

LUP-27
(2017)

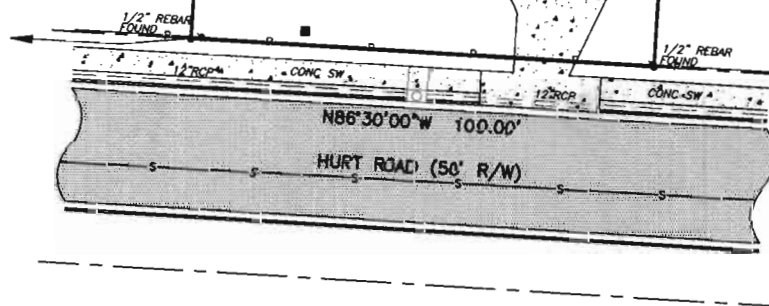


SURVEY NOTES

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
- BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
- ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
- THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.



220' TO EAST R/W OF FRED WALKER DRIVE (50' R/W)



LEGEND

- P DENOTES PROPERTY LINE
- R/W DENOTES RIGHT-OF-WAY
- CL DENOTES CENTERLINE
- BC DENOTES BACK OF CURB
- G DENOTES GUTTER
- EP DENOTES EDGE OF PAVING
- TW DENOTES TOP OF WALL
- BW DENOTES BOTTOM OF WALL
- X - X - DENOTES FENCE
- RCP DENOTES REINFORCED CONCRETE PIPE
- CMP DENOTES CORRUGATED METAL PIPE
- PP DENOTES POWER POLE
- LP DENOTES LIGHT POLE
- GW DENOTES GUY WIRE
- P - P - DENOTES POWER LINE
- PM DENOTES POWER METER
- PB DENOTES POWER BOX
- A/C DENOTES AIR CONDITION
- TB DENOTES TELEPHONE BOX
- GM DENOTES GAS METER
- GV DENOTES GAS VALVE
- GLM DENOTES GAS LINE MARKER
- WM DENOTES WATER METER
- WV DENOTES WATER VALVE
- FH DENOTES FIRE HYDRANT
- MW DENOTES MONITORING WELL
- HW DENOTES HEADWALL
- JB DENOTES JUNCTION BOX
- DI DENOTES DROP INLET
- S - S - DENOTES SANITARY SEWER LINE
- SSWH DENOTES SANITARY SEWER MANHOLE
- CO DENOTES CLEAN OUT

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS.

REFERENCE MATERIAL

- WARRANTY DEED IN FAVOR OF STEPHEN MARK DALEAS DEED BOOK 15177 PAGE 487B COBB COUNTY, GEORGIA RECORDS



Michael R. Noles
Georgia RLS #2646
Member SAMSOG

SURVEYOR'S CERTIFICATE

This plat is a reticulation of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Regulation for Professional Engineers and Land Surveyors as set forth in O.C.G.A. Section 15-6-87.

[Signature]
Michael R. Noles Georgia RLS No. 2646 Date 9/28/17

NO.	REVISIONS	DATE

McLUNG SURVEYING SERVICES, INC.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383
www.mclungsurveying.com
Certificate of Authorization #LSF000752

SURVEY FOR CHRISTOPHER BERNASKY

688 HURT ROAD SMYRNA, GEORGIA

TOTAL AREA= 0.459± ACRES OR 20,000± SQ.FT.



LOT 15 NICKAJACK HOMES SUBDIVISION TRACT #2

LAND LOT 50 17TH DISTRICT 2ND SECTION COBB COUNTY GEORGIA

PLAT PREPARED: 9-28-17
FIELD: 9-27-17 SCALE: 1"=20'

JOB#246061 PG 12

APPLICANT: Kosta at Smyrna

PETITION NO: LUP-27

PHONE#: (678) 293-6675 **EMAIL:** chris@kostaprivatehomecare.com

HEARING DATE (PC): 12-05-17

REPRESENTATIVE: Christopher K. Bernaski

HEARING DATE (BOC): 12-19-17

PHONE#: (404) 857-7380 **EMAIL:** kostabern@yahoo.com

PRESENT ZONING: R-20

TITLEHOLDER: Stephen Mark Daleas

PROPOSED ZONING: Land Use Permit
(Renewal)

PROPERTY LOCATION: north side of Hurt Road, east of
Fred Walker Road
(688 Hurt Rd)

PROPOSED USE: personal care home

ACCESS TO PROPERTY: Hurt Road

SIZE OF TRACT: 0.459 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: single-family house

LAND LOT(S): 50

PARCEL(S): 36

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Nickajack Homes
SOUTH: R-20/Nickajack Homes
EAST: R-20/Nickajack Homes
WEST: R-20/Nickajack Homes

Adjacent Future Land Use:
North: LDR
East: LDR
South: LDR
West: LDR

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

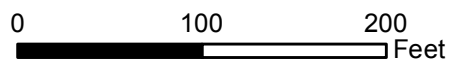
STIPULATIONS:





LUP-27 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

APPLICANT: Kosta at Smyrna

PETITION NO.: LUP-27

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Tannessa Bates

The applicant is requesting a renewal to include an increase of one occupant for their Temporary Land Use Permit (LUP-31) approved October 20, 2015. LUP-31 of 2015 was approved for a maximum of five residents. This request follows an approval from the Fire Marshal’s Office, and the Georgia Department of Community Health for six occupants. The personal care home will have two employees and will operate from 8 a.m. to 8 p.m., seven days a week. The personal care home is for elderly women who can’t live independently in their own homes. The occupants do not drive; however, family members of the occupants will visit the location weekly. This is not in response to a Code Enforcement violation.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Current water and sewer customer.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

APPLICANT: Kosta at Smyrna

PETITION NO.: LUP-27

PRESENT ZONING: R-20

PETITION FOR: LUP

FIRE COMMENTS:

LODGING: Where 4 or more (>3) unrelated residents share a dwelling a new certificate of occupancy is required to include implementation of both a fire alarm and fire sprinkler system.

APPLICANT: Kosta at Smyrna

PETITION NO.: LUP-27

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comment. (Renewal)

STAFF RECOMMENDATIONS

LUP-27 KOSTA AT SMYRNA

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request should not affect the safety, health, or welfare of the surrounding properties
- (2) *Parking and traffic considerations.*
Employees and visitors will park in the driveway.
- (3) *Number of nonrelated employees.*
The applicant is requesting two employees.
- (4) *Number of commercial and business deliveries.*
N/A
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
This use is located in an area having single-family, residential homes; however, the proposed use has been here since 2014 without any complaints.
- (6) *Compatibility of the business use to the neighborhood.*
There are no known businesses surrounding the property. The use has been here for the past couple of years without adversely affecting the neighbors.
- (7) *Hours of operation.*
The proposed hours of operation are 8 a.m. – 8 p.m., seven days a week.
- (8) *Existing business uses in the vicinity.*
There are no known businesses in the area.
- (9) *Effect on property values of surrounding property.*
This request should not have an effect on property values.
- (10) *Circumstances surrounding neighborhood complaints.*
This request is not the result of a Code Enforcement complaint.

LUP-27 KOSTA AT SMYRNA (Continued)

(11) Intensity of the proposed business use.

This application is a renewal of an existing use.

(12) Location of the use within the neighborhood.

This proposal is located in a platted neighborhood and surrounded by residential uses.

Based on the above analysis, and strict interpretation of the ordinance, Staff recommends **APPROVAL** of the applicant's request for 24 months subject to;

- Maximum of six residents.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application #: LUP-27
PC Hearing Date: 12-5-17
BOC Hearing Date: 12-19-17

TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Personal Care Home for Elderly Women
2. Number of employees? 3
3. Days of operation? 8:00 am - 8:00 pm 7 days
4. Hours of operation? 8:00 am - 8:00 pm 7 days
5. Number of clients, customers, or sales persons coming to the house per day? 6 ; Per week? 8 including families visiting
6. Where do clients, customers and/or employees park?
Driveway: X ; Street: _____ ; Other (Explain): _____

7. Signs? No: X ; Yes: _____. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): Just employees
Vehicles

9. Deliveries? No X ; Yes _____. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)

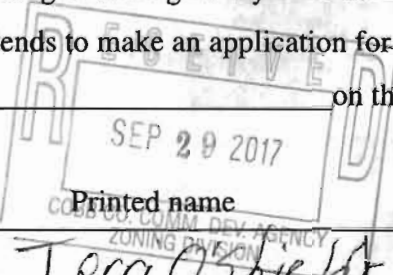
10. Does the applicant live in the house? Yes _____ ; No X
11. Any outdoor storage? No X ; Yes _____. (If yes, please state what is kept outside): _____
12. Length of time requested (24 months maximum): 24
13. Is this application a result of a Code Enforcement action? No X ; Yes _____. (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: [Signature] Date: 9/19/17

Applicant name (printed): Christopher F. Bernaski

**CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNER
TO ACCOMPANY APPLICATION FOR LAND USE PERMIT**

By signature, it is hereby acknowledged that I give my consent/or have no objection that Kosta at
Smyrna intends to make an application for a Land Use Permit for the purpose of
Personal Care Home on the premises described in the application.



Signature	Printed name	Address
1. <u>[Signature]</u>	<u>Terr O'Shield</u>	<u>653 Hurt Rd</u>
2. <u>[Signature]</u>	<u>Marcey Williams</u>	<u>654 Hurt Rd.</u>
3. <u>[Signature]</u>	<u>Cheryl Mondello</u>	<u>642 Hurt Rd</u>
4. <u>[Signature]</u>	<u>Dean Leschner</u>	<u>619 Hurt Rd. SW</u>
5. <u>[Signature]</u>	<u>JEAN BARWETT</u>	<u>736 HURT Rd. S.W.</u>
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