

**NOVEMBER 21, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM 054

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their October 11, 2017 Variance Hearing regarding Variance Application V-106 M. Pejman.

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.

APPLICANT: M. Pejman

PETITION No.: V-106

PHONE: 678-300-4629

DATE OF HEARING: 10-11-2017

REPRESENTATIVE: M. Pejman

PRESENT ZONING: R-20

PHONE: 678-300-4629

LAND LOT(S): 1205

TITLEHOLDER: Mojgan Jalali

DISTRICT: 16

PROPERTY LOCATION: On the west side of Sewell

SIZE OF TRACT: 0.42 acres

Lane and on the east side of Indian Trail, northeast of

Worthington Drive

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: Waive the minimum lot size from the required 20,000 square feet to 18,260 square feet.

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

BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: M. Pejman **PETITION No.:** V-106

COMMENTS

TRAFFIC: Recommend only one driveway on Sewell Lane. Recommend a no access easement to Indian Trail.

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: Subject to site grading plan approval by Stormwater Management prior to permitting.

HISTORIC PRESERVATION: No comments.

DESIGN GUIDELINES: No comments.

CEMETERY PRESERVATION: No comments.

WATER: Marietta Water and Sewer service area.

SEWER: Marietta Water and Sewer service area.

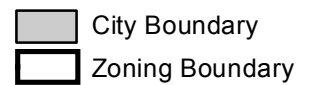
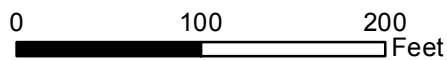
APPLICANT: M. Pejman **PETITION No.:** V-106

FIRE DEPARTMENT: No comments.

V-106 2017-GIS



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





Application for Variance Cobb County

(type or print clearly)

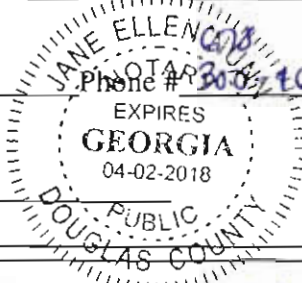
Application No. V-106
Hearing Date: 10-11-17

Applicant M. Pejman Phone # 678-300-4629 E-mail mspconstruction@gmail.com

M. Pejman Address 222 Brookview Place Woodstock, GA 30188
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 678-300-4629 E-mail mspconstruction@gmail.com
(representative's signature)

My commission expires: 4-2-2018



Signed, sealed and delivered in presence of:
Jane Ellen George
Notary Public

Titleholder MOJGAN JALALI Phone # 678-300-4629 E-mail mspconstruction@gmail.com

Signature [Signature] Address: 222 Brookview Place Woodstock, GA 30188
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____ Notary Public

Present Zoning of Property R-20

Location 57 Sewell Lane Marietta, GA 30068
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1205 District 16th Size of Tract _____ 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:

Applicant purchased lot based on recorded plat. ~~lot~~ Upon completion of boundary survey, actual lot size is 18,260 s.f. Any future property transfers or lending activity may be adversely affected by lot size being less than 29,000 s.f.

List type of variance requested: _____

24 HOUR CONTACT BASHEER JARAYSI (404) 840-1191

SURVEYOR'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT THE PLAN, SURVEY AND RECORDS HEREON ARE A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN BY THE COBB COUNTY DEPARTMENT OF PLANNING AND ZONING.



KENNETH L. NUTT, GEORGIA LICENSED PROFESSIONAL SURVEYOR #2104
DATE: _____

OWNER'S ACKNOWLEDGEMENT

I HEREBY CERTIFY AS THE OWNER OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAME IS SUBSCRIBED HEREON, THAT I HAVE READ THE ENTIRE SURVEY AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED DO HEREBY CONVEY ALL STREETS AND RIGHTS OF WAY, SHOWN HEREON IN FEE SIMPLE TO COBB COUNTY AND FURTHER DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL ALLEYS, PARKS, WATER COURSES, DRAINS, AND OTHER RIGHTS AND INTERESTS WHICH MAY BE CLAIMED, EXPRESSED, IN CONSIDERATION OF THE APPROVAL OF THIS PLAN AND THE CONVEYANCE OF THE LAND SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN SET FORTH. I HOLD HARMLESS COBB COUNTY FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING, ON ACCOUNT OF THE CONVEYANCE OF THE LAND SHOWN ON THIS PLAN TO COBB COUNTY, THE COLLECTION AND DISCHARGE OF BACKWATER, OR THE CHANGING OF COURSES OF STREAMS.

AND FURTHER THE OWNER WARRANTS THAT HE OWNS THE LAND SHOWN ON THIS PLAN AND THAT HE HAS THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAN AND DO HEREBY BIND HIMSELF AND HIS HEIRS, SUCCESSORS OR ASSIGNS TO THE COBB COUNTY SUPERIOR COURT FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONVEYANCE OF THE LAND SHOWN ON THIS PLAN TO COBB COUNTY, PARKS, WATER COURSES, DRAINS, STREAMS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CAUSES, OR OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAN AND DO HEREBY BIND MYSELF AND MY HEIRS, SUCCESSORS OR ASSIGNS TO THE COBB COUNTY SUPERIOR COURT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENTS.

[Signature]
DEVELOPER/OWNER
Basheer, Jaraysi
1799B South Cobb Drive
Marietta, GA 30062
(404) 840-1191

THIS PLAN, HAVING BEEN SUBMITTED TO COBB COUNTY AND HAVING BEEN APPROVED BY THE COBB COUNTY COMMISSIONERS IN ACCORDANCE WITH THE COBB COUNTY ZONING ORDINANCES, IS HEREBY APPROVED AND THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE COBB COUNTY ZONING ORDINANCES IS HEREBY AUTHORIZED AND THE POSTING OF A ONE YEAR MAINTENANCE SECURITY.

[Signature] DATE: 12-2-05
PROPERTY OWNER
[Signature] DATE: 12-2-05
ZONING DIVISION
[Signature] DATE: 12/15/05
DEVELOPMENT & INSPECTIONS DIVISION
[Signature] DATE: 12/15/05
COBB COUNTY BOARD OF COMMISSIONERS

SURVEYOR'S NOTES

All lot corners will be marked with 1/2" rebar pins unless otherwise noted.
A Topcon Total Station was used to obtain the angular and linear measurements used in the preparation of this plat.
The field jobs upon which this plat is based has a closure one foot in 25,000 feet or an equivalent error of 1/2" per angle point, and was adjusted using Compass Rule.

Date of field survey: September 8, 2003
This plat has been calculated for closure and is found to be accurate within one foot in 599,448 feet.
Bearings shown on this plat are based on one magnetic observation and angles turned.

This plat subject to all easements public and private.
Topographic information shown is from field measurements and is based on mean sea level.

ZONING INFORMATION

Property Zoned R-20
(adopted 12/26/1972)
Single Family Residential
Standard Conditions
Min. Lot Size - 20,000 S.F.
Min. Lot Width - 75' (per Ord. 1972)
Min. Front Setback - 1,150 S.F.
Setbacks:
Front - 35 Feet
Rear - 35 Feet

ENGINEERS

Ken Nutt, LLC
1799B South Cobb Drive
Marietta, GA 30062
(770) 423-6624

OWNER/DEVELOPER

Basheer, Jaraysi
3301 Lynhurst Drive
Marietta, GA 30062
(404) 840-1191

Road Centerline Table

NUMBER	DIRECTION	DISTANCE
L100	N 26°37'19" E	12.30 FT
L101	N 19°32'22" E	87.95 FT
L102	N 14°23'56" W	146.59 FT

PLAT FILED IN OFFICE ON 7-18-06 P. 0-0-04
RECORDED IN PLAT BOOK 244 PAGE 32

[Signature] Clerk of Court
CLERK, COBB COUNTY SUPERIOR COURT
DATE 08/14/06 2:00P 8453

FLOOD NOTE

According to F.I.R.M. Community Flood #19870 085E, dated 01/02/00, this property is not located in an area having special flood hazards.

Road Centerline Curve Table

NUMBER	ARC LENGTH	CHORD DIRECTION	RADIUS	CHORD LENGTH
C100	122.11	N 50°54'53" E	125.00	134.96
C101	142.56	N 50°54'53" E	125.00	134.96

Lot Curve Table

NUMBER	ARC LENGTH	CHORD DIRECTION	RADIUS	CHORD LENGTH
C1	71.90	N 45°54'59" E	100.00	70.36
C2	29.79	N 75°02'51" E	100.00	29.68
C3	85.76	N 67°17'06" E	150.00	84.60
C4	52.38	N 114°54'37" W	50.00	50.00
C5	36.36	N 114°54'37" W	50.00	50.00
C6	26.88	N 57°09'52" W	50.00	26.56
C7	57.31	S 74°35'43" W	50.00	54.23
C8	82.07	S 05°16'04" E	50.00	73.16
C9	30.77	S 17°01'39" E	25.00	28.87
C10	113.99	S 50°53'29" W	100.00	107.91
C11	152.44	S 54°25'57" W	150.00	145.96

Tract Area
307,316 S.F.
7.055 Acres

Lot Area Table

NAME	SQUARE FEET	ACRES
Swell Lane RW	76,297	0.600
Drainage Easements	7,946	0.182
Detention Pond	70,888	1.627
Summary Seven Easement	5,877	0.137

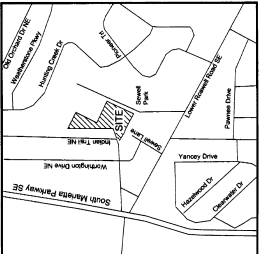
AREAS TO BE DEDICATED

NAME	SQUARE FEET	ACRES
Swell Lane RW	76,297	0.600
Drainage Easements	7,946	0.182
Detention Pond	70,888	1.627
Summary Seven Easement	5,877	0.137

UTILITIES PROTECTION CENTER
IN THE METRO ATLANTA
REGION
1-800-282-7411
THREE, NORTON DRIVE, ATLANTA, GA 30303

LEGEND

- x- = Standard Wire
- SS = Sanitary Sewer
- PP = Power Pole
- PP-P = Power Pole
- PP-PH = Power Pole
- MON = Monument Found
- EP = Edge of Pavement
- EP-P = Edge of Pavement
- CTP = Chain Link Fence
- BC = Back of Curb
- JE = Junction Box
- SSSE = Sanitary Sewer Easement
- PL = Property Line
- CP = Contour
- RCP = Round Concrete Pipe
- DE = Drainage Easement
- WM = Water Meter
- WV = Water Valve
- POV = Power Pole



Location Map
Scale: 1"=2000'

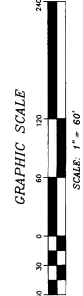
This lot has a requirement to plant four shade trees. All shade trees must be planted in the front yard with at least one tree to be planted in the front setback area. All other trees must be a minimum of 10 feet in diameter. These trees must be planted when the house is under construction. The utility will not be relocated unless the trees are planted.

NOTES

- BUILDER ON EACH LOT SHALL PROVIDE EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION DURING ANY ADJACENT LOT OR ROADWAY.
- STATE LAW REQUIRES THE PRIVATE CONSTRUCTION PLANNING OR OTHERWISE MAKING IMPROVEMENTS ON THE DEDICATED RIGHT OF WAY. THE SOLE RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF SUCH IMPROVEMENTS SHALL BE THE PROPERTY OWNERS.
- ALL EXISTING AND PROPOSED WATER COURSES AND DRAINAGE SYSTEMS ARE TO HAVE A MINIMUM 20' WIDE DRAINAGE EASEMENT CENTERED ON THEM.
- NO PERMANENT MONUMENT TYPE SIGNS OR STRUCTURES SHALL BE PLACED WITHIN DRAINAGE EASEMENTS.
- Perpetual care and maintenance and the conveyance of real property referenced in Section 205 of the Cobb County Development Code shall be the responsibility of the fee effective at the completion of the final acceptance process.
- No cemeteries, archeological or architectural landmarks are known to exist on this site.

REVISIONS

Date	Revision



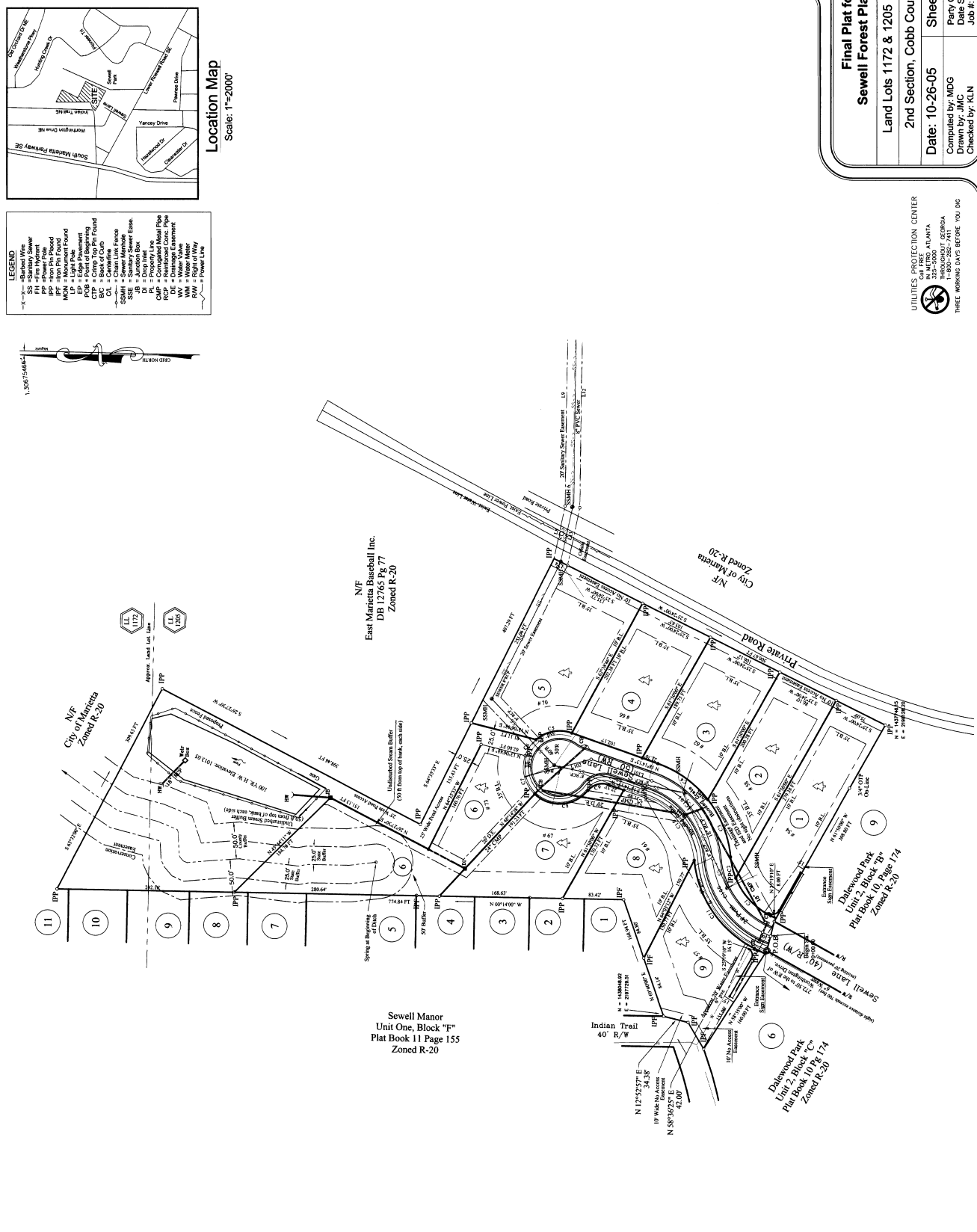
Revised: 11-17-05

KEN NUTT, L.L.C.
1799B South Cobb Drive SE, Marietta, GA 30062
Phone: (770) 425-6824 Fax: (770) 425-6768

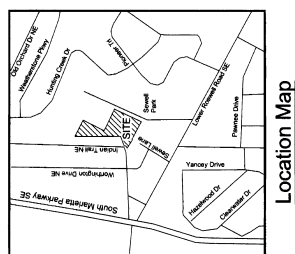
PROJECT: Sewell Forest Plantation
TITLE: FINAL PLAT FOR
Sewell Lane
Cobb County, Georgia
JOB #: 026403

Final Plat for
Sewell Forest Plantation
Land Lots 1172 & 1205 16th District
2nd Section, Cobb County, Georgia
Date: 10-26-05
Sheet 1 of 2
Party Chief: JCW
Date Surveyed: 09/08/03
Job #: 026403
Computed by: MDG
Drawn by: JMC
Checked by: ALN

Filed in Office 1-15-04
 Plat Book 204 Pg 35
 Jig C. Stephenson, Clerk
 City 20th 9853



LEGEND
 -S- Sewer Main
 -SS- Sanitary Sewer
 -PP- Fire Hydrant
 -P- Storm Pipe Pile
 -M- Manhole
 -MCH - Measurement Point
 -EP - Elevation Point
 -CPB - Point of Beginning
 -BPC - Back of Curve
 -C- Chain Line
 -SSMH - Sewer Manhole
 -S - Sewer Line
 -J - Junction Box
 -R - Property Line
 -C- Compacted Metal Pipe
 -DE - Drainage Easement
 -W - Water Main
 -WW - Water Well
 -RW - Right of Way
 -P - Power Line



KEN NUTT, L.L.C. 1709B South Cobb Drive SE, Marietta, GA 30060
 Phone: (770) 425-6824 Fax: (770) 425-6788

PROJECT: Sewell Forest Plantation
 TITLE: FINAL PLAT FOR
 Cobb County, Georgia

**Final Plat for
 Sewell Forest Plantation**
 Land Lots 1172 & 1205 16th District
 2nd Section, Cobb County, Georgia

Date: 10-26-05
 Party Chief: JWC
 Computed by: MDG
 Drawn by: JMC
 Date Surveyed: 09/08/03
 Checked by: KLN
 Job #: 026403

UTILITIES PROTECTION CENTER
 3500 PIEDMONT AVENUE
 N.W. ATLANTA, GA 30355-3000
 1-800-252-7411
 THREE WORKING DAYS BEFORE YOU DIG

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2017
PAGE 4**

CONSENT AGENDA (CONT.)

~~V-105 ASHLEIGH MERCHANT (Ashleigh B. Merchant and John B. Merchant, III owners) requesting a variance to waive the maximum allowable impervious coverage from 35% to 40% in Land Lot 125 of the 19th District. Located on the north side of Hoyle Farm Drive, west of Paces Farm Trail (2920 Hoyle Farm Road).~~

~~To approve V-105, subject to:~~

- ~~1. Maximum impervious surface limited to 40% or less~~

V-106 M. PEJMAN (Mojgan Jalali, owner) requesting a variance to waive the minimum lot size from the required 20,000 square feet to 18,260 square feet in Land Lot 1205 of the 16th District. Located on the west side of Sewell Lane and on the east side of Indian Trail, northeast of Worthington Drive (57 Sewell Lane).

To approve V-106, subject to:

1. No additional variance applications will be made to the property
2. Site Plan Review comments and recommendations
3. Stormwater Management Division comments and recommendations
4. Department of Transportation comments and recommendations

~~V-107 KEITH D. JOHNS (Keith D. Johns and Rebecca L. Johns, owners) requesting a variance to waive the front setback from the required 45 feet to 40 feet for lot 3 in Land Lots 259 and 274 of the 20th District. Located at the western terminus of Abbey Oaks Lane, west of Acworth Due West Road (4060 Abbey Oaks Lane).~~

~~To approve V-107, subject to:~~

- ~~1. Development and Inspections Division comments and recommendations~~