



**APPLICANT:** Willie Abernathy

**PHONE#:** 678-234-1764      **EMAIL:** \_\_\_\_\_

**REPRESENTATIVE:** Willie Abernathy

**PHONE#:** 678-234-1764      **EMAIL:** \_\_\_\_\_

**TITLEHOLDER:** Willie Gene Abernathy, Donna Marie Jordan and

Mildred Sharlene Mahaffey

**PROPERTY LOCATION:** North side of Lee Road, west of

Veterans Memorial Hwy

(264 Lee Road)

**ACCESS TO PROPERTY:** Lee Road

**PHYSICAL CHARACTERISTICS TO SITE:** Two single-family

Houses

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**      R-20/Single-family House

**SOUTH:**      R-20/Single-family House

**EAST:**      R-20/Single-family House

**WEST:**      R-20/Single-family House

*Adjacent Future Land Use:*

Northeast: Neighborhood Activity Center (NAC)

East: Neighborhood Activity Center (NAC)

South: Medium Density Residential (MDR)

West: Community Activity Center (CAC)

**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:**

**PETITION NO.:** LUP-25

**HEARING DATE (PC):** 10-04-16

**HEARING DATE (BOC):** 10-18-16

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit

**(RENEWAL)**

**PROPOSED USE:** Two houses on one

Parcel (existing)

**SIZE OF TRACT:** .63 acres

**DISTRICT:** 18

**LAND LOT(S):** 42

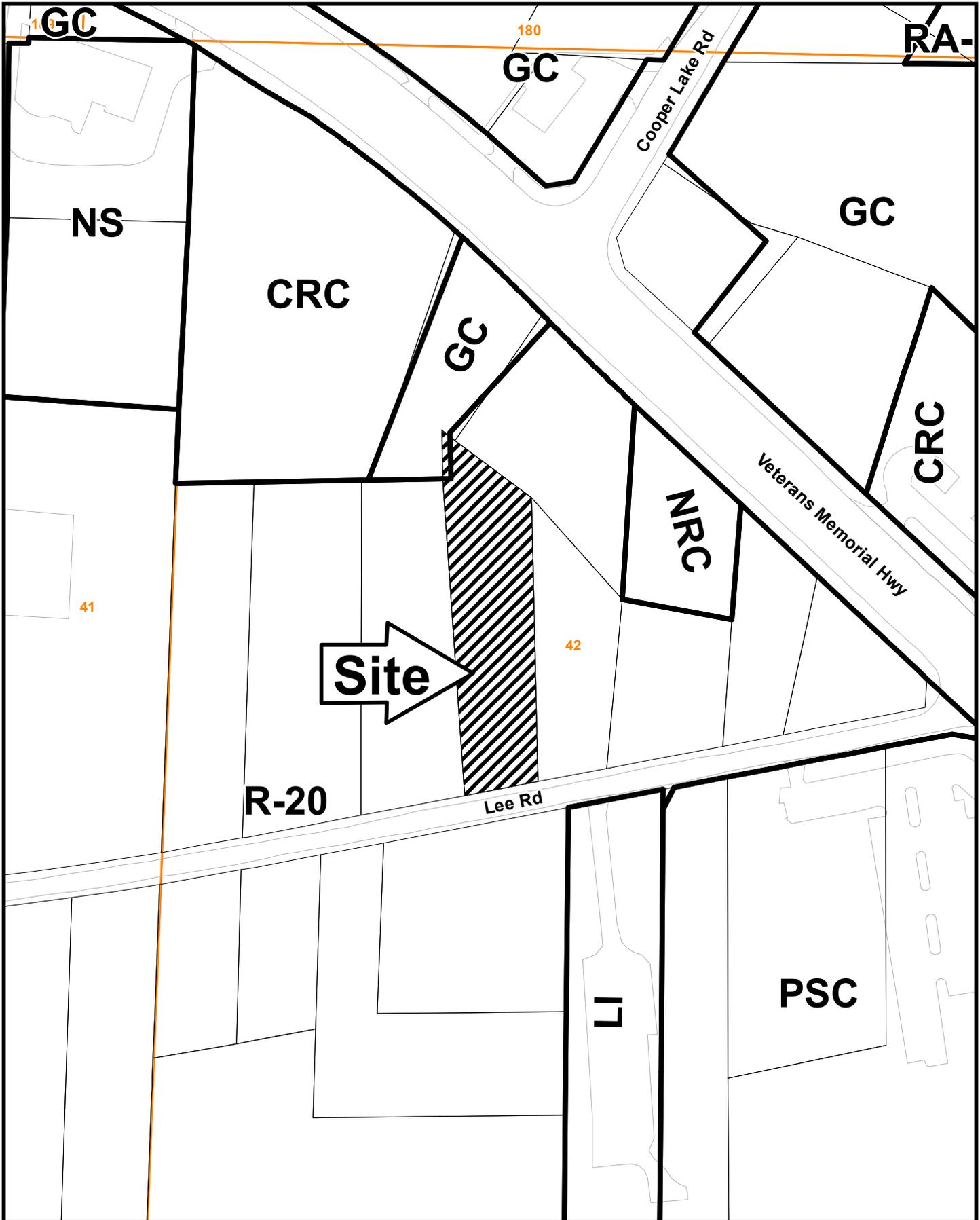
**PARCEL(S):** 27

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4



# LUP-25-2016 GIS



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

0 100 200 Feet

City Boundary  
Zoning Boundary

**APPLICANT:** Willie Abernathy

**PETITION NO.:** LUP-25

**PRESENT ZONING** R-20

**PETITION FOR:** LUP-25

\*\*\*\*\*

**ZONING COMMENTS:** Staff Member Responsible: Kim Wakefield

Applicant is requesting a renewal of the Temporary Land Use Permit (TLUP) to allow the continuance of two houses being occupied on one parcel of land. Tax records indicate the main house was built in 1942. The previous TLUP indicated the second home was built in 1975. The two homes have been owned and occupied by the same family for many years. Original application was a result of a Code Enforcement Complaint; however, there have not been any complaints filed since the approval of TLUP.

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

Property may continue to be served by a single water meter.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

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

\*\*\*\*\*

**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: Willie Abernathy**

**PETITION NO.: LUP-25**

**PRESENT ZONING: R-20**

**PETITION FOR: LUP**

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
---------------------------------------

No comment (Renewal).

## STAFF RECOMMENDATIONS

### LUP-25      WILLIE ABERNATHY

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.

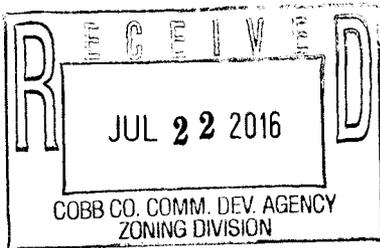
- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*  
**This request should not affect the safety, health or welfare of the surrounding neighborhood.**
- (2) *Parking and traffic considerations.*  
**There will be no additional traffic related to this application.**
- (3) *Number of nonrelated employees.*  
**N/A**
- (4) *Number of commercial and business deliveries.*  
**N/A**
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*  
**N/A**
- (6) *Compatibility of the business use to the neighborhood.*  
**N/A**
- (7) *Hours of operation.*  
**N/A**
- (8) *Existing business uses in the vicinity.*  
**N/A**
- (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.*  
**There have been no Code Enforcement complaints filed since the approval of the original Temporary Land Use Permit.**
- (11) *Intensity of the proposed business use.*  
**N/A**
- (12) *Location of the use within the neighborhood.*  
**This property is not located in a platted subdivision and is surrounded by residential uses.**

**LUP-25 WILLIE ABERNATHY (Continued)**

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

1. Site plan submitted to the Zoning Division dated July 22, 2016;
2. For this applicant and current family use only;
3. If the property is sold to another party, or the applicant or their family cease use of the second house, then the second house shall be converted to a storage building;
4. Second house not to be used as a rental unit;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations;
8. Fire Department comments and recommendations.

**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-25  
PC Hearing Date: 10-4-16  
BOC Hearing Date: 10-18-16

### TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

1. Number of unrelated adults in the house? 1
2. Number of related adults in the house? 2
3. Number of vehicles at the house? 3
4. Where do the residents park?  
Driveway:  ; Street: \_\_\_\_\_ ; Garage: \_\_\_\_\_
5. Does the property owner live in the house? Yes  ; No \_\_\_\_\_
6. Any outdoor storage? No  ; Yes \_\_\_\_\_ (If yes, please state what is kept outside): \_\_\_\_\_
7. Length of time requested (24 months maximum): 24 mo
8. 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).
9. Any additional information? (Please attach additional information if needed):  
\_\_\_\_\_  
\_\_\_\_\_

Applicant signature: Willie Abernathy Date: \_\_\_\_\_

Applicant name (printed): Willie Abernathy

#### ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: \_\_\_\_\_

Size of house per Cobb County Tax Assessor records: \_\_\_\_\_

Number of related adults proposed: \_\_\_\_\_ Number permitted by code: \_\_\_\_\_

Number of unrelated adults proposed: \_\_\_\_\_ Number permitted by code: \_\_\_\_\_

Number of vehicles proposed: \_\_\_\_\_ Number permitted by code: \_\_\_\_\_

Number of vehicles proposed to be parked outside: \_\_\_\_\_ Number of vehicles permitted \_\_\_\_\_

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

By signature, it is hereby acknowledged that I give my consent/or have no objection that \_\_\_\_\_  
\_\_\_\_\_ intends to make an application for a Land Use Permit for the purpose of  
\_\_\_\_\_ on the premises described in the application.

Signature	Printed name	Address
1. <i>Donna Jordan</i>	Donna M. Jordan	1607 Dale Ave Char NE 28216
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

