



## Petition V-107

Search Tags <Jonathan Waldron, Kristina Waldron, Kevin Moore, R-20, Royal Oak Drive, road frontage, home off private easement>

Jonathan and Kristina Waldron, 770-977-5547, represented by J. Kevin Moore, 770-442-7016, request a third home be allowed off a private easement (see applicant's Reason, below).

Property is located off a private easement on the east side of Royal Oak Drive (3209 Royal Oak Drive); 16<sup>th</sup> District, Land Lot 981, Parcel 9.

Size of tract is 4.34 acres, 189,050 s.f.

Minimum lot size is 20,000 s.f.

Present zoning is R-20

Contiguous zoning is: *North*: R-20 (no subdivision, Mitsy Forest subdivision); *East*: R-20 (no subdivision); *South*: R-20 (no subdivision); *West* R-20 (Ruther Valley subdivision)

Land use category: Low Density Residential

Case manager is Marvin Shams

BZA board member is Tom McClesky

**Reason:** *The subject property contains approximately 4.34 acres and is zoned R-20 with an existing residence. The existing access to the Property is limited to a thirty (30) foot private drive off Royal Oak Drive, and the Property has no frontage on a public roadway; and, therefore, the Property is consider a legal, non-conforming use. Additionally, there are a total of three separate tracts, including the Subject Property, which obtain access from the private drive. The Applicants intend to substantially renovate the Property and construct a new home. Therefore, in order for the Property to comply with the R-20 zoning category, a variance must be obtained to waive the minimum public road frontage requirement. Additionally, in order to meet the Development Standards set forth in the Cobb County Zoning Ordinance, a variance to allow two or more drives off a private easement must be obtained. The requested variances are not substantial and would allow otherwise reasonable and existing use of the Subject Property; especially, given that adjoining properties are zoned R-15 and R-20*

*Variances requested:*

- (1) To reduce the required road frontage for a single-family residential lot from seventy-five (75) feet to zero (0) feet. (See 134-197 (4) c of the county zoning ordinance).*
- (2) To waive the Development Standard that access from a private drive be limited to two residential lots.*

Cobb County Development Standards

Section 200 – Plats/Record Drawings

203.03 LOTS ACCESSING PRIVATE EASEMENTS

In those instances where the board of appeals grants a variance for a subdivision of property lacking the minimum public road frontage and an easement is necessary for ingress and egress to the property, there shall be a maximum of three lots permitted, a minimum of 80,000 feet per lot, a

minimum of 25 feet width easement, and the easement and the subdivided lots shall be platted and required to be recorded as restrictive covenants running with the land in the Clerk's Office, County Superior Court. The board of appeals shall be authorized and directed to consider any variance application to this provision so long as the lots shall be a minimum of 40,000 square feet in size (as recommended to the Board of Commissioners per chapter 134-271), a minimum of 20 feet width easement, and a maximum of three lots.

**Staff Comments:**

Please click for [Preliminary Variance Analysis](#)

[Please click for Final Variance Analysis](#)

**ECCA position: NO ACTION.**

No recorded plat provided.

Boundaries of lots off private easement not clearly identified

Access not shown

Applicant agrees that there will only be two lots off the private easement. Final number of lots were in question. Up to 3 lots can be off a private easement. Any larger number of lots means the tract must be a subdivision and meet subdivision requirements.

Lots must be 80,000 s.f.; a variance down to 40,000 s.f. is allowed.

Drawing shows up to six 15,000 s.f. lots in addition to the current house. Two of the lots are in the 100 year floodplain. To redraw land into 15,000 s.f. lots requires a rezoning of the current 4.34 acre R-20 tract.

Tract contains a stream and floodplain, stream buffers and 100 year floodplain limits not clearly shown.

Maximum impervious surface % allowed: 35% / ?? s.f.

Maximum impervious surface % planned: ??% / ?? s.f.

**BZA Action (unofficial): APPROVED, only one additional house to be permitted..**