

**APRIL 15, 2008 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICTS 1&4**

**ITEM #6**

**PURPOSE**

To consider granting a Special Exception for reducing the required lot sizes as recommended by the Board of Zoning Appeals from their April 9, 2008 Variance Hearing regarding Variance Applications:

V-32 NORTH STAR INVESTORS  
V-34 IGLESICA EVANGELICA DE EL PRINIC IPPE  
DE PAZ, INC.

**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 cases that were considered at the April 15, 2008 Variance Hearing that required a Special Exception.

**FUNDING**

N/A

**RECOMMENDATION**

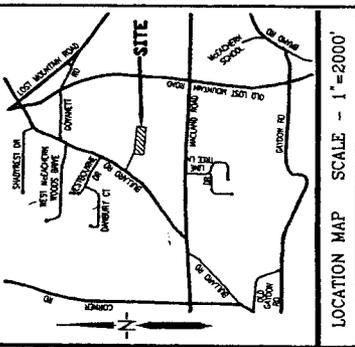
The Board of Commissioners consider granting a Special Exception for reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for V-32 NORTH STAR INVESTORS and V-34 IGLESICA EVANGELICA DE EL PRINICIPPE DE PAZ, INC.

**ATTACHMENTS**

Variance Analysis  
Board of Zoning Appeals Recommendations

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0065 F COMMUNITY #130052 DATED: AUG. 18, 1992

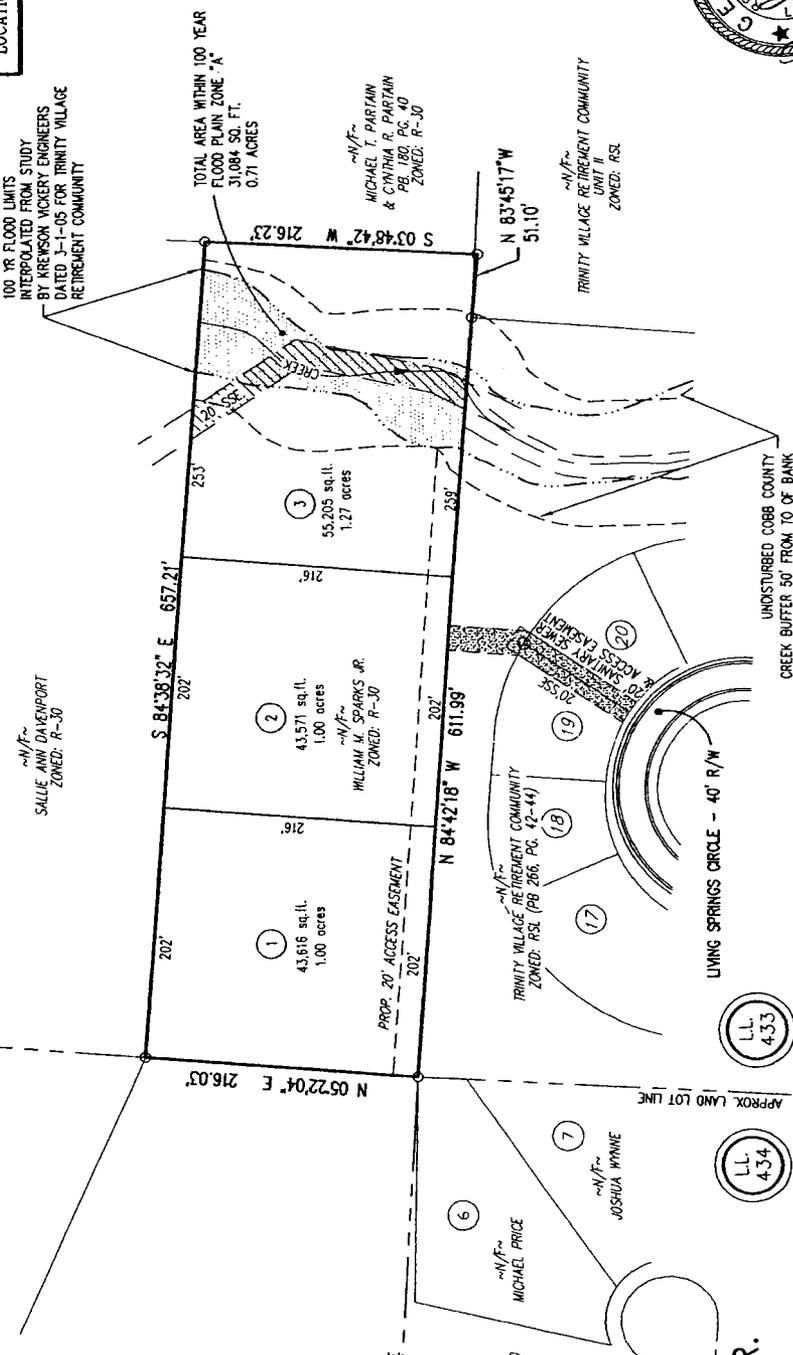
**NOTE:**  
THE VARIANCE REQUEST IS TO WAIVE THE MINIMUM ROAD FRONTAGE REQUIREMENTS TO ALLOW THREE TRACTS OFF A PROPOSED 20' ACCESS EASEMENT. THROUGH LOTS 19 AND 20 OF THE TRINITY VILLAGE COMMUNITY. THERE ARE NO HOMES CURRENTLY BUILT OR LOCATED ON THESE LOTS. THE DEVELOPER OF TRINITY VILLAGE IS ALSO THE LISTED APPLICANT FOR THIS VARIANCE.



**V-32**

**REFERENCE DEEDS:**  
MASON VARNER  
DB. 14155, PG. 916  
WILLIAM M. SPARKS  
DB. 14399, PG. 576

**REFERENCE PLATS:**  
MASON VARNER  
PB. 219, PG. 75  
MICHAEL THOMAS PARTAIN & CYNTHIA R. PARTAIN  
PB. 180, PG. 40  
REFERENCE 20' SSE.  
COBB COUNTY WATER SYSTEM  
PB. 5585, PG. 495

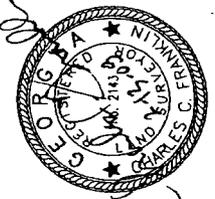
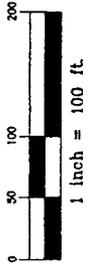


**RECEIVED**  
FEB 14 2008  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

TOTAL AREA  
142,411 sq. ft.  
3.27 acres

VARIANCE PLAT FOR:  
**WILLIAM M. SPARKS, JR.**

LOCATED IN LAND LOT 382  
IN THE 19TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE: 1" = 100' DATE: FEBRUARY 11, 2008



**Centerline Surveying Systems, Inc.**  
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144  
PHONE: (770) 484-0028 FAX: (770) 484-2399  
107000-025

**APPLICANT:** North Star Investors **PETITION NO.:** V-32  
**PHONE:** 404-474-7943 **DATE OF HEARING:** 04-09-08  
**REPRESENTATIVE:** William Sparks **PRESENT ZONING:** R-30  
**PHONE:** 404-474-7943 **LAND LOT(S):** 382  
**PROPERTY LOCATION:** Located off of a private easement on the north side of Living Springs Circle (1851 Bullard Road). **DISTRICT:** 19  
**SIZE OF TRACT:** 3.27 acres  
**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1) Waive the public road frontage to allow three homes off of a private easement; 2) waive the width of aforementioned easement from the required 25 feet to 20 feet; 3) waive the minimum lot size for a lot off of a private easement from 80,000 square feet to 43,616 square feet for lot 1; 4) waive the minimum lot size for a lot off of a private easement from 80,000 square feet to 43,571 square feet for lot 2; and 5) waive the minimum lot size for a lot off of a private easement from 80,000 square feet to 55,205 square feet for lot 3.

**COMMENTS**

**TRAFFIC:** Recommend applicant secure an easement agreement from Trinity Village Development Group, LLC.

**DEVELOPMENT & INSPECTIONS:** If this variance request is approved, a lot split plat must be recorded reflecting the conditions of the variance. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

**STORMWATER MANAGEMENT:** No objection. There is adequate stormwater management for this 3 lot development provided within the adjacent Trinity Village development.

**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. Meters must be set in Living Springs Circle right-of-way.

**SEWER:** Sewer available and connection required. The 20 foot easement between existing lots 19 and 20 is for sanitary sewer only. CCWS does not support use of this sanitary sewer easement for any other purpose, particularly access.

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

**BOARD OF APPEALS DECISION**  
**APPROVED**   X   **MOTION BY** B. Hovey  
**REJECTED**            **SECONDED** J. Williams  
**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: North Star Investors

Petition Number: V-32

Date: 3.11.2008

## *Fire Marshal Comments*

### Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

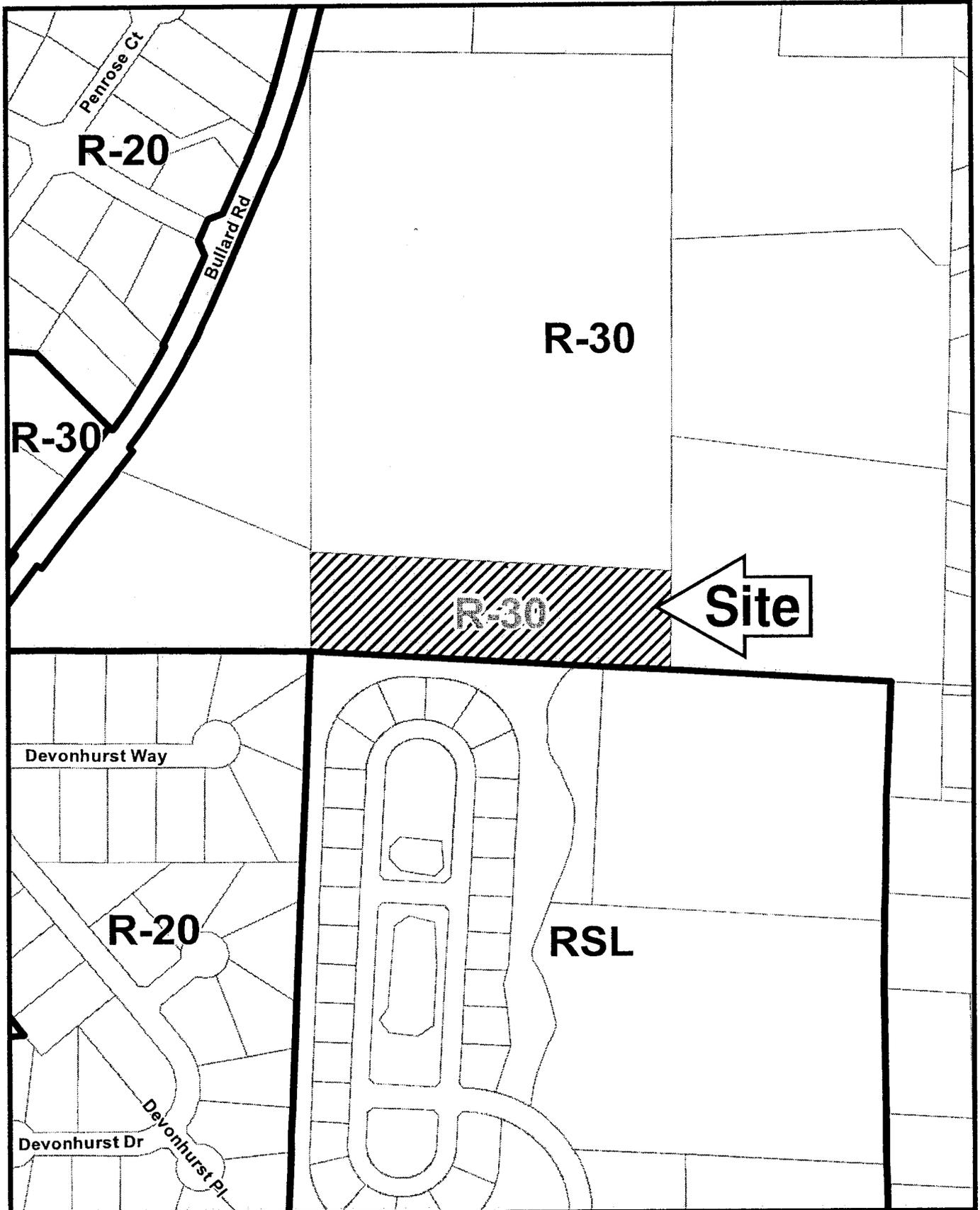
Residential subdivision: Cul-de-sac with an island – minimum 60 foot radius to outside curb, measured to inside of curb, minimum lane width 24 feet **or** Cul-de-sac without an island – 38 foot outside radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Driveway access to a single family home must be 10 feet wide. A hammer head turnaround or cul-de-sac is required when a driveway exceeds 1000 feet. (See requirements for dimensions under residential subdivision).

### Fire Hydrant

Residential: Fire hydrant within 500 feet of structure.

# V-32



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

100 0 100  
Feet



City Boundary  
Zoning Boundary

# Application for Variance Cobb County

(type or print clearly)

Application No. V-32

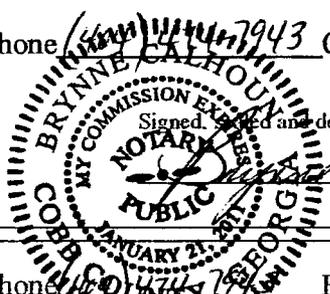
Hearing Date: 4-9-08

Applicant NORTH STAR INVESTORS Business Phone (404) 474-7943 Home Phone \_\_\_\_\_

William Sparks Address 5200 Dallas Hwy. Ste. 200-143 Powder Springs GA 30127  
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone (404) 474-7943 Cell Phone (770) 294-1066  
(representative's signature)

My commission expires: 01/21/2011



Signed, sealed and delivered in presence of:

[Signature]

Notary Public

Titleholder NORTH STAR INVESTORS Business Phone (404) 474-7943 Home Phone \_\_\_\_\_

Signature [Signature] Address: 5200 Dallas Hwy. Ste. 200-143 Powder Springs GA 30127  
(attach additional signatures, if needed) (street, city, state and zip code)

WILLIAM SPARKS

Signed, sealed and delivered in presence of:

[Signature]

Notary Public

My commission expires: 01/21/2011

Present Zoning of Property R-30

Location 1851 Bullard Road Parcel ID 1903820030  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 382 District 19 Size of Tract 3.27 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 \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other X

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.

PROPERTY IS LAND LOCKED AND LACKS SUITABLE ACCESS TO ROAD

List type of variance requested: WAIVE THE MINIMUM ROAD FRONTAGE REQUIREMENTS TO ALLOW THREE TRACTS OFF A PROPOSED 20' ACCESS EASEMENT THROUGH LOTS 19 AND 20 OF THE TRINITY VILLAGE COMMUNITY. THERE ARE NO HOMES CURRENTLY BUILT OR LOCATED ON THESE LOTS. THE DEVELOPER OF TRINITY VILLAGE IS ALSO THE LISTED APPLICANT FOR THIS VARIANCE.

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
APRIL 9, 2008

**DRAFT**

V-32            **NORTH STAR INVESTORS** (owner) requesting a variance to: 1) waive the public road frontage to allow three homes off of a private easement; 2) waive the width of aforementioned easement from the required 25 feet to 20 feet; 3) waive the minimum lot size for a lot off of a private easement from 80,000 square feet to 43,616 square feet for Lot 1; 4) waive the minimum lot size for a lot off of a private easement from 80,000 square feet to 43,571 square feet for Lot 2; and 5) waive the minimum lot size for a lot off of a private easement from 80,000 square feet to 55,205 square feet for Lot 3 in Land Lot 382 of the 19<sup>th</sup> District. Located off of a private easement on the north side of Living Springs Circle (1851 Bullard Road).

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

MOTION:    Motion by Hovey, second by Williams, to approve variance request to **subject to**:

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on April 15, 2008, at 9:00 a.m.**
- **easement location per revised site plan submitted dated March 26, 2008 (attached and made a part of these minutes)**
- **Fire Marshall comments and recommendations**
- **Cobb DOT comments and recommendations**
- **Development and Inspections Division comments and recommendations**
- **Water and Sewer Division comments and recommendations**

VOTE:            **ADOPTED** unanimously



**APPLICANT:** Iglesica Evangelica De El Princippe  
**PHONE:** De Paz, Inc. 770-527-3607  
**REPRESENTATIVE:** Cedric Drayton  
**PHONE:** 770-760-9483  
**PROPERTY LOCATION:** Located at the southwesterly intersection of Old Powder Springs Road and South Manor Drive (1090 Old Powder Springs Road).

**PETITION NO.:** V-34  
**DATE OF HEARING:** 04-09-08  
**PRESENT ZONING:** R-20 & RM-12  
**LAND LOT(S):** 36  
**DISTRICT:** 18  
**SIZE OF TRACT:** 1.4 acres  
**COMMISSION DISTRICT:** 4

**TYPE OF VARIANCE:** 1) Waive the lot size from the required minimum of 5 acres to 1.4 acres; 2) waive the landscape screening buffer from the required 35 feet to zero feet on all sides; and 3) allow a church to access a minor collector road in lieu of accessing a major collector road or arterial road.

**COMMENTS**

**TRAFFIC:** Recommend removing parking spaces from within the right-of-way.

**DEVELOPMENT & INSPECTIONS:** No comment.

**STORMWATER MANAGEMENT:** No significant drainage impact anticipated. The applicant is proposing a net reduction in the building footprint.

**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:** 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.

**WATER:** Available. No conflict.

**SEWER:** Available. No conflict.

**OPPOSITION:** NO. OPPOSED **PETITION NO.**            **SPokesman**           

**BOARD OF APPEALS DECISION**

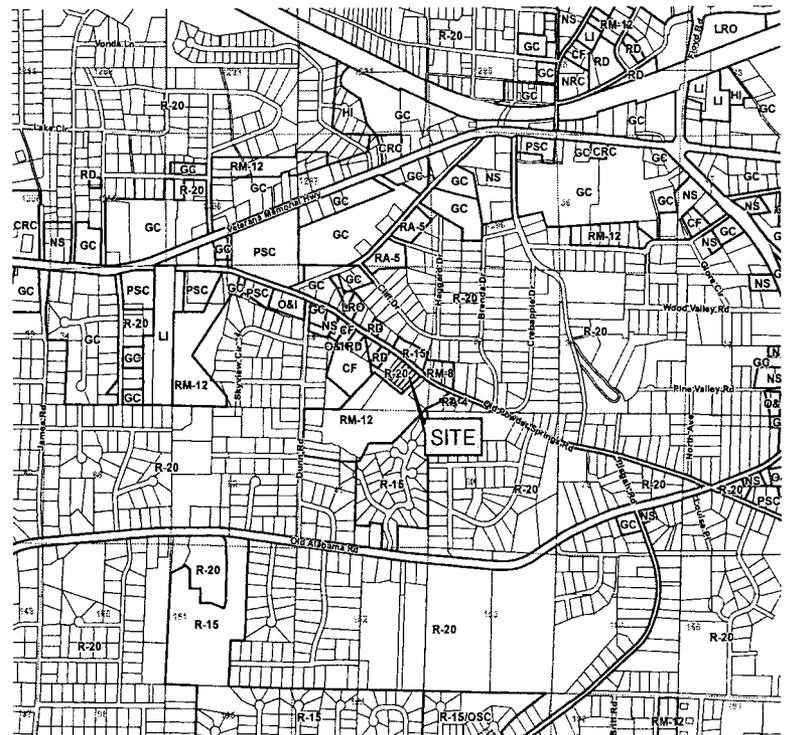
**APPROVED**   X   **MOTION BY** M. Homan

**REJECTED**            **SECONDED** J. Williams

**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: Iglesia Evangelica De El Princippe De Paz Inc.

Petition Number: V-34

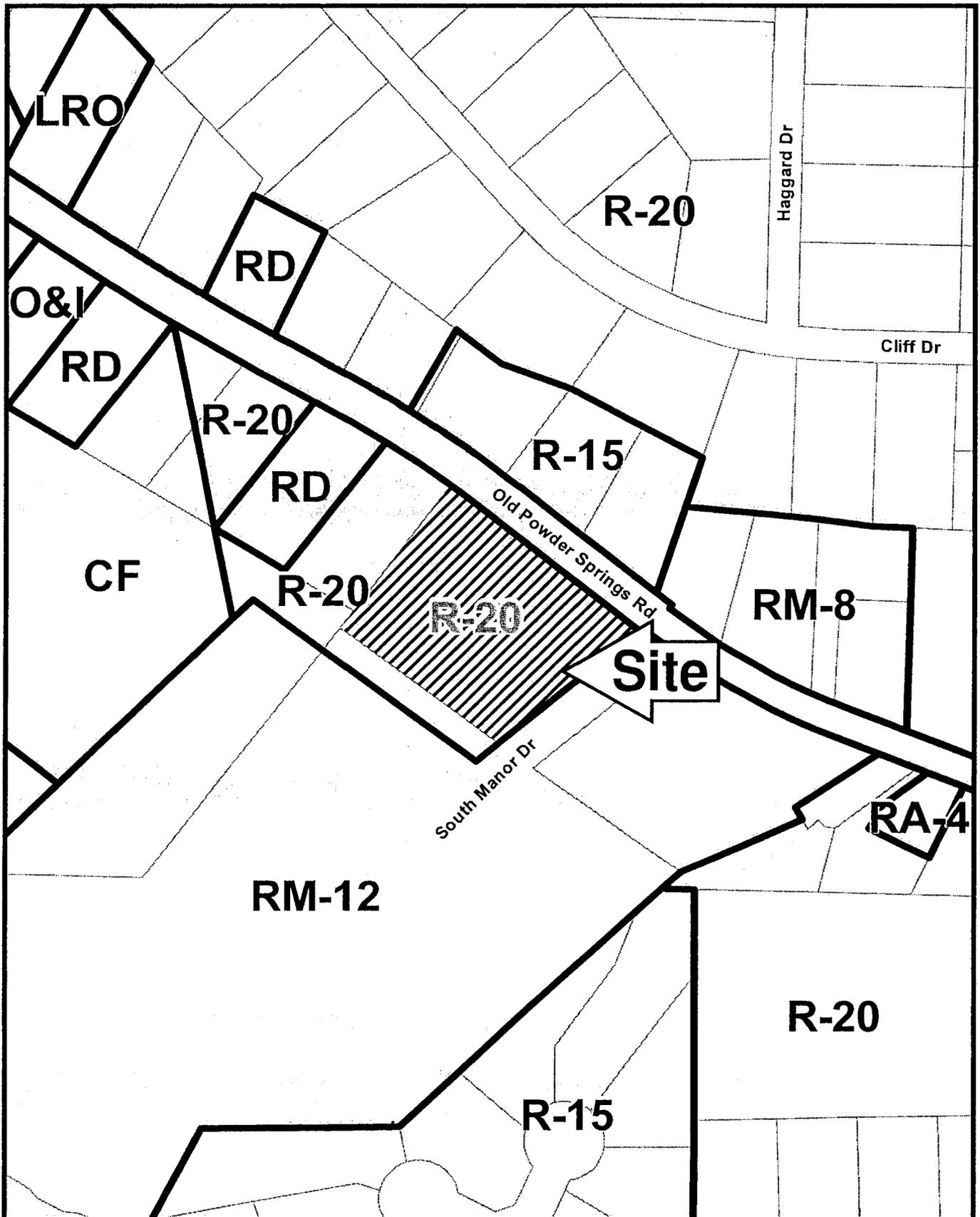
Date: 3.11.2008

## *Fire Marshal Comments*

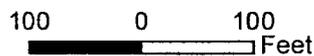
Fire Hydrant

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

# V-34



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



 City Boundary  
 Zoning Boundary

# Application for Variance Cobb County

**Iglesica Evangelica** (type or print clearly)  
**De El Principipe De**

Application No. V-34  
Hearing Date: 4-9-08

Applicant Paz, Inc. Business Phone 770 527-3607 Home Phone \_\_\_\_\_

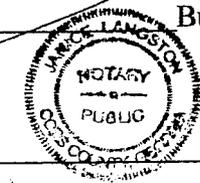
Cedric Drayton Address 101 Marietta St, Ste 2600, Atl. Ga 30303  
(representative's name, printed) (street, city, state and zip code)

(representative's signature)

Business Phone 770 760-9483 Cell Phone 404 798-1372

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_



My Commission Expires  
January 21, 2011

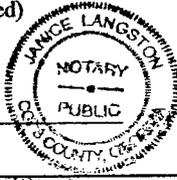
Janice Langston  
Notary Public

Titleholder Iglesica Evangelica Business Phone 770 527-3607 Home Phone \_\_\_\_\_

Signature Henry A Para Address: 1090 Old Powder Spring Rd., Mableton Ga. 30126  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_



My Commission Expires  
January 21, 2011

Janice Langston  
Notary Public

Present Zoning of Property RM12 and R20

Location 1090 Old Powder Spring Rd. Mableton, Ga 30126  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 36 District 18th Size of Tract 1.40 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 1.4 ac Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other \_\_\_\_\_

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 Church could not adequately service their community needs with the Church building housing all functions. This greatly limits the children activities to occur at the same time adults are worshipping.

List type of variance requested: \_\_\_\_\_

Reduction in Lot Size from the required 5 acre minimum to 1.4 acre existing Lot Size. WAIVE 35FT LANDSCAPE BUFFER

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
APRIL 9, 2008

**DRAFT**

V-34            **IGLESICA EVANGELICA DE EL PRINICIPPE DE PAZ, INC.**  
(owner) requesting a variance to: 1) waive the lot size from the required minimum of 5 acres to 1.4 acres; 2) waive the landscape screening buffer from the required 35 feet to zero feet on all sides; and 3) allow a church to access a minor collector road in lieu of accessing a major collector road or arterial road in Land Lot 36 of the 18<sup>th</sup> District. Located at the southwesterly intersection of Old Powder Springs Road and South Manor Drive (1090 Old Powder Springs Road).

The public hearing was opened and Mr. Cedric Drayton and Mr. Henry Lara addressed the Board. Following presentations and discussion, the following motion was made:

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

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on April 15, 2008, at 9:00 a.m.**
- **Fire Marshall comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE:            **ADOPTED** unanimously