

**SEPTEMBER 19, 2017 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM 043**

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 August 9, 2017 Variance Hearing regarding Variance Application V-79 Russell A. Mullins.

**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/or 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 August 9, 2017 Variance Hearing and recommended approval of the Special Exception.

**STAFF COMMENTS**

See variance analysis.

**RECOMMENDATION**

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

**ATTACHMENTS**

Variance analysis and minutes.



**APPLICANT:** Russell A. Mullins

**PETITION No.:** V-79

**PHONE:** 770-616-2357

**DATE OF HEARING:** 08-09-2017

**REPRESENTATIVE:** Russell A. Mullins

**PRESENT ZONING:** R-20

**PHONE:** 770-616-2357

**LAND LOT(S):** 603

**TITLEHOLDER:** Russell A. Mullins

**DISTRICT:** 16

**PROPERTY LOCATION:** On the east side of Weeping Oak Trace, north of Post Oak Tritt Road (2564 Weeping Oak Trace).

**SIZE OF TRACT:** 1.5 acres

**COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** 1) Waive the minimum public road frontage from the required 75 feet to 35 feet for proposed Tract 1 and to zero feet for proposed Tract 2; 2) waive the minimum lot size for a parcel that has no public road frontage from the required 80,000 sq. ft. to 40, 012 sq. ft; and 3) waive the rear setback on proposed Tract 1 from the required 35 feet to 29 feet (existing).

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

**BOARD OF APPEALS DECISION**

**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**       



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**COMMENTS**

**TRAFFIC:** Recommend a no access easement to Branford Court.

Recommend an access easement for Tract 2 access through Tract 1.

**DEVELOPMENT & INSPECTIONS:** No comments.

**SITE PLAN REVIEW:** If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot along with any approved setback reductions, and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

**STORMWATER MANAGEMENT:** If approved, site grading plans approved by Stormwater Management Division will be required prior to permitting.

**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:** No comments.

**CEMETERY PRESERVATION:** No comments.

**WATER:** No conflict.

**SEWER:** No conflict.

**APPLICANT:** Russell A. Mullins

**PETITION No.:** V-79

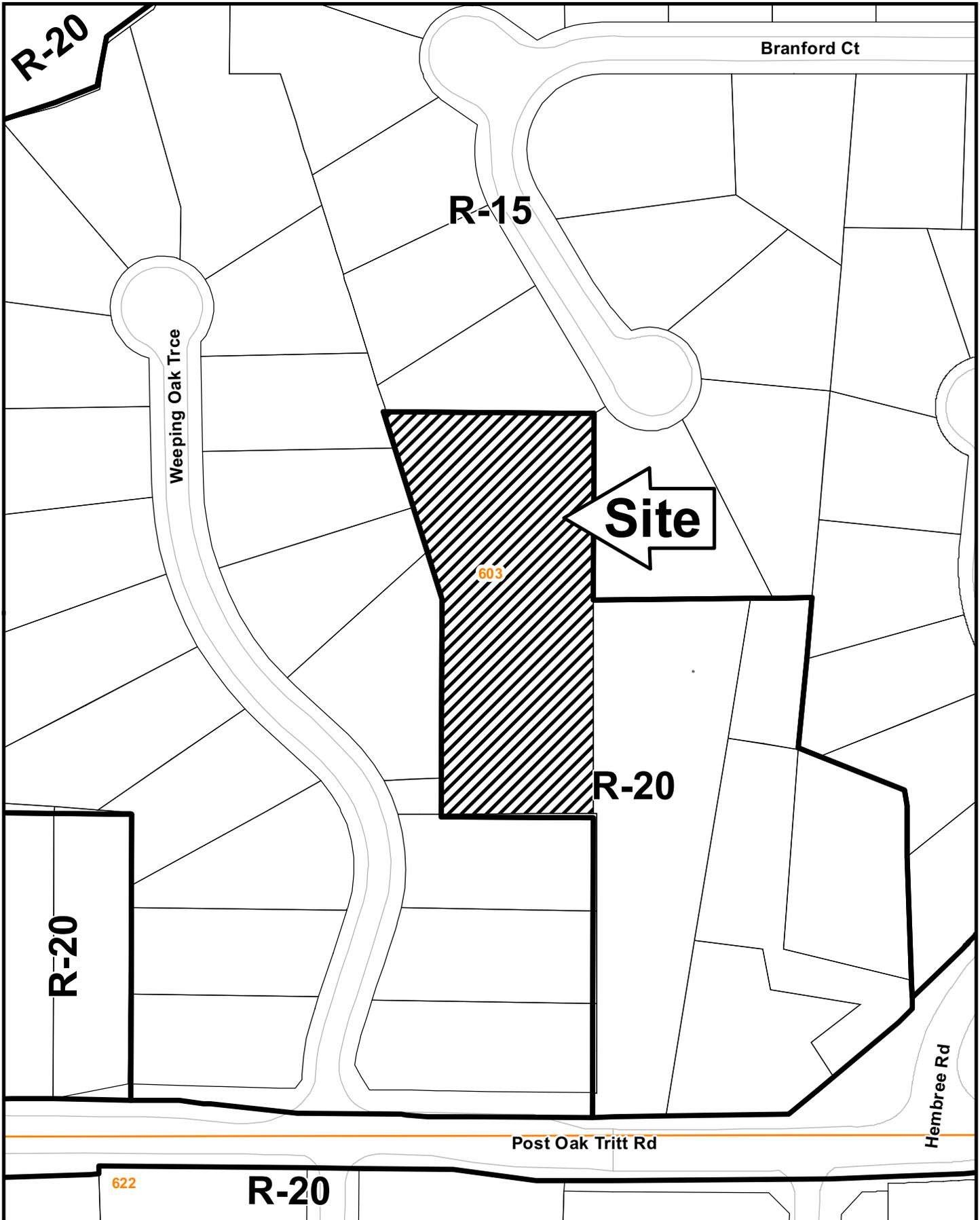
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- FIRE DEPARTMENT:**
1. Driveway must have a minimum 20' driving surface width with minimum 25' inside turning radius where serving 3 or more residence and 12' where serving 2 or less residence.
  2. Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
  3. Maximum grade shall not exceed 18%.
  4. Driveway must extend within 150' of the most remote portion of the structure.
  5. Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
  6. Driveway must support 25 Tons (50,000 lbs.)
  7. Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
  8. Hydrant within 500' of remote structure, minimum 6" main\*  
(Required Flow: 1000 gpm @ 20 psi)

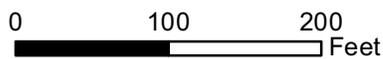
\* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) Complete structure treated with a Class-A Fire Retardant spray meeting a flame spread of 25 or less and smoke development of 450 or less.
- 2.) Non-Combustible construction.

# V-79 2017-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

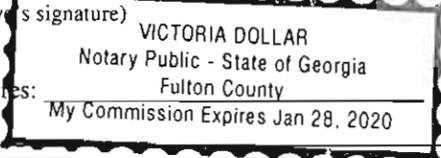
(type or print clearly)

Application No. V-79  
Hearing Date: 8-9-17

Applicant Russell A. Mullins Phone # 770-616-2357 E-mail YSSmullins@gmail.com

Russell A. Mullins Address 2523 HEMBREE ROAD MARIETTA 30062  
(representative's name, printed) (street, city, state and zip code)

Russell A. Mullins Phone # 770-616-2357 E-mail YSSmullins@gmail.com  
(representative's signature)



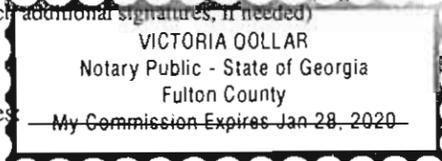
My commission expires: 01/28/2020

Signed, sealed and delivered in presence of:

Victoria Dollar  
Notary Public

Titleholder Russell A. Mullins Phone # 770-616-2357 E-mail YSSmullins@gmail.com

Signature Russell A. Mullins Address: 2523 HEMBREE ROAD MARIETTA, 30062  
(attach additional signatures, if needed) (street, city, state and zip code)



My commission expires: 01/28/2020

Signed, sealed and delivered in presence of:

Victoria Dollar  
Notary Public

Present Zoning of Property R-20

Location 2564 Weeping Oak Trace  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 603 District 16th Size of Tract 1.5 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 X Shape of Property X Topography of Property \_\_\_\_\_ Other \_\_\_\_\_

Does the property or this request need a second electrical meter? YES \_\_\_\_\_ NO X

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

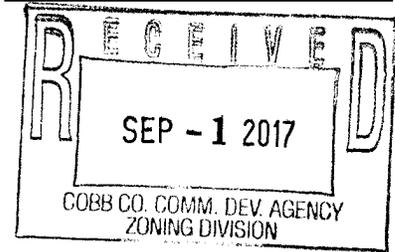
List type of variance requested: To waive the required minimum 75' public road frontage.

This page supplemented  
variance application on  
September 1, 2017.

TO: John Pederson  
Cobb County Zoning

FROM: Russ Mullins  
GR Custom Homes, LLC

SUBJECT: V79



Please add the following to my variance request for 2654 Weeping Oak Trace:

"There are extraordinary and exceptional conditions specific to this piece of property that cause a unique hardship if the county code is followed due to the size, shape, and topography of the property. Splitting the 1.5 acre tract into two lots will be less invasive than extending a road onto the property and building more lots. The proposal with two lots will cause less clearing, less grading, and cause less erosion for the downhill property owners, than extending a road onto the property. It will also result in a less dense construction which is more favorable to the neighbors in the adjoining subdivision. If approved I will seek no future variances for this property."

Regards,

Russ Mullins

**MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
AUGUST 9, 2017  
PAGE 3**

**CONSENT AGENDA (CONT.)**

**V-78**            **STADIUM WALK** (Stadium Walk Apartments, LLC, owner) requesting a variance to allow a blade sign to project more than the allowable 48 inches from the building (58.5”) in Land Lots 850, 851, 876 and 877 of the 17<sup>th</sup> District. Located on the west side of Circle 75 Parkway, south of Windy Hill Road (4501 Circle 75 Parkway).

**To approve V-78.**

**V-79**            **RUSSELL A. MULLINS** (Russell A. Mullins, owner) requesting a variance to 1) waive the minimum public road frontage from the required 75 feet to 35 feet for proposed Tract 1 and to zero feet for proposed Tract 2; 2) waive the minimum lot size for a parcel that has no public road frontage from the required 80,000 square feet to 40,012 square feet; and 3) waive the rear setback on proposed Tract 1 from the required 35 feet to 29 feet (existing) in Land Lot 603 of the 16<sup>th</sup> District. Located on the east side of Weeping Oak Trace, north of Post Oak Tritt Road (2564 Weeping Oak Trace).

**To approve V-79, subject to:**

- 1. Email correspondence from Mr. Alec N. Sedki dated August 8, 2017 (attached and made a part of these minutes)**
- 2. Site Plan Review comments and recommendations**
- 3. Fire Department comments and recommendations**
- 4. Stormwater Management Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**

**V-80**            **JOY V. SMITH** (Joy Vaughan Smith, owner) requesting a variance to waive the side setback from the required ten feet to five feet adjacent to the east property line in Land Lot 696 of the 17<sup>th</sup> District. Located on the north side of Lee Road, west of Central Garden Drive (2049 Lee Road).

**To approve V-80, subject to:**

- 1. Development and Inspections Division comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**

**Presley, Robin**

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**To:** Presley, Robin (Robin.Presley@cobbcounty.org)  
**Subject:** FW: V-79

**From:** Alec N. Sedki [mailto:[asedki@jamesbatesllp.com](mailto:asedki@jamesbatesllp.com)]  
**Sent:** Tuesday, August 08, 2017 12:58 PM  
**To:** Pederson, John <[John.Pederson@cobbcounty.org](mailto:John.Pederson@cobbcounty.org)>  
**Subject:** FW: V-79

John:

Please see the email chain below. I believe this agreement alleviates your concerns.

If you have any questions, please do not hesitate to call or email.

Yours very truly,  
Alec N. Sedki

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**From:** Russ Mullins [mailto:[rssmullins@gmail.com](mailto:rssmullins@gmail.com)]  
**Sent:** Tuesday, August 8, 2017 12:57 PM  
**To:** Alec N. Sedki  
**Subject:** Re: V-79

Alec:

I agree to the conditions provided in your email.

Russ Mullins

On Aug 8, 2017, at 12:03 PM, Alec N. Sedki <[asedki@jamesbatesllp.com](mailto:asedki@jamesbatesllp.com)> wrote:

Russ:

The County had some concerns about our agreement regarding sale price. I removed the sale price restriction and added a square footage requirement. Please confirm that you will agree to the following:

- 1) The property (the "Property") subject to variance application V-79 will not be further subdivided. The Property will contain a maximum of two lots. This restriction will run with the land.
- 2) You agree to construct a house on the back lot (40,000 ft<sup>2</sup> lot) of the Property that is equal to or greater than 3800 ft<sup>2</sup> of heated space.
- 3) To the extent you tear down the current home on the front lot of the Property, you agree to construct a house on the front lot of the Property that is equal to or greater than 3800ft<sup>2</sup> of heated space.
- 4) You agree that after and during construction on the Property, the water runoff from the Property will not increase or be diverted from its current path. To the extent the water runoff

increases, you will immediately take steps to alleviate the increased burden on the homes located on Weeping Oak Trace.

Please respond to this email and let me know if you agree to the above terms.

If you would like to discuss this further, do not hesitate to call or email.

Yours very truly,  
Alec N. Sedki

**Alec N. Sedki**  
**Of Counsel**

**JAMES-BATES-BRANNAN-GROOVER-LLP**  
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F: 404-997-6021

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Petition No. V-79  
Meeting Date 8-9-17  
Continued