

**MARCH 18, 2008 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM #6**

**PURPOSE**

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their March 12, 2008 Variance Hearing regarding Variance Application:

V-15 DON HAGEMEISTER

**BACKGROUND**

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 13, 2000, and amended on July 8, 2003, Section 134-271 (8), any use proposed for a parcel or tract of land which does not have the minimum lot size required, approval of a Special Exception by the Board of Commissioners is required after approval by the Board of Zoning Appeals. Attached is the Variance Analysis and recommendation of the Board of Zoning Appeals for the case that was considered at the March 12, 2008 Variance Hearing that required a Special Exception.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners consider granting a Special Exception for reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for V-15 Don Hagemeister

**ATTACHMENTS**

Variance Analysis  
Board of Zoning Appeals Recommendations

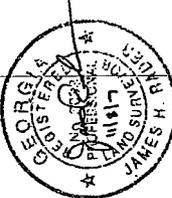
**SURVEY NOTES**

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS, ENCUMBRANCES, OR ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.
2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A THREE SECOND THEODOLITE AND ELECTRONIC DISTANCE METER.
3. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET + AND AN ANGULAR ERROR OF 3" PER ANGLE POINT. IT HAS BEEN ADJUSTED USING LEAST SQUARES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 50,000+ FEET.
5. ALL IFF & IPS ARE 1/2" REBAR UNLESS NOTED OTHERWISE.
6. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAYS, PUBLIC OR PRIVATE.

**PLAT REFERENCES**

1. SUBDIVISION PLAT FOR HAMLET GREENE, UNIT 1 PREPARED BY J.L. DUEVAS DATED SEPTEMBER 26, 1971.

I CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION THAT IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.



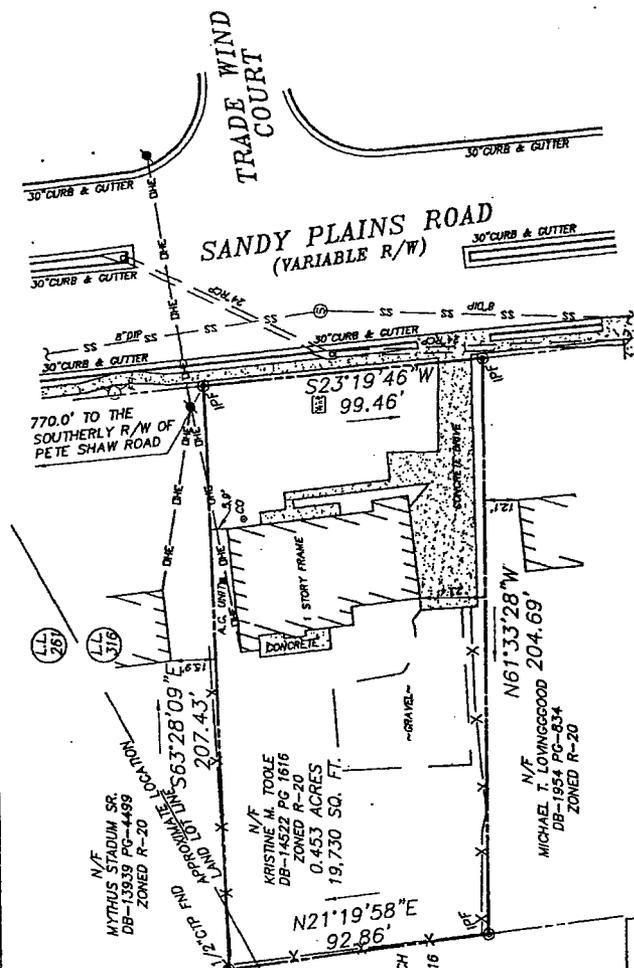
JAMES H. RADER GEORGIA RLS# 3033

**BOUNDARY SURVEY FOR:**

<b>TOTALLY DEPENDABLE CONTRACTING</b>			
LAND LOTS 261 & 316	LOT 8, UNIT 1		
DISTRICT 16	HAMLET GREENE		
SECTION 2	3886 SANDY PLAINS RD		
COBB COUNTY	MARIETTA, GA 30066		
SCALE	DATE	PROJECT NO.	
1" = 40'	11/08/07	20071108	

**LANDPRO**

SURVEYING AND MAPPING, INC  
 305 CREEKSTONE RIDGE  
 WOODSTOCK, GA 30188  
 404.386.2170 PHONE  
 www.landprosurveying.com



THIS SURVEY SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO, FUTURE CLOSINGS, PLOT PLANS, CONSTRUCTION, LANDSCAPING, PERMITTING, ETC. IT IS A VIOLATION OF THE FEDERAL COPYRIGHT ACT TO COPY OR MODIFY AND REUSE THIS SURVEY BEYOND THE DATE AND SCOPE. LANDPRO SURVEYING AND MAPPING, INC, ITS ASSOCIATES, AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE DATE AND SCOPE.

**REVISIONS:**


**RECORD**

JAN 07 2008

COBB CO. COMMUNITY AGENCY  
 ZONING DIVISION

N/E ADOLPH J. FLEISCH  
 MARIE FLEISCH  
 DB-10006 PG-316  
 ZONED R-20

**MAGNETIC**



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**LEGEND**

- PROPERTY CORNER
- PROPERTY LINE
- POWER POLE
- POWER WIRE
- OVERHEAD POWER
- UNDERGROUND POWER
- GAS VALVE
- GAS METER
- GAS LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEAN OUT
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- WATER LINE
- TELEPHONE PEDestal
- TELEPHONE AND TELEPHONE
- TELEPHONE PEDISTAL
- CABLE TELEVISION
- STORM DRAIN JUNCTION BOX
- DROP INLET
- AREA INLET
- STORM DRAINAGE LINE
- TYPICAL TRENCH
- TRENCHLINE
- BENCHMARK

**APPLICANT:** Don Hagemeister **PETITION NO.:** V-15  
**PHONE:** 770-509-7498 **DATE OF HEARING:** 03-12-08  
**REPRESENTATIVE:** same **PRESENT ZONING:** R-20  
**PHONE:** same **LAND LOT(S):** 261, 316  
**PROPERTY LOCATION:** Located on the west side of Sandy Plains Road, south of Pete Shaw Road (3885 Sandy Plains Road). **DISTRICT:** 16  
**SIZE OF TRACT:** .453 acre **COMMISSION DISTRICT:** 3  
**TYPE OF VARIANCE:** Waive the lot size from the required 20,000 square feet to 19,730 square feet to allow applicant to apply for rezoning to OI.

**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on traffic.

**DEVELOPMENT & INSPECTIONS:** If project is rezoned to OI, a site plan must be submitted for review and approval to obtain a land disturbance permit. There are specimen trees on the site which must be accounted for in the site design.

**STORMWATER MANAGEMENT:** Conversion of this small residential parcel for commercial use must be subject to maximum impervious coverage of 35% and any additional required parking be constructed of pervious paving material.

**HISTORIC PRESERVATION:** After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

**CEMETERY PRESERVATION:** No comment.

**WATER:** Available.

**SEWER:** Available.

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

**BOARD OF APPEALS DECISION**

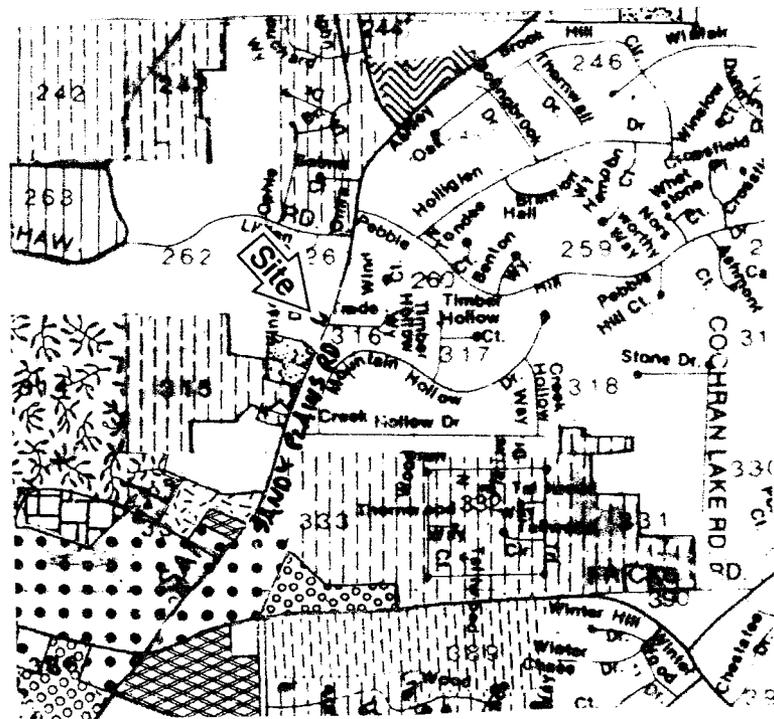
**APPROVED** X **MOTION BY** C. Trombetti

**REJECTED**            **SECONDED** M. Homan

**HELD**            **CARRIED** 5-0

**STIPULATIONS:** Subject to Board of Commissioners granting a special exception for reduction in lot size.

(See draft minutes attached)



# Cobb County Fire and Emergency Services

Applicant Name: Don Hagemeister

Petition Number: V-15

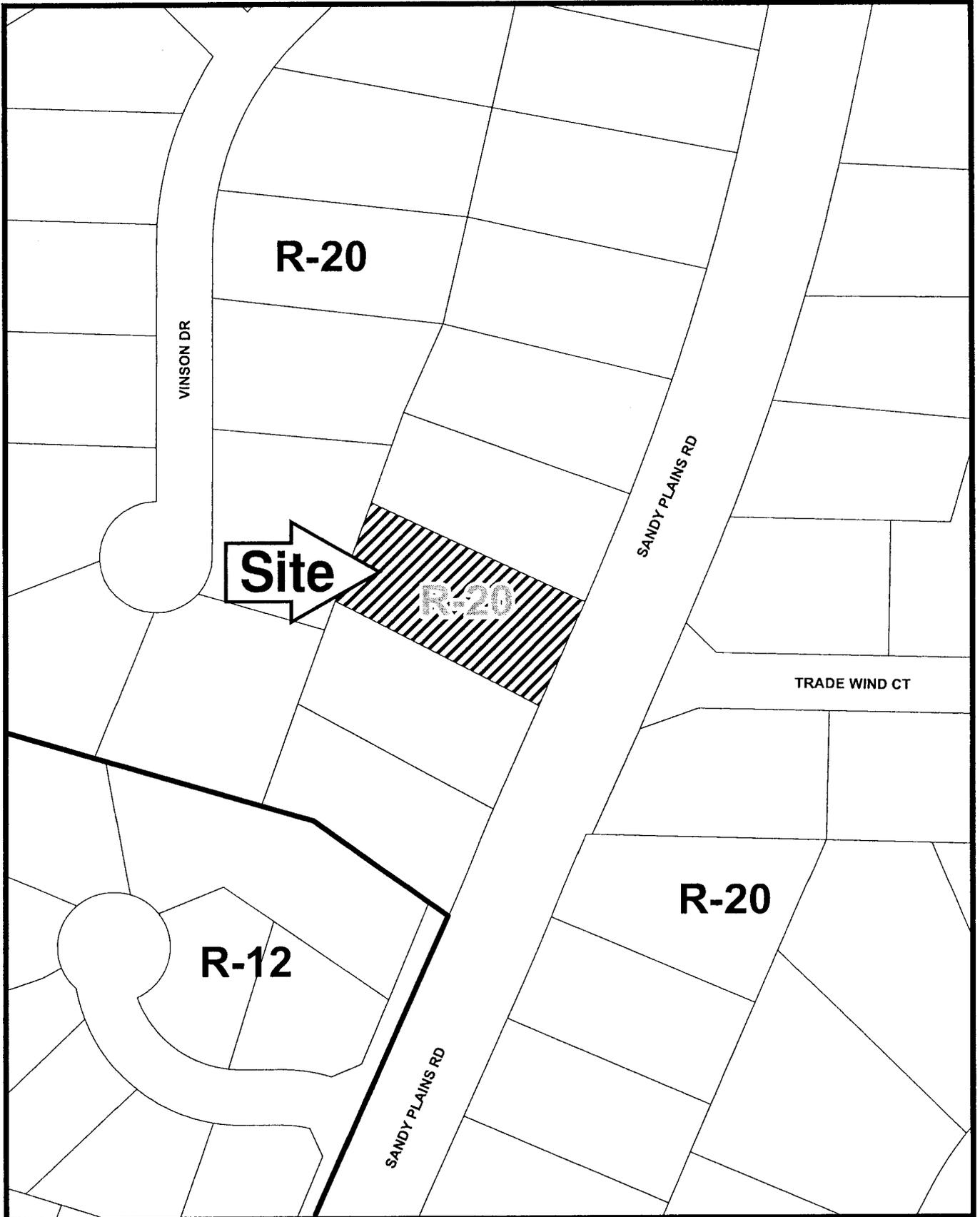
Date: 1.28.2008

## *Fire Marshal Comments*

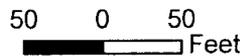
Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

# V-15



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



-  Draft Parcel Boundary
-  Approximate Zoning Boundary

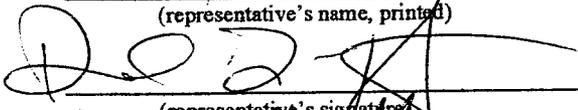
# Application for Variance Cobb County

(type or print clearly)

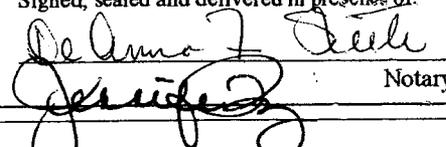
Application No. V-15  
Hearing Date: 3-17-08

Applicant DON HAGEMEISTER Business Phone 770-509-7498 Home Phone N/A

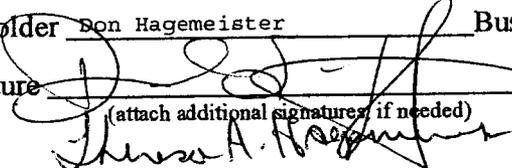
Don Hagemeister or Stacey Hyatt Address 3885 Sandy Plains Road, Marietta, GA 30066  
(representative's name, printed) (street, city, state and zip code)

 Business Phone 770-509-7498 Cell Phone 404-558-5364  
(representative's signature)

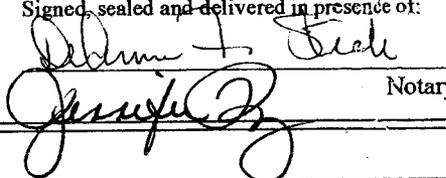
My commission expires: 11/17/09  
7/26/10

Signed, sealed and delivered in presence of:  
 Notary Public

Titleholder Don Hagemeister Business Phone 770-509-7498 Home Phone 404-558-5364

Signature  Address: 4048 Omra Drive, Marietta, GA 30066  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 11/17/09  
7/26/10

Signed, sealed and delivered in presence of:  
 Notary Public

Present Zoning of Property R-20

Location 3885 Sandy Plains Road, Marietta, GA 30066  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 261 & 316 District 16 Size of Tract .453 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property 1,596 SF Shape of Property rectangular Topography of Property level Other N/A

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

The purpose of the variance is to allow the stated property's existing lot size of 19,730 SF to meet the provided minimum lot size requirement of 20,000 SF for the "O & I" (Office & Institution) Commercial Zoning Classification.

List type of variance requested: Commercial  
WAIVE THE LOT SIZE FROM REQUIRED  
20,000 SQFT TO 19,730 SQFT TO ALLOW  
APPLICANT TO FILE FOR REZONING TO

**MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
FEBRUARY 13, 2008**

**DRAFT**

**V-15**            **DON HAGEMEISTER** (Don L. Hagemeister and Teresa A. Hagemeister, owners) requesting a variance to waive the lot size from the required 20,000 square feet to 19,730 square feet to allow applicant to apply for rezoning to OI in Land Lots 261 and 316 of the 16<sup>th</sup> District. Located on the west side of Sandy Plains Road, south of Pete Shaw Road (3885 Sandy Plains Road).

The public hearing was opened and Mr. Don Hagemeister addressed the Board. Following presentation and discussion, the following motion was made:

MOTION:        Motion by Trombetti, second by Homan, to **approve** variance request to **subject to:**

- **no business uses on property**
- **Fire Marshall comments and recommendations**
- **Stormwater Management comments and recommendations**
- **Development and Inspections comments and recommendations**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on March 18, 2008, at 9:00 a.m.**

VOTE:            **ADOPTED** unanimously