

**OCTOBER 17, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM 047

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 September 13, 2017 Variance Hearing regarding Variance Application V-91 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 September 13, 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 proposed reduction as recommended by the Board of Zoning Appeals.

ATTACHMENTS

Variance analysis and minutes.

17141

REVISION RECORD
DATE PURPOSE

COPIRIGHT
BETTERTON SURVEYING & PLANNING
LAND SURVEYING/PLANNING
590 WEST SADDLINGTON ROAD
MARIETTA (678) 483-0242

BETTERTON
SURVEYING & PLANNING
LAND SURVEYING/PLANNING
590 WEST SADDLINGTON ROAD
MARIETTA (678) 483-0242



LOT SPLIT PLAT
2041 PRINCE HOWARD LANE
LOCATED IN
LAKELAND DISTRICT 623 & 674
COBB COUNTY, GEORGIA
PREPARED FOR:
RUSS MULLINS

CHECKED BY
DATE
SCALE
1" = 50'
JULY 27, 2017
SHEET NUMBER
1 OF 1

FILE NUMBER
17141 PRO
JOB NUMBER
17141

GRAPHIC SCALE
0 50 100 150
1" = 50'

ABBREVIATION LEGEND

A	ARC DISTANCE
B/L	BUILDING LINE
D/B	DEED BOOK
FK	FIELD BOOK
HT	HYDRANT
IR	IRON PIN FOUND
IP	INVERT ELEVATION
LC	CHORD LENGTH
L	LAND LOT LINE
L/L	LAND LOT
N/F	NOT ON FORMERLY
P	PAGE
P/P	PAGE TOP PIPE
PC	POINT OF BEGINNING
PL	PLAT
PP	RADIUS
PS	PLAT
SS	SANITARY SEWER
SW	SANITARY SEWER MANHOLE
WT	WATER METER

SYMBOL LEGEND

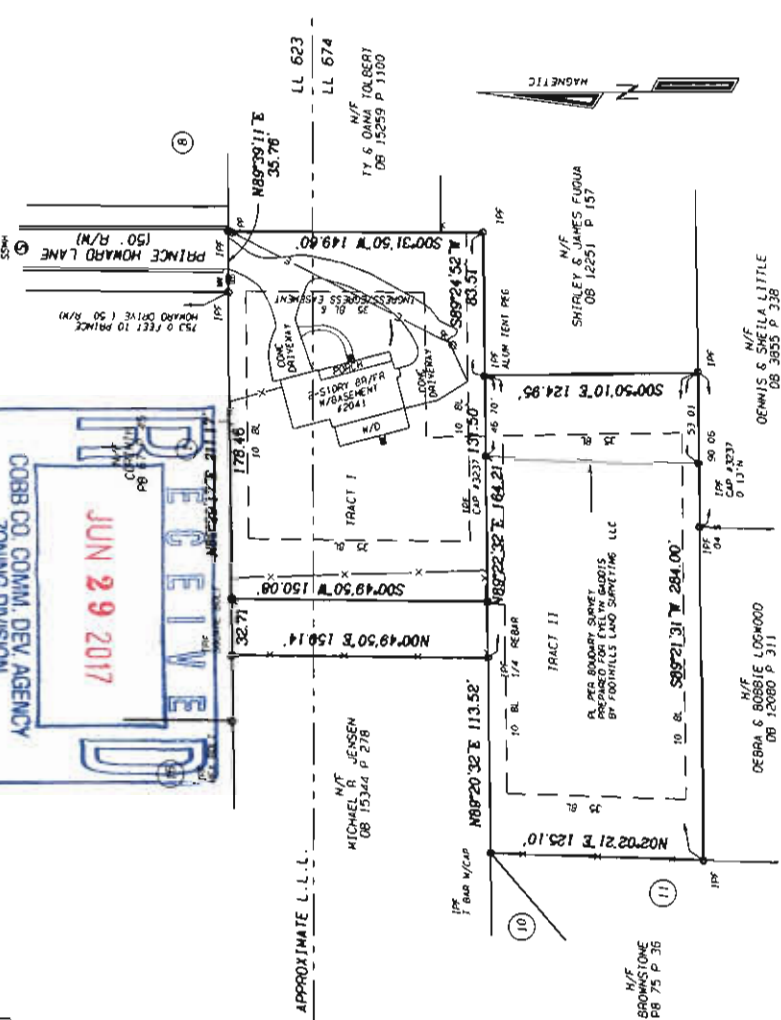
○	Guy Wire
⊙	Fire Hydrant
⊕	Pool Inlet
⊖	Water Valve
⊗	Power Pole
⊘	Water Line
⊙	Sanitary Sewer Line
⊖	Overhead Power Line
⊗	Fence

CURRENT ZONING: R-20
SETBACKS AS PER CURRENT ZONING
SIDE 10'
REAR 25'

I, the undersigned, do hereby certify that I am the owner of the land shown on this plat, and I hereby warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and my heirs, assigns and assigns thereafter in title to defend of virtue of these presents.



Signature _____ Printed Name _____ Date _____



OWNER'S DECLARATION
I, the undersigned, do hereby certify that I am the owner of the land shown on this plat, and I hereby warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and my heirs, assigns and assigns thereafter in title to defend of virtue of these presents.

Signature _____ Printed Name _____ Date _____

TRACT I
AREA = 2,165.50 FT²
(0.738 ACRES)

TRACT II
AREA = 10,919 ACRES

TOTAL AREA = 12,084.50 FT²
(1.657 ACRES)

AS REQUIRED BY SUBSECTION 101 OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LICENSED SURVEYOR WHO HAS EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND HAS DETERMINED THAT THE PLAT IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO EXAMINED THE PLAT AND HAS DETERMINED THAT THE PLAT IS CORRECT AND ACCURATE.

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SURVEY NOTES:

- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN THE TOLERANCES SET FORTH IN THE COMPASS RULE.
- CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE AND HAS ADJUSTED USING THE COMPASS RULE.
- EQUIPMENT USED: TOPCON 300 SERIES TOTAL STATION.
- DATE OF SURVEY: JULY 27, 2017.
- I HAVE THIS DATE EXAMINED THE OFFICIAL FIA FLOOD HAZARD MAP COMMUNITY NUMBER 130052, PANEL 00646, DATED 12-16-2008 AND HAVE DETERMINED THAT THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL LOAD HAZARDS.
- REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

SURVEY REFERENCES:

- DEED BOOK 10618, PAGE 10618-10619, DATED MAY 2, 2017.
- DEED BOOK 10618, PAGE 10618-10619, DATED MAY 2, 2017.
- DEED BOOK 10618, PAGE 10618-10619, DATED MAY 2, 2017.

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

APPLICANT: Russell A. Mullins
PHONE: 770-616-2357
REPRESENTATIVE: Russell A. Mullins
PHONE: 770-616-2357
TITLEHOLDER: Russell A. Mullins
PROPERTY LOCATION: At the southern terminus
of Prince Howard Lane, south of Prince Howard Drive
(2401 Prince Howard Drive).

PETITION No.: V-91
DATE OF HEARING: 9-13-2017
PRESENT ZONING: R-20
LAND LOT(S): 623, 674
DISTRICT: 16
SIZE OF TRACT: 1.66 acres
COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Waive the minimum public road frontage from the required 75 feet to 35 feet for proposed tract 1; 2) waive the front setback from the required 35 feet to 10 feet and the rear setback from the required 35 feet to 10 feet (with concurrent increases in side setbacks as shown) for proposed tract 1; 3) waive the minimum public road frontage from the required 75 feet to zero feet for proposed tract 2; and 4) waive the minimum lot size for a lot with no public road frontage from the required 80,000 square feet to 40,010 square feet for proposed tract 2.

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

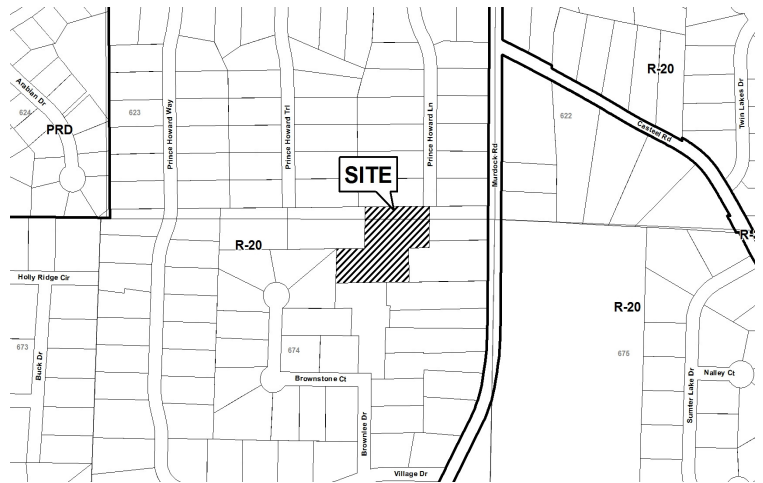
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Russell A. Mullins **PETITION No.:** V-91

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comments.

SITE PLAN REVIEW: No comments.

STORMWATER MANAGEMENT: If granted, site grading plan(s) approved by Stormwater Management Division will be required prior to permitting.

HISTORIC PRESERVATION: No comments.

DESIGN GUIDELINES: No comments.

CEMETERY PRESERVATION: No comments.

WATER: Water service to Tract II will require an easement.

SEWER: Sewer service to Tract II will require an easement.

APPLICANT: Russell A. Mullins

PETITION No.: V-91

FIRE DEPARTMENT: - Driveway must have a minimum 12' driving surface width with minimum 25' inside turning radius.

- 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).
- Maximum grade shall not exceed 18%.
- Driveway must extend within 150' of the most remote portion of the structure.
- Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
- Driveway must support 25 Tons (50,000 lbs.)
- Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
- Hydrant within 500' of remote structure, minimum 6" main*
(Required Flow: 1000 gpm @ 20 psi)
- Fire Flow Test from closest existing hydrant*
(Required Flow: 1000 gpm @ 20 psi)

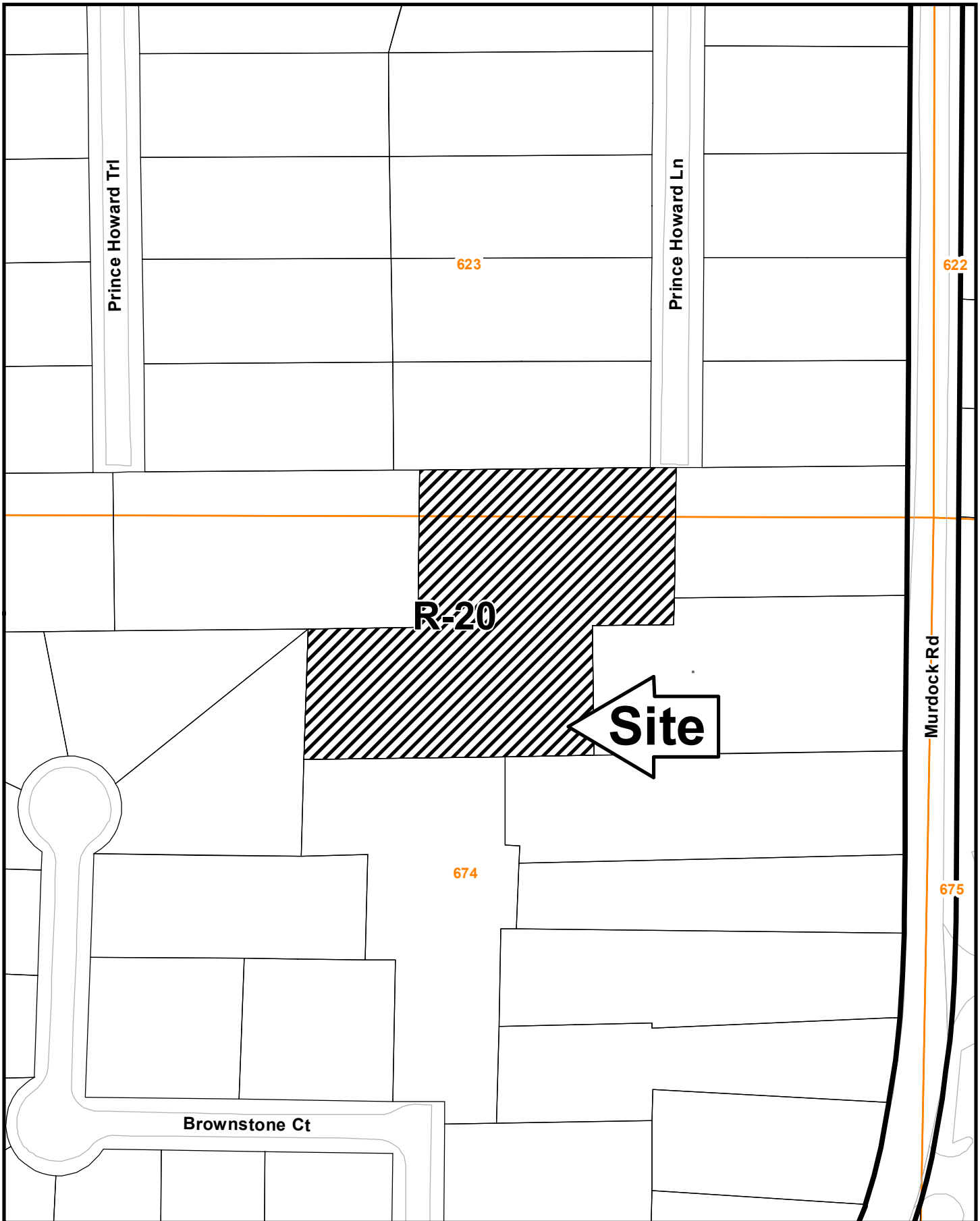
* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 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.

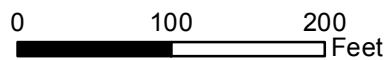
Note:



-Dead-end access roads in excess of 1000 feet shall be provided with a turn-around. Residential cul-de-sac without island: 38-foot outside radius. Hammerhead turn-around: total of 120 feet needed (60 feet from center of drive).

V-91 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-91
Hearing Date: 9-13-17

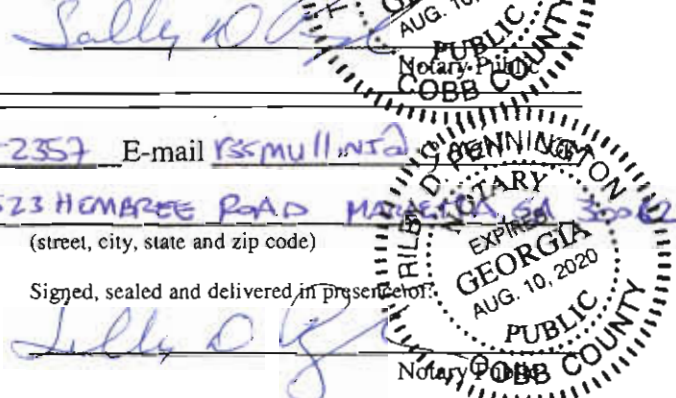
Applicant Russell A. Mullins Phone # 770-616-2357 E-mail rsdmullins@gmail.com

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

[Signature] Phone # 770-616-2357 E-mail rsdmullins@gmail.com
(representative's signature)

Signed, sealed and delivered in presence of

My commission expires: Aug 10, 2020



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

Signature [Signature] Address: 2523 HEMBREE ROAD MARETTA GA 30062
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: Aug 10, 2020

Present Zoning of Property R-20

Location 2401 Prince Howard Lane
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 623 & 674 District 16th Size of Tract 1.52 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:

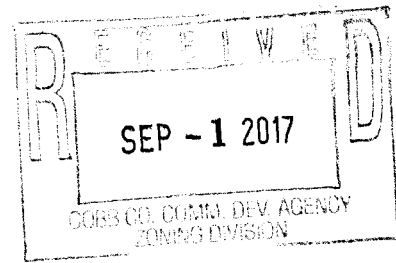
A literal interpretation or enforcement of provisions of the Cobb County Zoning Ordinance would disallow the proposed development of the subject property.

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

TO: John Pederson
Cobb County Zoning

FROM: Russ Mullins
GR Custom Homes, LLC

SUBJECT: V-91



Please add the following to my variance request for 2401 Prince Howard Lane:

"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 1.6 acre tract into two lots will be less invasive than adding a bulb to the end of Prince Howard Lane. It will require less clearing, less grading, and cause less erosion downstream. The result will be more favorable to the neighbors in the surrounding subdivisions. If approved I will seek no future variances for this property."

Regards,

Russ Mullins

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2017
PAGE 6**

REGULAR AGENDA (CONT.)

~~V-86~~ **LAUREN CANNATELLA** (Lauren Cannatella, owner) requesting a variance to 1) waive the setbacks for an accessory structure under 650 square feet (approximately 323 square foot one story frame workshop) from the required ten feet adjacent to the northern property line to 0.8 feet and from the required 30 feet from the rear to 4.9 feet; and 2) waive the setbacks for an accessory structure under 650 square feet (play fort) from the required ten feet adjacent to the southern property line to three feet and from the required 30 feet from the rear to one foot in Land Lot 463 of the 16th District. Located on the west side of North Hembree Road, north of Hembree Lane (3177 North Hembree Road).

~~The public hearing was opened, and Ms. Lauren Cannatella addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Gunther, second by Sheffield, to **hold** V-86 until the October 11, 2017 Board of Zoning Appeals Hearing.~~

~~VOTE: **ADOPTED** 4-0, Williams absent~~

V-91 **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; 2) waive the front setback from the required 35 feet to ten feet and the rear setback from the required 35 feet to ten feet (with concurrent increases in side setbacks as shown) for proposed tract 1; 3) waive the minimum public road frontage from the required 75 feet to zero feet for proposed tract 2; and 4) waive the minimum lot size for a lot with no public road frontage from the required 80,000 square feet to 40,010 square feet for the proposed tract 2 in Land Lots 623 and 674 of the 16th District. Located at the southern terminus of Prince Howard Lane, south of Prince Howard Drive (2401 Prince Howard Drive).

The public hearing was opened, and Mr. Russell Mullins addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by McDaniel, second by Gunther, to **approve** V-91, subject to:

1. Staff comments and recommendations

VOTE: **ADOPTED** 4-0, Williams absent