



Case# LUP-3
Public Hearing Dates:
PC: 05-01-18
BOC: 05-15-18

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

SITE BACKGROUND

Applicant: Amanda Stockton

Phone: 626-238-8102

Email: astockto@alum.unit.edu

Representative Contact: Thomas Cantrell

Phone: 404-788-2680

Email: tcantrell3@gmail.com

Titleholder: Amanda Stockton

Property Location: On the west side of
Greenfield Ct

Address: 382 Greenfield Court

Access to Property: Greenfield Court

QUICK FACTS

Commission District: 2

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family house

Proposed use: Housing Chickens on Site

Future Land Use Designation: Low Density
Residential (LDR)

Site Acreage: .466 acres

District: 16

Land Lot: 1126

Parcel #: 16112600190

Taxes Paid: Yes

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

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

*** LEGEND ***

- POB POINT OF BEGINNING
- LLI LAND LOT LINE
- WH MAIN HOLE
- SSL SANITARY SEWER LINE
- C2 SAN SEWER CLEANOUT
- CB CATCH BASIN
- JB JUNCTION BOX
- DI DRAINAGE INLET
- YI YARD INLET
- HW HEAD WALL
- PP POWER POLE
- PL POWER LINE
- SSE SANITARY SEWER ESMT.
- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT
- AC ACCESS EASEMENT
- TS TOP OF BANK
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONC. PIPE
- APP AS PER PLAT
- APD AS PER DEED
- APR AS PER RECORD
- APF AS PER FIELD
- BC BACK OF CURB
- EP EDGE OF PAVEMENT
- EB ELECTRIC POWER BOX
- EM ELECTRIC METER
- GM GAS METER
- GV GAS VALVE
- WM WATER METER
- WV WATER VALVE
- OH OVERHANG
- OU OWNERSHIP UNCLEAR

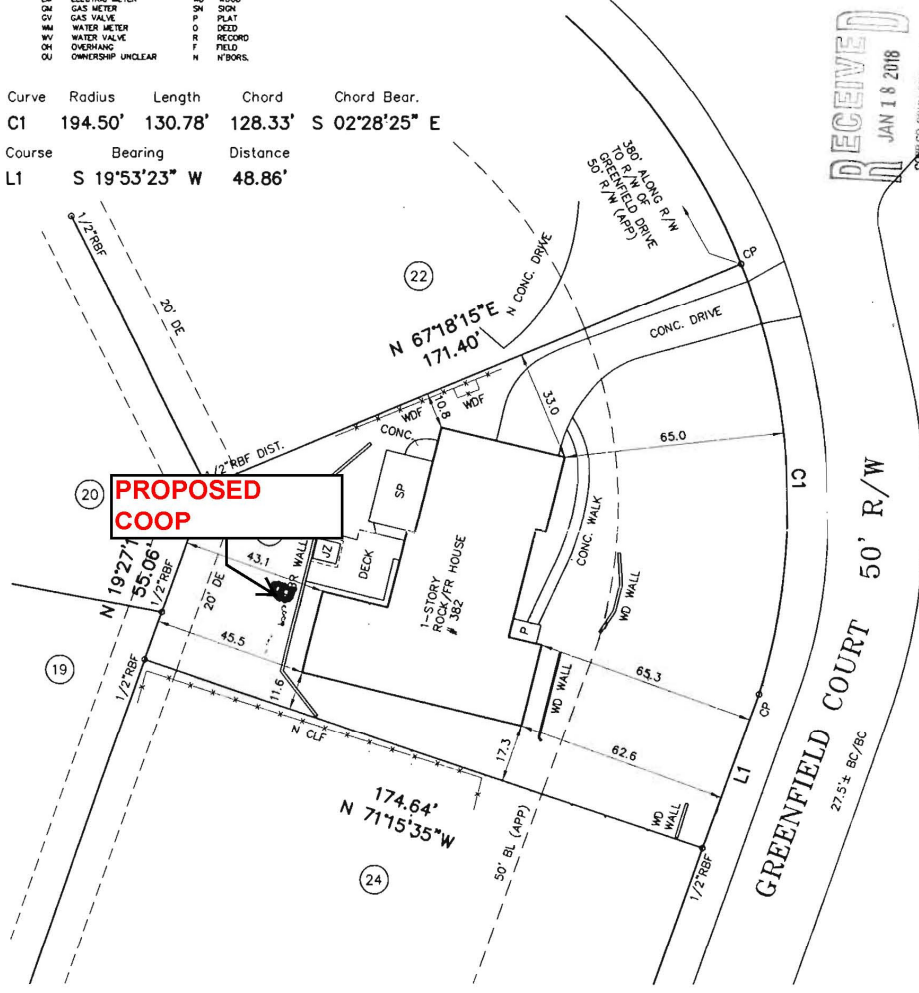
- IP IRON PIN FOUND
- RSP RISK PIN SET
- OTF OPEN TOP PIPE FOUND
- CIP CRIMP TOP PIPE FOUND
- RF REINFORCING BAR FOUND
- RBS REINFORCING BAR SET
- MAG MAGNETIC READING IP
- AJ ANGLE IRON FOUND
- CP CALCULATED POINT
- X-N FENCE
- CLF CHAIN LINK FENCE
- WDF WOOD FENCE
- WRF WIRE FENCE
- WF WET WEATHER
- FC FENCE CORNER
- BL BUILDING LINE
- R/M RIGHT-OF-WAY
- PL PROPERTY LINE
- PC PROPERTY CORNER
- CL CENTER LINE
- CPT CARPORT
- SP SCREEN PORCH
- P PORCH
- FR FIRE HYDRANT
- BR BRICK
- FR FRAME
- MD WOOD
- SN SIGN
- PLAT
- DEED
- R RECORD
- F RECORD
- N N.BOOKS.

SURVEY NOTES:

1. 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 AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC. IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREON. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. 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 REPERMITION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

Curve	Radius	Length	Chord	Chord Bear.
C1	194.50'	130.78'	128.33'	S 02°28'25" E

Course	Bearing	Distance
L1	S 19°53'23" W	48.86'



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 COMMUNITY DEVELOPMENT
 ZONING DIVISION

PROPERTY ADDRESS:
 382 GREENFIELD COURT
 MARIETTA, GA 30068

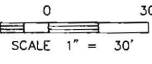
PLAT PREPARED FOR:

AMANDA STOCKTON

LOT 23	BLOCK "A"	
SUBDIVISION	INDIAN HILLS COUNTRY CLUB	UNIT THIRTEEN
LAND LOT 1126	16TH DISTRICT	2ND SECTION
COBB COUNTY, GEORGIA		
FIELD WORK DATE	DEC 29, 2017	PRINTED/SIGNED JAN 05, 2018
PLAT BOOK 72	PAGE 34	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED
DEED BOOK 15446	PAGE 4858	



LAND AREA:
 0.466 AC



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 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 1/2\"/>

SJ
 COORD # 20172891
 DWG # 20172891

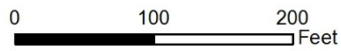
SURVEY LAND EXPRESS, INC.
 LAND SURVEYING SERVICES



70 LENOX POINTE,
 ATLANTA, GA 30304
 FAX 404-801-0841
 TEL 404-262-5747
 INFO@SURVEYLANDEXPRESS.COM
 PAPER FORMAT 11"x17"

LUP-3 2018-Aerial Map



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

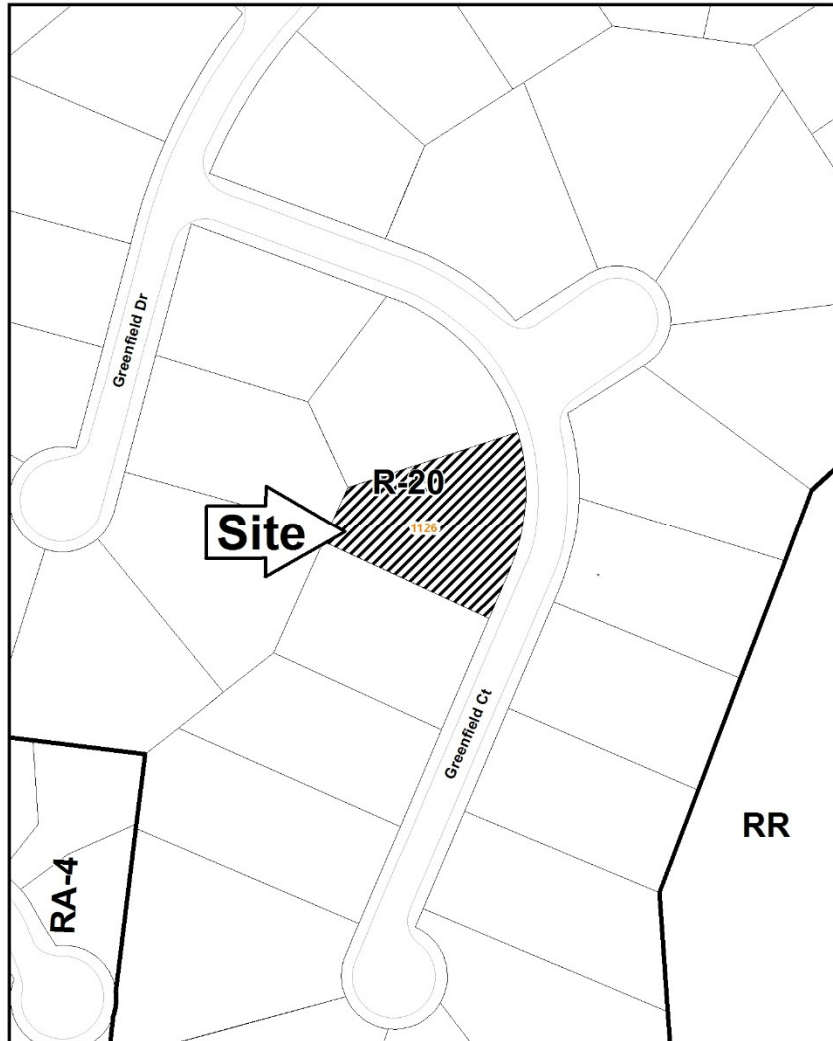


-  Land Lot
-  City Boundary

North

Zoning: R-20
Future Land Use: LDR (Low Density Residential)

LUP-3 2018-GIS



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

0 100 200 Feet

Land Lot
City Boundary

WEST

Zoning: R-20

Future Land Use: LDR (Low Density Residential)

EAST

Zoning: R-20

Future Land Use: LDR (Low Density Residential)

SOUTH

Zoning: R-20
Future Land Use: LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 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. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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 to allow four chickens for personal use at the rear of the property. The property is 0.466 acres and is in a subdivision. The applicant states the poultry will be housed in a 6' x 6' x 6' chicken coop with a 20' x 20' fenced enclosure. This request is not in response to any Code Enforcement complaints. The applicant may need to apply for a concurrent variance from the Board of Commissioners if the coop is not 30 feet off all property lines.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

No comment.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 6" in Greenfield 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.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: Greenfield Court

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

Treatment plant: R.L. Sutton

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

Additional sewer comments: existing sewer customer

*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.

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.

DEPARTMENT COMMENTS- Stormwater Management

If approved, all droppings must be properly composted or disposed of offsite.

DEPARTMENT COMMENTS- Transportation

Recommendations

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

DEPARTMENT COMMENTS- Planning Division

No comment.

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STAFF ANALYSIS

There are twelve criteria that must be considered for a Temporary Land Use Permit. However, nine of the twelve criteria have to do with “commercial uses” within a residential area do not apply to chickens. The three criteria that may be considered are below in bold, and the Staff analysis following is not.

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

This request may affect the safety, health, or welfare of the surrounding neighborhoods.

There have been concerns about negative effects of chicken manure, and possible attractions of predators and/or rodents.

(2) Effect on property values surrounding property.

This request could have the potential to affect property values in the area. Previous chicken cases have had opposition that have presented testimony relating to concerns about negative effects on property values when located within a platted residential subdivision.

(3) Circumstances surrounding neighborhood complaints.

This application is not the result of a Code Enforcement violation.

Additionally, Staff will review the ten requirements of the poultry ordinance for compliance regarding this recommendation and these are listed below by lettered italics and the staff analysis for these are in bold:

(a) There shall be a maximum ratio of one poultry per 5,000 square feet of lot area on any lot less than two acres.

The applicant would be permitted to have four hens based on the submitted survey. The applicant’s request is for four hens.

(b) Only hens are kept on the property.

The applicant has requested four hens on the property.

(c) The poultry shall be kept/maintained within a fenced area to the rear of the house.

The applicant will have the hens in a coop with a 20’ x 20’ fenced enclosure.

(d) Coops, or other buildings used for the poultry shall be located at least 30 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply. Where a conflict exists, this section shall control.

The applicant has indicated that the chicken coop will be 30 feet off of any property line. The final location is to be determined by the Board of Commissioners.

STAFF ANALYSIS (Continued)

- (e) The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals.**
This could be monitored by Code Enforcement.
- (f) The poultry shall not cause a nuisance, as defined by state law.**
This could be monitored by Code Enforcement.
- (g) The slaughter of any hen on site is prohibited.**
The applicant understands, and will comply.
- (h) The fee for the land use permit for backyard poultry shall be \$75.00 with renewal fees being \$50.00.**
The required fees have been paid.
- (i) The duration of any land use permit approved for poultry as pets or food source shall not exceed two years, renewable for up to two-years terms thereafter.**
This is to be determined by the Board of Commissioners.
- (j) At least thirty calendar days prior to the hearing before the board of commissioners, applicant shall notify all contiguous property owners in writing.**
The applicant is aware of the required notification to all contiguous property owners in writing.

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.



Application #: LUP.3

PC Hearing Date: 5-1-18

BOC Hearing Date: 5-15-18

requesting 4 chickens

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

1. Type of business, or request? Poultry on less than 2 acres
2. Number of employees? N/A (0)
3. Days of operation? N/A ; 7?
4. Hours of operation? N/A ; 24?
5. Number of clients, customers, or sales persons coming to the house per day? N/A 0 ; Per week? 0 N/A
6. Where do clients, customers and/or employees park?
Driveway: N/A ; Street: N/A ; Other (Explain): N/A

7. Signs? No: ; 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.): None

9. Deliveries? No ; 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
11. Any outdoor storage? No ; Yes (If yes, please state what is kept outside): Chickens -> This will be installed upon approval
12. Length of time requested (24 months maximum): 24 mo
13. Is this application a result of a Code Enforcement action? No ; 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):
After Approval : Installation of one 6'x6'x6' chicken coop with 20' x 20' fenced enclosure
Applicant signature: [Signature] Date: 1/17/18
Applicant name (printed): Amanda Stockton

Application No. LUP.3

Hearing Date: 5-1-18

5-15-18

Applicant's information for requesting backyard chickens

1. How many hens do you propose (no male birds allowed)? 4 .

2. Can you comply with the County Code Sec-134-94(4)(a-i) below? YES NO .

[Signature]
Signature

Amanda Stockton
Print Name

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JAN 18 2018

County Code adopted by the Board of Commissioners March 22, 2016:

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Sec. 134-94 (5) Poultry on less than two acres subject to the following minimum requirements:

- a. There shall be a maximum ratio of one poultry per 5,000 square feet of lot area on any lot less than two acres;
- b. Only hens are kept on the property;
- c. The poultry shall be kept/maintained within a fenced area to the rear of the house;
- d. Coops, or other buildings used for the poultry shall be located at least 30 feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply. Where a conflict exists, this section shall control;
- e. The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals;
- f. The poultry shall not cause a nuisance, as defined by state law;
- g. The slaughter of any hen on site is prohibited;
- h. The fee for the land use permit for backyard poultry shall be \$75.00 with renewal fees being \$50.00; and
- i. The duration of any land use permit approved for poultry as pets or food source shall not exceed two years, renewable for up to two-year terms thereafter.
- j. At least two weeks prior to the hearing before the planning commission, applicant shall notify all contiguous property owners in writing.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
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_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____