

**DECEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM 079

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their November 9, 2016 Variance Hearing regarding Variance Application V-159 Asad Nezamabadi.

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 November 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.

ATTACHMENTS

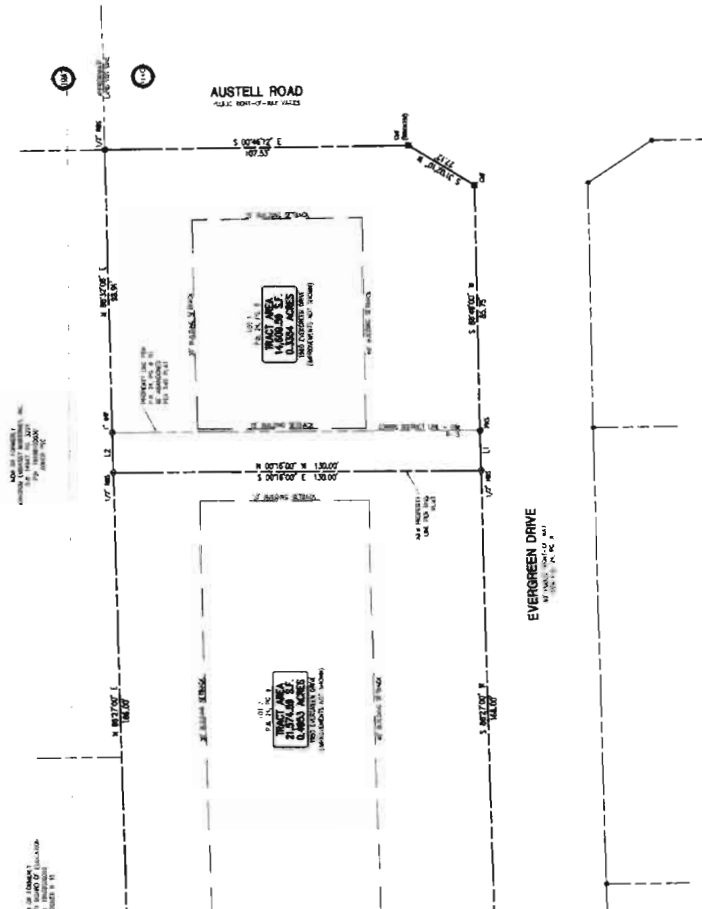
Variance analysis.

LOTS 1 & 2 ~ BLOCK "A" ~ ROCKINGWOOD ESTATES SUBDIVISION

A LOT RECONFIGURATION OF LOT 1 AND LOT 2, BLOCK "A", ROCKINGWOOD ESTATES SUBDIVISION (P.B. 24, P.C. 5), LAND LOT 1140, 19TH DISTRICT, 200 SECTION, COSSB COUNTY, GEORGIA

LEGEND

1	EXISTING BOUNDARY
2	PROPOSED BOUNDARY
3	PROPOSED LOT 1
4	PROPOSED LOT 2
5	PROPOSED LOT 3
6	PROPOSED LOT 4
7	PROPOSED LOT 5
8	PROPOSED LOT 6
9	PROPOSED LOT 7
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12	PROPOSED LOT 10
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97	PROPOSED LOT 95
98	PROPOSED LOT 96
99	PROPOSED LOT 97
100	PROPOSED LOT 98
101	PROPOSED LOT 99
102	PROPOSED LOT 100



SCALE: 1" = 30'

GENERAL NOTES

- THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT COULD AFFECT THE SURVEY.
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OWNER'S ACKNOWLEDGMENT

I, the undersigned, being the owner of the land shown on this plat, do hereby acknowledge that the survey shown hereon is a true and correct survey of the land shown thereon, and that the same is in accordance with the plat hereon, and that I have no objection to the same being recorded in the public records of this county.

DATE: 7/14/16

SIGNATURE: [Signature]

SURVEYOR'S ACKNOWLEDGMENT

I, the undersigned, being a duly licensed professional surveyor in the State of Georgia, do hereby certify that the survey shown hereon is a true and correct survey of the land shown thereon, and that the same is in accordance with the plat hereon, and that I have no objection to the same being recorded in the public records of this county.

DATE: 7/14/16

SIGNATURE: [Signature]

COSSB COUNTY DEVELOPMENT CERTIFICATION

THE PLAT SHOWS THE PROPERTY IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF COSSB COUNTY, GEORGIA, AND THAT THE PROPERTY IS ELIGIBLE FOR DEVELOPMENT AS SHOWN ON THE PLAT.

DATE: _____

SIGNATURE: _____

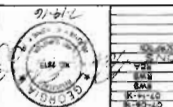
COSSB COUNTY BOARD OF HEALTH CERTIFICATION

THE PLAT SHOWS THE PROPERTY IS IN ACCORDANCE WITH THE HEALTH ORDINANCES OF COSSB COUNTY, GEORGIA, AND THAT THE PROPERTY IS ELIGIBLE FOR DEVELOPMENT AS SHOWN ON THE PLAT.

DATE: _____

SIGNATURE: _____

Bestler Greenfield Surveying, LLC
1430 West Peachtree Road, Suite 200
Atlanta, Georgia 30329
Phone: 404.251.1000
Fax: 404.251.1001
www.bestlersurveying.com



V-159
(2016)

08307 AC
1980 & 1980 EVERGREEN
AUSTELL, GA 30108
COSSB COUNTY - GEORGIA

LOT RECONFIGURATION PLAT
FOR
ASAD NEZAMABADI

PROJECT NO.
19600 ED
DATE
ISSUED BY SURVEYOR
SCALE: 1" = 30'

APPLICANT: Asad Nezamabadi

PETITION No.: V-159

PHONE: 770-944-1009

DATE OF HEARING: 11-9-2016

REPRESENTATIVE: Asad Nezamabadi

PRESENT ZONING: O&I, R-20

PHONE: 770-944-1009

LAND LOT(S): 1140

TITLEHOLDER: Asad Nezamabadi

DISTRICT: 19

PROPERTY LOCATION: On the northwest corner of Austell Road and Evergreen Drive (1960 Evergreen Drive).

SIZE OF TRACT: 0.34 acres

COMMISSION DISTRICT: 4

TYPE OF VARIANCE: Waive the minimum lot size from the required 20,000 square feet to 14,609 square feet for proposed lot 1.

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

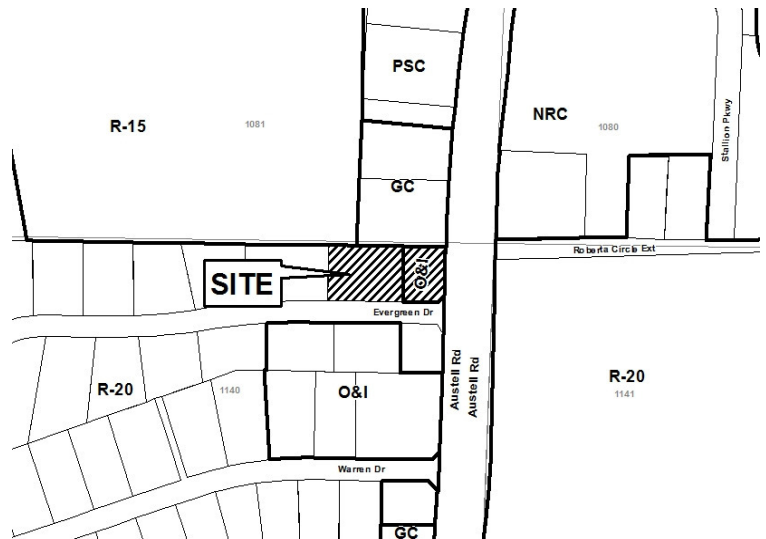
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Asad Nezamabadi **PETITION No.:** V-159

COMMENTS

TRAFFIC: Recommend removing parking spaces that encroach upon the right-of-way.

DEVELOPMENT & INSPECTIONS: No comment

SITE PLAN REVIEW: No comment

STORMWATER MANAGEMENT: No comment.

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 for V-147 –V-165.

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: No comment

WATER: No conflict

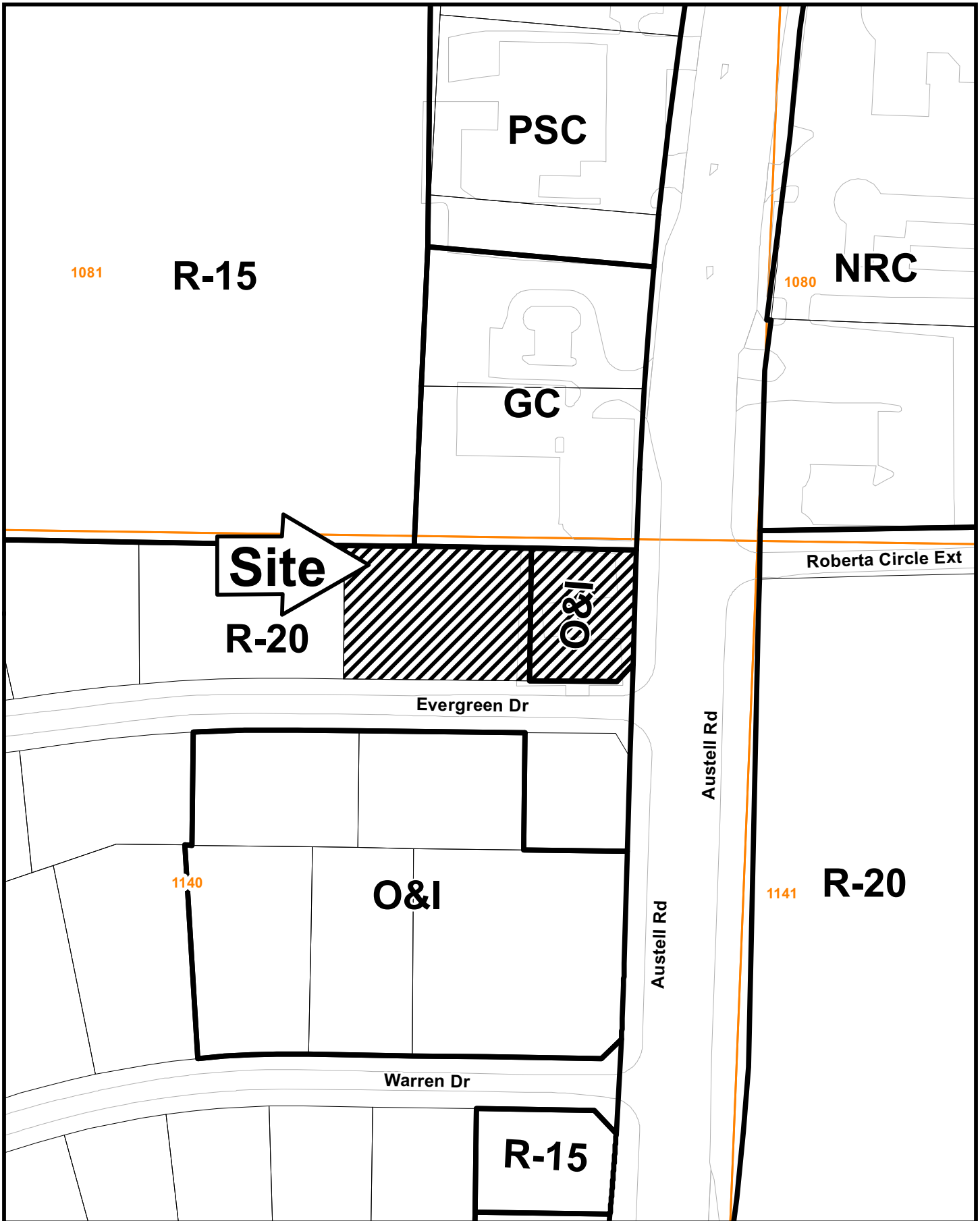
SEWER: No conflict. Sewer available in Evergreen Dr

APPLICANT: Asad Nezamabadi

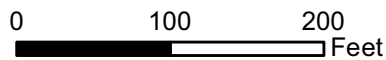
PETITION No.: V-159



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.

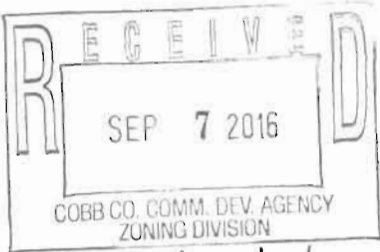
V-159-2016 GIS



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



-  City Boundary
-  Zoning Boundary



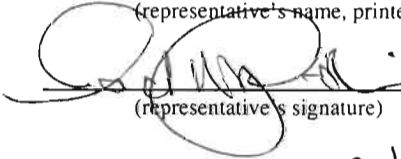
Application for Variance Cobb County

(type or print clearly)

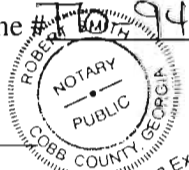
Application No. V-159
Hearing Date: 11-9-16

Applicant Asad Nezamabadi Phone # 770-944-1009 E-mail mindofbusiness@yahoo.com

~~33~~ Asad Nezamabadi Address 3300 Windy Ridge Pkwy #1422 Atlanta GA 30339
(representative's name, printed) (street, city, state and zip code)

 Phone # 770-944-1009 E-mail mindofbusiness@yahoo.com
(representative's signature)

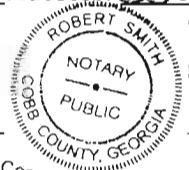
My commission expires: 04/21/2019 Signed, sealed and delivered in presence of: 
My Commission Expires April 21, 2019 Notary Public



Titleholder Asad Nezamabadi Phone # 770-944-1009 E-mail mindofbusiness@yahoo.com

Signature  Address: 3300 Windy Ridge Pkwy Atlanta, GA 30339
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 04/21/2019 Signed, sealed and delivered in presence of: 
My Commission Expires April 21, 2019 Notary Public



Present Zoning of Property Lot 1, is O&I and Lot 2 is residential.

Location 1960 Evergreen Drive, Austell, GA 30106 & 1980 Evergreen Dr
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1140 District 19 Size of Tract 1/3 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 14,609.50^{SF} Shape of Property Square Topography of Property level 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:

It was very tight to access the back of the building on Lot 1 (1960 Evergreen Dr.). Made a driveway and a gate.

List type of variance requested: we have used 14' of Lot 2 land to make access freely to the back of the building on Lot 1

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 9, 2016
PAGE 6**

REGULAR AGENDA (CONT.)

V-159 **ASAD NEZAMABADI** (Asad Nezamabadi, owner) requesting a variance to waive the minimum lot size from the required 20,000 square feet to 14,609 square feet for proposed lot 1 in Land Lot 1140 of the 19th District. Located on the northwest corner of Austell Road and Evergreen Drive (1960 Evergreen Drive).

The public hearing was opened, and Mr. Asad Nezamabadi and Ms. Brenda Woods addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Homan, second by Williams, to **approve** V-159, subject to:

- 1. Site plan received by the Zoning Division on September 7, 2016 (attached and made a part of these minutes)**
- 2. No delivery of car carriers or cars to the property for sale**
- 3. No parking of vehicles for sale on the property**
- 4. Department of Transportation comments and recommendations**

VOTE: **ADOPTED 5-0**

Clerk's Note: Chairman Homan instructed the opposition to work with DOT staff regarding possible installation of speed bumps. Chairman Homan agreed to communicate with the District Commissioner the need for sidewalks.

CONSENT AGENDA (CONT.)

Chairman Homan announced that the Applicant and the opposition for V-165 had come to an agreement and requested that V-165 be added back to the Consent Agenda. By general consensus, Mr. Pearson read V-165 back into the record, and then a motion was made to add V-165 back to the Consent Agenda.

V-165 **THE FITTS COMPANY, INC** (Development Authority of Cobb County, owner) requesting a variance to waive the maximum allowable wall sign area from 224 square feet to 312 square feet on the north elevation in Land Lots 981, 1011 and 1012 of the 17th District. Located on the north side of Akers Mill Road, the west side of Cumberland Blvd., the east side of Interstate 75, and south of Interstate 285 (3700 Overton Park Drive).

To **approve** V-165, subject to:

- 1. Sign renderings contained in the Variance Analysis (attached and made a part of these minutes)**