

**LUP-23
(2016)**

- * LEGEND ***
 NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR
 AKA ALSO KNOWN AS N NEIGHBOR'S
 APP AS PER DEED N/F NOW OR FORMER
 APP AS PER PLAT NAIL NAIL FOUND
 BSL BUILDING (SETBACK) LINE P PLAT (BOOK/PAGE)
 CP COMPUTED POINT POB POINT OF BEGINNING
 CTP CRIMP TOP PIPE FOUND POC POINT OF COMMENCEMENT
 D DEED (BOOK/PAGE) R RADIUS LENGTH
 DW DRIVEWAY R/W RIGHT-OF-WAY
 EP EDGE OF PAVEMENT RBF REINFORCING BAR FOUND
 FFE FINISH FLOOR ELEVATION (1/2" UNO)
 FKA FORMERLY KNOWN AS RBS 1/2" REINFORCING BAR SET
 IPF IRON PIN FOUND SW SIDEWALK
 L ARC LENGTH SSE SANITARY SEWER EASEMENT
 LLL LAND LOT SSCO SANITARY SEWER CLEANOUT
 LLL LAND LOT LINE -X- FENCE LINE



CURVE DATA

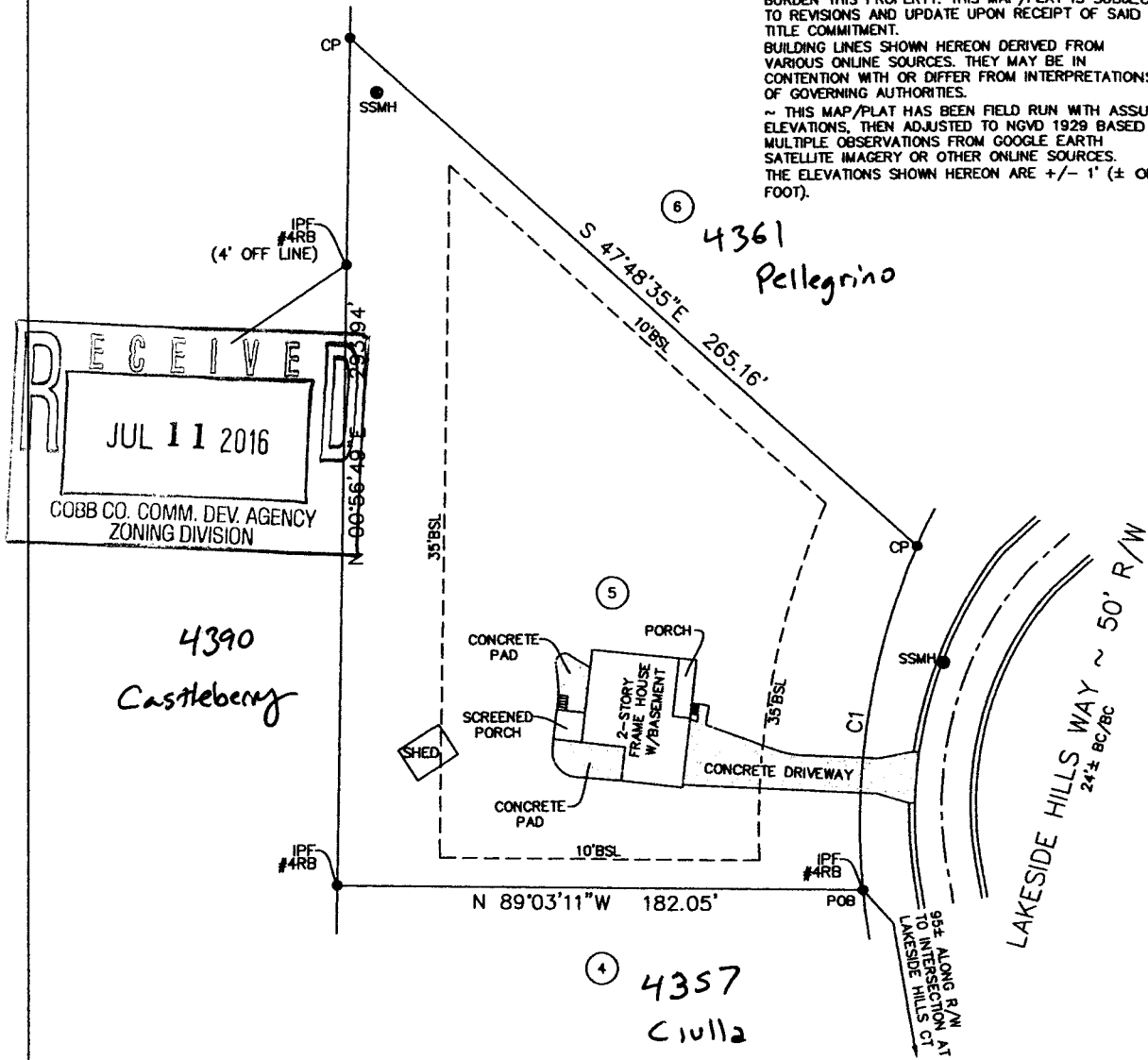
| CURVE | RADIUS | LENGTH | CHORD | CH.BEARING |
|-------|---------|---------|---------|--------------|
| C1 | 242.34' | 121.68' | 120.40' | S 09°16'44"W |

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.
 ~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NGVD 1929 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).



RECEIVED
 JUL 11 2016
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

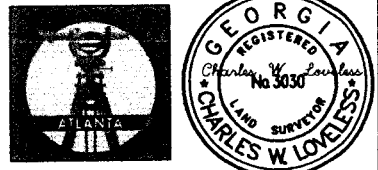
PROPERTY ADDRESS:
 4359 LAKESIDE HILLS WAY NE
 KENNESAW, GA 30144

LAND AREA:
 39,528 SF
 0.9074 AC

ZONING: R-20

AS-BUILT SURVEY PREPARED FOR:
MICHAEL WILGA

| | | | | |
|------------------------|-------|--|-------------|------------------------|
| LOT 5 | BLOCK | UNIT | SUBDIVISION | LAKESIDE HILLS PHASE I |
| LAND LOT 152 | | 16th DISTRICT | | 2ND SECTION |
| COBB COUNTY, GEORGIA | | FIELD: DATE 06-03-2016 | MRH | |
| UNINCORP | | DRWN: DATE 06-06-2016 | MRH | |
| PLAT BOOK 102, PAGE 45 | | ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED | | |



SURVEY SYSTEMS & ASSOC., INC.
 657 Lake Drive, Snellville, GA 30039 ~ COA # LSF000867 ~ INFO@SURVEYSYSTEMSATLANTA.COM
 CELL 770-558-7895 ~ OFFICE 404-760-0010

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN _____ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS 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 O.C.G.A. 15-6-67.



APPLICANT: Michael Wilga and Iris Wilga

PETITION NO: LUP-23

PHONE#: 765-237-2680 **EMAIL:** mwilga.designs@gmail.com

HEARING DATE (PC): 10-04-16

REPRESENTATIVE: Michael Wilga

HEARING DATE (BOC): 10-18-16

PHONE#: 765-237-2680 **EMAIL:** mwilga.designs@gmail.com

PRESENT ZONING: R-20

TITLEHOLDER: Michael John Wilga and Iris Ann Wilga,

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: West side of Lakeside Hills Way, northwest of Hawkins Store Road

PROPOSED USE: To Grow Produce to Sell

(4359 Lakeside Hills Way)

ACCESS TO PROPERTY: Lakeside Hills Way

SIZE OF TRACT: 0.9 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing Single-family house

LAND LOT(S): 152

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20 & R-15/Lakeside Hills Subdivision & Lake Latimer Subdivision

SOUTH: R-20/Lakeside Hills Subdivision

EAST: R-20/Lakeside Hills Subdivision

WEST: R-20/Twin Creek Subdivision

Adjacent Future Land Use:

Northeast: Low Density Residential (LDR) (The northwest corner touches Park / Recreational / Conservation (PRC))

East: Low Density Residential (LDR)

South: Low Density Residential (LDR)

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

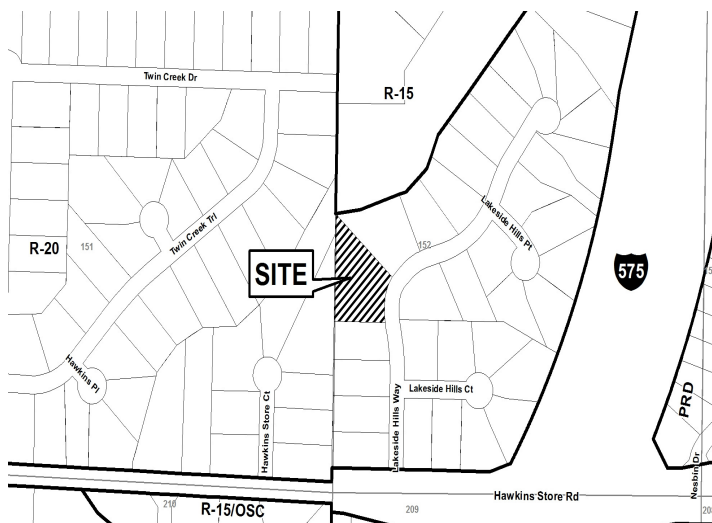
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



APPLICANT: Michael Wilga

PETITION NO.: LUP-23

PRESENT ZONING: R-20

PETITION FOR: LUP -23

ZONING COMMENTS: Staff Member Responsible: Kim Wakefield

The applicant is requesting a Temporary Land Use Permit for 24 months for the purpose of growing produce on their property to sell at the Farmer’s Market, Restaurants, direct to consumers and wholesale. The code allows a residential agricultural farm on two acres or more and require that all sales be conducted on the property where the products are grown. The applicant has indicated the produce will be grown entirely within the house. There will be two commercial deliveries per month to the property. They are estimating one client to the residence per month. The applicant is not requesting any employees or a sign on the property.

The applicant will need the following variances with this request:

1. Reduce the required two acre requirement to .91 acres;
2. Allow sales to be conducted on and off-site.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments. Property served by public water and sewer.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

FIRE COMMENTS:

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.

APPLICANT: Michael Wilga

PETITION NO.: LUP-23

PRESENT ZONING: R-20

PETITION FOR: LUP

| |
|---------------------------------------|
| STORMWATER MANAGEMENT COMMENTS |
|---------------------------------------|

No comment.

STAFF RECOMMENDATIONS

LUP-23 MICHAEL WILGA AND IRIS WILGA

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.

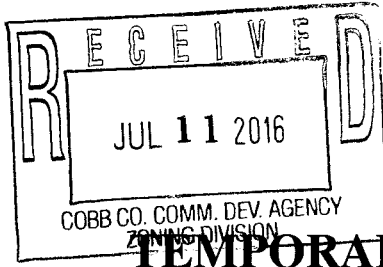
- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request should not affect the safety, health or welfare of the surrounding neighborhood.
- (2) *Parking and traffic considerations.*
There will be no additional traffic related to this application.
- (3) *Number of nonrelated employees.*
The applicant is not requesting any employees.
- (4) *Number of commercial and business deliveries.*
The applicant has indicated there will be approximately two commercial deliveries per month.
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
The single family residential nature of neighborhoods in the County could be harmed by disruptions from the increased traffic in the area.
- (6) *Compatibility of the business use to the neighborhood.*
The fundamental natures of most businesses are incompatible with neighborhoods; however this majority of the business activities for this business are conducted solely within the house.
- (7) *Hours of operation.*
The houses of operation will be seven days a week from 7 a.m. until 9 p.m.
- (8) *Existing business uses in the vicinity.*
There are no known businesses surrounding the property.
- (9) *Effect on property values of surrounding property.*
This application should not effect the property values of the surrounding properties.
- (10) *Circumstances surrounding neighborhood complaints.*
The request is not the result of a complaint of the Code Enforcement Division.
- (11) *Intensity of the proposed business use.*
The proposed use will have little, if any, effect on traffic in the area.
- (12) *Location of the use within the neighborhood.*
The proposal is located in a platted subdivision and surrounded by residential uses.

LUP-23 MICHAEL WILGA AND IRIS WILGA (continued)

Based on the above analysis, Staff recommends **APPROVAL**, for 24 months, subject to:

1. Fire Department comments and recommendations;
2. Department of Transportation comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. No employees;
6. No signs;
7. One customer coming to house per month;
8. Two commercial deliveries per month.

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 #: LUP 23
PC Hearing Date: 10-4-16
BOC Hearing Date: 10-18-16

TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. **Type of business, or request?** Grow produce to sell at Farmer's Markets, Restuarants, Direct to Consumer, and Wholesale
2. **Number of employees?** 0
3. **Days of operation?** Monday through Sunday, 7 days a week
4. **Hours of operation?** sunrise to sunset, generally 7am to 9pm
5. **Number of clients, customers, or sales persons coming to the house per day?** 0 ; **Per week?** 0.25
6. **Where do clients, customers and/or employees park?**
Driveway: ✓ ; **Street:** _____ ; **Other (Explain):** _____


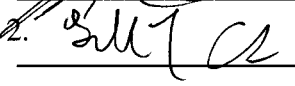
7. **Signs? No:** ✓ ; **Yes:** _____. (If yes, then how many, size, and location): _____
8. **Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.):** 1 Pickup truck and 1 small trailer for transport to and from Farmer's Markets, Restaurants, and Wholesalers
9. **Deliveries? No** _____ ; **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** _____
11. **Any outdoor storage? No** ✓ ; **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** ____ (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: [Signature] **Date:** 6/30/16

Applicant name (printed): Michael Wilga

**CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNER
TO ACCOMPANY APPLICATION FOR LAND USE PERMIT**

By signature, it is hereby acknowledged that I give my consent/or have no objection that Dancing Bear Growers, LLC
owned by Michael Wilga intends to make an application for a Land Use Permit for the purpose of
Grow produce to sell at Farmer's Markets, Restuarants, Direct to Consumer, and Wholesale
on the premises described in the application.

| Signature | Printed name | Address |
|---|------------------|---|
| 1.  | Jessica Ciulla | 4357 Lakeside Hills Way NE, Kennesaw GA 30144 |
| 2.  | Todd Castleberry | 4390 Hawkins Store Ct Kennesaw GA 30144 |
| 3. | | |
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