Commissioners:
Don Bergwall - Chairman
Phillip Jackson - Vice Chairman
Lacey Ragus
Rebecca Patterson
Trey Bodenhamer
Todd Vande Zande
Carolyn Greenall

Planning Commission
Meeting Agenda
October 4, 2023 6:30 PM
Council Chambers

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1. Call to Order / Roll Call

2. Announcements

A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link: www.Facebook.com/City of Kennesaw/. However, comments made on Facebook Live will not be visible by City staff. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.

B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: https://arcg.is/1q1ubX0.

C. New business items on this agenda will be heard by the Mayor and Council on October 16th, 2023.

3. Approval of the Meeting Minutes

A. Meeting minutes from September 6th, 2023

4. New Business

A. Consideration to approve a Land Use Permit application for the property located at 2800 Dominion Ln submitted by applicant Ali Jackson. Case #LU2023-02

B. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Case #MISC2023-08

5. Staff Comment

6. Adjourn

Don Bergwall - Chair,
Phillip Jackson - Vice-Chair,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

MEETING MINUTES
PLANNING COMMISSION
CITY OF KENNESAW
Council Chambers
September 6, 2023
6:30 P.M.

1. Call to Order / Roll Call

- Vice Chairman Jackson calls the meeting to order at 6:30 p.m.
- Roll Call: Phillip Jackson, Lacey Ragus, Todd Vande Zande, Rebecca Patterson & Carolyn Greenall
- Absent: Don Bergwall & Trey Bodenhamer
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Speakers: Jose Gomez

2. Announcements

A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link www.Facebook.com/City of Kennesaw/, however, comments made on Facebook Live will not be visible by City staff. If you will like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to Mayor and Council unless otherwise noted.

B. New business items on this agenda will be heard by the Mayor and Council on September 18, 2023.

C. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: https://arcg.is/1q1ubX0.

3. **Approval of the Meeting Minutes**

A. Meeting Minutes from 8-2-2023 (Regular Meeting)

- Vice Chairman Jackson calls for a motion to approve meeting minutes from August 2nd as submitted.
- Motion of approval by Commissioner Vande Zande.
- Second by Commissioner Greenall.
- Vice Chairman Jackson proceeds with a roll call for approval.
- **All in favor, 4-0. Meeting minutes are approved.**

4. New Business

5. Consideration for approval of a variance application submitted by Jose Gomez for the property located at 2407 Pine Drive (Parcel Number 20016600640). Case #ZV2023-02
   - Vice Chairman Jackson introduces the first new business item.
   - Mr. Albert Trevino comes to the podium and states “This item is a variance case. It's located at 2407 Pine Drive. This is a newly created address for the property, the old address is 0 Woodland Dr. The parcel number is 20016600640. So this request came in to us through a building permit request for a brand new single family home. The applicant, Mr. Jose Gomez, plans to build a new home for his family. This house is a one story traditional modern home with an unfinished basement and each floor is approximately 1,500 square feet. So you'll have a finished 1st floor at 1,500 square feet, and the basement will be unfinished at the same. The architecture of this home will blend in beautifully with the existing homes in the Kennesaw Woodland Acres neighborhood, which is located, of course, between the Kennesaw Due West Road and Pine Mountain Rd access corridors. This home will also be to scale with the other homes, as seen on the screen. The request this evening is to vary from the design standards from our R-15 zoning district. The R-15 district requires that you need at least 15,000 square feet of land area to build and currently this lot size is only 11,999 square feet, so it is short. So the request tonight is to reduce that minimum lot size down to 11,999 square feet. This neighborhood zoning is quite unusual. These lots range from about 150 feet by 80 feet. These lots are typically about 12,000 square feet. This means that many of these lots within this neighborhood are legal, but they're not conforming to today's zoning standards. This can be explained by when this neighborhood was first established sometime in the 1950’s. Many of these homes were built in the mid-50s and at that time, these lots conformed to the zoning. That was the law of the land at that time. But over the years, zoning has changed and the zoning rules have been updated.
   - Mr. Trevino proceeds with the staff recommendation “For this particular scenario it was staff’s recommendation to Mr. Gomez that he should apply for a variance to reduce the lot size rather than apply for rezoning to a lot for a smaller lot size amount. We did not want to create an R-10 island within a sea of R-15. We also wanted to avoid spot zoning, which is not a good practice through the states eyes, also through the cities eyes as well, because this neighborhood is almost all built out. Our recommendation is to reduce the lot size and not to rezone for this particular circumstance. Staff did review the application and the request thoroughly

and we are recommending approval with two conditions. The first condition is that the architectural style of the home that is being built is substantially similar to what is being presented to you all tonight. Substantially similar means using the same exterior materials, same scale, and the same style. We are not holding him to the exact image that he presented, but that it meets that same style and also be compatible to the surrounding homes in the neighborhood. The second condition is that the driveway that is installed on the property should be at least 20 feet from the garage to the curb. This is to allow for cars to be fully parked on the driveway and for them not to be extended out into the roadway. Finally, we advertised this case in the Marietta Daily Journal on August 18th. We posted a public notice sign on the property on the 22nd. We did not receive phone calls or emails for or against this proposal, but the phone calls we did receive were just inquiries about the application."

- Vice Chairman Jackson opens the floor for public comment.
- Mr. D. Duncan (2406 Pine Drive) comes up to the podium to describe his concerns for the property. He states that during years with heavy rain, a mud puddle tends to form on the property. He mentions that a drainage easement exists on the property. He then goes on to explain his concern with how building a home on that property would exacerbate issues with the dead end on that road.
- Commissioner Patterson clarifies that Mr. Duncan's biggest concerns are the parking and water drainage.
- Mr. Duncan further explains his concerns with the drainage easement and dead end.
- Vice Chairman Jackson thanks Mr. Duncan for his comment and opens the floor for further comment.
- Mr. Trevino goes to the podium and states "We take our citizens concerns very seriously. I believe that those are concerns should be dealt with at a staff level. We will most certainly get with our Public Works department for the roadway abandonment or barricade issue and the overgrowth issue. He is correct about the drainage easement on the property to the rear. There is a drainage easement that runs along their property, but this property is free and clear of a drainage easement. Also, there are no streams or stream buffers or state waters that are on this property as well. Staff did look at that and we wanted to verify that that Mr. Gomez was not going to run into any issues. Here, with easements or streams, the home that was built to the rear, they did build out of that drainage easement. He's correct there. There is that issue going on in this corridor of the neighborhood, but we will gladly take care of that at a staff level. We'll give them our cards, we'll get them the appropriate information and hopefully get those issues corrected. However, for as far as this site, it is a buildable lot. The roadway does end halfway towards this lot. It doesn't go all the way down. I don't have the history on that. I think it was maybe supposed to be a cut through back in the 1950s, but Due West Circle came along and there was never a cut through fully established. So half of the lot is accessible by Pine Drive. It is a developed lot. And so we're just here before you asking for the approval for a single family house. But we'll be happy to take care of their questions on a staff level."
- Vice Chairman Jackson opens the floor to questions from commissioners.
- Commissioner Greenall references the plat and states that there is a drainage easement running through the property.

- Mr. Trevino confirms that there is a drainage easement in the bottom left corner of the property, but Mr. Gomez will not be building over it. He explains that the house will be built closer to Pine Drive within the City's setback standards.
- Vice Chairman Jackson calls for a motion.
- Motion of approval by Commissioner Vande Zande to approve the variance request with the two conditions as outlined by staff.
- Seconded by Commissioner Greenall.
- Vice Chairman Jackson proceeds with a roll call for approval.
- **All in favor, 4-0. Motion is approved.**

6. Staff Comment

A. "Historic Downtown Walking Tour," offered by the Historic Preservation Commission on Friday, September 22nd @ 2PM and 6PM and Saturday, September 23rd @ 10AM and 2PM presented by Andrew J. Bramlett. This event is free. Register online. Each tour is approximately half-a-mile, lasts 45 minutes and can accommodate up to 20 people.

- Mr. Trevino talks about the walking tour being hosted by Andrew Bramlett walking through the Historic District. He mentions that all slots for the tour have been filled up and are closed. He states he is confident that there will be another historic walking tour in the future.
- Mr. Trevino mentions that this will be his last Planning Commission meeting with the City of Kennesaw. He thanks the commissioners for their hard work and support.

7. Adjourn

- Vice chair Jackson calls for a motion to adjourn
- Motion to adjourn by Commissioner Greenall
- Seconded by Commissioner Patterson
- Time: 7:00 p.m.

DRAFT

Item Report

TO: The Planning Commission

FROM: Darryl Simmons, Zoning Administrator

DATE: October 4, 2023

TITLE: Consideration to approve a Land Use Permit application for the property located at 2800 Dominion Ln submitted by applicant Ali Jackson. Case #LU2023-02

Summary:
Said request is for the purpose of obtaining a home occupational business license to become a cottage food operator that would allow for the baking and selling of cookies. Property is zoned RM-8 (Multi-Family 8 units per acre) and consists of 0.03 +/- acres, lies in Land Lot 139 and Tax Parcel 117. This public hearing was advertised in the Marietta Daily Journal on September 15th, 2023 and a public notice sign has been posted on-site. At their October 4th, 2023 meeting, the Planning Commission voted to _____ the Land Use Application with the conditions as outlined by staff.

Recommendation:
The Zoning Administrator recommends to approve the Land Use Application with the following conditions:

1.) The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.

2.) There shall be no clients, customers or employees at this location. Nor shall there be any evidence of a home based business visible from the public right-of-way.

3.) This land use permit shall be valid for 24 months after date of business license issuance.

Fiscal Impact:

Attachments:
1. LU2023-02 - Application - 2800 Dominion Lane_Redacted

2. LU2023-02_Aerial Map

Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue 770-590-8268

Darryl Simmons
Planning & Zoning Administrator

LAND USE & SPECIAL LAND USE APPLICATION

If property identified is located within the Kennesaw Historic District and there are exterior improvements or changes to be made such as, façade, parking, landscaping, signage, etc. applicant must follow application procedures to the Historic Preservation Commission. Please consult with Planning and Zoning Staff.

For questions, please feel free to contact the Planning and Zoning Department at 770-590-8268.

Planning Commission meetings are held on the 1st Wednesday of each month at 7:00 P.M.
The Mayor and Council meetings are held the first and third Monday of the month at 6:30 P.M.
Both meetings are held in the City Hall Council Chambers, 2529 J.O. Stephenson Avenue.

When the application and all checklist items have been properly completed and filed with the Planning and Zoning Department, the applicant will be notified of the date of hearing(s).

- [x] **Original application completed, signed and notarized**
- [ ] **Land Use & Special Land Use fees – *$250.00***
- [x] **A copy of the warranty deed for said property that includes the full legal description/ in word format.**
- [x] **A copy of the current taxes paid in full for said property from the Cobb County Tax and City of Kennesaw Tax Departments**
- [x] **Current copy of boundary survey and plot plan, to scale, prepared by a registered surveyor or registered engineer. Such plans shall also include such other information thereon as may be required by the zoning department, including preliminary plans for development, building locations, parking areas, access points, adjacent streets, land lot lines, buffer areas, future right of way, wetlands, floodplains, utilities and retention. Copy sized 81/2 x 11 inches.**
- [x] **Applicant or agent must be present at all public hearings**
- [x] **Documentation authorizing petitioner to submit application by property owners if petitioner is not owner**
- [x] **Completed application and supporting documents listed on one Flash Drive or email to zoningdept@kennesaw-ga.gov in PDF format**

Note: The Department of Planning & Zoning reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

- [x] Floor plan sketch
- [x] Photos of workspace, equipment, finished product(s)
- [x] HOA letter

LAND USE & SPECIAL LAND USE APPLICATION

CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, THE CITY OF KENNESAW DOES NOT DISCRIMINATE ON THE BASIS OF RELIGION IN THE APPLICATION OF ITS LAWS, POLICIES, OR PROCEDURES, INCLUDING THE APPLICATION OF ITS LAND USE REGULATIONS AND ZONING LAWS.

Under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), no government, including the City of Kennesaw, may apply its zoning or land use laws in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution. RLUIPA also provides that no government, including the City of Kennesaw, may apply a land use regulation in a manner that treats a religious assembly or institution (a church, for example) on less than equal terms than a nonreligious institution or assembly (a day care center or movie theater, for example). Finally, RLUIPA provides that no government, including the City of Kennesaw, may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

If you believe that the City of Kennesaw, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, please contact the United States Department of Justice at:

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. –G St.
Washington, DC 20530

LAND USE & SPECIAL LAND USE APPLICATION

Required Fee $250.00

Date Received 8/11/2023
Staff's Initials AT

☒ **LAND USE APPLICATION** ☐ **SPECIAL LAND USE APPLICATION**

Is this property located within the Kennesaw Historic District (yes)_____(no) X

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.
(Applicant or agent must be present at all public hearings)

Date of Consultation 8/2/2023 Staff's Initials AT

PURPOSE OF LAND USE REQUEST To obtain a home occupational business license to be a food cottage operator. Applicant will be baking cookies from home and selling them online or by word of mouth. Each cookie is hand painted with a piping bag.

LAND USE PROPERTY ADDRESS 2800 Dominion Lane

Land Lot 139 Tax Parcel 117 Lot Size .023 Current Zoning RM-8

APPLICANT Ali Jackson

APPLICANT EMAIL [redacted]

Applicant address 2800 Dominion Lane, Kennesaw, GA 30144

(Home#)_____(Fax#)_____(Work#)_____

(Cell#) [redacted]

Applicant Signature _____

Signed, sealed and delivered in presence of: _____ 8/2/23
Notary **Date**

REPRESENTIVE William Mark Jackson

(Fax #)_____(Work#)_____(Cell#) [redacted]

Representative Signature _____

Signed, sealed and delivered in presence of: _____ 8/2/23
Notary **Date**

TITLEHOLDER: Same as Applicant **Telephone:** Same as Applicant

Signature: _____ **Address:** Same as Applicant

Signed, sealed and delivered in presence of: _____ 8/2/23
Notary **Date**

JANET L POWELL NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 20, 2025

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

A separate form must be completed by each applicant).

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars ($250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application? **WRITE YES OR NO:** NO

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

_____

_____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

_____

_____

An enumeration and description of each gift having a value of two hundred fifty dollars ($250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 2 day of August, 2023

_____

Applicants Signature

[1] If the answer to any of the above is "'Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

[2] Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

A separate form must be completed by each applicant).

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars ($250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application? **WRITE YES OR NO:** No

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

_____

_____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

_____

_____

An enumeration and description of each gift having a value of two hundred fifty dollars ($250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 14 day of August, 20 23

_____

Applicants Signature

[1] If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

[2] Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

PLEASE TAKE NOTICE

That the undersigned has applied to the Planning Commission and Mayor and Council of the City of KENNESAW for the following:

To obtain a home occupational business license to be a food cottage operator.
Applicant will be baking cookies from home and selling them online or by word of mouth.

The property referred to is located at:

2800 Dominion Lane

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and is within a 200-foot radius of your property. It is described as Land Lot 139 20th District, 2nd Section, Tax Parcel 117 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 10/4/2023 at 6:30 p.m., and the Mayor and Council on 10/16/2023 at 6:30 p.m. in the City Hall Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. You may appear in person or by attorney and may present any objections, which you may have to the granting of this request. All documents relating to this application are enclosed for your review. The applicant, by order of the Planning Commission, Mayor and Council, sends this notice to you.

Dated 08/02/23

Signed by the owner or applicant

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200 feet was sent out on or before September 15, 2023 in accordance with the application requirements.

08/02/23

Date

Applicant or Authorized Agent Signature

Sworn and subscribed before me this 2 day of August 20 23

Notary Public

JANET L POWELL NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 20, 2025

Section 2100, Part 5 Standards for Decisions – Only Land Use Permits

Land Use Permits may be granted in such individual cases based on the standards for decisions as follows, please comment using additional pages if necessary.

	COMMENTS:
(1) Safety, health, welfare, and moral concerns involving the surrounding neighborhoods.	Very low impact type of establishment. All activities indoors. No toxic materials or heavy equipment. No additional traffic or clients coming to the property.
(2) Parking and traffic considerations.	None. Products delivered to the house by FedEx/Amazon/UPS. No customers visiting the property, therefore no additional traffic generated.
(3) Number of non-related employees.	None. Zero non-related employees.
(4) Number of commercial and business deliveries.	None. Supplies ordered through Amazon. No large delivery trucks. Supplies are delivered by Amazon, FedEx, or UPS.
(5) The City's general presumption that residential neighborhoods should not allow non-compatible business uses.	Low impact business. All activities conducted inside. No traffic generated or customers coming to the property.
(6) Compatibility of the business use to the neighborhood.	Business is compatible with the neighborhood. The HOA wrote a letter of approval (attached).
(7) Hours of operation.	I bake and decorate outside of my full-time job. Hours of operation are weeknights and weekends. Operations take place inside the privacy of my own home. No posted business hours to the public.
(8) Existing business uses in the vicinity.	To my knowledge, there are no existing businesses operating out of the surrounding neighbor properties.
(9) Effect on property valued of surrounding property.	None. No effect to the value of the surrounding properties.
(10) Circumstances surrounding neighborhood complaints.	To my knowledge, there are no complaints.
(11) Intensity of the proposed business use; and	Low intensity business. All business activities take place inside the home.
(12) Location of use within the neighborhood.	Utilizing my kitchen in my house, which is the very last property in my neighborhood.

Deed Book 15828 Page 3987
Filed and Recorded 11/24/20 8:49:00 AM
2020-0154745
Real Estate Transfer Tax $230.00
Rebecca Keaton
Clerk of Superior Court
Cobb County, GA
Participant IDs: 3076672330

Return to: MCMANAMY MCLEOD HELLER, LLC
3520 PIEDMONT RD, SUITE 110
ATLANTA, GA 30305
File # 20-01-11425
Parcel ID: 20-0139-0-117-0

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE made this **13th day of November, 2020** between

Wesley Matthew Jackson

as party or parties of the first part, hereinafter called Grantor, and

Ali Sikes Jackson

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT NO. 139, OF THE 20TH DISTRICT, 2ND SECTION, OF COBB COUNTY, GEORGIA, BEING LOT NO. 2800 A/K/A UNIT 11, THE DOMINION AT KENNESAW TOWNHOMES SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 210, PAGES 47-48, COBB COUNTY, GEORGIA RECORDS, AS REVISED AT PLAT BOOK 240, PAGES 32-33, COBB COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY ADOPTED AND MADE A PART HEREOF BY REFERENCE THERETO FOR A MORE COMPLETE DESCRIPTION OF SAID PROPERTY, BEING IMPROVED PROPERTY NOW OR FORMERLY KNOWN AS 2800 DOMINION LANE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN COBB COUNTY, GEORGIA.
MAP PARCEL NUMBER 20-0139-0-117-0

Subject to all easements and restrictive covenants of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims passing by or through Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public
My Commission expires:

[Notary Seal]

HALEY ROOS NOTARY PUBLIC GEORGIA FULTON COUNTY EXPIRES December 5, 2023

W. Matthew Jackson (Seal)
Wesley Matthew Jackson

_____ (Seal)

_____ (Seal)

Printed: 7/27/2023

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
WELLS FARGO REAL ESTATE TAX SERVICE

JACKSON ALI SIKES

Payment Date: 9/27/2022

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2022	20013901170	10/15/2022	**Pay:**	N/A	or	$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
$0.00	$0.00	$0.00	$0.00	$2,710.48	**$0.00**

Scan this code with your mobile phone to view this bill!

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2022
Property Tax Bill

Parcel ID	Tax District	Bill #
20013901170	3/3-BOND - KENNESAW CITY	235736

Property Owner/Location/Description	Fair Market Value	Taxable Value
JACKSON ALI SIKES 2800 DOMINION LN UNIT 3	263,620	105,448

Levies	Taxable Value	- Exemptions	= Net Assessment	X Tax Rate	= Net Tax
BOND	105,448	0	105,448	1.5000000000	$158.17
CITY OF KENNESAW	105,448	25,564	79,884	8.0000000000	$639.07

Exemptions:

111 - Floating Exemption

Current Year Tax	$797.24
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$797.24
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/01/2022

Per House Bill 960, to arrive at the property tax interest rate, divide10.5% by 12, which equals .875%. This interest rate will continue to accrue on a monthly basis, based on an annual calculation of Federal Prime Rate (7.5%) plus 3%.

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Payments can be made online at www.municipalonlinepayments.com/kennesawga, in person, by mail or via our dropbox. Tax bills are mailed annually on October 1, with a due date of December 1.

Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office. For all other questions or concerns regarding this statement, give us a call at 770-429-4542.

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to : City of Kennesaw Property Tax Division and include the Parcel ID on your check.

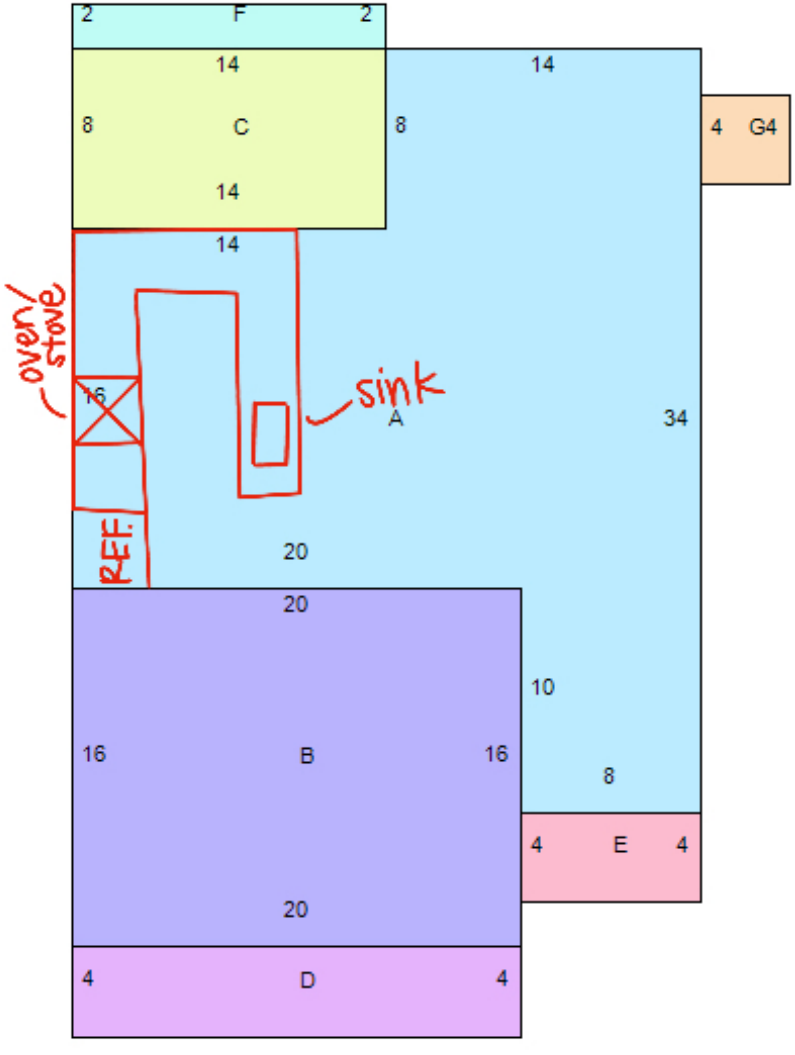
For your convenience, you may pay by check, money order, Discover, Mastercard, AMEX, VISA.
3% fee and $3.50 per transaction fee added to debit/credit card payments. $1.25 fee per ECheck transaction paid online.

Parcel ID:	20013901170
Amount Due:	$0.00
Bill#:	235736
Due Date:	12/01/2022
	AMOUNT PAID

JACKSON ALI SIKES
2800 DOMINION LN NW
KENNESAW, GA 30144

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

	Room Type	Area
	A Main Area	640
	B 1 STORY FRAME/FRAME GARAGE	320
	C 1 STORY FRAME/UNFIN BASEMENT	112
	D FRAME GARAGE	80
	E OPEN PORCH	32
	F FRAME OVER HANG	28
	G WOOD DECK	16



Amanda & David
T
Amanda & David
T

PLATFORM
9 3/4
Hogwarts

THE ERAS TOUR

GRAND TETON NATIONAL PARK
YELLOWSTONE NATIONAL PARK
ZION NATIONAL PARK
DENALI NATIONAL PARK
GLACIER NATIONAL PARK
ARCHES NATIONAL PARK

Hocus Pocus
Hocus Pocus
OH LOOK ANOTHER glorious MORNING... MAKES ME sick
makin' dough
Hocus Pocus
I put a spell on you

30101
H
30101
home sweet home
H

Merry Christmas
Merry Christmas

give thanks

homeside PROPERTIES
An Associa® Company

August 2, 2023

To whom it may concern:

According to the Dominion at Kennesaw Covenants, Ms. Ali Jackson who resides at 2800 Dominion Lane, Kennesaw, GA 30144 is allowed to have an office for business purposes out of her home as long as it does not create regular customer traffic. Please see the specific rule below:

> Section 1. Residential Use. All Lots shall be restricted exclusively to single-family residential use. The use of a portion of a dwelling as an office by an Owner shall not be considered to be a violation of this covenant if such use does not create regular customer, client or employee traffic. The use of a dwelling or a portion thereof for business meetings, entertainment, or the enjoyment or business of the Owner's employees, trustees, agents, clients, or customers shall not be considered to be a violation of this covenant if such use does not create regular customer, client or employee traffic. Nothing herein shall be construed to prohibit or prevent Declarant or any builder of residences on the Property from using any Lot owned by Declarant or such builder for the purpose of carrying on business related to the development and sale of Lots and/or new homes on Lots.

If you have any questions, please do not hesitate to contact me.

Thank you!

Barbi D'Ambruoso
Community Association Manager for Dominion at Kennesaw
Homeside Properties
900 North Point Parkway
Suite 325
Alpharetta, GA 30005

LAND CASES		LAND USE OR ZONING FROM	TO
AV	LU2023-02		
AX	RZ		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2800 Dominion Lane
Land Lot 139, Tax Parcel 117
Subject Property

CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268

Derek Easterling MAYOR
Lea Alvarez CITY CLERK

Scale: 1 " = 100 '
Print Date: 8/22/2023
LU2023-02_Aerial Map

Item Report

TO: The Planning Commission

FROM: Darryl Simmons, Zoning Administrator

DATE: October 4, 2023

TITLE: Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Case #MISC2023-08

Summary:
Said request is to amend the Kennesaw Code of Ordinances by amending Appendix A "Unified Development Code," Chapter 4 "Site Design Standards" Section 4.04.05 "Standards for Home Occupations," Chapter 5 :Standards for Accessory and Temporary Uses" Section 5.03.05 "Permit Required" and Section 5.03.18 "Restrictions Based on Location"

Recommendation:
The Zoning Administrator recommends approval of the text amendments.

Fiscal Impact:

Attachments:
1. Proposed Ordinance
2. MDJ Legal Ad

4.04.05~~712.04~~ Standards for ~~H~~home occupations.

A. *Intent and Purpose.* Certain occupational uses termed "home occupations" are allowed in dwelling units on the basis that such uses are incidental to the use of the premises as a residence. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses:

1. Are incidental to the use of the premises as a residence;
2. Are conducted within the bona fide residence of the principal practitioner;
3. Are compatible with residential uses;
4. Are limited in extent and do not detract from the residential character of the neighborhood.

B. *Definition of Accessory Home Occupations.* There are 2 types of home occupations, Type A and Type B. Permit requirements and uses allowed in each type vary and are allowed only if they comply with all of the requirements of this ordinance. Deviation from any standard requires ~~a variance~~ approval of a land use permit from the City Council. For purposes of the section, Virtual Home Office means a single computer and related accessories dedicated to business use.

1. In Type A home occupations, resident(s) use their home as a ~~place of work, home office~~Virtual Home Office only. ~~or business mailing address~~. Employees, clients, ~~or~~ customers, or delivery personnel are prohibited from coming to the residence~~site~~. ~~Examples include artists, crafts people, writers and consultants.~~
2. In Type B home occupations resident(s) use their home for work, home office, sales, deliveries, or business mailing address which requires or results in ~~either~~ an employee, ~~or~~ consultant, ~~or~~ agent, ~~or~~ subcontractor, ~~or~~ customer, or delivery personnel coming to the ~~site~~residence. Examples are counseling, tutoring, and certain office uses. Type B home occupations must obtain a special land use permit from the City Council due to their greater possible impact on the surrounding neighborhood as a result of individuals and visitors from outside the neighborhood coming to the property.

C. *General Provisions and Prohibited Uses.* All home occupations shall meet the following:

1. A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than 750 square feet~~,~~ or 25% of the floor space of the dwelling unit, whichever is less (including attached garages), may be used for the occupation.
2. There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting. Any alteration or addition which expands the floor area of the principal structure dedicated to the home occupation use shall void the existing business license and require a new business license be obtained, subject to property compliance verification by the ~~Department of Development Services~~Planning and Zoning Department. For Type B home occupations, a new public hearing must be held for the rights associated with the special land use permit to be reestablished.
3. There shall be no outside operations or exterior storage of inventory or materials to be used in conjunction with a home occupation.

4. Off-site employees of the resident shall not congregate on the premises for any purpose concerning the home occupation nor park their personal vehicles at the location.

5. No article, product, or service used or sold in connection with such activity shall be other than those normally found on the premises.

6. No more than 1 vehicle associated with the home occupation may be parked at the site. Such vehicle is limited to 1½-ton carrying capacity and must be used exclusively by the resident and parked on a valid improved surface.

7. No use or activity may create a nuisance, including but not limited to, noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard.

8. All home occupations shall be subject to periodic inspections by the ~~Department of Development Services~~Business License Department or Code Enforcement.

9. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.

10. Group instruction, assembly, or activity shall be prohibited.

11. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

12. Such use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed in such occupation.

13~~2~~. The Business License Department ~~of Development Services~~ must approve all business licenses which shall be recertified annually.

D. *Specific Criteria for Type A Home Occupations.* In addition to the general criteria established in Subsection C., Type A home occupations are subject to the following restrictions:

1. No clients, nonresident employees, ~~or~~ customers, or delivery personnel are allowed on the premises.

2. ~~Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than 2 axles and shall be restricted to no more than 2 pickups or deliveries per day between the hours of 8:00 a.m. and 6:00 p.m.~~ Deliveries in regard to the business shall be made to an off-site location.

3. No signage regarding the home occupation is permitted on the property.

4. No advertisement shall be placed in any media (including flyers soliciting business) containing the address of the property.

5. No more than one Type A home occupation per dwelling is permitted.

6. Type A home occupation applications shall be submitted to the Business License Manager for approval. The denial of an application by the Business License Manager may be appealed to the City Council.

E. *Specific Criteria for Type B Home Occupations.* In addition to the general criteria established in Subsection C., Type B home occupations are subject to the following restrictions:

1. A Special Land Use Permit must be obtained from City Council following a public hearing, which shall follow the same procedures and fees set forth in ~~Division 720~~Chapter 10 of the UDC and be advertised in the same manner as applications for rezoning and that public hearing will be held thereon in the same manner as application for rezoning are so conducted. City Council shall consider the desires of

the immediate neighborhood, the nature of the proposed business, the availability of parking, traffic generation and any other issue that may detract from the residential character of the area and property values.

~~2. No Type B home occupation may be established in districts zoned for multifamily residential purposes.~~

2. There shall be no deliveries of supplies for use in the home occupation or pickups of the items produced by the occupant by commercial carriers.

3. No more than one Type B home occupation per dwelling is permitted.

4. Uses that may be permitted as Type B home occupations include those in which only the occupants of the dwelling and 1 additional employee or consultant or agent or subcontractor shall be authorized to work on the premises. Visitation by clients in conjunction with a home occupation shall be limited to 2 per week; provided however, that the following exception is made for purposes of meeting overriding public goals of education:

   Tutoring or the instruction of music, dance, arts and crafts and similar subjects, limited to 2 students in home at 1 time.

5. The following uses are specifically prohibited as Type B home occupations (list not all-inclusive): auto sales or auto repair; restaurants or any preparation of food or drink; animal hospitals; veterinary clinics; kennels or the keeping of animals; funeral homes; retail or wholesale shops; personal service establishments; special events facilities; lodging services; or day care.

6. Customers may visit the site only between the hours of 8:00 a.m. and 8:00 p.m.

7. In no event shall the Mayor and City Council grant a land use permit for a period in excess of 24 months except on re-application, re-advertisement, and public hearing.

~~7. The applicant for any proposed Type B home occupation must provide city staff with a copy of the most recent recorded protective covenants applicable to the subject property. The applicant must submit a copy of the request to the homeowner's association, if any, and must provide a copy of the response, if any, to the city staff. The burden of proof shall be upon the applicant to show that the proposed use is allowed by the protective covenants; and~~

~~8. If the proposed use clearly violates the subdivision covenants, staff shall have the authority to deny the application. The applicant may appeal the denial to City Council at the next regularly scheduled meeting, but such an appeal shall not require a public hearing. If Staff's decision is affirmed by City Council, the matter shall be concluded. If City Council reverses staff's decision, the matter would be placed on a subsequent City Council agenda for a full public hearing.~~

F. Standards for decision. The Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a land use permit:

1. Safety, health, welfare, and moral concerns involving the surrounding neighborhood;
2. Parking and traffic considerations;
3. Number of nonrelated employees;
4. Number of commercial and business deliveries;
5. The city's general presumption that residential neighborhoods should not allow non-compatible business uses;
6. Compatibility of the business use to the neighborhood;
7. Hours of operation;
8. Existing business uses in the vicinity;
9. Effect on property values of surrounding property;
10. Circumstances surrounding neighborhood complaints;

11. Intensity of the proposed business use; and
12. Location of use within the neighborhood.

G. A land use permit is a privilege permit and may be revoked by the Mayor and City Council following notice and hearing should the use be deemed to be a nuisance or create a safety hazard.

H. A land use permit does not guarantee that the proposed use by the applicant complies with homeowner's associations declarations and covenants or lease agreements. Said covenants or lease agreements may contain additional provisions that limit the applicant's ability to operate a home occupation. It shall be the sole duty of the applicant to determine whether said declaration or agreements allow a home occupation. This section is not intended to interfere with any contractual provision contained in said covenants or agreements.

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770)795-3050

ORDER CONFIRMATION

Salesperson: KELLY HICKS — Printed at 09/20/23 12:18 by khick-tj

Acct #: 110016 — Ad #: 366954 — Status: New WHOLD

CITY OF KENNESAW
2529 J.O. STEPHENSON AVE
KENNESAW GA 30144

Start: 09/22/2023 — Stop: 09/29/2023
Times Ord: 2 — Times Run: ***
LEG 1.00 X 3.04 Words: 200
Total LEG 3.04
Class: 8003 PUBLIC HEARING
Rate: LEGL — Cost: 60.00
Ad Descrpt: PH-7456 UNIFIED DEVELOPME
Descr Cont: MDJ-7456 GPN-16 CITY OF K
Given by: NATALIE FAUSTINE
P.O. #: PUBLIC HEARINGS
Created: khick 09/20/23 12:11
Last Changed: khick 09/20/23 12:18

Contact:
Phone: (770)424-8274
Fax#:
Email: DSIMMONS@KENNESAW-GA.GOV
Agency:

PUB	ZONE	EDT	TP	RUN DATES
MDJ	A	95	S	09/22,29

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

_____ Name (print or type)

_____ Name (signature)

.

MDJ-7456
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 4, SECTION 4.04.05 Standards for Home Occupation and CHAPTER 5, SECTIONS 5.03.05 Permit Required and 5.03.18 Restrictions Based on Location.

A copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8 a.m. to 5 p.m. for public viewing. The Planning Commission shall hold a meeting on October 4th at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on October 16th at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: **https://www.facebook.com/CityofKennesaw/**

Any interested citizens are invited to email **kennesawcouncil@kennesaw-ga.gov**.

9:22-2023