

20110086

Z2011-03 Eddie R. Gomez 712 Lawrence Street

Z2011-03 [REZONING] EDDIE R. GOMEZ request rezoning for property located in Land Lot 12140, District 16, Parcel 0910, 2nd Section, Marietta, Cobb County, Georgia and being known as 712 Lawrence Street from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with additional use as a residence. Ward 5.

File #20110086 (Z2011-03) was presented by Mr. Roth for property located in Land Lot 12140, District 16, Parcel 0910 and being known as 712 Lawrence Street.

The petitioner, Eddie R. Gomez, is requesting Community Retail Commercial (CRC) with an additional use to continue the property as a residence. Mr. Gomez introduced Mr. Lipop who is the resident and related by marriage to Mr. Gomez.

Mr. Gomez gave a brief history of the property and business. Mr. Lipop is a housing contractor and due to the slow economy, Mr. Gomez would like to extend the use of this property to Mr. Lipop as a residence. There are no intentions of changing the zoning to a residence.

Mr. Bob Lipop spoke and gave background information before the Board of Zoning Appeals last year.

Mr. Kinney discussed the similarity between the recently rezoned property on South Marietta Parkway and subject location. The property on South Marietta Parkway was rezoned to residential by City Council and, if and when the time comes, the owner can request commercial zoning. Mr. Kinney stated that he sees the consistency and precedent set with the South Marietta Parkway case happening with the Gomez property. Mr. Kinney trusts that the applicant will not have a problem going to R-4 until such time as a commercial zoning is needed.

Mr. Gomez advised Mr. Kinney that the houses around this property are residential. Mr. Gomez is aware if the property is changed to residential and then back to commercial, that would create a financial hardship to get it back to commercial status (i.e. paving back parking lot).

Chairman Dollar questioned the actions of the Board of Zoning Appeals regarding the removal of the barbed wire. Mr. Lipop stated the tractor trailer used for storage has been removed. Being no small children in the vicinity, the barbed wire was withdrawn as an objection by the Board of Zoning Appeals and has not been removed.

Chairman Dollar and Mr. Gomez discussed converting the property back to commercial after its use as a residence.

Mr. Kinney moved to recommend to City Council that this be approved as submitted, seconded by Mr. Carter. Motion carried 6 – 0 – 0.

A motion was made by R. W. "Bob" Kinney, seconded by Kenneth Carter, that this matter be Recommended for Approval . The motion carried by the following vote:

Absent: 1 - Sonnenfeld

ADJOURNMENT:

The March 1, 2011 Planning Commission Meeting adjourned at 6:15 p.m.

KEN DOLLAR, CHAIRMAN

PATSY BRYAN, SECRETARY