



Case# LUP-13
Public Hearing Dates:
PC: 12-04-18
BOC: 12-18-18

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

SITE BACKGROUND

Applicant: Garfield McCook

Phone: (678) 778-6335

Email: stilesboroal@comcast.ntc

Representative Contact: Garfield McCook

Phone: (678) 778-6335

Email: stilesboroal@comcast.net

Titleholder: Garfield McCook and Andrea McCook

Property Location: South side of Stilesboro Road, west of Allatoona Lane

Address: 4549 Stilesboro Road

Access to Property: Stilesboro Road

QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-30 (Single-family Residential)

Current use of property: Single-family house

Proposed use: Personal Care Home (LUP Renewal)

Future Land Use Designation: VLDR (Very Low Density Residential)

Site Acreage: 1.3 ac

District: 20

Land Lot: 222

Parcel #: 20022201580

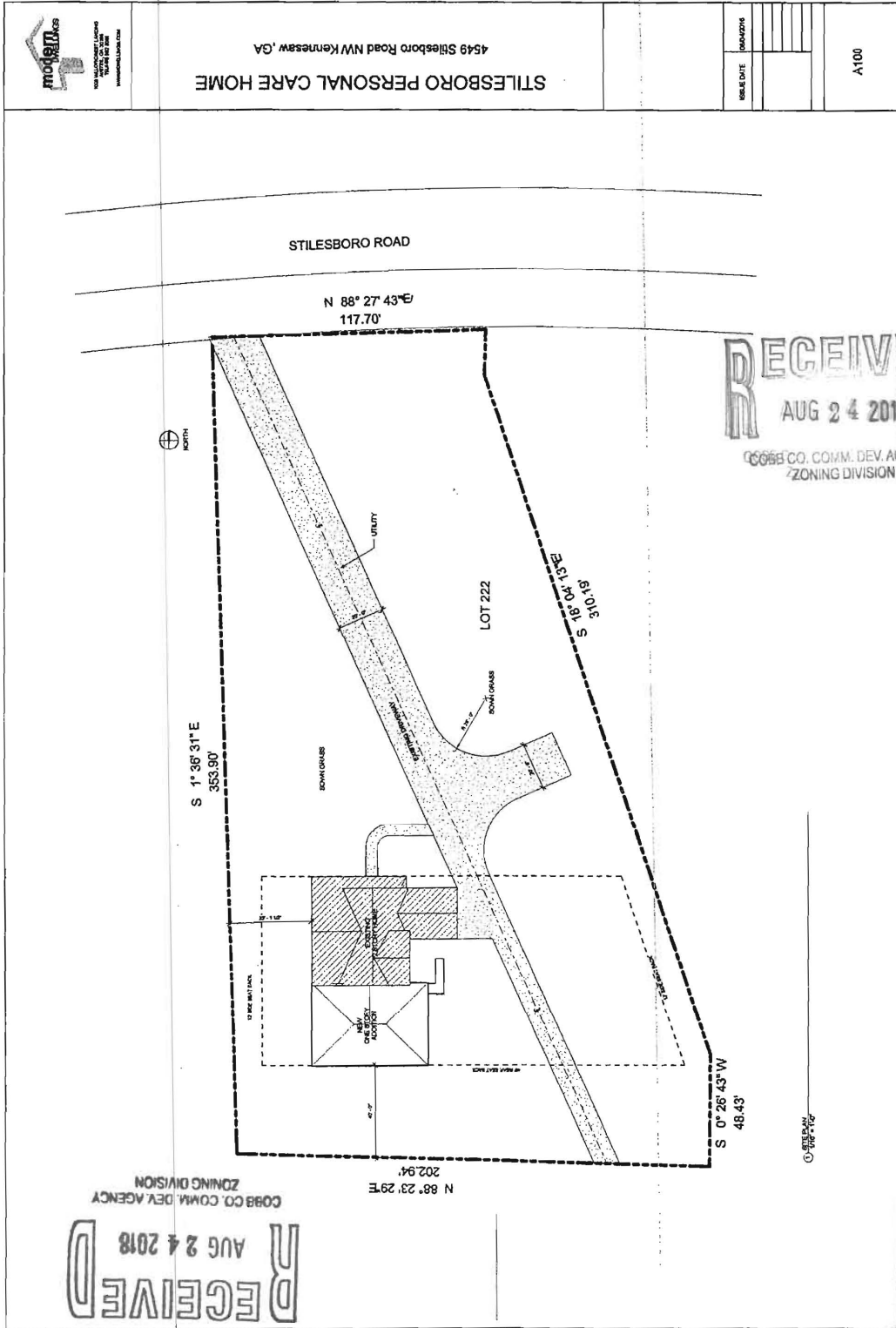
Taxes Paid: Yes

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

Based on the analysis, Staff recommends APPROVAL for 24 months subject to:

1. Maximum of 10 residents
2. Maintain turn around capabilities of driveway so that vehicles can exit the property frontwards
3. No exterior signs
4. Maintain all State and County required permits
5. Maintain size of the lot as it exists currently
6. Site Plan review comments and recommendations
7. Department of Transportation comments and recommendations

LUP-13
(2018)



NOT A PROFESSIONAL LANDSCAPE ARCHITECTURE PLAN
FOR THE STATE OF GEORGIA
WWW.PROGRESSLANDSCAPE.COM

STILESBORO PERSONAL CARE HOME
4549 Stilesboro Road NW Kennesaw, GA

ISSUE DATE	REVISIONS

A100

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ZONING DIVISION

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ZONING DIVISION

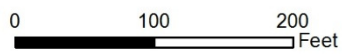
N 88° 23' 29" E
202.94'



0'-0" = 10'

LUP-13 2018-Aerial Map



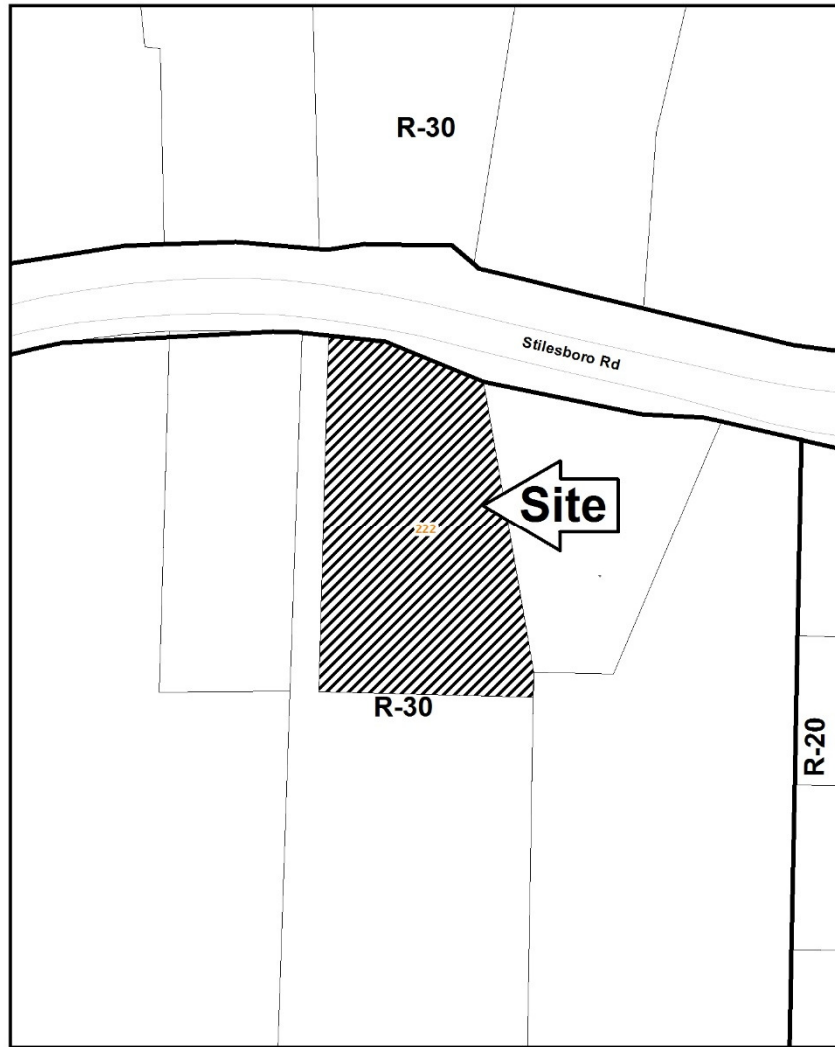
This map is provided for display and planning purposes only. It is not meant to be a legal description.



 Zoning Boundary
 City Boundary

North
Zoning: R-30
Future Land Use: VLDR (Very Low Density Residential)

LUP-13 2018-GIS



WEST
Zoning: R-30
Future Land Use: VLDR
(Very Low Density Residential)

EAST
Zoning: R-30
Future Land Use: (Very Low Density Residential)

SOUTH
Zoning: R-30
Future Land Use: (Very Low Density Residential)

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

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-30 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-30 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 proposing to renew the temporary land use permit for 10 residents. The applicant does not live in the house, and has stated that there are two employees. The employees park in the driveway, there are no signs, and no deliveries. The personal care home is open 24 hours a day, 7 days a week. There have been no Code Enforcement complaints.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.). Contact Site Plan Review, 770-528-2147.

DEPARTMENT COMMENTS- Cemetery Preservation

There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

DEPARTMENT COMMENTS- School System

No comment.

DEPARTMENT COMMENTS- Stormwater Management

No comment (Renewal).

DEPARTMENT COMMENTS- Transportation

Recommendations

Recommend no parking in the right-of-way.

DEPARTMENT COMMENTS- Planning Division

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No N/A

Comments:

DEPARTMENT COMMENTS- Water and Sewer

No comment.

STAFF ANALYSIS

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.

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 has two (2) employees for the proposal.

(4) Number of commercial and business deliveries.

None.

(5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.

The use is located in an area having single-family residential homes and has been here for years 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 years without adversely affecting the neighbors.

(7) Hours of operation.

24 hours a day, 7 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 complaint from Code Enforcement.

(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 property is not located in a platted neighborhood, and is 1.3 acres.

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.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



Revised October 1, 2009

Application #: LUP-13
PC Hearing Date: 12-4-18
BOC Hearing Date: 12-18-18

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

1. Type of business, or request? PERSONAL CARE HOME
2. Number of employees? 2
3. Days of operation? 7 DAYS PER WEEK
4. Hours of operation? 24 HOURS
5. Number of clients, customers, or sales persons coming to the house per day? 0 ; Per week? _____
6. Where do clients, customers and/or employees park?
Driveway: _____ ; Street: _____ ; Other (Explain): PARKING AREA
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): _____
12. Length of time requested (24 months maximum): 24 MONTHS
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): _____

Applicant signature: _____

Date: 8/24/18

Applicant name (printed): _____

GARRETT MC COOK



COBB COUNTY WATER SYSTEM

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LUP-13 (2018)
Water/Sewer
Availability

Customer Services Facility
660 South Cobb Drive
Marietta, Georgia 30060-3105
770-419-6200
www.cobbwater.org

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Stephen D. McCullers, P.E.
Director

Divisions
Business Services
Customer Services
Engineering & Records
Stormwater Management
System Maintenance
Water Protection

WATER/SEWER AVAILABILITY

Proposed Structure Account Number: 327764-324358 Commercial
Existing Structure Residential

Customer Name: Garfield McCook

Property Address 4549 Stilesboro Road

City: Kennesaw Zip Code: 30152

Mailing Address _____
City: _____ State: _____ Zip Code: _____

District: 20 Land Lot: 222 Acreage +/- _____ Water Line Size and Material 12" DI

Water Available Big Creek Basin (Account 2675) (Basin#s 401, 402, 404, 491)
Yes No Paulding SDF (Account A071) \$5,600
Sewer Available In City Rates Apply
Yes No

Note: Cobb County Ordinance 122-144 allows for the use of on-site wastewater collection systems for R-80 residential lots, provided the provisions of sections 122-130 and 122-242 are met. Ordinance 122-130(a)(2) allows the use of on-site wastewater collection systems for all sites of at least 80,000 square feet if the anticipated wastewater generation for the site is no more than one E.R.U per 80,000 square feet and with the approval from the Health Department. If sewer is available, Cobb County Ordinance 122-116 requires the owner to determine elevations, grades, and alignments of sewer lines necessary to serve the building PRIOR to construction.

Comments:

The use of all private wells or septic tanks must be approved by the Environmental Health section of the Cobb County Health Department, 1738 County Services Parkway. Please call 770-435-7815 if you have any questions about on-site wastewater collection systems (septic tank systems).

The information contained herein is: applicable to the above address/property as it exists on this date; NOT valid for further subdividing of this property; valid for 150 days from this date; non-transferable; non-renewable without review. Questions regarding this letter please call 770-419-6328.

Checked By: D. C. Phillips

Date: 10/26/2016

Signature: DC Phillips



Cobb County...Expect the Best!

Code Enforcement
Community Development
191 Lawrence Street
Marietta, Georgia 30060
Phone (770) 528-2180
Fax (770) 528-2092

Notice of Violation

Violation Number CODE-2009-08075 **Date** September 9, 2009

The Cobb County Code Enforcement Division has grounds to believe the property located at:

<u>4549 STILESBORO RD</u>	<u>KENNESAW, GA 30152</u>	<u>20</u>	<u>0222</u>	<u>158</u>	<u>R-30</u>
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or MCCOOK GARFIELD G (4549 STILESBORO RD, KENNESAW, GA 30152)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from September 9, 2009 . Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment, or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
PERMITTED USES / GROUP HOME	134-196 (C)	SEE ATTACHED AND PROVIDE ALL SUPPORTING DOCUMENTATION REQUESTED
USE LIMITATIONS/ OUTSIDE STORAGE	134-197 (11) e	Only firewood and lawn furnishings are allowed to be stored outside.

DAVID MILLER
Inspector

770-528-2023
Telephone



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COBB COUNTY CODE ENFORCEMENT
CASE SYNOPSIS

LUP-13 (2018)
Code Enforcement
Information
9/24/2018

CASE #: CODE-2014-05325 OPEN DATE: 6/25/2014
COMPLAINANT: + PHONE #:

DESCRIPTION: GROUP HOME UPDATE - NEED UPDATED PAPERWORK

PRIMARY ADDRESS: 4549 STILESBORO RD KENNESAW, GA 30152-3946
OWNER ADDRESS: MCCOOK GARFIELD G 4549 STILESBORO RD KENNESAW, GA 30152

Table with 5 columns: Inspection Date, Inspection/Activity Date, Inspection/Activity Type, Status, Comments. Contains 16 rows of inspection records.



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COBB COUNTY CODE ENFORCEMENT CASE SYNOPSIS

Re

LUP-13 (2018)
Code Enforcement
Information

9/24/2018

Inspection Date	Inspection/Activity Date	Inspection/Activity Type	Status	Comments
10/03/2016		Case Details		LUP 26 Group Home renewal + requesting increase to 10 residents. PC Hearing 10/04/2016. BOC hearing date 10/18/2016. CPickett
12/08/2016		Case Details		WILL SPEAK W/ MY SENIOR OFFICER BEFORE FURTHER ACTION IS TAKEN. JP
12/08/2016		ReInspection	Extension	
06/22/2017		Case Details		SPOKE W/ MR MCCOOK, HE WILL CONTACT ME AS SOON AS THE PAPERWORK IS COMPLETE. HOME AND NUMBER OF RESIDENTS APPEARS TO BE IN COMPLIANCE AT THIS TIME. JP
06/22/2017		ReInspection	Extension	
10/03/2017		Case Details		SPOKE AT LENGTH MR MCCOOK WHO THOUGHT HIS ASSISTANT SENT THE NECESSARY PAPERWORK OVER TO ME. I REPRINTED WHAT I NEEDED AND HE WILL HAVE IT TO ME WITHIN THE WEEK. JP
10/03/2017		ReInspection	Extension	
10/13/2017		Case Details		MR MCCOOK IS NOT IN AT THIS TIME. THEY WILL HAVE HIM CONTACT ME THIS AFTERNOON. THEY THOUGHT HE HAD FAXED ME THE PAPERWORK LAST WEEK. JP
10/13/2017		ReInspection	Extension	
10/24/2017		Case Details		PICKED UP THE PAPERWORK - WILL GO OVER IT TO SEE IF IT IS ALL THERE. JP
10/24/2017		ReInspection	Extension	
05/23/2018		Case Details		HERE FOR MY 6 MONTH CHECK. MR MCCOOK WAS NOT IN AT THE TIME OF MY ARRIVAL. THEY WILL HAVE HIM CONTACT ME THIS AFTERNOON. JP
05/23/2018		ReInspection	Extension	
06/05/2018		Case Details		WILL GET THE PAPERWORK TO ME. ADVISED THAT HE DOES HAVE A CHANGE FROM THE LAST TIME. JP
06/05/2018		ReInspection	Extension	
06/14/2018		Case Details		MR MCCOOK WAS NOT IN AT THIS TIME; THEY WILL HAVE HIM CONTACT ME WHEN HE GETS IN. JP
06/14/2018		ReInspection	Extension	
09/17/2018		Case Details		EMAILED GROUP HOME PAPERWORK. J. COCHRAN
09/17/2018		Case Details		MET WITH OWNER GARFIELD MCCOOK (678-778-6335). INFORMED THAT I NEEDED UPDATED GROUP HOME PAPERWORK. HE GAVE ME HIS EMAIL ADDRESS stilesboroal@comcast.net. ADVISED I WOULD EMAIL THE PAPERWORK. J. COCHRAN
09/17/2018		ReInspection	In Violation	

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 _____