



## **Community Development – Zoning Division**

John Pederson – Division Manager

### **ZONING CASE**

Z-5-2024

### **SITE BACKGROUND**

Applicant	Marianna Kovitch
Phone	678-469-3669
Email	mlikkind@gmail.com
Representative Contact	J. Kevin Moore
Phone	770-429-1499
Email	jkm@mijs.com
Titleholder	Mt. Bethel Church, Inc.
Property Location	Located on the south side of Lower Roswell Road, west of Woodlawn Drive
Address	4608 Lower Roswell Road
Access to Property	Lower Roswell Road

### **QUICK FACTS**

Commission District	2-Richardson
Current Zoning	RA-4
Current Use of Property	Church
Proposed Zoning	LRO
Proposed Use	Medical Office
Future Land Use	PI
Site Acreage	1.139
District	1
Land Lot	9, 10
Parcel #	01001000140
Taxes Paid	Exempt

### **FINAL ZONING STAFF RECOMMENDATIONS**

(Zoning Staff Member: Terry Martin, AICP, CNU-A)

Based on the analysis of this case, Staff recommends **DELETION TO LPSP LIMITED PROFESSIONAL SERVICES PERMIT**, subject to:

1. Site plan dated January 2, 2024, with District Commissioner approving minor modifications;
2. Health practitioner or professional office use only with specific users subject to District Commissioner approval;
3. Landscape plan which includes a 10 foot buffer adjacent to existing residential properties to be approved by the District Commissioner;
4. Department of Transportation comments and recommendations;
5. Fire Department comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Water and Sewer Division comments and recommendations.



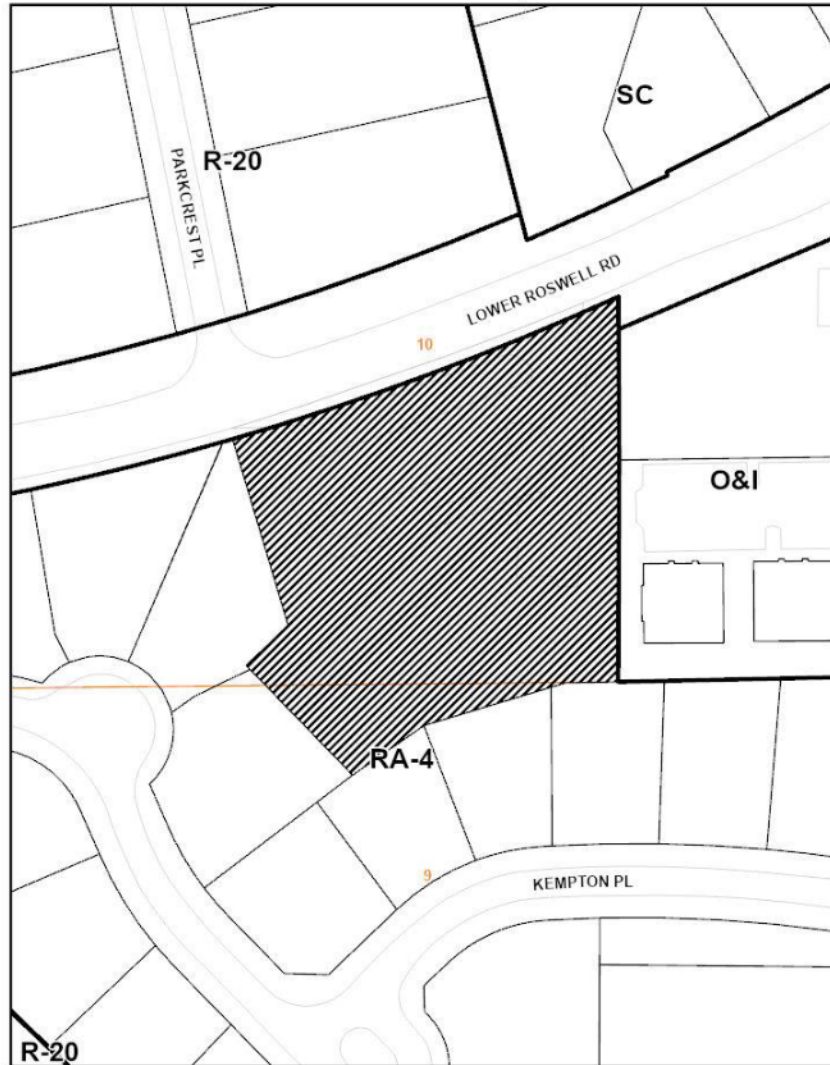
## Z-5 2024 Aerial Map



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

0 65 130  
Feet

— Zoning Boundary  
— City Boundary

North**Zoning:** R-20, RA-4 / Single-family residences**Future Land Use:** MDR**Z-5 2024 Map**WEST**Zoning:** RA-4 /  
Single-family  
residences**Future Land  
Use:** MDREAST**Zoning:** O&I /  
Professional  
Office Park and  
Former Mt.  
Bethel Day Care  
Center**Future Land  
Use:** MDRSOUTH**Zoning:** RA-4 / Single-family residences**Future Land Use:** MDR

**Current zoning district for the property**

The RA-4 district is established to provide locations for the development of single-family detached or attached residential dwelling units including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the RA-4 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

**Requested zoning district for the property**

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

**Summary of the applicant's proposal**

The applicant is requesting a rezoning to the LRO low rise office district in order to reuse the existing property for a dental/medical office. The existing building will be utilized, with renovations to the exterior and interior and upgrades to the landscaping, signage, and parking. There is no new, additional development of the parcel proposed. Hours of operation for the future tenant will be Monday through Friday 8:00 a.m. to 6:00 p.m.

**Non-residential criteria**

Proposed # of buildings: 1, existing  
Proposed # of stories: 1, existing  
Total sq. footage of development: 6,060 square feet  
Floor area ratio: 0.12  
Square footage per acre: 5,320  
Required parking spaces: 16  
Proposed parking spaces: 31  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 49.6%

**Are there any zoning variances?**

Yes;

1. Reduce the side setback for an accessory structure under 650 square feet (existing approximately 600 square foot canopy) from required 20 feet to zero feet adjacent to the west property line; and
2. Increase the maximum allowable impervious coverage from required 40% to 49.6% (existing).

**Are there any environmental conditions existing or proposed on the site?**

None identified by the applicant.

12/20/24

**The proposed zoning case must address the comments listed below by prescriptive code or equivalency, as approved by the Cobb County Fire Marshal's Office**

**Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.**

**CERTIFICATE OF OCCUPANCY:**

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. Site plan approval must be issued prior to approval of building plans.

**FIRE PROTECTION:**

Automatic sprinkler protection must be provided where mandated by the applicable codes.

**Jeff Byrd**

(770) 528-8814

[Jeffrey.Byrd@cobbcounty.org](mailto:Jeffrey.Byrd@cobbcounty.org)

## **Z-5-2024 DEPARTMENT COMMENTS – Site Plan Review**

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**12/21/2023**

**As determined by the Site Plan Review Section, the property owner may be required to obtain a Land Disturbance Permit to perform any site modifications, as required per stipulation approval (fencing, landscaping, curb/gutter & sidewalk installation, etc.) or otherwise. Contact Site Plan Review, 770-528-2147.**

## **Z-5-2023 DEPARTMENT COMMENTS – Cemetery Preservation**

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No comment

## **Z-5-2024 DEPARTMENT COMMENTS – School System**

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**2/6/24**

Approval of this petition will not have an impact on the enrollment of schools.

**12/29/2023**

### **Site Data**

1. Address: 4608 Lower Roswell Rd
2. District: 2
3. Existing Zoning: RA-4                      Existing Allowable Impervious Coverage: 40%
4. Proposed Zoning: LRO                      Allowable Future Impervious Coverage: 70%
5. Future Land Use: PI

### **Existing Conditions**

#### **Floodplain Information**

1. Flood Damage Prevention Designated Flood Hazard: No

#### **Stormwater Information**

1. Drainage Basin: Tributary to Sope Creek
2. State Stream Buffers: No
3. County Stream Buffer Ordinance: No
4. Impaired Stream: Yes: If the site is within a one-mile radius of an impaired stream additional Erosion Control BMP's per the State's current requirements will be required. It is the Engineer's responsibility to verify Impaired Streams per the State EPD's list.
5. Hotspot: No
6. Wetlands: No
7. Water Intake Zone: No
8. Chattahoochee River Corridor: No
9. Existing Onsite Ponds / Lake: No

#### **Topography Information**

1. General site Description: The site is developed with and existing building and parking lot. Runoff from the site drains to an existing detention pond onsite.

### **Project Design Comments and Recommendations**

*The following comments and recommendations are typically required at the time of plan review and permitting.*

1. **At this time there are no present or future site improvement/modifications proposed.**
2. Any Future improvements to the site will be considered a redevelopment project. Redevelopment projects that create, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves other land disturbing activity of one acre or more. Therefore, requiring an updated stormwater management facility that may require runoff reduction, water quality, and detention per the Georgia Stormwater Management Manual (GSMM).

12/29/2023

**Comprehensive Plan Future Land Use Designation:** Public Institutional

The subject tract is within the Public Institutional (PI) future land use category. The purpose of PI is to provide for certain state, federal or local government use and institutional land uses such as government building complexes, police and fire stations, colleges, churches, hospitals, etc. While the future land use map reflects existing uses, it is important to realize that uses in this category have the potential to be developed at a regional, community or neighborhood scale. Any use in this category should be developed in a manner consistent with other policies in this plan.

**Future Land Use Sub-Category?** N/A☐ Consistent ☒ Inconsistent

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**House Bill 489 Intergovernmental Agreement Zoning Amendment Notification**

Is the proposal within one-half mile of a city boundary? ☐ Yes ☒ No

If yes, which City: N/A

Was the city notified? N/A

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**Specific Area Policy Guidelines:** ☐ Yes ☒ No  
**Policy:**

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**Masterplan/ Corridor Study:** ☐ Yes ☒ No  
**Name of Masterplan/Corridor Study:** N/A

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**Design guidelines area?** ☒ Yes ☐ No  
**If yes, design guidelines area?** Johnson Ferry Road  
**Does the proposal plan comply with the design requirements?** No

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**Is the property within an Opportunity Zone?** ☐ Yes ☒ No  
**If yes, Opportunity Zone?** N/A

*(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)*

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**Is the property within an Enterprise Zone?** ☐ Yes ☒ No  
**If yes, Enterprise Zone?** N/A

*(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)*

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**Is the property eligible for the Façade Improvement Program?** ☐ Yes ☒ No

*(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites)*

(continued)

or in a corridor study area and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

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**Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?**

☐ Yes ☒ No

*(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)*

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**Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at [www.cobbcounty.org/econdev](http://www.cobbcounty.org/econdev).**

**Special District:**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

☐ Yes ☒ No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

☐ Yes ☒ No

Is this property within the Six Flags Special Service District?

☐ Yes ☒ No

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**Dobbins Air Reserve Base Zones:**

Is the property within the Dobbins Airfield Safety Zone?

☐ Yes ☒ No

Is the property within the Clear Zone (CZ)?

☐ Yes ☒ No

Is the property within 3000' of Dobbins ARB?

☐ Yes ☒ No

Is the property within the Accident Potential Zone (APZ I)?

☐ Yes ☒ No

Is the property within the Accident Potential Zone II (APZ II)?

☐ Yes ☒ No

Is the property within the Noise Zone?

☐ Yes ☒ No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

☐ Yes ☒ No

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**Historic Preservation:**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

**Z-05-2024**

**DEPARTMENT COMMENTS – Water and Sewer**

**12/29/23 – DATE OPTIONAL**

**Water comments:**

At development: ☒ YES ☐ NO

Fire flow test required: ☐ YES ☒ NO

Size/location of existing water main(s): 12" in Lower Roswell Road

Additional water comments: existing water service

**Sewer comments:**

In the drainage basin: ☒ YES ☐ NO

At development: ☒ YES ☐ NO

Approx. distance to nearest sewer: Lower Roswell Road frontage

Estimated waste generation (in G.P.D.): Average daily = +/- TBD

Peak flow = +/- TBD

Treatment plant: RL Sutton WRF

Plant capacity: ☒ Yes ☐ NO

Projected plant availability: ☐ 0-5 years ☐ 5-10 years ☒ over 10 years

Off-site easement required: ☐ YES\* ☒ NO

Line capacity study required: ☐ YES ☒ NO

Letter of allocation issued: ☐ YES ☒ NO

Septic tank recommended by this department: ☐ YES ☒ NO

Subject to Health Department approval: ☐ YES ☒ NO

Additional sewer comments: existing sewer service

\*If off-site easements are required, the developer/owner must submit easements to CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process. The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Lower Roswell Road	Arterial	40	Cobb	100'

Roadway	Location	Average daily trips	Level of service
Lower Roswell Road	East of Woodstone Wood Drive	18,300	F

*Based on 2018 traffic count data collected by Cobb County DOT for Lower Roswell Road*

*Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roadways from this data source.*

*LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

ITE Land Use	Description	Expected Size (KSF)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
720	Medical Dental Office (Stand-Alone)	6.06	15	4	19	7	17	24	218

*vph = vehicles per hour, vpd = vehicles per day, KSF = 1,000 square feet Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> edition.*

### Comments and observations

Lower Roswell Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Cobb DOT has a roadway project (E6020 Lower Roswell Road Safety and Operational Improvements) along Lower Roswell Road. A section of the planned roadway improvements runs along the frontage of this development.

In accordance with Cobb County Code 134-121 and based on site plan received December 7, 2023, this development does not require a traffic study submittal.

### Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Lower Roswell Road, a minimum of 50' from the roadway centerline, and in coordination with right-of-way requirements for proposed roadway project.
2. All signage and landscaping should be installed off county right-of-way and where it will not impede the line of sight for the driveways or roadway.

(continued)

3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**STAFF ANALYSIS**

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

It is Staff's opinion that deleting the applicant's rezoning proposal to a Limited Professional Services Permit (LPSP) will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Allowing the developed property to be reused for a low intensity use would provide an appropriate transition between the existing single-family homes to the west and the office uses to the east.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

It is Staff's opinion that the applicant's proposal should not have an adverse effect on the usability of adjacent or nearby properties. Granting a LPSP to reuse the existing building with little modification will minimize impact to residential neighbors while allowing continued use of the existing site. There is room for the installation of landscape screening adjacent to the residential neighbors should it be deemed necessary.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

It is Staff's opinion that deleting the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. This opinion can be supported by the departmental comments contained in this analysis.

**D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

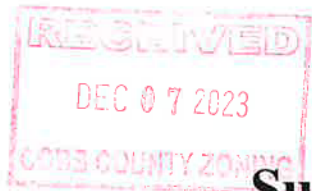
It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the Cobb County Comprehensive Plan, which delineates this property as being within the Public Institutional (PI) future land use category. The purpose of the PI category is to provide for certain state, federal or local government use and institutional land uses such as government building complexes, police and fire station, colleges, churches, hospitals, etc. While the future land use map reflects existing uses, it is important to realize that uses in this category have the potential to be developed at a regional, community or neighborhood scale. The PI future land use category resulted from its previous church related use. Rather than rezoning, deleting the request to the LPSP will allow reuse of the developed site in a manner that recognizes the MDR future land use designation of adjacent properties.

**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's proposal to the LPSP Limited Professional Services Permit. The LPSP would allow reuse of the existing developed property with minimum renovations to the building and overall site. Stemming from its former church-related use, the property is currently zoned RA-4 but developed in a commercial manner. However, the existing building is transitional in nature with a more residential appearance and found within the MDR medium density residential future land use category. The LPSP will allow the structure to be reused and not force major demolition and redevelopment of the site.

Recognizing its existing residential (RA-4) zoning, landscape screening requirements may be reduced from 20 feet to 10 feet where adjacent to residential properties. Other qualifications of the LPSP such as restrictions in the use and user will further lessen the impact of a non-residential site adjacent to existing residences.

**The staff analysis and recommendation 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 No. Z- 5 (2024)

Hearing Dates: PC - 02/06/2024

BOC - 02/20/2024

## Summary of Intent for Rezoning\*

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**Part 1. Residential Rezoning Information (attach additional information if needed)**

a) Proposed unit square-footage(s): Not Applicable.

b) Proposed building architecture: Not Applicable.

c) List all requested variances: Not Applicable.

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**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

a) Proposed use(s): Dental/Medical Office

b) Proposed building architecture: Existing building will be utilized, with renovations to the exterior and interior.

c) Proposed hours/days of operation: Monday - Friday; 8:00 a.m. - 6:00 p.m.

d) List all requested variances: None known at this time.

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**Part 3. Other Pertinent Information (List or attach additional information if needed)**

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**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

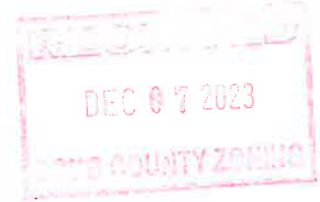
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None known at this time.

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\*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any portion of the Application for Rezoning, or documentation attached thereto, at any time during the rezoning process.

## **IMPACT ANALYSIS STATEMENT**

**Application No.:** Z- 5 (2024)  
**Hearing Dates:** February 6, 2024  
February 20, 2024



**Applicant:** Marianna Kovitch  
**Titleholder:** Mt. Bethel Church, Inc.

### **BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES AND THE COBB COUNTY PLANNING COMMISSION**

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant, Marianna Kovitch (hereinafter "Applicant"), is seeking rezoning of approximately 1.13 acres located on the southerly side of Lower Roswell Road, westerly of Woodlawn Drive, being more particularly known as 4608 Lower Roswell Road, Land Lots 9 and 10, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The Property is currently zoned to the RA-4 zoning category and has an existing building and parking, which has been utilized by the owner, Mt. Bethel Church, Inc., for Church-related activities. Applicant is seeking rezoning of the Property to the Low Rise Office ("LRO") zoning category to allow the structure to be utilized as a professional medical office. The requested zoning is suitable for the Subject Property as adjacent and nearby properties are zoned to various commercial categories, such as Office and Institutional ("OI"), General Commercial ("GC"), Community Retail Commercial ("CRC"), Neighborhood Retail Commercial ("NRC"), and Neighborhood Shopping ("NS"); as well as to the residential categories of RA-4, RA-5, and R-20. To rezone the Subject Property to the proposed LRO zoning classification for the proposed use, would allow for a transitional rezoning with little to no impact upon the existing residential areas.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed use of the Subject Property should have no impact on surrounding properties. If approved and developed according to the request, the adjacent and nearby property owners should benefit in increased land values.
- (c) The Subject Property, as presently zoned, does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no

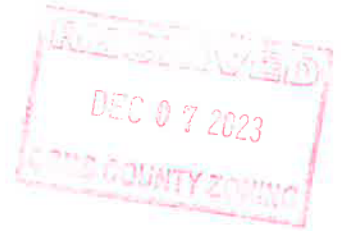
effect on schools and minimal effect on utilities and transportation facilities. There should be minimal impact on traffic in and around the Subject Property

- (e) The zoning proposal is not in conformity with the Land Use Map of Cobb County, Georgia, as the Property is currently classified within the "Public Institutional" classification due to its ownership and use by Mt. Bethel Church, Inc. However, immediately adjacent to the Property is an Office/Institutional zoned parcel, lying within the Medium Density Residential land use category, and both properties being immediately adjacent to and westerly of a Community Activity Center. Moreover, the Property is already developed consistent with the LRO standards.
- (f) This zoning proposal is consistent with the current conditions affecting the use of this Property; as well as surrounding properties. The proposed rezoning would allow for a more suitable and economic use of the Subject Property without high impact into any adjacent or surrounding properties. Applicant proposes renovations and upgrades to the exterior and interior of the existing structure, including upgrades to the landscaping, signage, parking, and the like, with no new building or development on the remaining acreage of the tract. The proposed medical office use would provide a low-impact, transitional use between existing residential neighborhoods and more intense commercial development to the east along Lower Roswell Road.

**ENVIRONMENTAL SITE ANALYSIS (ESA) FORM**

Application No.: Z- 5 (2024)  
Hearing Dates: February 6, 2024  
February 20, 2024

Applicant: Marianna Kovitch  
Titleholder: Mt. Bethel Church, Inc.



**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS  
OF ROADS AND REVENUES AND THE  
COBB COUNTY PLANNING COMMISSION**

Applicant, Marianna Kovitch (hereinafter "Applicant"), is seeking rezoning of approximately 1.13 acres, with an existing structure and related parking, located at 4608 Lower Roswell Road (the "Property" or the "Subject Property") to the Low Rise Office ("LRO") zoning category to allow the structure to be utilized for a dental/medical office. Adjacent and nearby properties are utilized for residential, commercial, and public/institutional purposes.

**1. Conformance with the Comprehensive Plan**

Rezoning of the Subject Property to the requested LRO zoning classification to allow for the redevelopment of the Property for medical office purposes clearly complies and conforms to the policy and intent of the Comprehensive Land Use Plan. The rezoning will allow the Property to be repurposed, with little to no effect upon surrounding residential neighborhoods.

**2. Environmental Impacts of the Proposed Project**

The proposed rezoning will have no impact or effect upon any wetlands, flood plain, streams, stream buffers, slopes, vegetation, wildlife, or archeological or historical sites as none exist on the Subject Property. There is an existing structure with related parking which was previously constructed, and Applicant will perform renovations and upgrades to those features.

**3. Project Implementation Measures**

With the nature of the project being renovation and refurbishing of existing site features, there will be no impact upon environmental features.