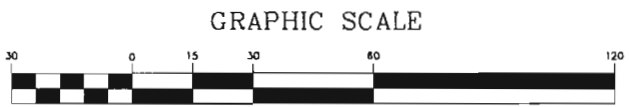
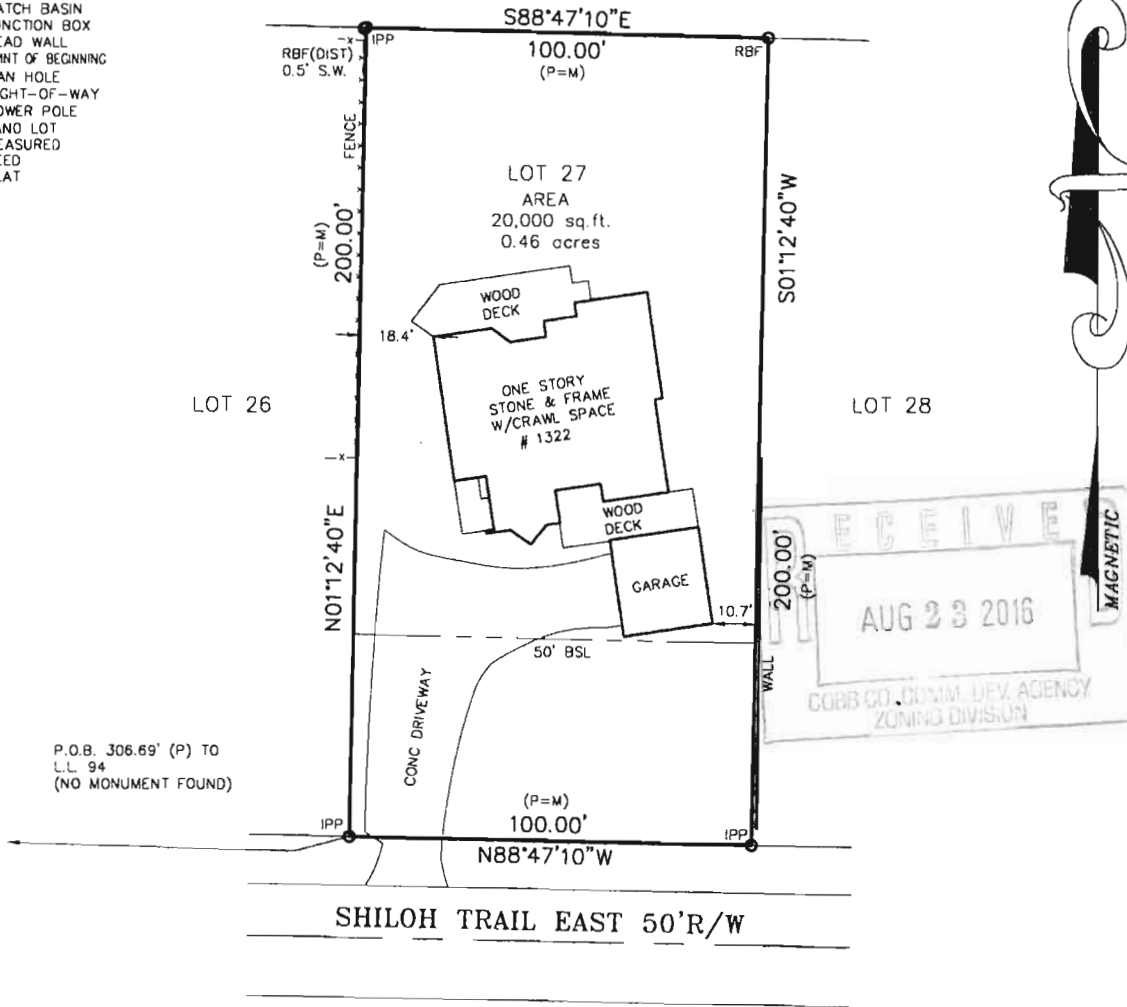


LUP-32  
(2016)

LEGEND

- CMP CORRUGATED METAL PIPE
- DE DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- BSL BUILDING SETBACK LINE
- RBF REBAR FOUND
- IPP IRON PIN PLACED
- IPF IRON PIN FOUND
- OTF OPEN TOP FOUND
- CTF CRIMP TOP FOUND
- RB REBAR
- CB CATCH BASIN
- JB JUNCTION BOX
- HW HEAD WALL
- POB POINT OF BEGINNING
- MH MAN HOLE
- R/W RIGHT-OF-WAY
- PP POWER POLE
- LL LAND LOT
- M MEASURED
- D DEED
- P PLAT

N/F  
75-WADE GREEN BUSINESS CENTER



PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

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, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-6, 43-15-19, 43-15-22.

NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING

NOTE: ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

INFORMATION REGARDING THE REPORTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OF SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 0.3 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 100,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN PREPARATION OF THIS PLAT.

FIELD DATE 08/08/16

JOB NUMBER: 16-03547 	ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: <b>RAISSA BARNETTE</b>		DATE <b>08/09/16</b>	
	OWNER / PURCHASER <b>SML-GE REAL ESTATE, LLC</b>		SCALE <b>1" = 30'</b>	
	LAND LOT 94                      20th DISTRICT                      2nd SECTION                      COBB COUNTY, GEORGIA			
	LOT 27                                      BLOCK A                                      UNIT THREE                      AREA OF LOT: 20,000 S.F.			
	SUBDIVISION <b>THE FAIRWAYS OF PINETREE</b>			
PLAT BOOK <u>68</u> , PAGE <u>19</u> DEED BOOK _____ PAGE _____		ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED <b>SOLAR LAND SURVEYING COMPANY</b> P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770) 794-9052		

**APPLICANT:** SM LIVING LLC

**PETITION NO:** LUP-32

**PHONE#** 470-222-1219 **EMAIL:** gchancy@gmail.com

**HEARING DATE (PC):** ~~11-01-16~~ 02-07-17

**REPRESENTATIVE:** Dan Silverboard, Esq.

**HEARING DATE (BOC):** ~~11-15-16~~ 02-21-17

**PHONE#** 678-336-7244 **EMAIL:** dsilverboard@taylorenghish.com

**PRESENT ZONING:** R-20

**TITLEHOLDER:** SML-GE Real Estate, LLC

**PROPOSED ZONING:** Land Use Permit

**PROPERTY LOCATION:** North side of Shiloh Trail East, east of  
Creekwood Crossing

**PROPOSED USE:** Allow 8 Residents in a  
Group Home

(1322 Shiloh Trail East)

**ACCESS TO PROPERTY:** Shiloh Trail East

**SIZE OF TRACT:** 0.46 acre(s)

**DISTRICT:** 20

**PHYSICAL CHARACTERISTICS TO SITE:** Existing single-family  
house

**LAND LOT(S):** 94

**PARCEL(S):** 116

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** O&I/ 75 Wade Green Business Center

**SOUTH:** R-20/Fairways of Pinetree Subdivision

**EAST:** R-20/Fairways of Pinetree Subdivision

**WEST:** R-20/Fairways of Pinetree Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

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

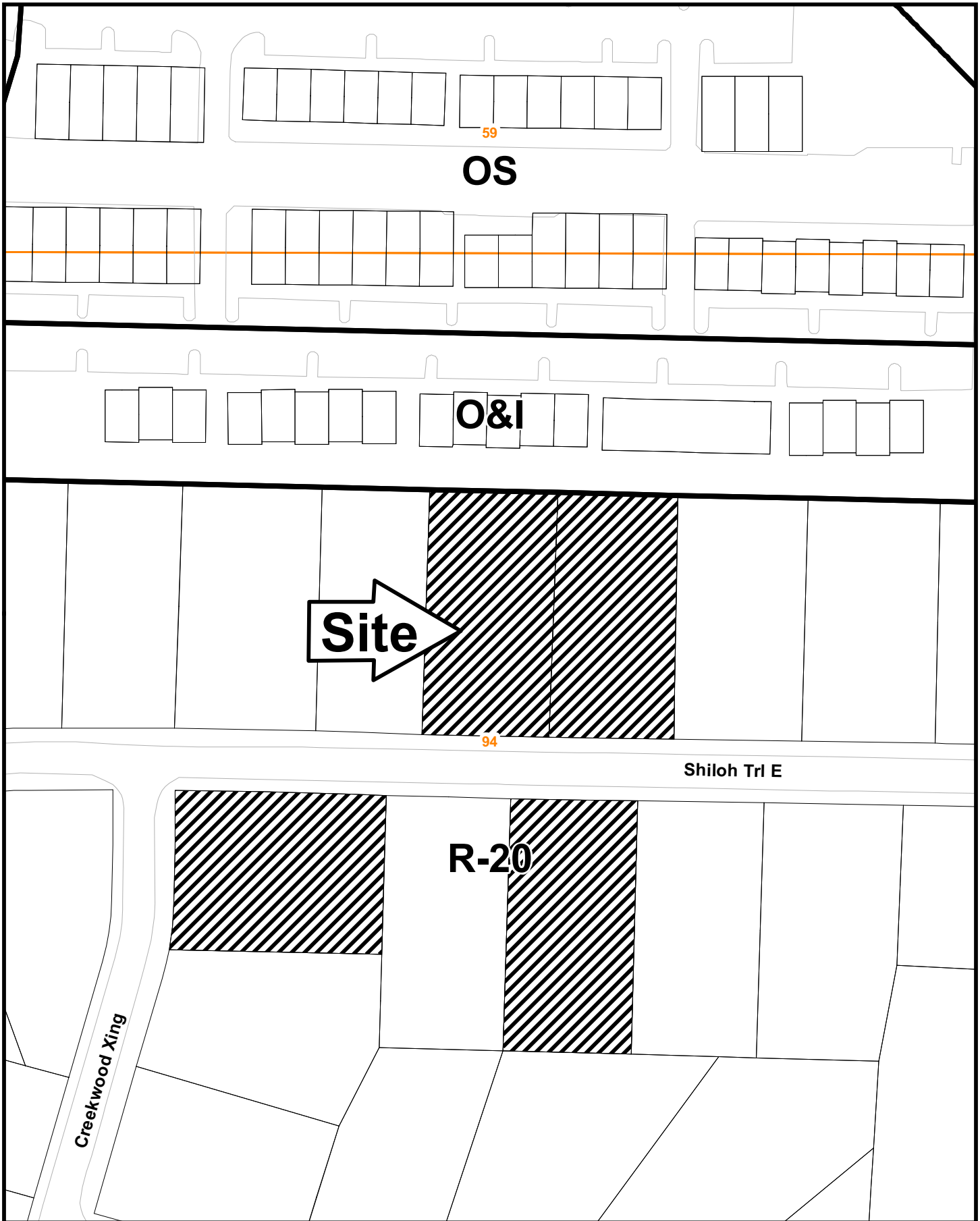
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

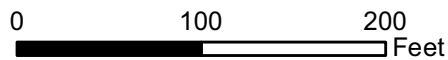
**STIPULATIONS:**





# LUP-32-2016 GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: SM LIVING LLC

PETITION NO.: LUP-32

PRESENT ZONING: R-20

PETITION FOR: LUP

\*\*\*\*\*

**ZONING COMMENTS:** Staff Member Responsible: Kim Wakefield & John Pederson

The applicant is requesting an increase in the number of residents allowed by Code from four (4) to eight (8). The group home has been in operation at this location since at least March of 2015; although the business license indicates February 2016. The applicant was cited by Code Enforcement in July of 2015, and again in June of this year for having four (4) occupants while the Certificate of Occupancy only allowed three (3). The applicant indicates there will be 2-3 vehicles at the residence. The applicant is not requesting any signs or outside storage.

**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:**

GROUP HOME: More than 3 (4 or more) unrelated occupants within a single dwelling unit must comply with the Life Safety Code for the applicable occupancy classification. This may include implementation of a fire alarm and/or sprinkler system.

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS:**

No comments.

## STAFF RECOMMENDATIONS

**LUP-32      SM LIVING, LLC    (1322 Shiloh Trail East)**

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 has the potential to affect the safety, health, or welfare of the surrounding properties. Since the applicant has acquired the property, there have been four verified Code Enforcement violations. This property has caused code problems for the neighborhood.**
- (2) Parking and traffic considerations.*  
**The applicant indicates all visitors and employees will park in the driveway and street.**
- (3) Number of nonrelated employees.*  
**There are 2 employees associated with this request.**
- (4) Number of commercial and business deliveries.*  
**The applicant indicates there will be no commercial deliveries connected with this request.**
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*  
**This use is located in area having single-family residential homes. The use is permitted for up to four people, however the applicant proposes to double the number of people in the house.**
- (6) Compatibility of the business use to the neighborhood.*  
**The proposed use is surrounded by residential uses and is located in a Low Density Residential (LDR) on the Cobb County Comprehensive Plan.**
- (7) Hours of operation.*  
**The hours of operation are 24 hours a day, seven (7) days a week.**
- (8) Existing business uses in the vicinity.*  
**There are four (4) homes on this block owned or leased by this applicant also operating a group home and requesting an increase in occupants.**
- (9) Effect on property values of surrounding property.*  
**This request has the potential to effect on the property values in the area. This property has caused Code Enforcement problems for the neighborhood.**
- (10) Circumstances surrounding neighborhood complaints.*  
**The applicant was cited by Code Enforcement for having four (4) occupants when the Certificate of Occupancy restricted residents to three (3). This property, during Sober Men's Living ownership (2014) has caused the neighborhood to complain four times to Code Enforcement.**

(Continued on the next page)

**LUP-32 SM LIVING, LLC (Continued)**

*(11) Intensity of the proposed business use.*

**The proposed group home use is a permitted use in this zoning district for up to four residents. This application proposes to double the intensity of an existing permitted use for this property.**

*(12) Location of the use within the neighborhood.*

**The proposal is located within a platted subdivision and has residential to the east, west and south.**

Based on the above analysis and a strict interpretation of the Code, Staff recommends **DENIAL** of the application.

**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 #: LVP-32  
PC Hearing Date: 11-1-16  
BOC Hearing Date: 11-15-16

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

- Number of unrelated adults in the house? 5 (3 residents, 2 staff)
- Number of related adults in the house? 0
- Number of vehicles at the house? 2-3
- Where do the residents park?  
Driveway:  ; Street: \_\_\_\_\_ ; Garage: \_\_\_\_\_
- Does the property owner live in the house? Yes \_\_\_\_\_ ; No
- Any outdoor storage? No  ; Yes \_\_\_\_\_ (If yes, please state what is kept outside): \_\_\_\_\_
- Length of time requested (24 months maximum): 24 months
- 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).
- Any additional information? (Please attach additional information if needed):

Permit request is to allow 8 full time residents in group home, not including staff

Applicant signature: [Signature] Date: \_\_\_\_\_

Applicant name (printed): Gregory Chaney

#### ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: R-20

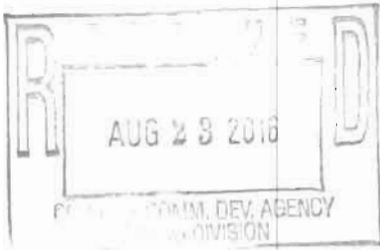
Size of house per Cobb County Tax Assessor records: 2,622 sq ft

Number of related adults proposed: 0 Number permitted by code: 6

Number of unrelated adults proposed: 5 Number permitted by code: 1

Number of vehicles proposed: 3 Number permitted by code: 6

Number of vehicles proposed to be parked outside: 3 Number of vehicles permitted 3



Revised October 1, 2009

Application #: LVP-32

PC Hearing Date: 1-1-16

BOC Hearing Date: 1-15-16

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

1. Type of business, or request? Group Home
  2. Number of employees? 2
  3. Days of operation? 7 days/week
  4. Hours of operation? 24 hours/day
  5. Number of clients, customers, or sales persons coming to the house per day? 3 full time; Per week? 3 full time residents
  6. Where do clients, customers and/or employees park?  
Driveway: ; Street: ; Other (Explain): \_\_\_\_\_

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  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.): N/A

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  9. Deliveries? No ; Yes \_\_\_\_\_. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) \_\_\_\_\_

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  10. Does the applicant live in the house? Yes \_\_\_\_\_; No
  11. Any outdoor storage? No ; Yes \_\_\_\_\_. (If yes, please state what is kept outside): \_\_\_\_\_

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  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):  
Permit application is to raise limit to 8 full time residents
- Applicant signature: *Gregory Chancy* Date: \_\_\_\_\_
- Applicant name (printed): Gregory Chancy