

**JULY 21, 2009 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4**

ITEM #2

PURPOSE

To consider amending the stipulations for Vincent Onwubuya regarding Z-87 (ROBERT HARRIS) and Z-88 (ROBERT HARRIS) of August 20, 2002 for property located in Land Lots 1155 and 1214 of the 19th District on the west side of Austell Road, north of Doby Lane.

BACKGROUND

These two properties are adjacent to each other but were submitted as separate Zoning Applications. Both tracts are zoned LRO subject to numerous conditions/stipulations which are attached. Z-87 stipulations require the use to be an office for a graphic sign shop. This request seeks to amend that requirement to allow the property to be used as an accounting/tax preparation office. The sign shop office never materialized but there is an existing house on the property and if approved, this property should be submitted through the plan review process and the site be brought up to commercial standards prior to operating the business. Z-88 stipulations require the use to be a graphic sign shop only. This request seeks to amend that requirement and to allow the property to be used as an adult day care facility. The sign shop never materialized but there is also an existing house on the property and if approved, this property should be submitted through the plan review process and the site be brought up to commercial standards prior to operating the business. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners first determine if the request is minor. If it is determined to be minor, consider the request and if approved, should be subject to both sites being submitted through the Plan Review process prior to any permits being issued and both sites to be brought up to commercial standards prior to occupancy.

ATTACHMENTS

Board of Commissioners Decision
Other Business Application

ORIGINAL DATE OF APPLICATION: 08-20-02APPLICANTS NAME: ROBERT HARRIS

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 08-20-02 ZONING HEARING:

ROBERT HARRIS (Scanlan Enterprises, Inc. d/b/a Galaxy Gate Systems, owner) for Rezoning from CF to CRC for the purpose of Offices in Land Lots 1155 and 1214 of the 19th District. Located on the west side of Austell Road, north of Doby Lane.

Petitions Z-87 and Z-88 were heard together. The public hearing was opened and Mr. Robert Harris and Mr. W. S. Gay addressed the Commission. Following presentations and discussion, the following motion was made:

MOTION: Motion by W. Thompson, second by J. Thompson, to delete rezoning to the **LRO** zoning district **subject to:**

- **site plan received July 3, 2002 (copy attached and made a part of these minutes) to include one access location as depicted on plan**
- **no access to Doby Lane**
- **shrubs to be planted along property adjacent to Doby Lane as approved by County Arborist**
- **thirty-five foot undisturbed buffer along the entire rear property line of Z-87 and Z-88**
- **no outside storage**
- **use of existing structure located on Z-87 as Office for Graphic Sign Shop *only*; any change in use must be approved by the Board of Commissioners**
- **hours of operation shall be from 9:00 a.m. until 7:00 p.m., Monday through Saturday**
- **no Certificate of Occupancy to be issued until all work has been completed relative to Z-87 and Z-88**
- **monument style signage on Austell Road as approved by staff**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **County Arborist to inspect the property and identify any dead or dying trees and the applicant/owner is to remove all trees identified prior to the issuance of a Certificate of Occupancy**

VOTE: **ADOPTED** unanimously

ORIGINAL DATE OF APPLICATION: 08-20-02APPLICANTS NAME: ROBERT HARRIS

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 08-20-02 ZONING HEARING:

ROBERT HARRIS (Fred T. Scanlan, owner) for Rezoning from **CF** to **CRC** for the purpose of a Graphic Sign Shop in Land Lots 1155 and 1214 of the 19th District. Located on the west side of Austell Road, north of Doby Lane.

Petitions Z-87 and Z-88 were heard together. The public hearing was opened and Mr. Robert Harris, Mr. William Gay, and Ms. Sandra Diggs addressed the Commission. Following presentations and discussion, the following motion was made:

MOTION: Motion by W. Thompson, second by J. Thompson, to **approve** rezoning to the **CRC** zoning district **subject to:**

- **site plan received July 3, 2002 (copy attached and made a part of these minutes) to include one access location as depicted on plan**
- **no access to Doby Lane**
- **shrubs to be planted along property adjacent to Doby Lane as approved by County Arborist**
- **thirty-five foot undisturbed buffer along the entire rear property line of Z-87 and Z-88**
- **no outside storage**
- **use of existing structure located on Z-88 as Graphic Sign Shop *only*; any change in use must be approved by the Board of Commissioners**
- **hours of operation shall be from 9:00 a.m. until 7:00 p.m., Monday through Saturday**
- **no Certificate of Occupancy to be issued until all work has been completed relative to Z-87 and Z-88**
- **monument style signage on Austell Road as approved by staff**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **County Arborist to inspect the property and identify any dead or dying trees and the applicant/owner is to remove all trees identified prior to the issuance of a certificate of occupancy**

VOTE: **ADOPTED** unanimously

NOTES:

- 1) AREA OF SUBJECT PROPERTY: 1.30 ACRES
- 2) RIGHT OF WAY INF. BASED UPON DEPT. OF TRANSPORTATION PROJECT : IXAM - 9005(10)
- 3) REFERENCE: PLAT FOR DOBY S/D, BLOCK "A", PART 1, PB. 19, PG. 74
- 4) THIS PLAT REPRESENTS A RETRACEMENT OF THE PROPERTY DESCRIBED IN DEED BOOK 2495, PAGES 450 & 452, AND COBB COUNTY RECORDS, LESS AND EXCEPT THAT PORTION LYING WITHIN THE R/W OF AUSTELL RD.

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,042 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN ACCORDING TO F.E.M.A. MAP# 13067C0050 F DATED AUGUST 18, 1992 EQUIPMENT USED FOR FIELD MEASUREMENTS: ANGULAR- NIKON A-20 LINEAR - ELECTRONIC DISTANCE METER. ALL IRON PINS FOUND AND SET ARE 1/2" REBAR UNLESS OTHERWISE NOTED.

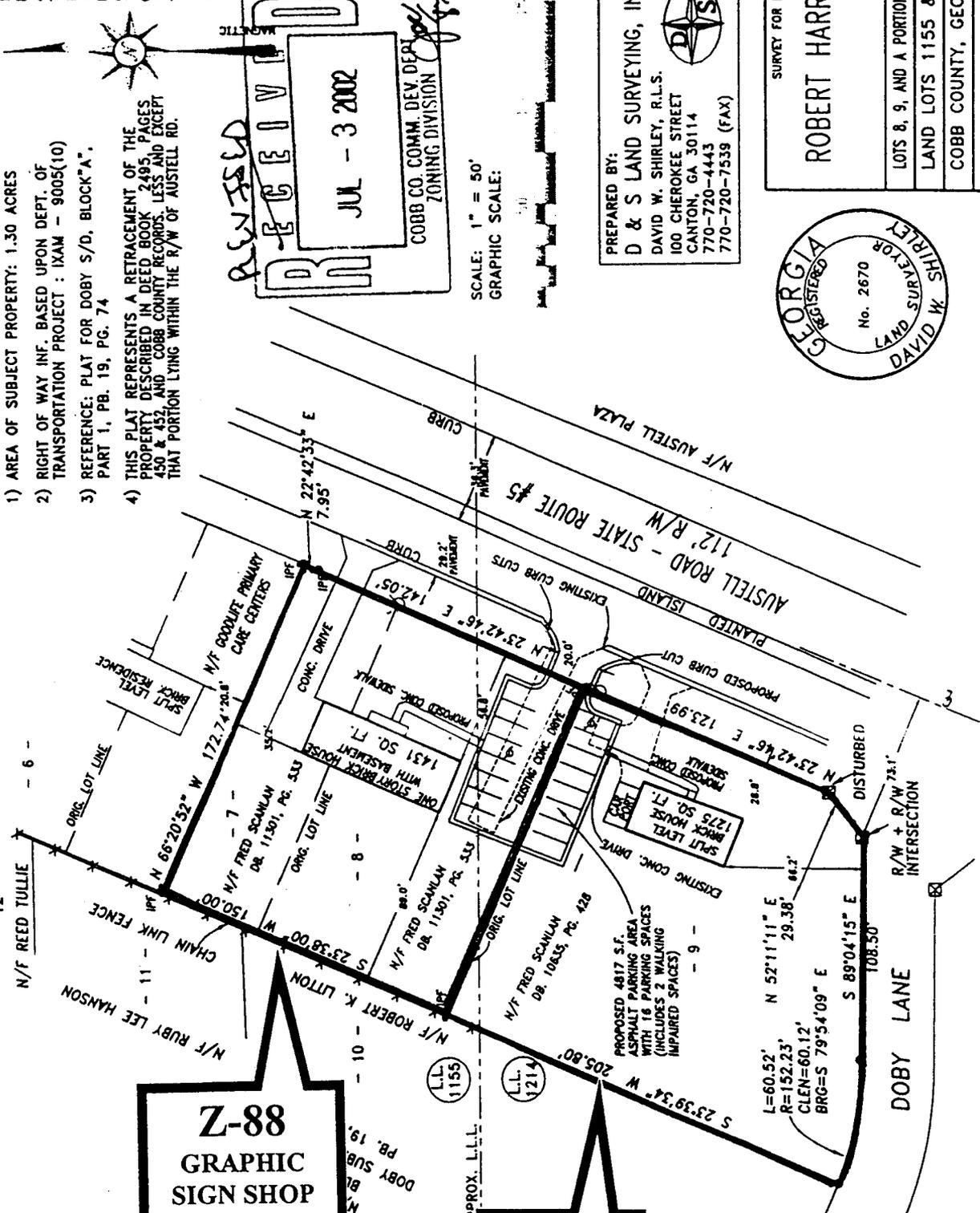
LEGEND
 These standard symbols will be found in the drawing.
 • PROPERTY CORNER
 -X-X- FENCE
 R/W RIGHT OF WAY
 FF FINISHED FLOOR
 DB DEED BOOK
 PB PLAT BOOK
 PG PAGE
 N.T.S. NOT TO SCALE
 N/F PRESENT OR FORMER OWNER
 IPS IRON PIN SET
 IPF IRON PIN FOUND
 L.L. LAND LOT
 S/D SUBDIVISION
 P.O.B. POINT OF BEGINNING
 ∅ POWER POLE
 ☒ CONCRETE R/W MONUMENT

Z-87

LEGEND

These standard symbols will be found in the drawing.

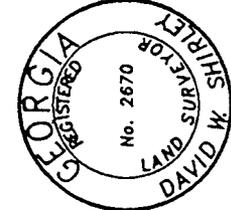
- PROPERTY CORNER
- X-X- FENCE
- R/W RIGHT OF WAY
- FF FINISHED FLOOR
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- PG PAGE
- N.T.S. NOT TO SCALE
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- L.L. LAND LOT
- S/D SUBDIVISION
- P.O.B. POINT OF BEGINNING
- ∅ POWER POLE
- ☒ CONCRETE R/W MONUMENT



RECEIVED
JUL - 3 2002
 COBB CO. COMM. DEV. DEPT.
 ZONING DIVISION

SCALE: 1" = 50'
 GRAPHIC SCALE:

PREPARED BY:
D & S LAND SURVEYING, INC.
 DAVID W. SHIRLEY, R.L.S.
 100 CHEROKEE STREET
 CANTON, GA 30114
 770-720-4443
 770-720-7539 (FAX)



SURVEY FOR RE-ZONING APPLICATION:

ROBERT HARRIS

REFERENCE: PLAT BOOK 19, PAGE
 LOTS 8, 9, AND A PORTION OF LOT 7, DOBY S/D, BLOCK "A", PART ONE
 LAND LOTS 1155 & 1214, DISTRICT 19, SECTION 2
 COBB COUNTY, GEORGIA

DATE OF FIELDWORK: 9/24/2001 MAP DATE: 6/20/2002

DRAWN BY: J. SMITS FIELDWORK BY: D. SHIRLEY

Z-88
GRAPHIC
SIGN SHOP

Z-87
OFFICE

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 7-21-09

Applicant: VINCENT ONWUBUYA Phone #: 770-627-2224
(applicant's name printed)

Address: 5110 AUSTELL RD E-Mail: vincentonwubuya@Comcast.net

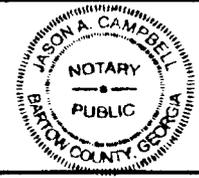
VINCENT ONWUBUYA Address: Austell, GA 30106
(representative's name, printed)

[Signature] Phone #: _____ E-Mail: _____
(representative's signature)

Signed, sealed and delivered in presence of:

Jason A. Campbell
Notary Public

My commission expires: _____



My Commission Expires
October 31, 2011

Commission District: 4 Zoning Case: 2-87 of 2002

Date of Zoning Decision: Aug 20, 2002 Original Date of Hearing: Aug 20, 2002

Location: 5110 Austell Rd, Austell, GA 30106
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1214 / 1155 District(s): 19

State specifically the need or reason(s) for Other Business: Accounting firm,
Accounting and TAX Services

Restriction was for Graphic Sign Shop
only wish to change it to
Accounting and TAX Services firm.

(List or attach additional information if needed)

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: _____

Applicant: Vincent Onwubuya Phone #: 770-627-2224

(applicant's name printed)

Address: 5094 Austell Rd E-Mail: _____

Address: Austell GA 30106

(representative's name, printed)

Phone #: _____ E-Mail: _____

(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public _____ My commission expires: _____



Commission District: 4 Zoning Case: 2-88

Date of Zoning Decision: _____ Original Date of Hearing: Aug 20, 2002

Location: 5094 Austell Rd Austell GA 30106
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ District(s): _____

State specifically the need or reason(s) for Other Business: Adult Day Care

Restrictions was for graphic sign shop
only wish to change it to
Adult day care

(List or attach additional information if needed)