accessory structure (approximately 342 square foot carport) to the side of the principal building and closer to the side street right-of-way; 4) waive the side setback for an accessory structure under 144 square feet (approximately 120 square foot shed) from the required five (5) feet to three (3) feet adjacent to the eastern property line; 5) allow an accessory structure (approximately 120 square foot shed) to the side of the principal building; and 6) allow parking and/or access to parking areas on a non-hardened or treated surface (gravel); and 7) waive the front setback from the required 35 feet to 25 feet (existing) in Land Lot 792 of the 17<sup>th</sup> District. Located at the southeast intersection of Robin Land and Clearwater Drive (2274 Clearwater Drive).

~~To **approve** V-119, subject to:~~