

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

ITEM 048

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their September 13, 2017 Variance Hearing regarding Variance Application V-94 The Wrigley Group.

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.

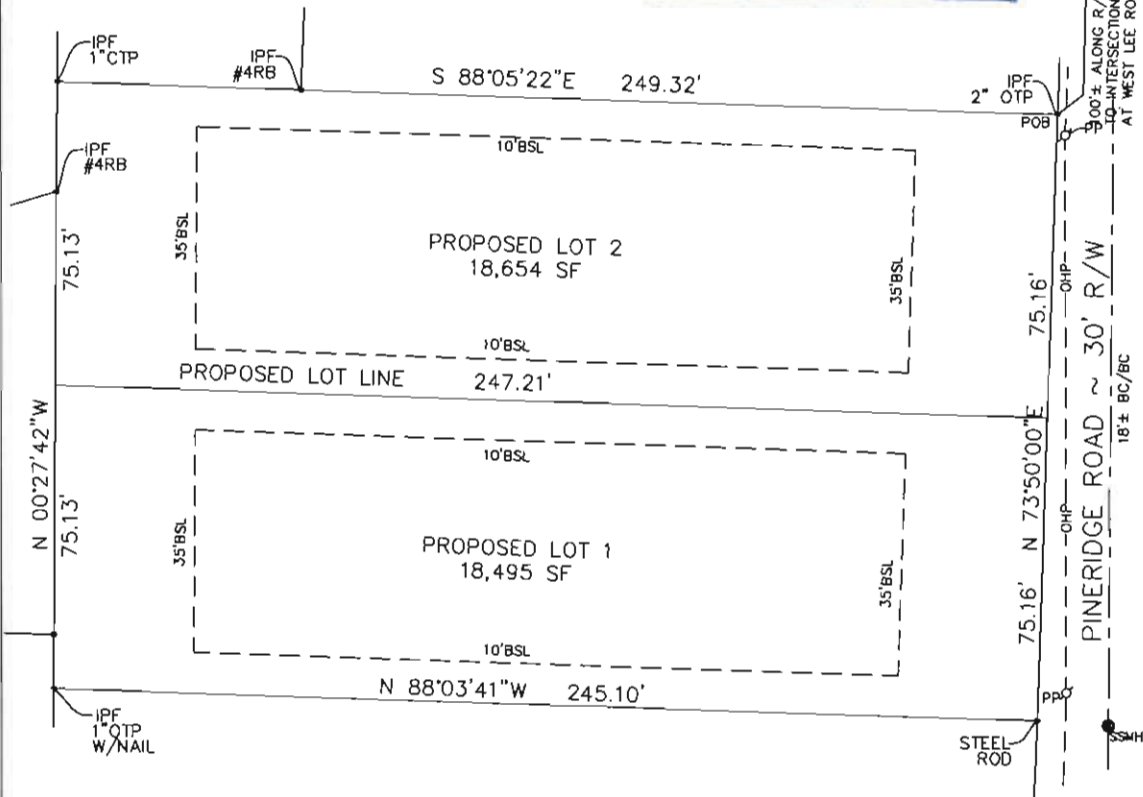
ATTACHMENTS

Variance analysis and minutes.

V-94
(2017)

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.
NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.
NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.
BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.
~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD 88 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).
TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIPLINE).

- * LEGEND *
- NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
 - AKA ALSO KNOWN AS
 - APD AS PER DEED
 - APP AS PER PLAT
 - BSL BUILDING (SETBACK) LINE
 - CP COMPUTED POINT
 - CTP CRIMP TOP PIPE FOUND
 - O DEED (BOOK/PAGE)
 - DI DROP INLET
 - DW DRIVEWAY
 - EP EDGE OF PAVEMENT
 - FFE FINISH FLOOR ELEVATION
 - FH FIRE HYDRANT
 - FKA FORMERLY KNOWN AS
 - GM GAS METER
 - GV GAS VALVE
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - LL LAND LOT
 - LLL LAND LOT LINE
 - LP LIGHT POST
 - N/F NOW OR FORMERLY
 - NAIL NAIL FOUND
 - OTP OPEN TOP PIPE
 - OHP OVERHEAD POWER
 - P PLAT (BOOK/PAGE)
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - PP POWER POLE
 - R RADIUS LENGTH
 - R/W RIGHT-OF-WAY
 - RBF REINFORCING BAR FOUND (1/2" UNO)
 - RBS 1/2" REINFORCING BAR SET
 - SW SIDEWALK
 - SSE SANITARY SEWER EASEMENT
 - SSCD SANITARY SEWER CLEANOUT
 - SSMH SANITARY SEWER MANHOLE
 - TPED TELECOM PEDESTAL
 - WM WATER METER
 - WV WATER VALVE
 - X- FENCE LINE



PROPERTY ADDRESS:
4010 PINERIDGE ROAD SE
SMYRNA, GA 30080

LAND AREA:
37,149 SF
.8528 AC

ZONING: R-20

0 30
SCALE 1" = 30'

SURVEY PREPARED FOR: TODD WRIGLEY			
LOT 37	BLOCK	UNIT	SUBDIVISION SPRING HILL
LAND LOT 698	17th DISTRICT	2nd SECTION	BY:
COBB COUNTY, GEORGIA	FIELD: DATE 06-10-2017	MRH	
LOCATED IN CITY OF SMYRNA	DRWN: DATE 06-13-2017	MRH	
DEED BOOK 8656, PAGE 16	NOT FOR RECORDING		

SURVEY SYSTEMS & ASSOC., INC.
657 Lake Drive, Snellville, GA 30039 ~ COA #
LSFOOD867 ~ INFO@SURVEYSYSTEMSATLANTA.COM
CELL 770-558-7895 ~ OFFICE 404-760-0010

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 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 _____ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

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.

APPLICANT: The Wrigley Group

PETITION No.: V-94

PHONE: 678-481-7912

DATE OF HEARING: 9-13-2017

REPRESENTATIVE: Todd Wrigley

PRESENT ZONING: R-20

PHONE: 678-481-7912

LAND LOT(S): 696

TITLEHOLDER: Elizabeth H. Massie and Alexander J. Massie

DISTRICT: 17

PROPERTY LOCATION: On the west side of Pineridge Road, north of Cooper Lake Road (4010 Pineridge Road).

SIZE OF TRACT: 0.85 acres

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: Waive the minimum lot size from the required 20,000 square feet to 18,495 square feet (proposed lot 1) and 18,654 square feet (proposed lot 2).

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

BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: The Wrigley Group **PETITION No.:** V-94

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comments.

SITE PLAN REVIEW: No comments.

STORMWATER MANAGEMENT: If granted, site grading plans approved by Stormwater Management Division will be required prior to permitting to assure that all runoff is directed to existing headwall near southwest corner of Lot 1.

HISTORIC PRESERVATION: No comments.

DESIGN GUIDELINES: No comments.

CEMETERY PRESERVATION: No comments.

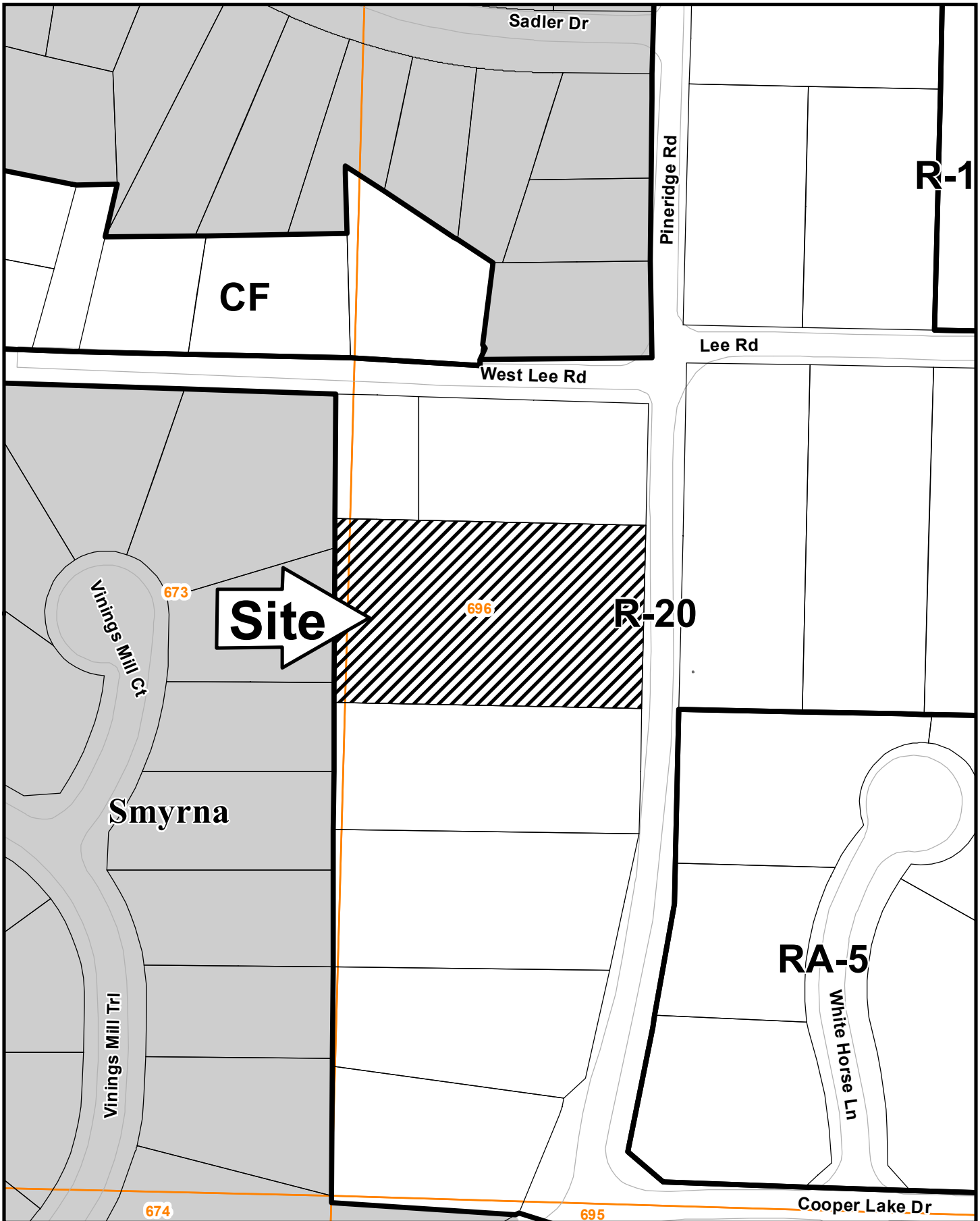
WATER: No conflict.

SEWER: No conflict.

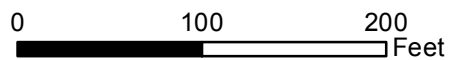
APPLICANT: The Wrigley Group **PETITION No.:** V-94

FIRE DEPARTMENT: No comments.

V-94 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

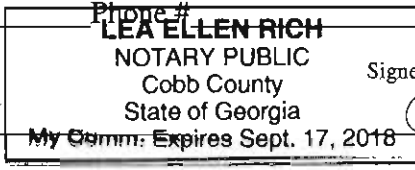
(type or print clearly)

Application No. V-94
Hearing Date: 9-13-17

Applicant The Wrigley Group Phone # 678-481-7912 E-mail todd@wrigleygroup.com

Todd Wrigley Address PO Box 93281, Atlanta, GA 30318
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # _____ E-mail _____
(representative's signature)

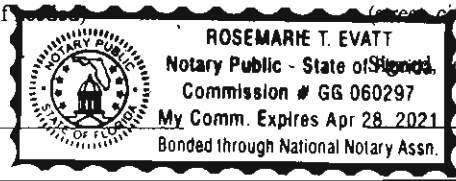


Signed, sealed and delivered in presence of:
[Signature]
Notary Public

My commission expires: 09-17-18

Titleholder Alexander and Elizabeth Massie Phone # 404-585-0714 E-mail betsy.massie@gmail.com

Signature Elizabeth Massie Address: 2352 Oberon Walk, Smyrna, GA 30080
(attach additional signatures, if needed) (street, city, state and zip code)



Signed, sealed and delivered in presence of:
Rosemarie T. Evatt
Notary Public

My commission expires: 04-28-2021

Present Zoning of Property R-20

Location 4010 Pineridge Road, Smyrna, GA 30080 (South of Lee Rd SE and Pineridge Rd intersection)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 696 District 17th Size of Tract .8528 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:

See Attachment "A"

List type of variance requested: See Attachment "B"

V-94
(2017)
Exhibit

Attachment A

July 7, 2017

To: Cobb County Board of Zoning Appeals
Cobb County Zoning Division
1150 Powder Springs Street, Suite 400
Marietta, GA 30064

From: Todd Wrigley
The Wrigley Group, Inc.



Dear Cobb County Board of Zoning Appeals:

The applicant states that strictly applying the terms of the zoning ordinance for R-20 lots as to lot area for this property without the requested variance would create an unnecessary hardship and that this application satisfies all criteria for a variance as set forth in Cobb County Zoning Code, Section 134-94(3)(a) as follows:

1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography

The property is larger than any lot in its neighborhood being two or three times the size of some other lots. If divided into two lots it would be compatible with neighboring lots in all respects including lot size.

2. The application of this code chapter to the particular piece of property would create an unnecessary hardship.

If this lot is divided into two lots, the resulting lots sizes would be consistent with other neighboring lots that are less than 20,000 sq. ft., so to require it to remain 39,149 sq. ft. would create an unnecessary hardship.

3. Such conditions are peculiar to the particular piece of property involved.

No other single lot in this neighborhood is as large as this property.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

The public will benefit from having two homes on this parcel because they will be compatible with other homes on the street in scale, design and lot size compared to the existing log cabin on a large lot. The requirement to have an extra 1425 sq. ft. average per lot would serve no benefit and would be a hardship because it is unobtainable.

If this variance is granted, two homes can be built to replace an unmarketable structure. To require these lots to have no a minimum of 20,000 sq. ft. causes a hardship for the current owner with no public benefit. To grant the variance from the minimum lot size by a small amount so that two compatible homes can be built provides more benefit and value to the public good and does not impair the purposes of the Zoning Code.



V-94
(2017)
Exhibit

Attachment B

LIST TYPE OF VARIANCE REQUESTED:

A variance is requested to allow a reduction in the R-20 minimum lot size of 20,000 sq. ft. to allow a lot that is 37,149 sq. ft. to be divided into two lots that are 18,495 sq. ft. and 18,654 sq. ft., making them compatible with other R-20 lots on the street, 5 out of 8 of which are under 20,000 sq. ft. The lots would adhere to all other R-20 requirements and no other variances are requested. Homes built on the resulting two lots will have the same separation from other homes and from the street as surrounding homes.

Granting the variance will allow the R-20 zoning classification to remain on the street in the midst of R-15, R-12, RA-5 and other higher density uses that surround this property.

It is requested that a plat be recorded showing two lots with a note saying the existing house shall be removed before construction of new homes shall begin.

The following constitutional notice is required by Georgia Law in order to preserve appeal rights:

Failure to grant the variance would be:

A taking without compensation in violation of the Fifth Amendment of the U.S. Constitution.

Not granting the variance would deny the owner and applicant an economically viable use of this land while not advancing public interest.

Preventing a use of property granted to other similarly situated properties is arbitrary, capricious, unfair and discriminatory in violation of the Georgia Constitution and the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the U.S. Constitution.

Attachment V-94 (2017) Supplemental
4010 Pineridge Road Attachment "A" Supplementations and Explanation

September 1, 2017

To: Cobb County Board of Zoning Appeals
Cobb County Zoning Division
1150 Powder Springs Street, Suite 400
Marietta, GA 30064

From: Todd Wrigley
The Wrigley Group, Inc.

Re: V-94 (4010 Pineridge Road Variance)



Dear Cobb County Board of Zoning Appeals:

I wanted to provide supplemental information and stipulations regarding the V-94 application and the intended use of the lots if approved.

1. The existing house is a hybrid log cabin built that was built in the mid 1980's. The 1st floor was built using heavy timbers while the 2nd floor is traditional 2x4 construction with faux cabin siding. The interior layout would need massive updating to accommodate modern families, however the interior and exterior cannot be renovated and updated due this type of heavy timber construction. The design and structural problems with the existing structure make it undesirable and unmarketable as a conventional home.
2. If this variance is granted, two homes will be built that will conform to the architectural style and scale of the neighborhood, replacing an unmarketable, non-conforming structure. One of the homes is intended to be the builder's personal home. To require these lots to have a minimum of 20,000 sq. ft. when most of the R-20 lots on the street are less than 20,000 sq. ft. causes a hardship for the current owner with no public benefit. To grant the variance from the minimum lot size by a small amount so that two compatible homes can be built provides more benefit and value to the public good and does not impair the purposes of the Zoning Code.
3. No other variances from R-20 requirements are requested. The lot widths and the front, rear and side setback dimensions will be those required by R-20. In addition to stipulating that the two new homes will be architecturally compatible with other newer homes on the street, the privacy and separation from surrounding homes required by the R-20 zoning, as well as the R-20 zoning itself, will be preserved.

Thank you for your consideration,

Todd Wrigley

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2017
PAGE 3**

CONSENT AGENDA (CONT.)

~~V-90~~ **PATRICIA RUIZ** (Patricia Ruiz-Jaime, owner) requesting a variance to 1) allow an accessory structure (metal carport) to the front of the principal building; 2) waive the setbacks for an accessory structure under 650 square feet (metal carport) from the required 35 feet from the front to 17 feet and from the required ten feet from the side to zero feet adjacent to the southern property line; 3) waive the setbacks for an accessory structure under 650 square feet (wood shed) from the required 35 feet from the rear to seven feet and from the required ten feet from the side to four feet adjacent to the southern property line; and 4) waive the side setback from the required ten feet to six feet adjacent to the southern property line in Land Lot 277 of the 17th District. Located on the east side of Mills Lane, north of Pat Mell Road (2075 Mills Lane).

~~To approve V-90, subject to:~~

~~1. Applicant to obtain a building permit for the structure~~

V-93 **PHILIP I. LEWIS AND MEREDITH K. LEWIS** (Philip I. Lewis and Meredith K. Lewis, owners) requesting a variance to waive the rear setback from the required 40 feet to 26 feet in Land Lot 264 of the 20th District. Located at the southeastern terminus of Adams Haven Bend, east of Mars Hill Road (1054 Adams Haven Bend).

To approve V-93, subject to:

1. Stormwater Management Division comments and recommendations

V-94 **THE WRIGLEY GROUP** (Elizabeth H. Massie and Alexander J. Massie, owners) requesting a variance to waive the minimum lot size from the required 20,000 square feet to 18,495 square feet (proposed lot 1) and 18,654 square feet (proposed lot 2) in Land Lot 696 of the 17th District. Located on the west side of Pineridge Road, north of Cooper Lake Road (4010 Pineridge Road).

To approve V-94, subject to:

1. Stormwater Management Division comments and recommendations