

**DECEMBER 16, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICTS 2 & 4**

ITEM #5

PURPOSE

To consider granting a Special Exception for reducing the required lot sizes as recommended by the Board of Zoning Appeals from their December 10, 2008 Variance Hearing regarding Variance Applications:

V-115 A & M DENTAL OFFICE, LLC
V-119 LIFE'S HOPE BAPTIST CHURCH, 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 December 10, 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 sizes as recommended by the Board of Zoning Appeals for V-115 A & M DENTAL OFFICE, LLC and V-119 LIFE'S HOPE BAPTIST CHURCH, INC.

ATTACHMENTS

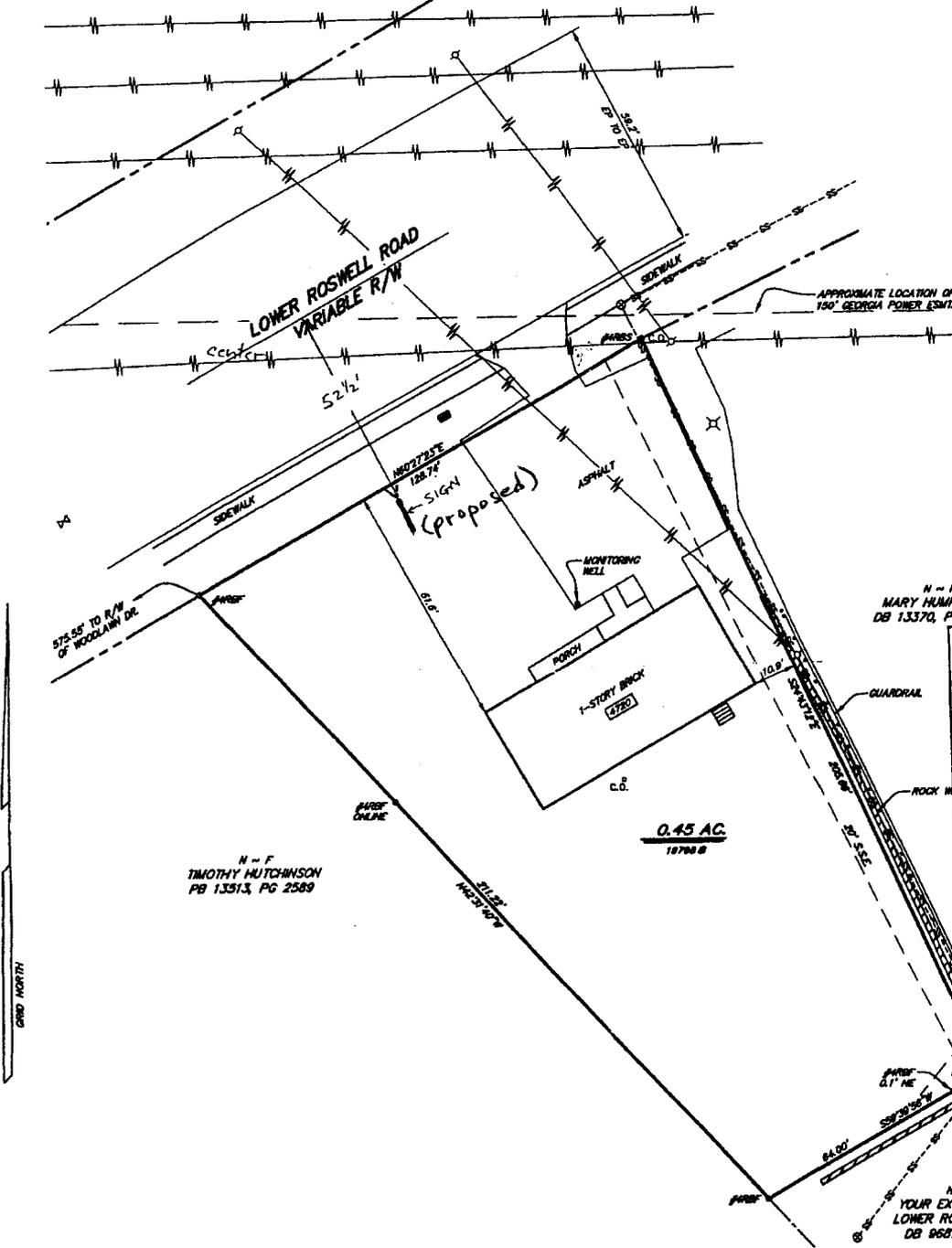
Variance Analysis
Board of Zoning Appeals Recommendations

**V-115
(2008)**

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED IN THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

LEGEND	
⊙	P.P. - POWER POLE
⊙	L.P. - LIGHT POLE
⊙	F.H. - FIRE HYDRANT
⊙	M.H. - SANITARY SEWER MANHOLE
⊙	W.M. - WATER METER
⊙	G.M. - GAS METER
⊙	RBS - REINFORCING BAR SET
⊙	RBF - REINFORCING BAR FOUND
⊙	CTF - CRIMP TOP PIPE FOUND
⊙	OTF - OPEN TOP PIPE FOUND
⊙	R/W MON. - RIGHT-OF-WAY MONUMENT
⊙	TYPE OF FENCE
⊙	J.B. - JUNCTION BOX
⊙	D.I. - DROP INLET / YARD INLET
⊙	C.B. - CATCH BASIN
⊙	R.C.P. - REINFORCED CONCRETE PIPE
⊙	C.M.P. - CORRUGATED METAL PIPE
⊙	F.F.E. - FINISHED FLOOR ELEVATION
⊙	WV - WATER VALVE
⊙	TELEPHONE MANHOLE
⊙	OVERHEAD POWER LINES
⊙	HW - HEADWALL
⊙	POWERBOX
⊙	STREET ADDRESS
⊙	WATER LINE
⊙	UNDERGROUND TELEPHONE LINE
⊙	GAS LINE
⊙	UNDERGROUND ELECTRICAL LINE



RECEIVED
OCT 8 2008
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAN AND IS IN ZONE _____; ACCORDING TO FEMA (F.L.A.) COMMUNITY NUMBER # 130022, MAP NUMBER # 130020000 F, DATED AUGUST 18, 1992.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FINE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/83,784; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT 1/293,888. MATTERS OF TITLE ARE EXCEPTED.

DATE	: 2/26/08	REVISIONS
SCALE	: 1"=20'	
DRAWN BY	: JS	
CHECKED BY	: CAE	
FIELD BOOK	: 563	

Gaskins
SURVEYORS • ENGINEERS • LAND PLANNERS • ENVIRONMENTAL
1266 Powder Springs Rd. Marietta, Georgia 30066
www.gaskins-survey.com Phone: (770) 424-7148 Fax: (770) 424-7393

SURVEY FOR:
RICHARD PERRY

LOCATED IN L.L. 69
1st DISTRICT, 2nd SECTION
COBB COUNTY, GA.

APPLICANT: A & M Dental Office, LLC.
PHONE: 770-973-8222
REPRESENTATIVE: Michael S. Mansouri
PHONE: 770-973-8222
PROPERTY LOCATION: Located on the south side of Lower Roswell Road, east of Woodlawn Drive (4720 Lower Roswell Road).

PETITION NO.: V-115
DATE OF HEARING: 12-10-08
PRESENT ZONING: NS
LAND LOT(S): 69
DISTRICT: 1
SIZE OF TRACT: .45 acre
COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Waive the side setback from the required 15 feet to 10 feet adjacent to the eastern property line (existing); and 2) waive the minimum lot size from the required 20,000 square feet to 19,798 square feet (existing).

COMMENTS

TRAFFIC: Recommend applicant verify that sign does not obstruct visibility per Cobb County Development Standard Detail 109.

DEVELOPMENT & INSPECTIONS: No comment.

STORMWATER MANAGEMENT: No comment.

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: No conflict.

SEWER: No conflict. For the record, the existing building meets the required setback (2 feet) from the Sanitary Sewer Easement along east property line (Cobb County Water and Sewer measured in field).

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

BOARD OF APPEALS DECISION

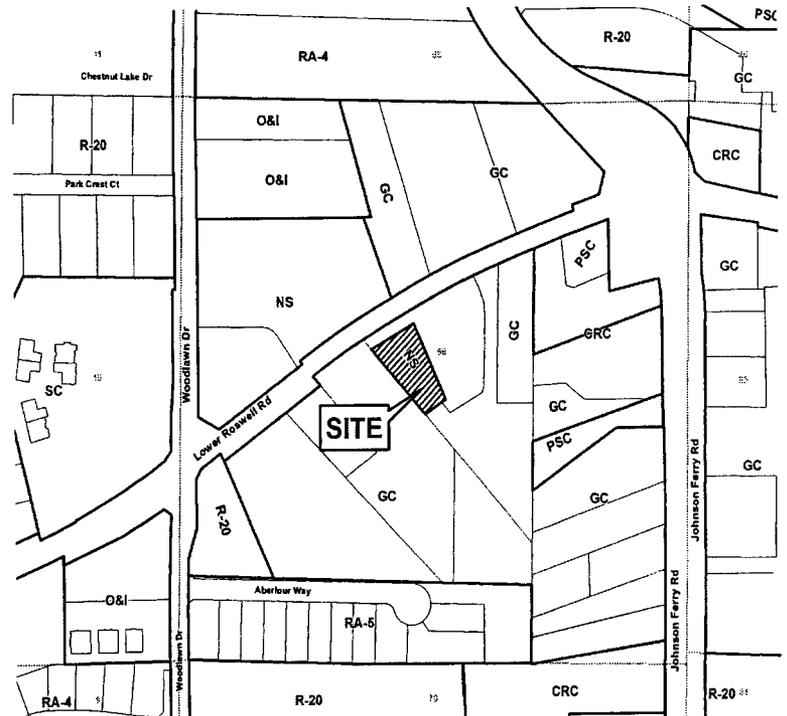
APPROVED _____ **MOTION BY** J. Williams

REJECTED _____ **SECONDED** T. McCleskey

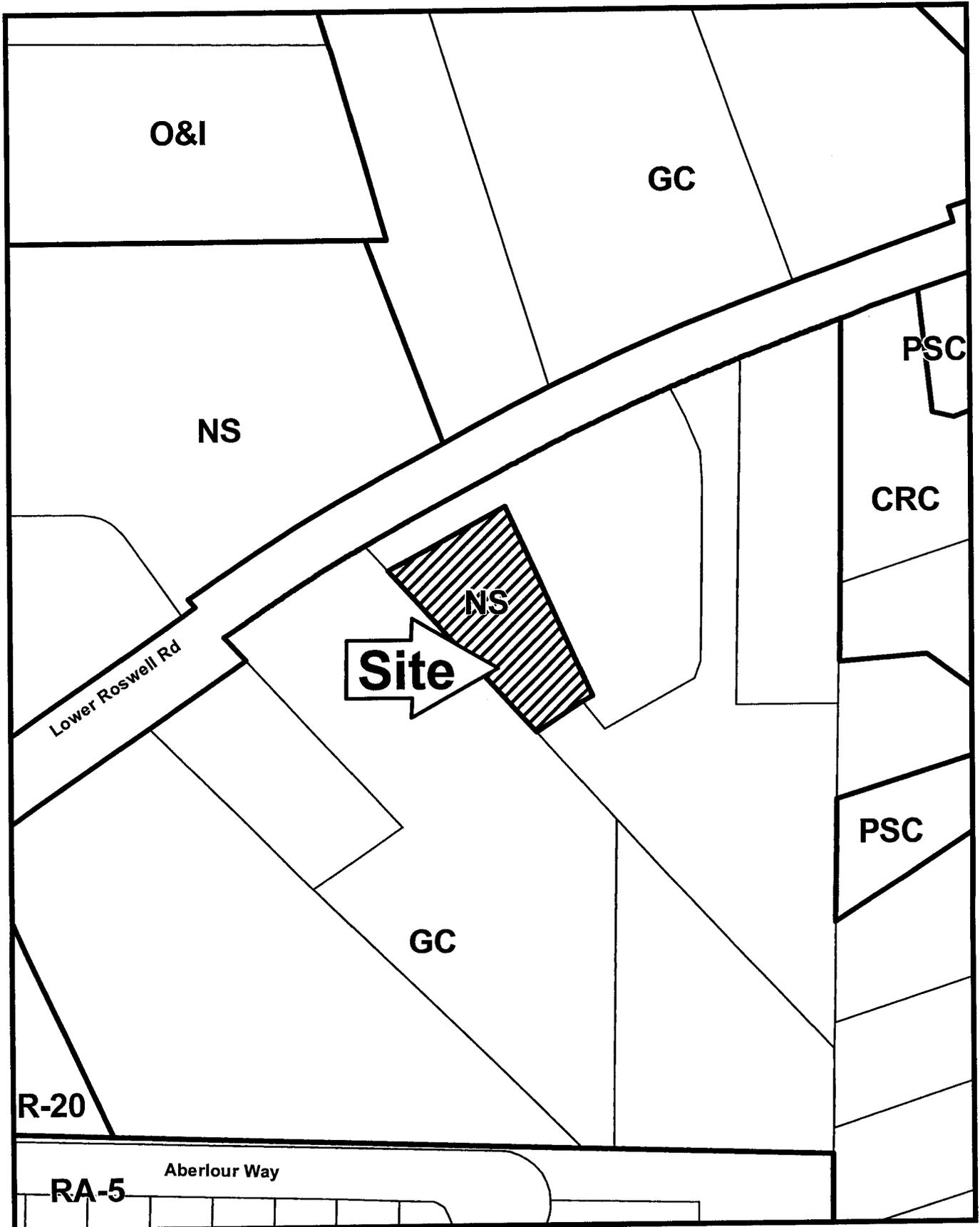
HELD _____ **CARRIED** 5 - 0

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

(See draft minutes attached)



V-115



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



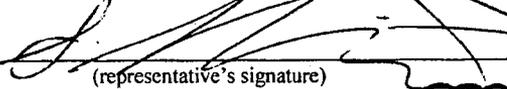
Application for Variance Cobb County

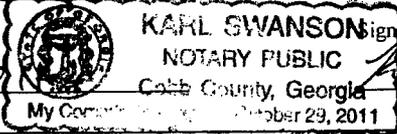
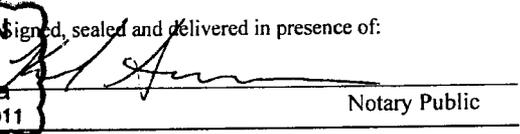
(type or print clearly)

Application No. V-115
Hearing Date: 12-10-08

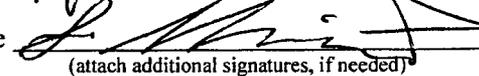
Applicant A & M Dental Office LLC Business Phone 770-973-8222 Home Phone 267-441-2565

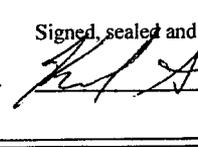
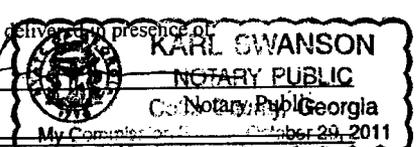
Michael S. Mansourji DMD Address 47020 Lower Roswell Rd. Marietta, GA 30068
(representative's name, printed) (street, city, state and zip code)

 Business Phone 770-973-8222 Cell Phone 267-441-2565
(representative's signature)

My commission expires: 10/29/2011
 Signed, sealed and delivered in presence of: 
Notary Public

Titleholder A & M Dental Office LLC Business Phone 770-973-8222 Home Phone 267-441-2565

Signature  Address: 4720 Lower Roswell Rd. Marietta, GA 30068
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires:  Signed, sealed and delivered in presence of: 
 Notary Public

Present Zoning of Property NS (Neighborhood Shopping District)

Location 4720 Lower Roswell Rd. Marietta GA 30068 (Johnson Ferry Rd.)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 69 District 1st Size of Tract 0.43 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

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 hardships that the 62 foot set back would cause is: Visibility of sign would be severely restricted because of topography and the existing sign of an adjacent property.

List type of variance requested: Waive the required 62 foot set back for a monument sign to 52 feet.
WAIVE THE SETBACK and Lot size.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
DECEMBER 10, 2008**

V-115 **A & M DENTAL OFFICE, LLC** (owner) requesting a variance to: 1) waive the side setback from the required 15 feet to 10 feet adjacent to the eastern property line (existing); and 2) waive the minimum lot size from the required 20,000 square feet to 19,798 square feet (existing) in Land Lot 69 of the 1st District. Located on the south side of Lower Roswell Road, east of Woodlawn Drive (4720 Lower Roswell Road).

MOTION: Motion by Williams, second by McCleskey, as part of the Consent Agenda, to **approve** variance request **subject to:**

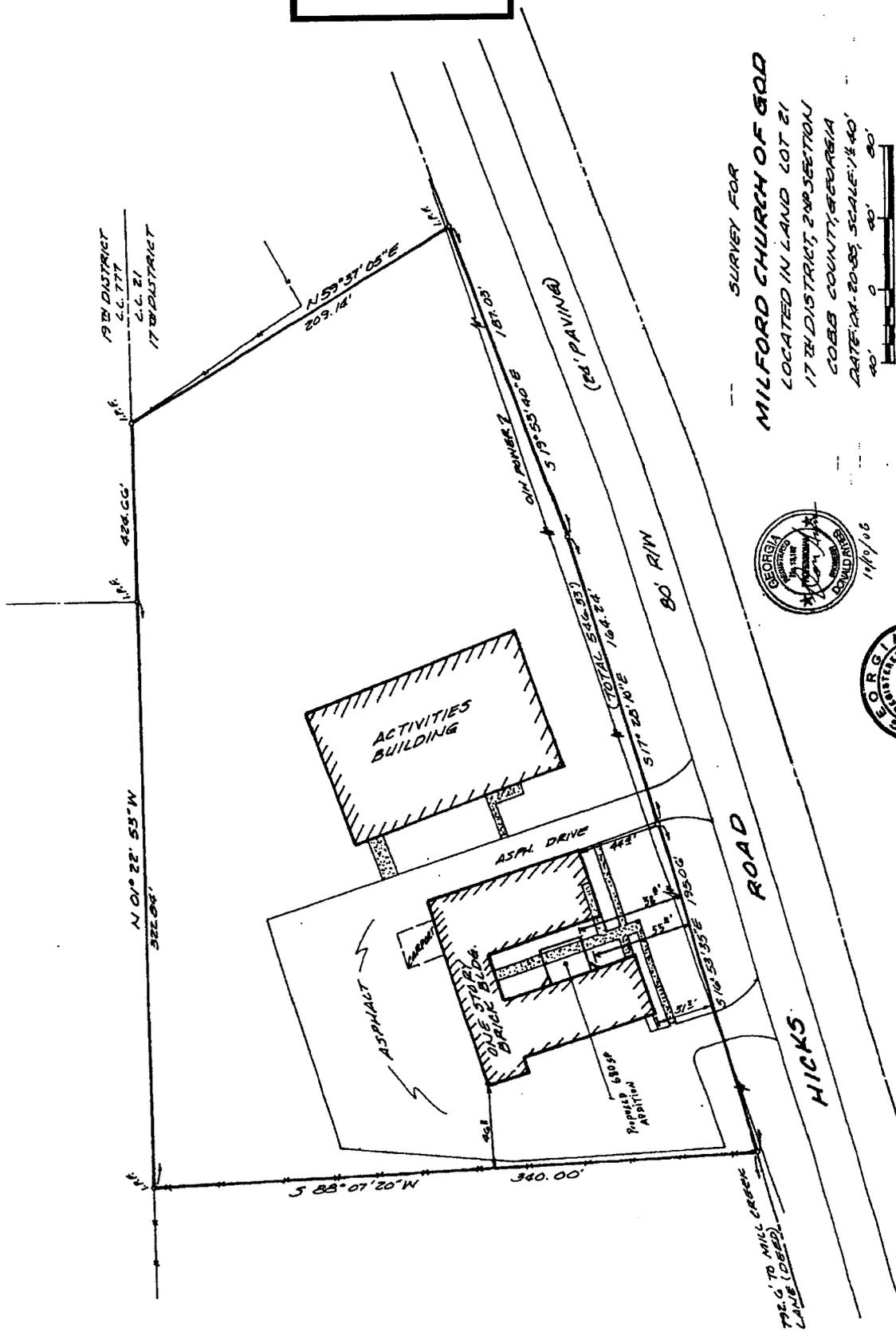
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on December 16, 2008, at 9:00 a.m.**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

V-119
(2008)

NOTES:

1. ERROR OF CLOSURE EXCEEDS 1/20,000.
2. EQUIPMENT USED - TOPCON GUNNY G.T.S. 10'D
3. ALL METER OF TITLE IS EXCLUDED.
4. REF. D.B. 1157 P. 422
5. AREA. 2.78 ACRES



SURVEY FOR
MILFORD CHURCH OF GOD
 LOCATED IN LAND LOT 21
 17th DISTRICT, 2nd SECTION
 COBB COUNTY, GEORGIA
 DATE: 04-20-08 SCALE: 1"=40'
 GRAPHIC SCALE



Filed in Office 6:30:87
 Plat Book 115 Page 50
 Jay C. Stephenson, Clerk
 10:30

REFERENCES: D.B. 1157/422
 AREA. 2.78 ACRES

APPLICANT: Life's Hope Baptist Church, Inc.
PHONE: 770-434-4259
REPRESENTATIVE: Glen Nicotra
PHONE: 770-846-9356
PROPERTY LOCATION: Located on the west side of
Hicks Road, north of Stone Harbor Parkway
(3360 Hicks Road).

PETITION NO.: V-119
DATE OF HEARING: 12-10-08
PRESENT ZONING: R-20
LAND LOT(S): 21
DISTRICT: 17
SIZE OF TRACT: 2.98 acres
COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Waive the lot size for a church from the required 5 acres to 2.98 acres (existing); 2) waive the front setback from the required 50 feet to 31 feet (existing); and 3) waive the side setback from the required 50 feet to 46 feet adjacent to the southern property line (existing).

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

STORMWATER MANAGEMENT: No significant stormwater management impacts anticipated.

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: No conflict.

SEWER: No conflict.

OPPOSITION: NO. OPPOSED PETITION NO. SPOKESMAN

BOARD OF APPEALS DECISION

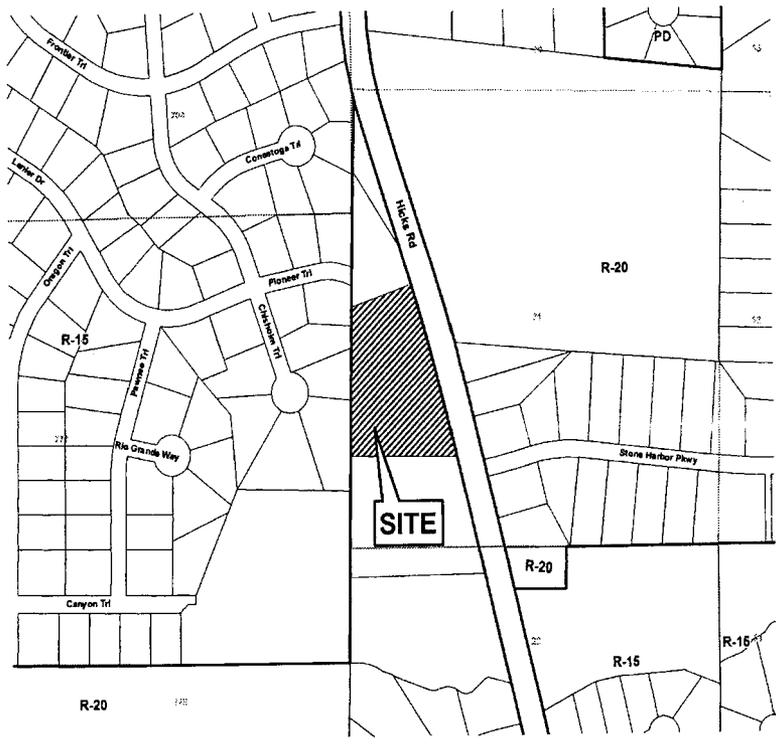
APPROVED MOTION BY J. Williams

REJECTED **SECONDED** T. McCleskey

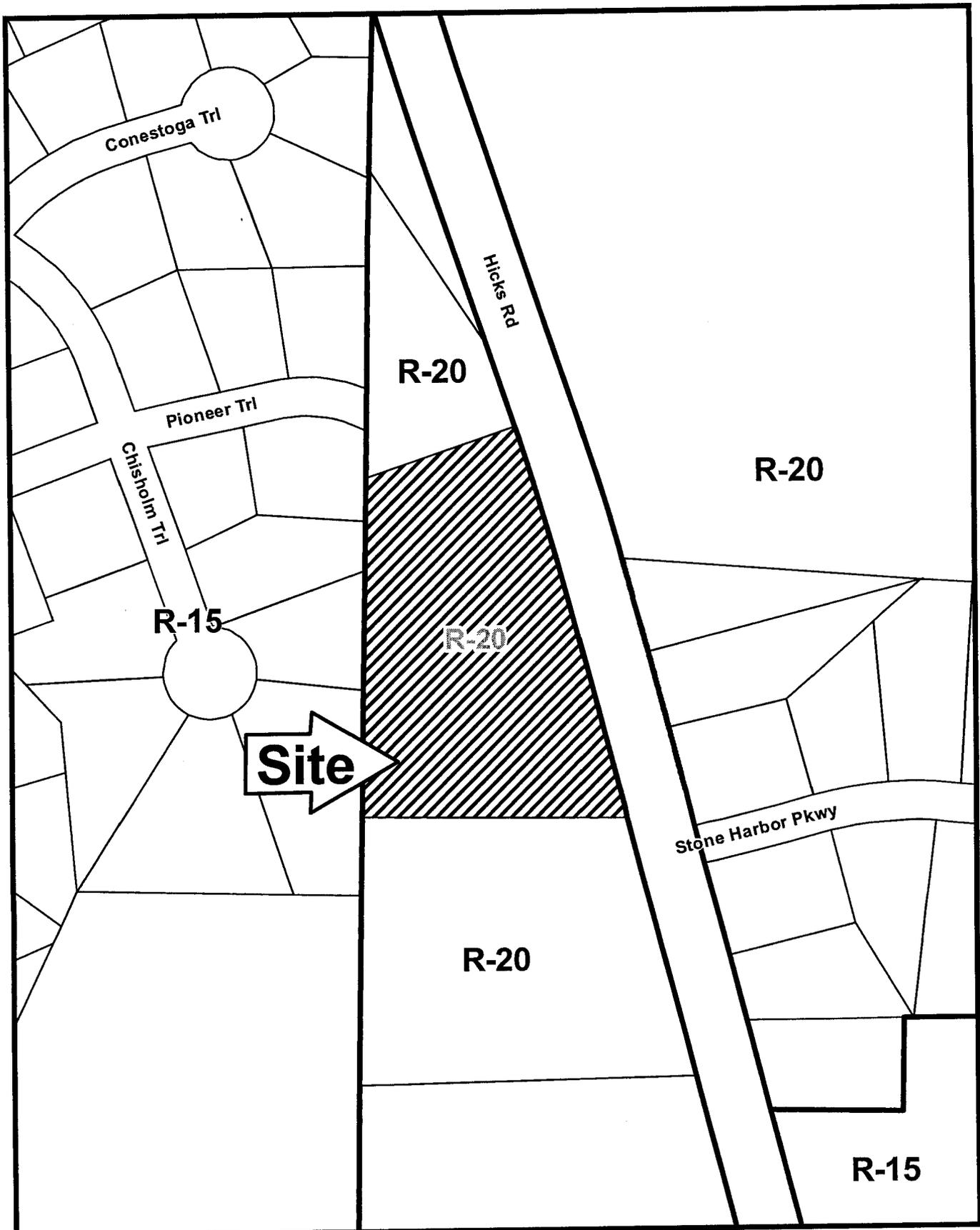
HELD **CARRIED** 5 - 0

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

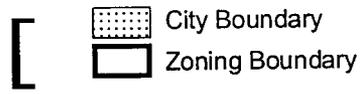
(See draft minutes attached)



V-119



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Application for Variance Cobb County

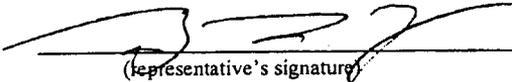
(type or print clearly)

Application No. V-119

Hearing Date: 12-10-08

Applicant LIFE'S HOPE BAPTIST CHURCH Business Phone 770.434.4259 Home Phone -

GLEN NICOTRA Address 5755 N POINT PKWY #90 ALPHARETTA GA
(representative's name, printed) (street, city, state and zip code) 30022

 Business Phone 770.846.9356 Cell Phone 770.846.9356
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: 8/2009

Kyle S. Meedy
Notary Public

Titleholder LIFE'S HOPE BAPTIST CHURCH Business Phone 770.434.4259 Home Phone -

Signature A. Bruce Hornum Jr. Address: 3360 HICKS RD MARIETTA GA 30060
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: 8/2009

Kyle S. Meedy
Notary Public

Present Zoning of Property R-20

Location 3360 Hicks Rd Marietta, GA 30060
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 21 District 17 Size of Tract 2.98 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 RECTANGULAR Topography of Property FLAT 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.

NECESSARY FOR BUILDING PERMIT.

List type of variance requested: LOT SIZE + SETBACKS

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
DECEMBER 10, 2008**

V-119 **LIFE'S HOPE BAPTIST CHURCH, INC.** (owner) requesting a variance to: 1) waive the lot size for a church from the required 5 acres to 2.98 acres (existing); 2) waive the front setback from the required 50 feet to 31 feet (existing); and 3) waive the side setback from the required 50 feet to 46 feet adjacent to the southern property line (existing) in Land Lot 21 of the 17th District. Located on the west side of Hicks Road, north of Stone Harbor Parkway (3360 Hicks Road).

MOTION: Motion by Williams, second by McCleskey, as part of the Consent Agenda, to **approve** variance request **subject to:**

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on December 16, 2008, at 9:00 a.m.**

VOTE: **ADOPTED** unanimously