

**DECEMBER 15, 2009 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1**

ITEM #4

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their December 9, 2009 Variance Hearing regarding Variance Application:

V-69 Virginia A. Brown

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 December 9, 2009 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-69 Virginia A. Brown

ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendations

APPLICANT: Virginia A. Brown **PETITION NO.:** V-69
PHONE: 404-372-5605 **DATE OF HEARING:** 09-10-09
REPRESENTATIVE: Tim S. Aycock **PRESENT ZONING:** R-20
PHONE: 770-428-2873 **LAND LOT(S):** 131
PROPERTY LOCATION: Located off of a private **DISTRICT:** 20
easement on the north side of Ben King Road **SIZE OF TRACT:** 1.997 acres
(1540 Ben King Road). **COMMISSION DISTRICT:** 1

TYPE OF VARIANCE: 1) Waive the public road frontage to allow two homes off of a private easement; and 2) waive the lot size on tract 1 from the required 80,000 square feet to 46,739 square feet.

COMMENTS

TRAFFIC: Recommend no additional driveway access to Ben King Road.

DEVELOPMENT & INSPECTIONS: This subdivision must be reviewed and approved through the Cobb County Plan Review process prior to permitting. It must also be submitted for plat review prior to plat recording.

STORMWATER MANAGEMENT: No objection to the creation of estate-sized lot. However, a private drainage easement must be recorded to provide for the existing pipe conveyance through this lot. No fill may be placed within the 100 year floodplain and an elevation certificate will be required for any proposed structure.

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: Meter must be set on Ben King Road right-of-way.

SEWER: Available at east property line. Easement may be necessary for connection depending upon house siting.

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

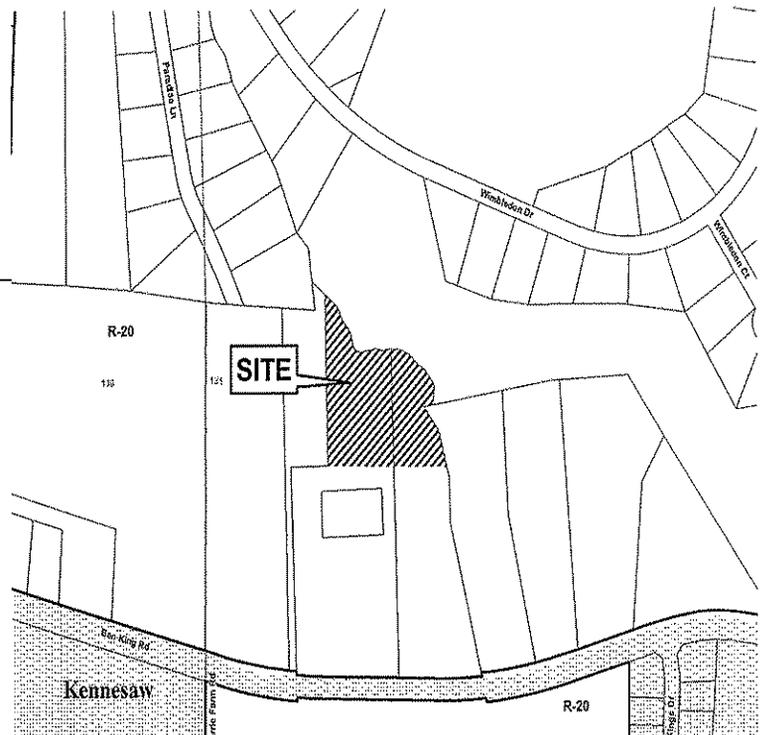
BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** B. Hovey

REJECTED **SECONDED** K. Swanson

HELD **CARRIED** **5 - 0**

STIPULATIONS: (See draft minutes attached)



**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 11, 2009**

V-69 **VIRGINIA A. BROWN** (Virginia A. Brown, Jerry W. Cofield and Paula A. Cofield, owners) requesting a variance to: 1) waive the public road frontage to allow two homes off of a private easement; and 2) waive the lot size on tract 1 from the required 80,000 square feet to 46,739 square feet in Land Lot 131 of the 20th District. Located off of a private easement on the north side of Ben King Road (1540 Ben King Road).

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

- **Development and Inspections Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on December 15, 2009**

VOTE: **ADOPTED** unanimously

DRAFT