

FOR:

Understand the subject
Trinity Church

LOT	BLOCK	REVISIONS
1	A	
PLAT BOOK	PAGE	
LAND LOT		
DISTRICT		
COUNTY		
STATE	GEORGIA	
DATE	05.25.17	SCALE: 1" = 40'

IN MY OPINION THIS PLAT IS
A CORRECT REPRESENTATION
OF THE LAND PLATTED.

J. A. Evans & Assoc.

J. A. EVANS & ASSOC.
SMYRNA, GEORGIA
PH. 435-7155

This field data contains information that is not represented in this plat. It is the responsibility of the client to verify the accuracy of the information provided. The client is advised that the information provided is for informational purposes only and should not be used for any other purpose. The client is advised that the information provided is for informational purposes only and should not be used for any other purpose.

APPLICANT: Esther J. Kim and Sung Min Brian Ryu

PETITION NO: LUP-13

PHONE#: 770-710-8255 **EMAIL:** briansmryu@gmail.com

HEARING DATE (PC): 08-01-17

REPRESENTATIVE: Sung Min Brian Ryu

HEARING DATE (BOC): 08-15-17

PHONE#: 770-710-8255 **EMAIL:** briansmryu@gmail.com

PRESENT ZONING: R-20

TITLEHOLDER: Esther J. Kim and Sung Min Brian Ryu

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: East side of Wesley Chapel Road,
south of Beacon Street

PROPOSED USE: Seven Chickens

(3746 Wesley Chapel Road)

ACCESS TO PROPERTY: Wesley Chapel Road

SIZE OF TRACT: 0.9774 ac

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Two Story Single

LAND LOT(S): 329

Family Home

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Chapel Hill Subdivision
- SOUTH:** R-20/ Wesley Hills Subdivision
- EAST:** R-20/ Wesley Hills Subdivision
- WEST:** R-20/ Spring Wood Subdivision

Adjacent Future Land Use:

- North: Low Density Residential (LDR)
- Southeast: Low Density Residential (LDR)
- Southwest: Low Density Residential (LDR)
- Northwest: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

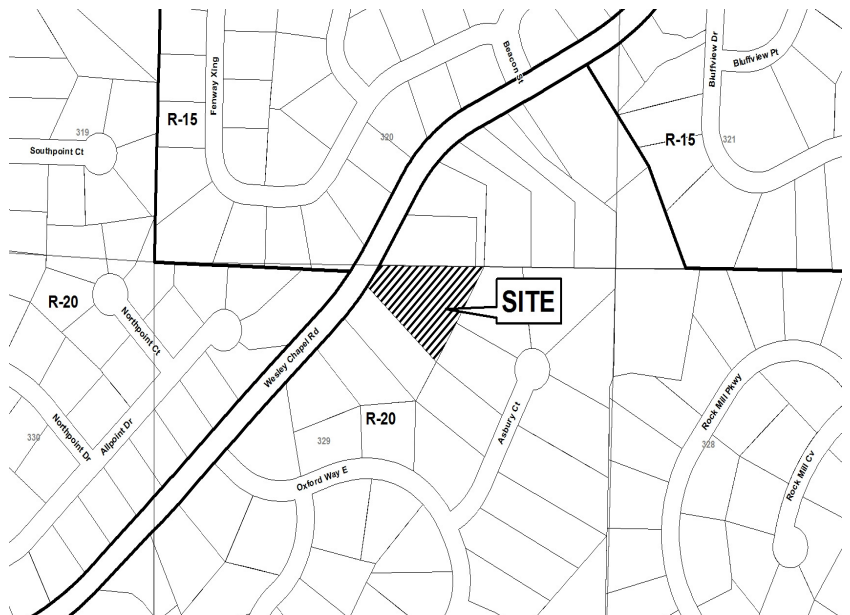
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

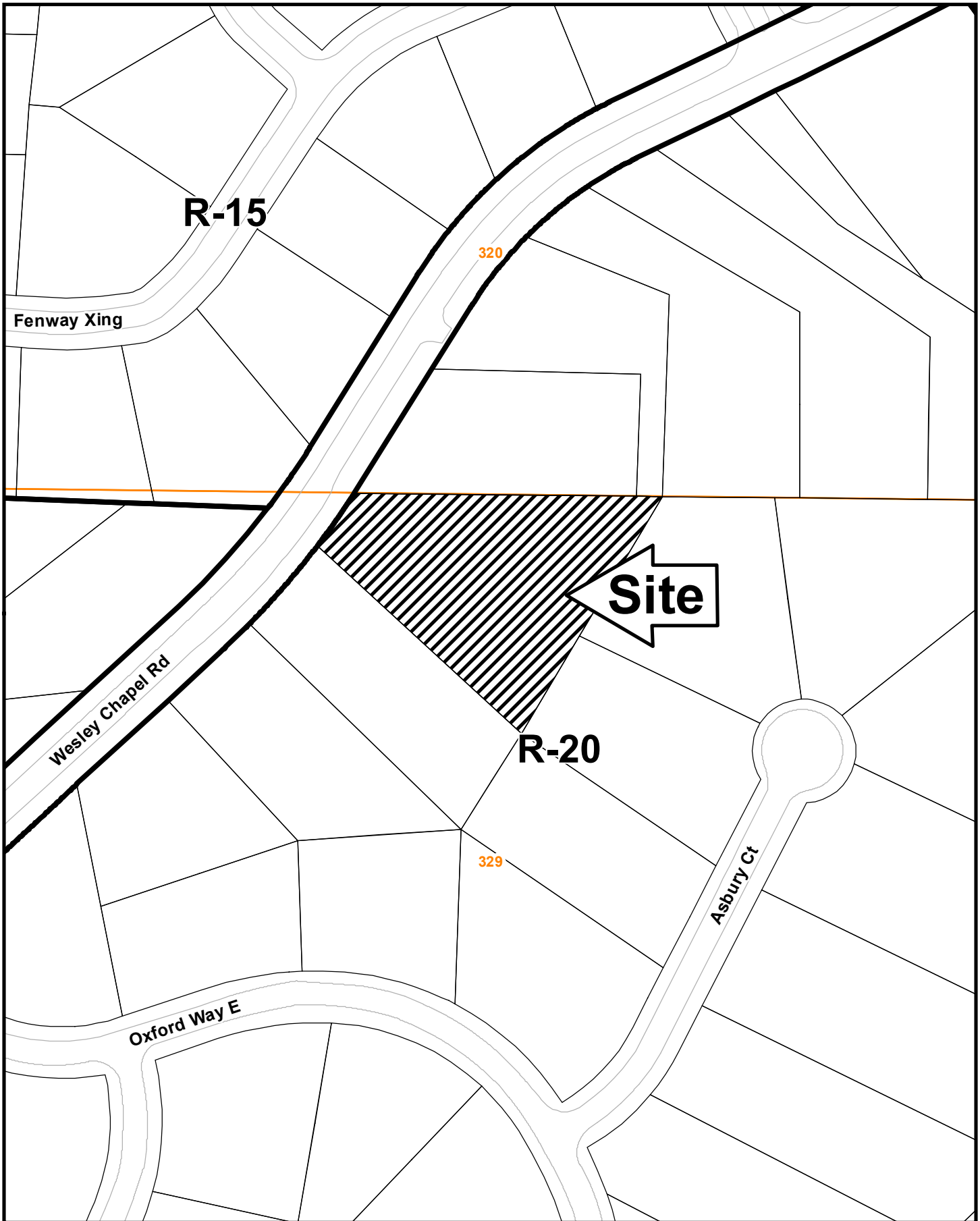
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

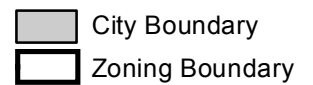
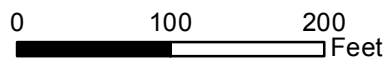
STIPULATIONS:



LUP-13 2017-GIS



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



APPLICANT: Esther J. Kim and Sung Min Brian Ryu

PETITION NO.: LUP-13

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Donald Wells

The applicant is requesting a Temporary Land Use Permit to allow chickens on a lot less than 2 acres. The applicant intends to have 7 hens that will be housed in a coop inside a run. The coop will be behind to the rear of the house at least 30 feet from all property lines. The applicant is aware that the slaughtering of animals is prohibited. This application is the result of a Code Enforcement complaint. The applicant has received approval from the Wesley Hills Home Owners Association.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments. Water and sewer available.

TRAFFIC COMMENTS:

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

APPLICANT: Esther J Kim

PETITION NO.: LUP-13

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: Esther J. Kim and Sung Min Brian Ryu

PETITION NO.: LUP-13

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-13 ESTHER J. KIM AND SUNG MIN BRIAN RYU

There are twelve criteria that must be considered for a Temporary Land Use Permit. However nine of the twelve criteria have to do with “commercial uses” within a residential area and these nine criteria do not apply to chickens. The three criteria that may be considered are below in numbered italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request may affect the safety, health or welfare of the surrounding neighborhoods. Previous chicken cases have had opposition that have presented testimony relating to concerns about negative effects of chicken manure, and that chickens may attract predators and/or rodents.

- (2) *Effect on property values of surrounding property.*
This request could have potential to affect property values in the area. Previous chicken cases have had opposition that have presented testimony relating to concerns about negative effects on property values when located within a platted residential subdivision.

- (3) *Circumstances surrounding neighborhood complaints.*
This application is the result of a Code Enforcement violation. That violation included outside side storage, litter, parking standards, and livestock. The case is still active pending the outcome of this request. This property owner has caused an eyesore for the neighbors.

Additionally, Staff will review the ten requirements of the poultry ordinance for compliance regarding this recommendation and these are listed below by lettered italics and the staff analysis for these are in bold:

- (a) *There shall be a maximum ratio of one poultry per 5,000 square feet of lot area on any lot less than two acres.*
The applicant would be permitted to have 8 hens based off the submitted survey. The applicant’s request is for 7 hens.

- (b) *Only hens are kept on the property.*
The applicant has only request to have hens on the property.

- (c) *The poultry shall be kept/maintained within a fenced area to the rear of the house.*
The applicant will have the hens in a coop inside a run or pen.

- (d) *Coops, or other buildings used for the poultry shall be located at least 30 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply. Where a conflict exists, this section shall control.*
The applicant has stated the chicken run/coop will be at least 30 feet from all property lines. The final location to be determined by the Board of Commissioners.

- (e) *The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals.*
To be monitored by Code Enforcement.

(f) *The poultry shall not cause a nuisance, as defined by state law.*

To be monitored by Code Enforcement.

(g) *The slaughter of any hen on site is prohibited.*

The applicant understands, and will comply.

(h) *The fee for the land use permit for backyard poultry shall be \$75.00 with renewal fees being \$50.00.*

Fees have been paid.

(i) *The duration of any land use permit approved for poultry as pets or food source shall not exceed two years, renewable for up to two-year terms thereafter.*

To be determined by the Board of Commissioners.

(j) *At least two weeks prior to the hearing before the planning commission, applicant shall notify all contiguous property owners in writing.*

The applicant has notified all contiguous property owners, including getting signatures supporting his request from the neighbors at 3679 Asbury Court (directly east) and 3738 Wesley Chapel Road (directly south). Letters have been mailed to the other contiguous property owners. The applicant has received support from their home owners association (Wesley Hills Home Owners Association). Staff is concerned that recipients of the letters may not be supportive of the application.

Based on the above analysis, specifically items 1, 2, 3 and j, Staff recommends **Denial**.

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-13
PC Hearing Date: 8-1-17
BOC Hearing Date: 8-15-17

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

1. Type of business, or request? N/A
2. Number of employees? N/A
3. Days of operation? N/A
4. Hours of operation? N/A
5. Number of clients, customers, or sales persons coming to the house per day? _____ ; Per week? _____
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.): _____
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): _____
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):



Seven Chickens

Applicant signature: [Signature] Date: 5/25/2017

Applicant name (printed): _____

May 25, 2017

To Whom It May Concern:

We, the governing members of the Wesley Hills Home Owners' Association, acknowledge and give our consent to Brian Sung Min Ryu and Esther J Kim, owners of 3746 Wesley Chapel Road, Marietta, GA 30062, to submit an application for a Land Use Permit for the purpose of raising backyard chickens on the aforementioned property. We hope that this note may assist in their process of acquiring the necessary permit. Please let us know if you need any further assistance.

Regards,

The Wesley Hills HOA

Keely Contant, President



Caitlyn Carr, Secretary



Brian S.M. Ryu, Treasurer





Cobb County...Expect the Best!

COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY
Code Enforcement Division

Mailing Address
P.O. Box 649
Marietta, Ga. 30061

Physical Address
1150 Powder Springs Rd.
Suite 400
Marietta, Ga. 30064

Fax: (770) 528-2092

LUP-13 (2017)
Code
Enforcement
Notice of
Violation

Notice of Violation

Violation Number: CODE-2017-02305

Date: 4/25/2017

The Cobb County Code Enforcement Division has grounds to believe the property located at:

3746 WESLEY CHAPEL RD MARIETTA, GA 30062 16 0329 002 R-20
(Address) (City/State/Zip) (Dist) (Land Lot) (Par) (Zoning)

and/or RYU SUNG MIN B & KIM ESTHER J (3746 WESLEY CHAPEL RD MARIETTA, GA 30062)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from April 25, 2017. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

Table with 3 columns: Violation, Code Section, Requirement for Compliance. Rows include USE LIMITATIONS/ OUTSIDE STORAGE, LITTER, PARKING STANDARDS, and PERMITTED USE/LIVESTOCK.

Dwayne Hepler (dwayne.hepler@cobbcounty.org) (770)528-2185
Officer Telephone

Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG