



Case# LUP-2  
Public Hearing Dates:  
PC: 03-06-18  
BOC: 03-20-18

Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs St. Marietta, Georgia 30064

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### SITE BACKGROUND

Applicant: Richard and Robin de la Llama

Phone: (770) 324-3441

Email: rico@cruiserico

Representative Contact: Christina de la Llama

Phone: (770) 713-3858

Email: cdelallama@comcast.net

Titleholder: Ricardo de la Llama and Robin E. de la Llama

Property Location: Northwest side of Hickory Grove Court, west of Hickory Grove Trail

Address: 4523 Hickory Grove Court

Access to Property: Hickory Grove Court

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### QUICK FACTS

Commission District: : 3- Birrell

Current Zoning: R-15 (Single-family Residential)

Current use of property: Single-family house

Proposed use: Allowing more unrelated adults than permitted by code.

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 0.75 ac

District: 20

Land Lot: 22

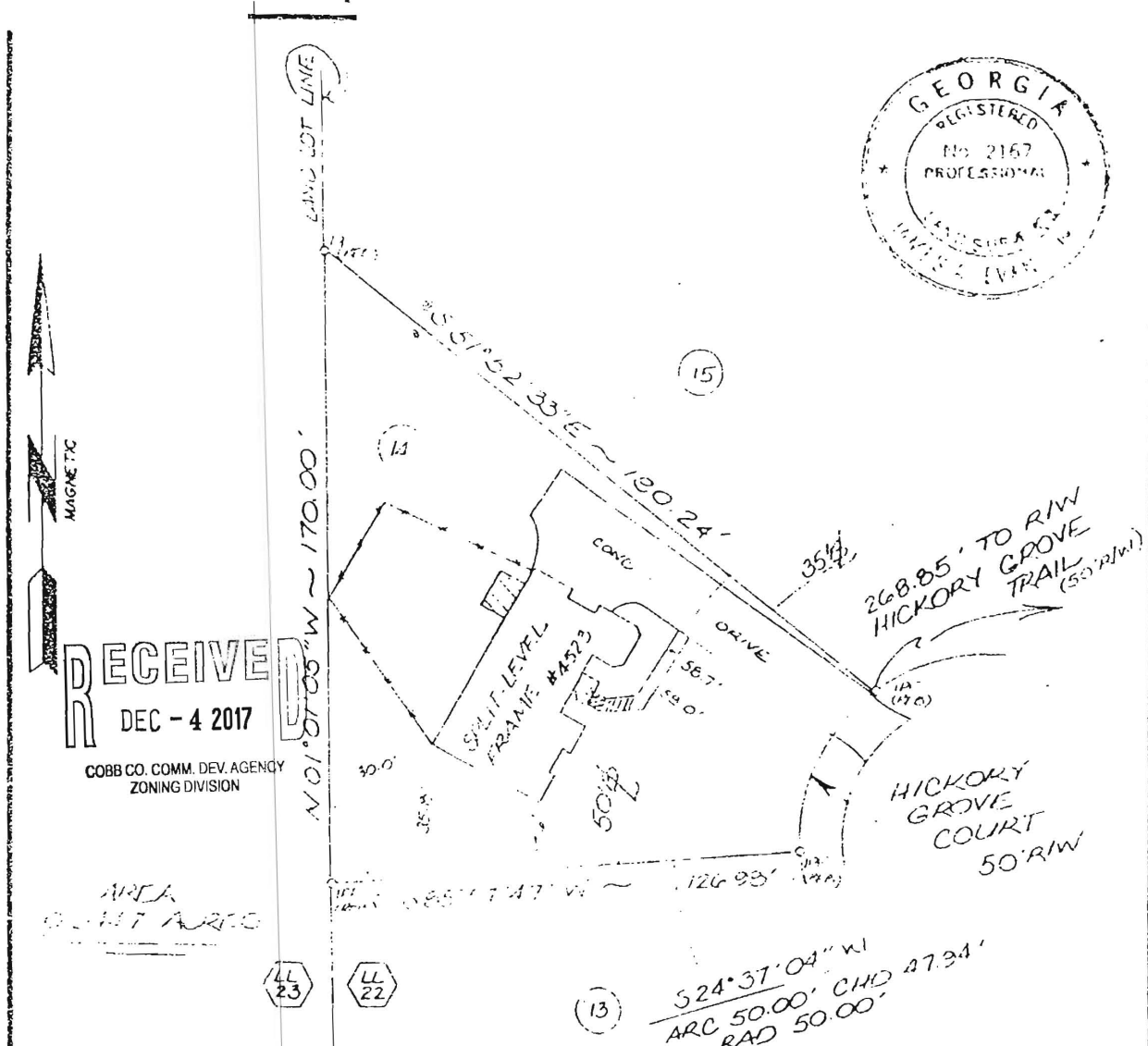
Parcel #: 210

Taxes Paid: Yes

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FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Tannesha Bates)

Based on the analysis and the Code, Staff recommends **DENIAL** of the application.



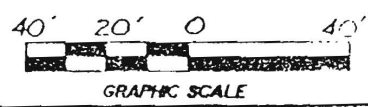
**RECEIVED**  
DEC - 4 2017

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

AREA  
POINT A B C D

I HAVE THIS DATE, EXAMINED THE TITLE OFFICIAL FLOOD HAZARD MAP AND FOUND REFERENCED HOUSE (NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

THIS PLAT MAY BE BASED ON A RECORDED PLAT FROM IRON PINS REFERENCED ON SAID PLAT FOR CLOSURE TIE IN.



THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 73,632 FEET AND AN ANGULAR ERROR OF 0.32 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 50,000 FEET.

EQUIPMENT USED:  
TOPCON GTS-5(B) & TRANSIT W/200' STEEL TAPE.  
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

*J.A. Evans*

**J. A. EVANS**  
SURVEYING CO., INC.  
SMYRNA, GEORGIA  
PH. 435-7155

**SURVEY FOR:**  
BARRY O'LANO BIRCKHEAD &  
MAUREEN BIRCKHEAD

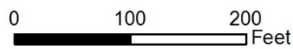
LOT 14	UNIT NO. 3	REVISIONS
HICKORY GROVE NORTH S/D		
PLAT BK. 97, PG. 66		
LAND LOT 22		
20 <sup>TH</sup> DISTRICT 2 <sup>ND</sup> SECTION		CC
COBB COUNTY, GEORGIA		DRAWN
		CHKD
		JOB #
DATE: 02-10-92 SCALE: 1" = 40'		50292

REPRODUCTION OF THIS PLAT IS PROHIBITED

# LUP-2 2018-Aerial Map



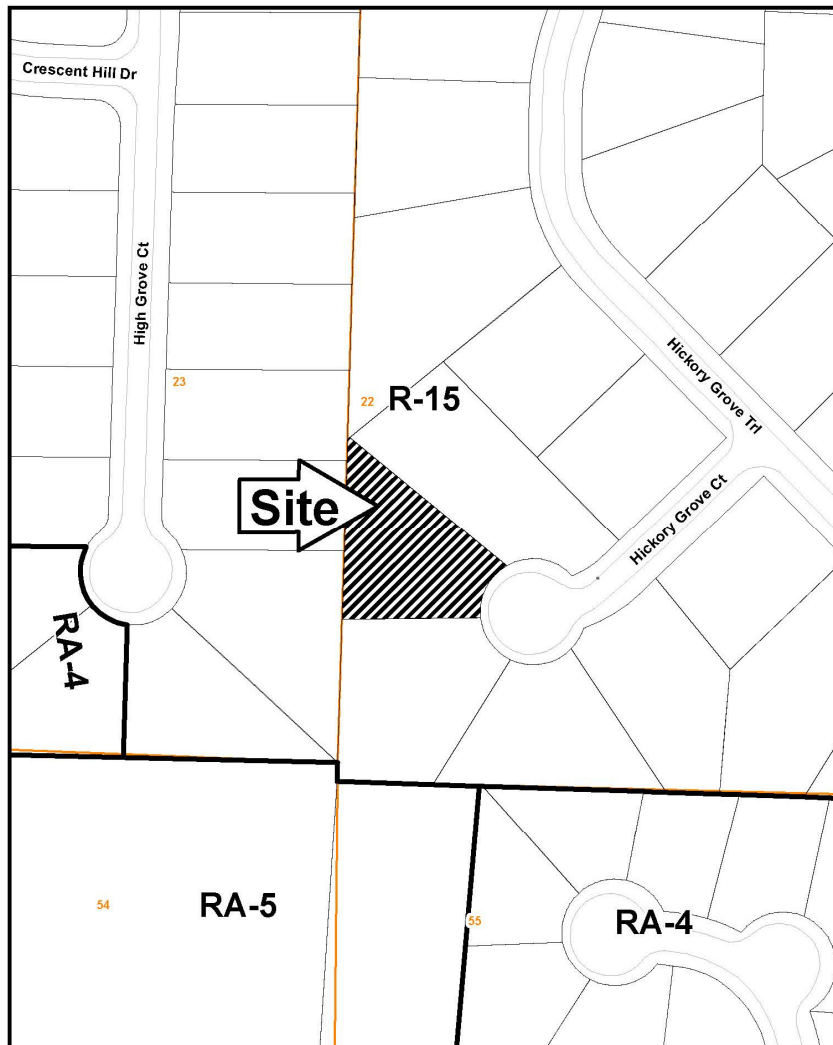
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Zoning Boundary
- City Boundary

North  
**Zoning:** R-15 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

**LUP-2 2018-GIS**



WEST  
**Zoning:** R-15 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

EAST  
**Zoning:** R-15 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

SOUTH  
**Zoning:** R-15 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

## **DEPARTMENT COMMENTS- Zoning Division**

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### **Current zoning district for the property**

The R-15 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

### **Request for a Temporary Land Use Permit**

The Board of Commissioners may permit temporary land use permits for uses that are uniquely located and are considered compatible with adjoining zoning districts and nearby uses for designated periods of time for uses, exceptions or professions in areas, along roadways and within districts where the zoning regulations would otherwise prohibit such operations. Customary home occupations as defined in this chapter, do not require a temporary land use permit.

### **Summary of the applicant's proposal**

The applicant is requesting a Temporary Land Use Permit (LUP) for the purpose of allowing five unrelated adults to live in a single-family residence. Per the county code, a single-family dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant. In this instance, there is a total of 1,552 square feet in the house which would allow no more than three related adults. Additionally, the code allows four vehicles parked outside of a garage, carport or the like for this property. The applicant states there are five vehicles parked outside of the house. This application is the result of a complaint.

## **DEPARTMENT COMMENTS- Fire Department**

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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.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comment.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

**DEPARTMENT COMMENTS- School System**

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No comment.

**DEPARTMENT COMMENTS- Stormwater Management**

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No comment.

**DEPARTMENT COMMENTS- Transportation**

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Recommend no parking on the right-of-way.

**DEPARTMENT COMMENTS- Planning Division**

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No comment.

**DEPARTMENT COMMENTS- Water and Sewer**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 2" in Hickory Grove Court.

Additional water comments: Existing water customer

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

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**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: Hickory Grove Court ROW

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

Treatment plant: Noonday

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

Flow test required:  YES  NO

Letter of allocation issued:  YES  NO

Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments

Existing sewer customer

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

## STAFF ANALYSIS

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

**(1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.**

The application is the result of a complaint due to the number of residents on the property. The use and condition of the property has adversely affected the surrounding properties.

**(2) Parking and traffic considerations.**

The applicant indicates vehicles will be parked in the garage and the driveway.

**(3) Number of nonrelated employees.**

N/A

**(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.**

N/A

**(6) Compatibility of the business use to the neighborhood.**

N/A

**(7) Hours of operation.**

N/A

**(8) Existing business uses in the vicinity.**

N/A

**(9) Effect on property values of surrounding property.**

Having more unrelated adults than allowed, and more vehicles parked outside than allowed will start to diminish the low intensity character of a residential neighborhood.

**(10) Circumstances surrounding neighborhood complaints**

The number of unrelated adults living in the residence has resulted in a complaint to the Code Enforcement Division.

**(11) Intensity of the proposed business use.**

N/A

**(12) Location of the use within the neighborhood.**

The proposal is located within a platted subdivision and is surrounded by residential uses.

**The staff analysis and recommendation 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.**



**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

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<b>Names of those Opposed:</b>	<b>Comments:</b>
_____	_____
_____	_____
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NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

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<b>Names of those Opposed:</b>	<b>Comments:</b>
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NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_