

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

ITEM 053

To consider granting a Special Exception for a reduction of road frontage as recommended by the Board of Zoning Appeals from their October 11, 2017 Variance Hearing regarding Variance Application V-104 Michael D. Fox.

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 October 11, 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-104
(2017)



BOUNDARY RETRACEMENT SURVEY FOR:
**MICHAEL D. FOX &
BARBARA J. FOX**
#3941 ERNEST BARRETT PKWY
LOCATED IN L.L. 123
19th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

FIELD DATE	3-15-10	REVISIONS	#1 - FIELD 10-26-16 & OFFICE 10-27-16: UPDATE
OFFICE DATE	3-15-10		
SCALE	1" = 50'		
DRAWN BY	MAN		
CHECKED BY	CAE		
			PLS BASED ON SWAP DEEDS NO INTERIOR IMPROVEMENTS.



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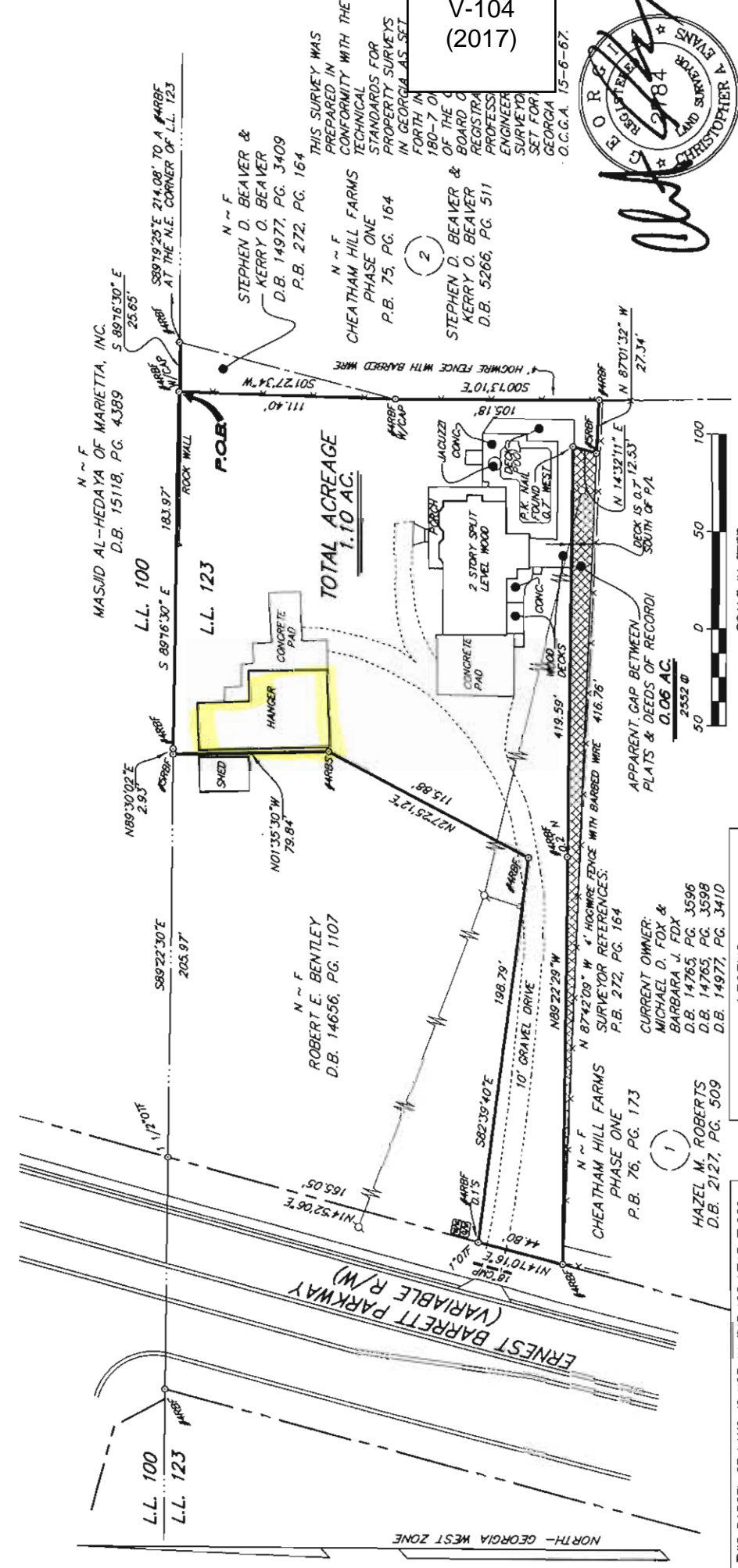
LEGEND

□	PP - POWER POLE
○	L.P. - LIGHT POLE
□	WM - WATER METER
○	G.M. - GAS METER
○	RBS - REINFORCING BAR SET
○	RBF - REINFORCING BAR FOUND
○	OIT - OPEN TOP PIPE FOUND
○	R/W MON - RIGHT-OF-WAY MONUMENT
—	TYPE OF FENCE
—	OVERHEAD POWER LINES

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X, ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER J0087 G 0082 H DATED MARCH 4, 2013

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/10,143; ANGULAR ERROR: 9" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/237,767. MATTERS OF TITLE ARE EXCEPTED.



APPLICANT: Michael D. Fox
PHONE: 770-657-3571
REPRESENTATIVE: Michael D. Fox
PHONE: 770-657-3571
TITLEHOLDER: Michael D. Fox and Barbara J. Fox
PROPERTY LOCATION: On the east side of Ernest Barrett Parkway, north of Appaloosa Trail (3941 Ernest Barrett Parkway).

PETITION No.: V-104
DATE OF HEARING: 10-11-2017
PRESENT ZONING: R-20, R-80
LAND LOT(S): 123
DISTRICT: 19
SIZE OF TRACT: 1.10 acres
COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the minimum public road frontage from the required 75 feet to 44 feet; 2) waive the minimum lot width at the front setback line from the required 75 feet to 40 feet; 3) allow an accessory structure (approximately 2,225 square foot hanger) to the front of the principal building; 4) waive the setbacks for an accessory structure over 1,000 square feet (approximately 2,225 square foot hanger) from the required 100 feet from all property lines to one (1) foot adjacent to the western property line and to 10 feet adjacent to the northern property line; and 5) allow access on a nonhardened surface.

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

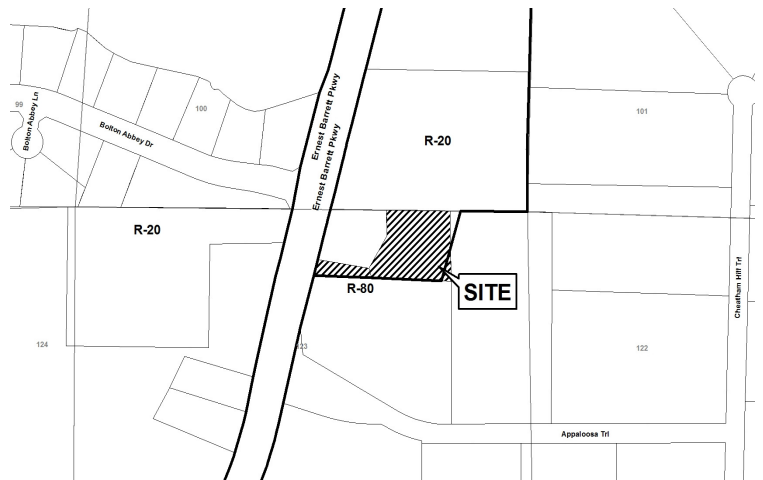
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Michael D. Fox

PETITION No.: V-104

COMMENTS

TRAFFIC: Recommend driveway on Ernest Barrett Parkway be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

DEVELOPMENT & INSPECTIONS: No comments

SITE PLAN REVIEW: No comments.

STORMWATER MANAGEMENT: No adverse stormwater management issues observed or anticipated.

HISTORIC PRESERVATION: No comments.

DESIGN GUIDELINES: No comments.

CEMETERY PRESERVATION: No comments.

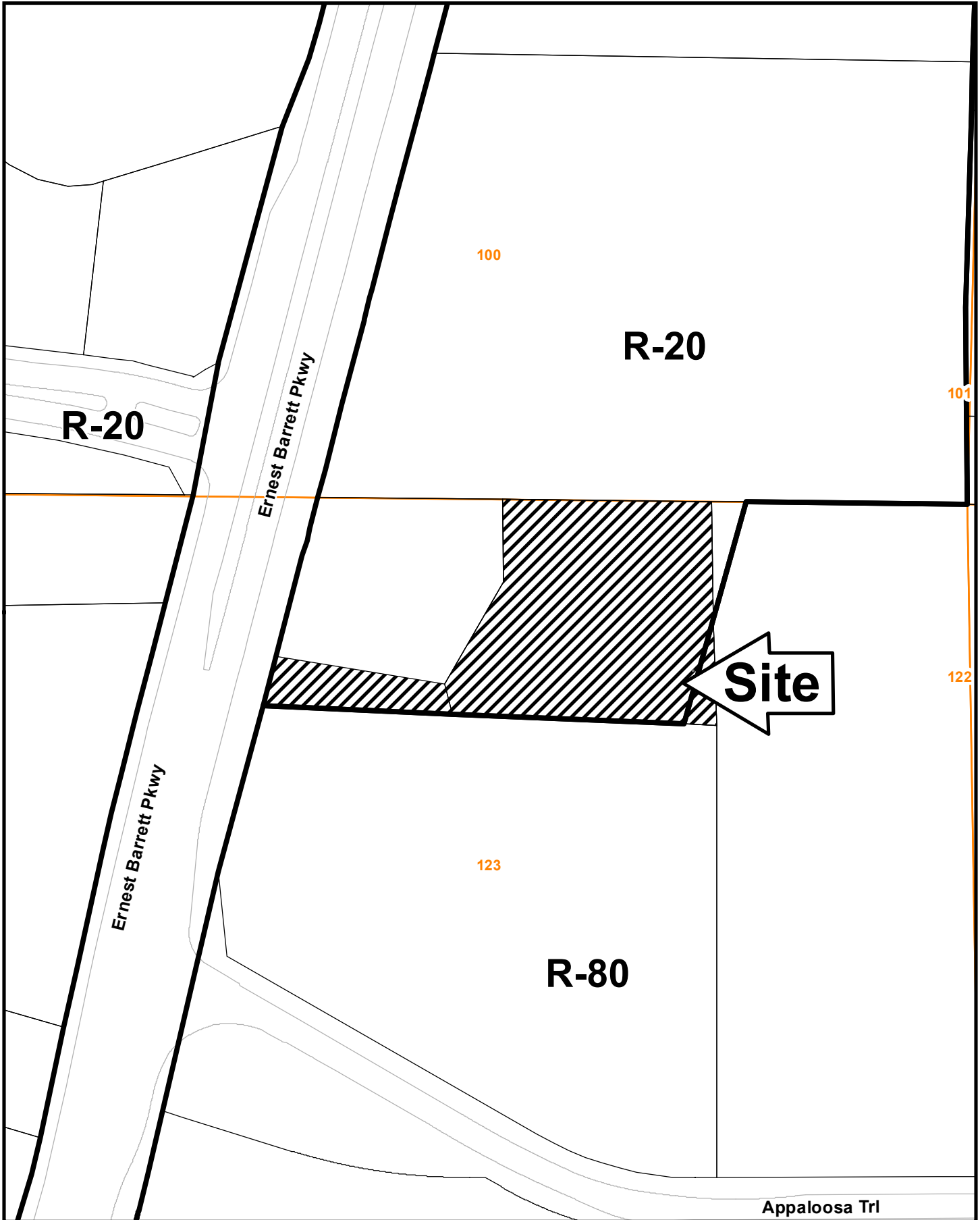
WATER: No conflict.

SEWER: No conflict.

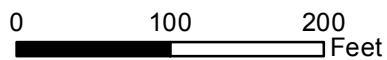
APPLICANT: Michael D. Fox **PETITION No.:** V-104



FIRE DEPARTMENT: No comments.

V-104 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-104
Hearing Date: 10-11-17

Applicant Michael D Fox Phone # 770 657 3571 E-mail mike_fox@bellsouth.net
(representative's name, printed) Address 3941 Ernest W Barrett Pkwy Marietta, GA 30064
(street, city, state and zip code)

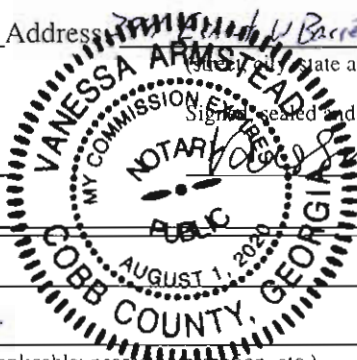
Phone # _____ E-mail _____
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____ Notary Public

Titleholder Michael D Fox Phone # 770 657 3571 E-mail mike_fox@bellsouth.net
Signature [Signature] Address 3941 Ernest W Barrett Pkwy Marietta, GA 30064
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: August 1, 2020 _____
Notary Public



Present Zoning of Property R-20
Location 3941 Ernest W Barrett Pkwy
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 123 District 19 Size of Tract 1 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 1 acre Shape of Property Plat Topography of Property Flat 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:

Zoning was changed after the existing lots were subdivided and structures built. Applying the current law would require that building be demolished and lot boundaries changed.

List type of variance requested: B set-backs and road frontage

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2017
PAGE 3**

CONSENT AGENDA

MOTION: Motion by McDaniel, second by Sheffield, to **approve** the following cases on the Consent Agenda, *as revised*:

~~V-100~~ **FOLARIN A. JOHNSON** (Folarin A. Johnson, owner) requesting a variance to 1) waive the minimum lot size from the required 20,000 square feet to 19,744 square feet; and 2) waive the front setback from 40 feet to 35 feet in Land Lots 405 and 406 of the 18th District. Located on the northwest side of Queen Mill Road, north of Mableton Parkway (6816 Queen Mill Road).

~~To **approve** V-100, subject to:~~

- ~~1. Stormwater Management Division comments and recommendations~~
- ~~2. Department of Transportation comments and recommendations~~

V-101 **MICHELLE THRASH** (Michelle B. Thrash, owner) requesting a variance to allow an accessory structure (proposed pool) to the side of the principal building in Land Lot 279 of the 20th District. Located on the south side of Caisson Drive, north of Caisson Court (643 Caisson Drive).

To **approve** V-101, subject to:

1. Site plan received by the Zoning Division on July 26, 2017 (attached and made a part of these minutes)

V-104 **MICHAEL D. FOX** (Michael D. Fox and Barbara J. Fox, owners) requesting a variance to 1) waive the minimum public road frontage from the required 75 feet to 44 feet; 2) waive the minimum lot width at the front setback line from the required 75 feet to 40 feet; 3) allow an accessory structure (approximately 2,225 square foot hanger) to the front of the principal building; 4) waive the setbacks for an accessory structure over 1,000 square feet (approximately 2,225 square foot hanger) from the required 100 feet from all property lines to one foot adjacent to the western property line and to 10 feet adjacent to the northern property line; ~~and 5) allow access on a non-hardened surface~~ in Land Lot 123 of the 19th District. Located on the east side of Ernest Barrett Parkway, north of Appaloosa Trail (3941 Ernest Barrett Parkway).

To **approve** V-104, subject to:

1. Delete Variance No. 5
2. Department of Transportation comments and recommendations