



Case# LUP-9
Public Hearing Dates:
PC: 08-07-18
BOC: 08-21-18

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

SITE BACKGROUND

Applicant: Cecile Ferguson

Phone: (678) 698-7553

Email: cef1632@gmail.com

Representative Contact: Cecile Ferguson

Phone: (678) 698-7553

Email: cef1632@gmail.com

Titleholder: Cecile E. Ferguson

Property Location: South side of Blackwell Road,
west of Knight Road

Address: 1632 Blackwell Road

Access to Property: Blackwell Road

QUICK FACTS

Commission District: 3-Birrell

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

Current use of property: Single-family House

Proposed use: Backyard Chickens/Poultry

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 0.762 ac

District: 16

Land Lot: 344

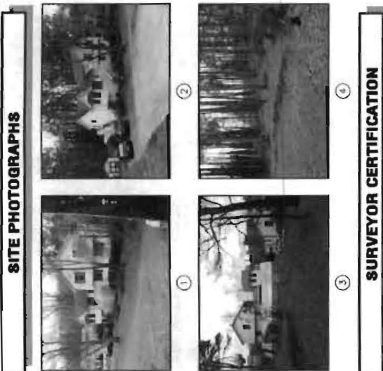
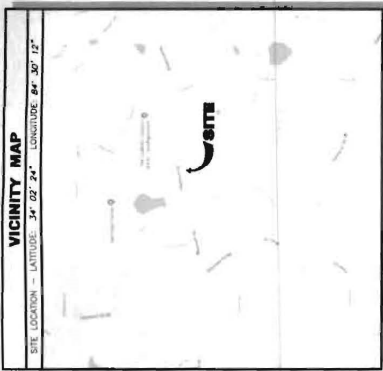
Parcel #: 16034400210

Taxes Paid: Yes

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

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

LUP-9
(2018)



GENERAL NOTES

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON WHO HAS BEEN IDENTIFIED AS THE CLIENT. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE PUBLIC RECORD BUT NOT BE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP AND DATA ON WHICH THIS SURVEY WAS BASED IS THE PROPERTY OF THE SURVEYOR. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE MINIMUM FLOOD STRENGTHS ARE FROM - 40 FEET; SIDE - 10 FEET; AND HEAD - 25 FEET.

PLEASE NOTE: ABOVE GROUND UTILITIES ARE SHOWN HEREON. NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED.

THE DATUM FOR THIS SURVEY IS PER SURVEY REFERENCE NO. 1

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE ZONING DISTRICT IS SHOWN ON THE ZONING MAP OF COBB COUNTY, GEORGIA. THE ZONING DISTRICT OF THIS SITE IS R-20.

PLEASE NOTE: THIS SURVEY WAS PREPARED FOR THE PURPOSES OF PLANNING AND ZONING GROUP TO DESIGN OR CONSTRUCTION ACTS.

SURVEY REFERENCES

1. PLAT OF NORTH RIDGE SUBDIVISION, UNIT ONE, PREPARED BY R. STEED & BOYD, INC., DATED DECEMBER 1972, LAST REVISED IN RECORDS RECORDED IN PLAT BOOK 23, PAGE 23, COBB COUNTY RECORDS.

SURVEYOR CERTIFICATION

This plat is a representation of an existing parcel or parcels of land and real property boundaries. This recording information of the documents, plat, deed, or other instrument, shall not be construed as a warranty, representation, or guarantee of the accuracy, reliability, or validity of the information contained herein. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

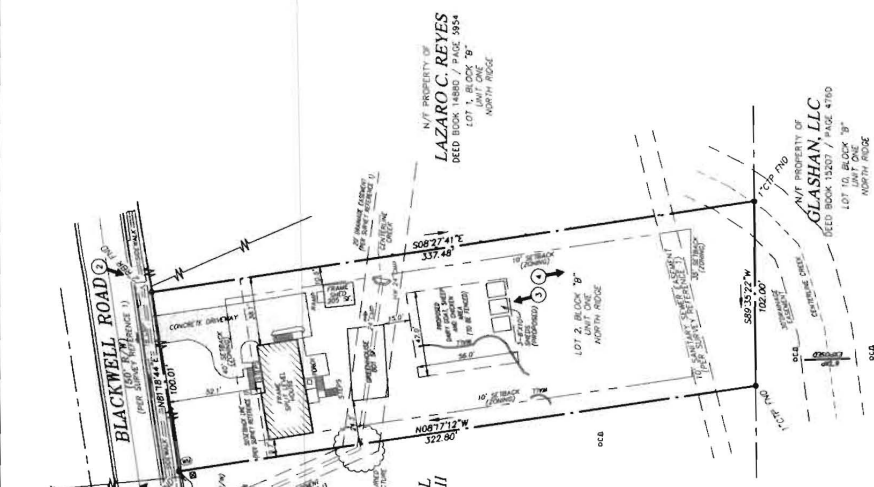
Craig A. Jennings
Georgia Registered Professional Surveyor
Lic. No. 10033

AS-BUILT BOUNDARY SURVEY OF
1632 Blackwell Road
LOT 2, BLOCK "B", UNIT ONE, NORTH RIDGE SUBDIVISION
FOR
CECILE E. FERGUSON

AS JOB NO. 20042088-02 DRAWING SCALE: 1" = 40' SURVEY DATE: 02/26/2010
FIELD WORK: DT STATE: GEORGIA
PROJ. NO. CA/ COUNTY: COBB
REVISED: JRC LAND LOT: 344
JOB FILE: 20042088-02.dwg DISTRICT: 16TH SECTION: 2ND

Land Surveying • 30 Laser Scanning
1660 Barnes Mill Road
Marietta, Georgia 30062
Phone: (770) 795-9900
Fax: (770) 795-8880
www.geosurvey.com
Certificate of Authorization #LSF-000621

N/T PROPERTY OF
CECILE E. FERGUSON
DEED BOOK 14409 / PAGE 3618
TOTAL SITE AREA
0.762 AC/668
33,182 SF
ZONED R-20



LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
BL BRICK WALL CORNER	PS PHOTO POSITION INDICATOR
BR BRICK WALL	PT PHOTO POSITION INDICATOR
BU BRICK WALL	RE REINFORCED CONCRETE PIPE
CB CURB	RI RAILROAD TRACK
CD CORRUGATED METAL PIPE	RO ROAD
CE CLEANOUT	RS REINFORCED CONCRETE PIPE
CF COMPACT TOP PIPE	RT RAILROAD TRACK
CG CONCRETE GROUND	SA SINGLE WING CATCH BASIN
CH CHIMNEY	SB SINGLE WING CATCH BASIN
CI CONCRETE	TR TRANSFORMER
CL CONCRETE	
CM CONCRETE	
CO CONCRETE	
CP CONCRETE	
CR CONCRETE	
CS CONCRETE	
CT CONCRETE	
CU CONCRETE	
CV CONCRETE	
CW CONCRETE	
CX CONCRETE	
CY CONCRETE	
CZ CONCRETE	
DA DRAINAGE	
DB DRAINAGE	
DC DRAINAGE	
DD DRAINAGE	
DE DRAINAGE	
DF DRAINAGE	
DG DRAINAGE	
DH DRAINAGE	
DI DRAINAGE	
DJ DRAINAGE	
DK DRAINAGE	
DL DRAINAGE	
DM DRAINAGE	
DN DRAINAGE	
DO DRAINAGE	
DP DRAINAGE	
DQ DRAINAGE	
DR DRAINAGE	
DS DRAINAGE	
DT DRAINAGE	
DU DRAINAGE	
DV DRAINAGE	
DW DRAINAGE	
DX DRAINAGE	
DY DRAINAGE	
DZ DRAINAGE	

RECEIVED
APR 12 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

IF YOU DIG
Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

LUP-9 2018-Aerial Map



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

0 100 200 Feet

Zoning Boundary
City Boundary

North

Zoning: R-15
Future Land Use: LDR (Low Density Residential)

LUP-9 2018-GIS



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.

Summary of the applicant's proposal

The applicant is requesting a Temporary Land Use Permit to allow six chickens for the purpose of therapy pets for her autistic son. The property is 0.762 acres and is in a subdivision. The applicant states the poultry will be housed in 8' x 10' chicken coop with a 47' x 56' fenced enclosure. This request is not in response to any Code Enforcement complaints. The applicant is requesting to be approved for 24 months.

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- Stormwater Management

1. Flood hazard: Yes
2. Flood hazard zone: Zone A
3. Drainage Basin: Tributary to Rubes Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: No
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' each side of creek channel.
8. Special site conditions and/or additional comments:
 - The proposed livestock enclosure is located within 20 feet of a stormwater conveyance. This is too close to provide adequate mitigation of non-point source pollution.
 - This parcel is the subject of a current variance case (V-49 June) for multiple setback encroachments. The existing greenhouse structure is located within a recorded drainage easement. If the variance is granted and the structure is allowed to remain, a hold harmless agreement will need to be provided by the owner.

DEPARTMENT COMMENTS- Transportation

No comment.

DEPARTMENT COMMENTS- Planning Division

No comment.

DEPARTMENT COMMENTS- Water and Sewer

No comments. Existing water and sewer customer

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 six hens based on the submitted survey. The applicant’s request is for six hens.

(b) Only hens are kept on the property.

The applicant has requested six 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 47’ x 56’ 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 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.

RECEIVED
APR 12 2018

COBE

AGENCY

Application No. LUP.9

PC Hearing Date: 8-7-18

BOC Hearing Date: 8-21-18

Requirements for Temporary Land Use Permit Application.

Applicant's information for requesting poultry on less than 2 acres

1. How many hens do you propose (no male birds allowed)? 6.
2. Can you comply with the County Code Sec-134-36 (d)(5)(a-j) below? YES NO.

Cecile Ferguson
Signature

Cecile Ferguson
Print Name

County Code adopted by the Board of Commissioners February 23, 2016:

Sec. 134-36 (d)(5)(a-j). Temporary Land Use Permits.

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.

(Page revised 7-03-2017)

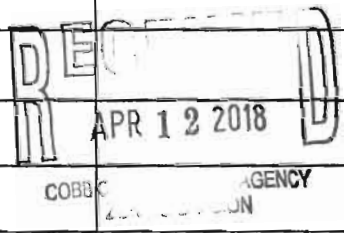
CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS

TO ACCOMPANY APPLICATION FOR LAND USE PERMIT

By signature, it is hereby acknowledged that I give my consent/or have no objection that Coale

Ferguson intends to make an application for a Land Use Permit for the purpose of Backyard Poultry on the premises described in the application.
Chicken

Signature	Printed name	Address
1. <u>Tyrone Colbert</u>	Tyrone Colbert	1622 Blackwell Rd, Marietta GA 30066
2. <u>María Carrillo</u> <u>Lazaro Carrillo</u>	Lazaro Carrillo	1642 Blackwell Rd Marietta GA 30066
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



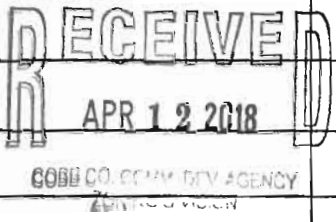
CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS

TO ACCOMPANY APPLICATION FOR LAND USE PERMIT

By signature, it is hereby acknowledged that I give my consent/or have no objection that Cecile

Ferguson intends to make an application for a Land Use Permit for the purpose of Backyard Poultry on the premises described in the application.

Signature	Printed name	Address
1. <u>K Davis</u>	<u>KARIN DAVIS</u>	<u>1635 S RIDGE DR. MACLETA GA 30056</u>
2. <u>* NO ROOSTERS please *</u>		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



(Attach additional pages if necessary)

Revised October 1, 2009

Planning Commission Decision

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

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

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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