

APPLICANT: John S. Hyle

PHONE#: (404) 456-9242 **EMAIL:** hylejs@gmail.com

REPRESENTATIVE: John S. Hyle

PHONE#: (404) 456-9242 **EMAIL:** hylejs@gmail.com

TITLEHOLDER: Barbara J. Hyle and John S. Hyle

PROPERTY LOCATION: South side of McCook Way, east of McCook Circle

(127 McCook Way)

ACCESS TO PROPERTY: McCook Way

PHYSICAL CHARACTERISTICS TO SITE: Existing two story house

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: PRD/ Shiloh Valley at Rockridge

SOUTH: PRD/ Shiloh Valley at Rockridge

EAST: PRD/ Shiloh Valley at Rockridge

WEST: PRD/ Shiloh Valley at Rockridge

PETITION NO: LUP-30

HEARING DATE (PC): 10-06-15

HEARING DATE (BOC): 10-20-15

PRESENT ZONING: PRD

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Allowing More Vehicles than County Code Permits

SIZE OF TRACT: 0.296 acres

DISTRICT: 16

LAND LOT(S): 789

PARCEL(S): 79

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

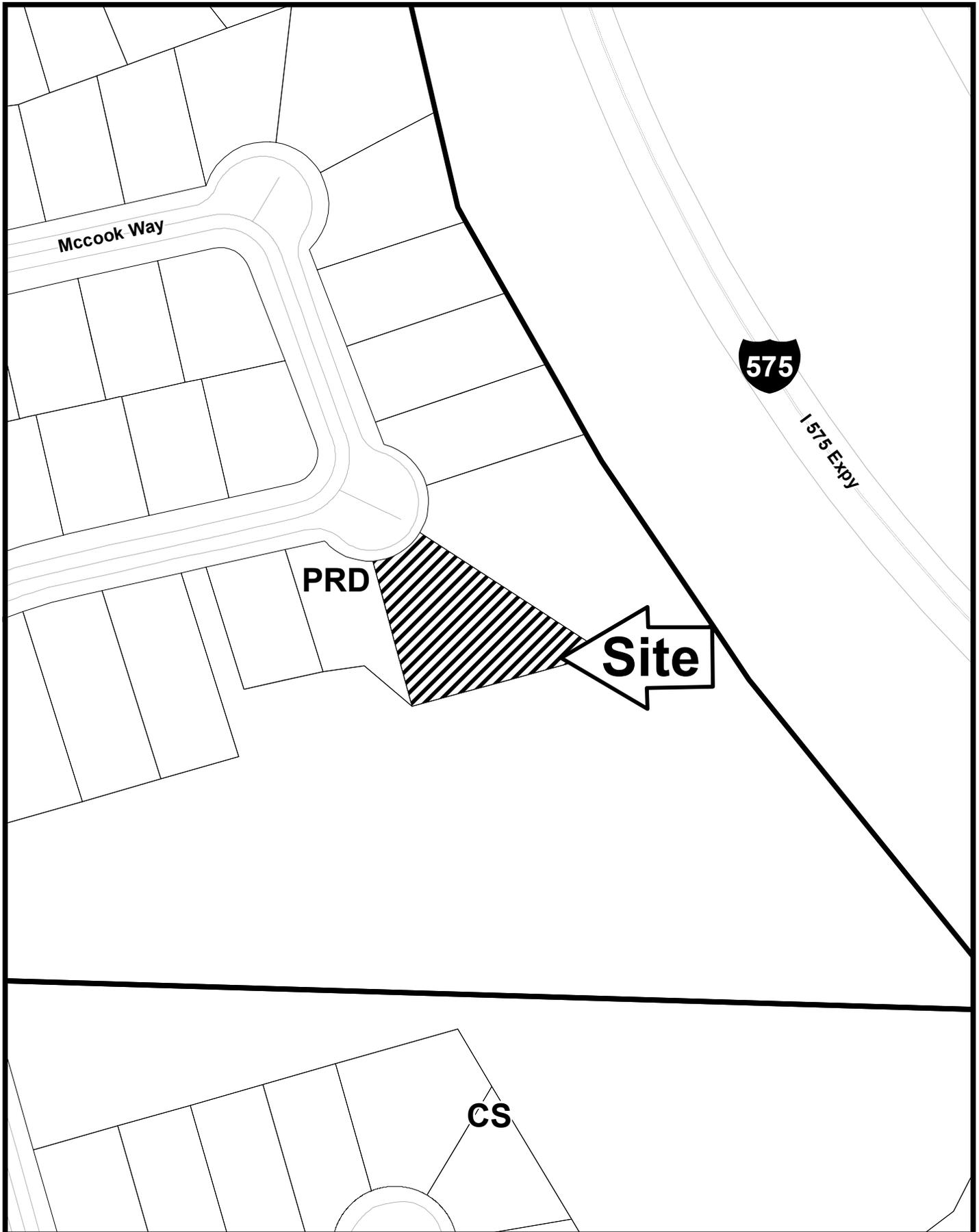
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

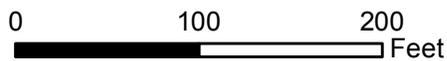
STIPULATIONS:



LUP-30



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



-  City Boundary
-  Zoning Boundary

APPLICANT: John S. Hyle

PETITION NO.: LUP-30

PRESENT ZONING: PRD

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Temporary Land Use Permit in order to be allowed to park four (4) vehicles outside. Based on square footage of the home, the Code allows for seven (7) vehicles to be parked on the property, limiting the number of these parked outside to only two (2). The applicant has five (5) vehicles, four (4) of which are parked outside. This request is the result of Code Enforcement action Notice of Violation CODE-2015-06527.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS: No comment.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.
Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: John S. Hyle

PETITION NO.: LUP-30

PRESENT ZONING: PRD

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-30 JOHN S. HYLE

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
The application is a result of Code Enforcement action due to the number of vehicles parked on the property. The use and condition of the property has adversely affected the surrounding properties.
- (2) Parking and traffic considerations.*
While the Code allows for seven (7) vehicles parked on the property based on square footage of the house, the applicant has indicated that there are five (5) present. The Code allows only two (2) of these to be parked outside. The applicant is requesting four (4) vehicles to be parked outside.
- (3) Number of nonrelated employees.*
Not applicable.
- (4) Number of commercial and business deliveries.*
Not applicable.
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
Not applicable.
- (6) Compatibility of the business use to the neighborhood.*
Not applicable.
- (7) Hours of operation.*
General household activity.
- (8) Existing business uses in the vicinity.*
Not applicable.
- (9) Effect on property values of surrounding property.*
Having an excessive number of cars parked on a residential property starts to erode the low intensity character of a residential neighborhood and could have a negative effect on property values.
- (10) Circumstances surrounding neighborhood complaints.*
The use of the property has caused a complaint to Code Enforcement.
- (10) Intensity of the proposed business use.*
Not applicable

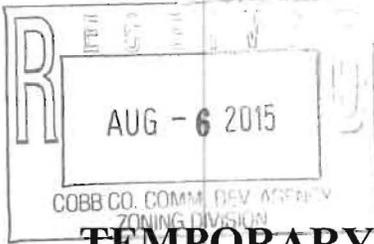
LUP-30 JOHN S. HYLE (Continued)

(12) Location of the use within the neighborhood.

**The proposal is located within a platted subdivision and is surrounded by residential uses.
The number of vehicles parked on the property is visible to the neighbors.**

Based on the above analysis and a strict interpretation of the Code, Staff recommends **DENIAL** of the application.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application #: LUP-30
PC Hearing Date: 10-6-15
BOC Hearing Date: 10-20-15

TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

- Number of unrelated adults in the house? 0
- Number of related adults in the house? 7
- Number of vehicles at the house? 5
- Where do the residents park?
Driveway: 4 ; Street: 0 ; Garage: 1
- Does the property owner live in the house? Yes X ; No _____
- Any outdoor storage? No _____ ; Yes X (If yes, please state what is kept outside): Yard supplies (lawn mower, etc...)
- Length of time requested (24 months maximum): 24 months
- Is this application a result of a Code Enforcement action? No _____ ; Yes X (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
- Any additional information? (Please attach additional information if needed):

Applicant signature: [Signature] Date: 07/30/15
Applicant name (printed): John S. Hyle

ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: PRD
Size of house per Cobb County Tax Assessor records: 2,937 sq ft
Number of related adults proposed: 7 Number permitted by code: 7
Number of unrelated adults proposed: 0 Number permitted by code: 1
Number of vehicles proposed: 5 Number permitted by code: 7
Number of vehicles proposed to be parked outside: 4 Number of vehicles permitted 2
outside

LUP-30 (2015)
Notice of
Violation

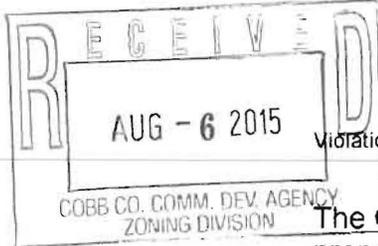


COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY
Code Enforcement Division

Mailing Address
P.O. Box 649
Marietta, Ga 30061

Physical Address
1150 Powder Springs Rd.
Suite 400
Marietta, Ga. 30064

Fax: (770) 528-2092



Notice of Violation

Violation Number: CODE-2015-06527 Date: 7/24/2015

The Cobb County Code Enforcement Division has grounds to believe the property located at:

127 MCCOOK WAY	KENNESAW, GA 30144	16	0789	079	PRD
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or HYLE BARBARA J & JOHN S (127 NORTHWEST MCCOOK WAY KENNESAW, GA 30144)

and/or BARBARA WYNN (Occupant)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from July 24, 2015. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
PERMITTED USE/SINGLE FAMILY DWELLING	134-201 1 (3)	Must comply with all requirements in the attached definition of dwelling unit. see attached

David Miller (david.miller@cobbcounty.org)

770-528-2023

Officer

Telephone

Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG