

**MARCH 21, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM 006

To consider granting a Special Exception for a reduction of lot size and public road frontage as recommended by the Board of Zoning Appeals from their February 15, 2017 Variance Hearing regarding Variance Application V-17 BEB INVESTMENTS, LLC.

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 and 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 February 15, 2017 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for the reduction of lot size as recommended by the Board of Zoning Appeals.

ATTACHMENTS

Variance analysis

V-17
(2017)

REVISED

RECEIVED
JAN 23 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Variance Request

The Estates

Cobb County, Georgia Land Lot 259, 20th District

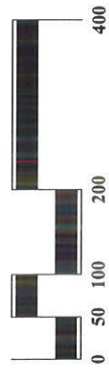
prepared for:

6M Properties, LLC

DGM
LAND PLANNING
CONSULTANTS



975 Cass Place
Bainbridge 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Scale: 1" = 100'
January 10, 2017



Notes:

1. Boundary survey provided by owner, dated April 14, 1987.
2. Topographic information provided by Cobb County GIS.
3. Topographic information provided by Cobb County GIS.
4. All acreages are known to exist on site within the 100 year flood plain.
5. No stream or wetlands are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. Utility easements exist on site and are shown.
8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

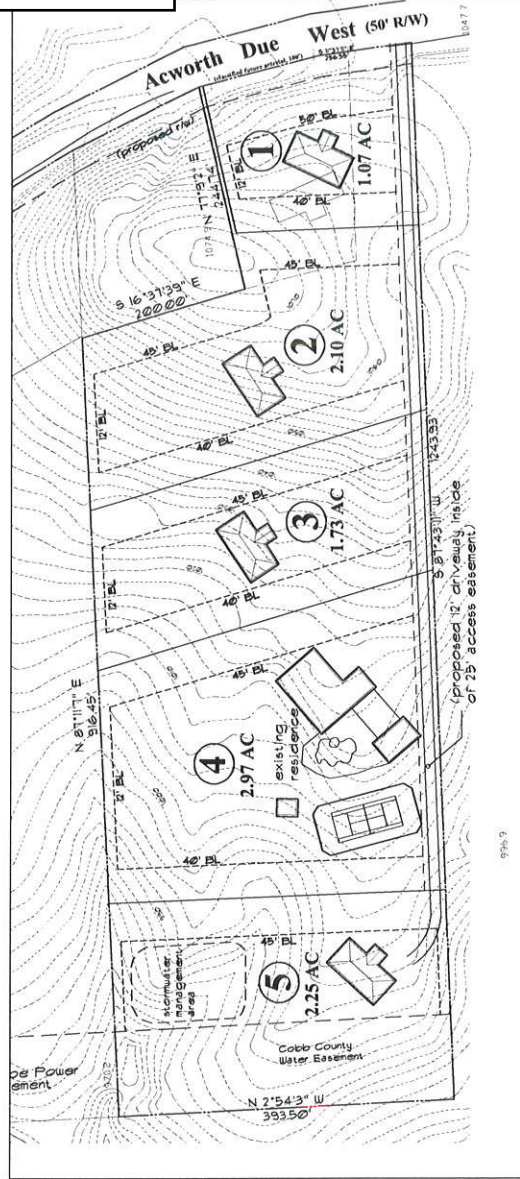


*Variance Request:

1. Reduction of public road frontage requirement for lot 2 from 75' to 5'.
2. Waive public road frontage requirement on lots 3, 4, and 5.

Site Data

Total Site Area: 10.11 AC
 Total Lots Shown: 5
 Present Zoning: R-30
 Min. Lot Size: 30,000 SF



APPLICANT: BEB Investments, LLC

PETITION No.: V-17

PHONE: 404-550-3520

DATE OF HEARING: 02-15-2017

REPRESENTATIVE: Garvis L. Sams, Jr.

PRESENT ZONING: R-30

PHONE: 770-422-7016

LAND LOT(S): 259

TITLEHOLDER: 6M Properties, LLC

DISTRICT: 20

PROPERTY LOCATION: On the west side of Acworth Due West Road, north of Brigade Trail (1049 Acworth Due West Road).

SIZE OF TRACT: 10.11 acres

COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the minimum road frontage from the required 75 feet to 5 feet for lot 2; 2) Allow three lots to have no public road frontage to access off a private easement for lots 3-5; 3) Reduce the required lot size for a lot off a private easement from 80,000 square feet to 75,358 square feet for lot 3 and 4) waive the front setback for lots 2-5 from the required 50 feet to 45 feet.

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

BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: If this variance request is approved, a Land Disturbance Permit must be obtained prior to the issuance of any building permits. The engineer must submit the civil engineering plans for this subdivision to the Site Plan Review Section, Community Development Agency for review and approval. Call 770-528-2147. A final subdivision plat must also be recorded prior to the issuance of any building permits. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording.

STORMWATER MANAGEMENT: Stormwater management will be required for this development due to existing downstream drainage issues. Design details, location and configuration will be addressed during Plan Review.

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 sites are not within the boundaries of approved design guidelines study areas; therefore do not have to comply with design guidelines requirements. No comments.

CEMETERY PRESERVATION: No comment.

WATER: No conflict.

SEWER: No conflict. Applicant should be made aware that for new subdivisions, lots <80,000 ft2 must connect to sanitary sewer.

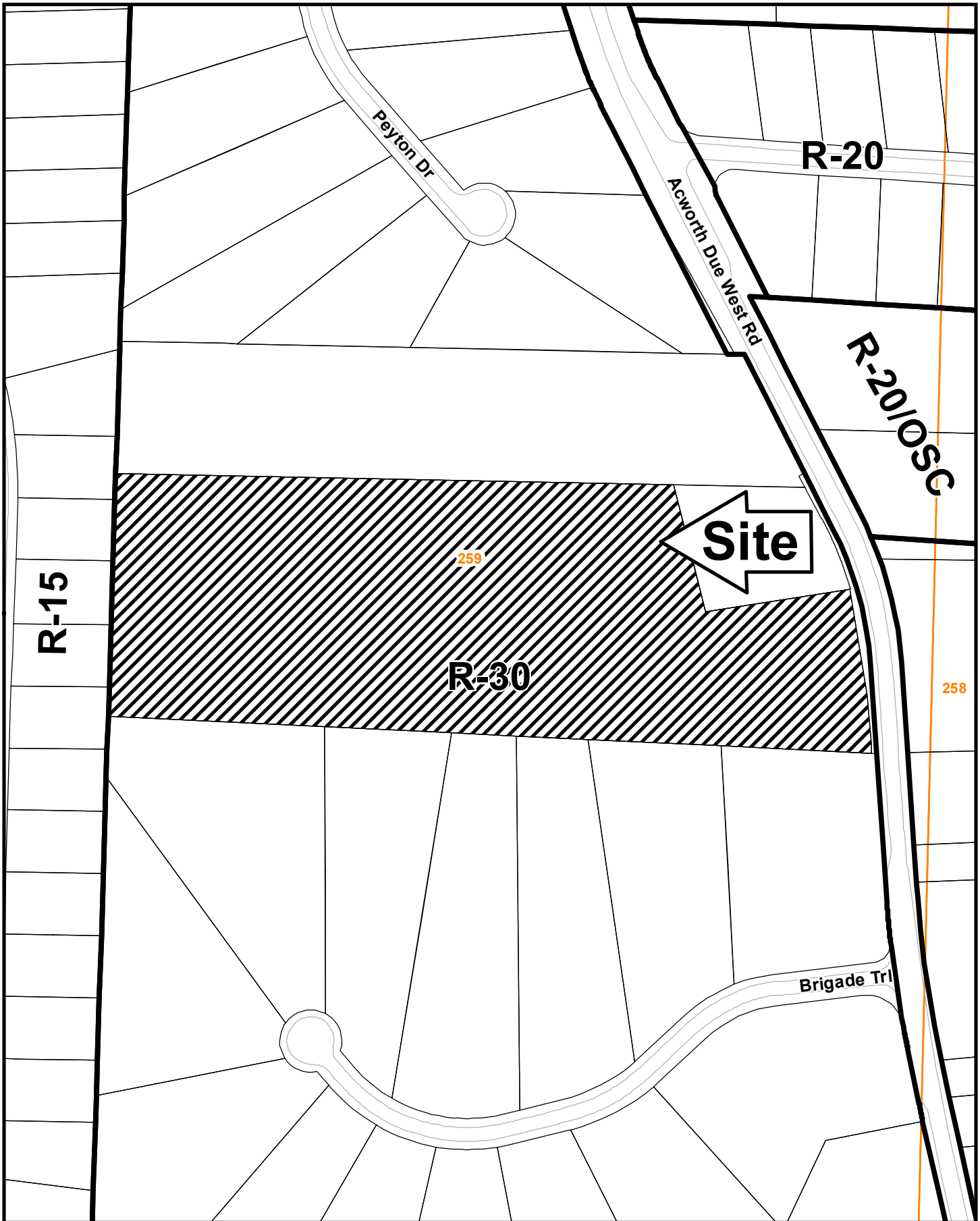
FIRE DEPARTMENT: ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

V-17-2017 GIS



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

0 200 400 Feet

City Boundary
Zoning Boundary



Application for Variance Cobb County

(type or print clearly)

Application No. V-17
Hearing Date: February 15, 2017

Applicant BEB Investments, LLC Phone # 404-550-3520 E-mail peterbright333@gmail.com

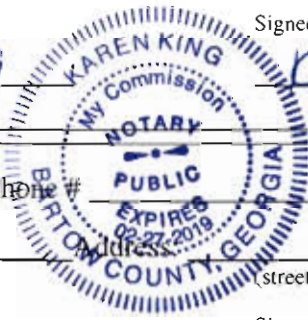
SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr. Address 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

(representative's signature)

Phone # 770-422-7016 E-mail gsams@slhb-law.com

Signed, sealed and delivered in presence of:

My commission expires: 2-27-19 Karen L. King Notary Public



Titleholder See Attached Phone # _____ E-mail _____

Signature _____
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____ Notary Public

Present Zoning of Property R-30

Location On the west side of Acworth Due West Road,
(street address, if applicable: nearest intersection, etc.)

Land Lot(s) 259 District 20th Size of Tract 10.11 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:

A literal interpretation or enforcement of provisions of the Cobb County Zoning Ordinance would disallow the proposed development of the subject property.

List type of variance requested: To waive the required minimum 75' public road frontage.

Application No.: V-17
BZA Hearing Date: Feb. 15, 2017

Applicant: BEB INVESTMENTS, LLC

Titleholders: 6M PROPERTIES, LLC

PIN#: 20025900050



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

[Signature] 12-8-16
6M Properties, LLC Date

Its: Manager
Elizabeth Bright

Address: 1049 Acworth Dne West Rd
Kennesaw GA 30152

Telephone No.: (404) 550-3520

[Signature: Karen L. King] 12-8-16
Signature of Notary Public Date

(Notary Seal)



V-17
(2017)
Exhibit

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

January 23, 2017

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Variance Application of BEB Investments, LLC regarding a 10.11
Acre Tract (V-17)

Dear John:

As you know, this firm represents BEB Investments, LLC ("BEB") concerning the above-captioned Variance Application. In that regard, the application is scheduled to be heard and considered by the Cobb County Board of Zoning Appeals on February 15, 2017.

The original site plan filed concurrently with the Variance Application included requests for Variances waiving the required public road frontage of seventy-five feet (75') for Lots 2, 3, 4 & 5. After careful study and discussions with the Stormwater Management Division, BEB has provided us with the authority to formally submit a Revised Site Plan, the requisite number of copies of which are enclosed.

The revised plan includes lot sizes ranging from 1.76 acres – 3.02 acres with one of the lots, on the Acworth Due West Road frontage, being exactly 1 acre in size. Since the existing zoning of the property is R-30 the lot sizes vastly exceed 30,000 square feet. Additionally, the Revised Site Plan modifies the Variance proposal so that the waivers now sought are as follows:

1. A reduction of public road frontage for Lot 2 from seventy-five feet (75') to five feet (5').
2. In accordance with direction from Stormwater staff, a waiver of public road frontage on Lots, 3, 4 & 5, a more efficient lot layout and is consistent with Ordinance requirements which anticipate a waiver of public road frontage for three lots. With this new site plan we avoid having flag lots for Lots 3, 4 & 5.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

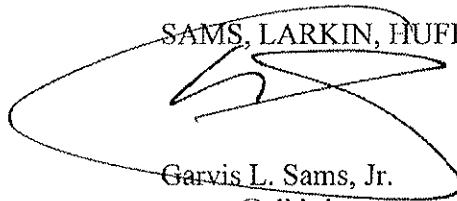
VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 23, 2017
Page 2

Please do not hesitate to contact me should you have any questions whatsoever regarding the foregoing. With kind regards I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/klk
Enclosures

cc: Members, Cobb County Board of Zoning Appeals (via email w/attachment)
Mr. Dana Johnson, AICP, Director (via email w/attachment)
Mr. Lee McClead, Deputy Director (via email w/attachment)
Mr. Jason S. Gaines, AICP, Planning Division Manager (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. Terry Martin, Planner II (via email w/attachment)
Mr. Donald Wells, Zoning Analyst (via email w/attachment)
Ms. Tannessa Bates, Zoning Analyst (via email w/attachment)
Ms. Amy Diaz, P.E., Cobb County DOT (via email w/attachment)
Ms. Ashley White, P.E., Cobb County DOT (via email w/attachment)
Mr. Tim Davidson, Cobb County Water System (via email w/attachment)
Mr. David Breaden, P.E., Cobb County Stormwater Management
(via email w/attachment)
Ms. Pam Mabry, County Clerk (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Ms. Robin Presley, Deputy County Clerk (via email w/attachment)
Mr. and Mrs. Peter Bright (via email w/attachment)
Mr. David Myer, RLA (via email w/attachment)