

LAND CASES	LAND USE OR ZONING	
	FROM	TO
AV	LU	
AX	RZ	
DX 2019-001	AV - Administrative Variance AX - Annexation DX - De-annexation HBR - Historic Board Review LU - Land Use RZ - Re-zoning SLUP - Special Land Use ZV - Variance	
HBR		
SLUP		
ZV		

ZONING
 KENNESAW CITY LIMITS
 COBB COUNTY
 LAND LOT

3760 Nowlin Rd
Land Lot 87, Tax Parcel 256

Subject Properties

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

Derek Estenberg
 MAYOR
Debra Taylor
 CITY CLERK

Scale: 1" = 200'
 Print Date: 1/18/2019
 DX2019_001_Aerial_ap



COBB COUNTY
BOARD OF COMMISSIONERS

100 Cherokee Street, Suite 300
Marietta, Georgia 30090-7000
Phone: (770) 528-3305 Fax: (770) 528-2606

Michael H. Boyce
Chairman

CERTIFIED MAIL
7015 0640 0001 4999 4553

February 4, 2019

The Honorable Derek Easterling
Mayor
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

Re: Petition for Deannexation– Land Lot 0087, 20th District, Parcel 0256, 2nd Section, 3760 Nowlin Road, Kennesaw, Georgia; Notice of Consent.

Dear Mayor Easterling:

This correspondence is in response to the above referenced deannexation petition to be heard by the Planning Commission on March 6, 2019 and the Mayor and City Council on March 18, 2019. The applicant is requesting to deannex the subject parcel from the City of Kennesaw into unincorporated Cobb County.

The property in question is currently zoned by the city as Planned Unit Development – Residential (PUD-R) and is within an area designated as Rural Residential (RR) according to the Future Land Use Map (FLUM) of the City. Prior to annexation the property was zoned Residential – 20 (R-20) and was designated Low Density Residential (LDR) on the FLUM of the County. Currently the property is bordered by R-20 to the north, south, and west, and the City of Kennesaw to the east. It is bordered on the north, south, and west in the County by the LDR Future Land Use category.

This property is the only one on the street within the city limits. This has caused issues with service delivery. The property has the required contiguity, is in an island between Kennesaw and Acworth, does not have any City of Kennesaw facilities on it, the existing density is appropriate for the LDR FLU category, the zoning categories are comparable to the extent that the PUD-R requires that, “The density should be consistent with the surrounding development,” and the subdivision in which it is located was approved under Cobb County standards in effect in 1980. De-annexing the parcel would not create undue hardship or burden for Cobb County per departmental review.

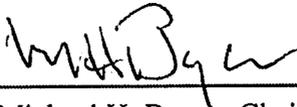
Given the reasonable justification for this request, we consent to deannexation of the property located at 3760 Nowlin Road. A resolution shall be on the Tuesday February 12, 2019 Board of

Re: Petition for Deannexation– Land Lot 0087, 20th District, Parcel 0256, 2nd Section, 3760 Nowlin Road, Kennesaw, Georgia; Notice of Consent.

Commissioner's meeting agenda. Please accept this letter as formal notice of the County's **consent** to the proposed deannexation. Also, comments from the Cobb County *Water System and Fire Department* are attached. Should you have any questions or need additional information please contact Jay Northrup, Intergovernmental Coordinator, (770) 528-2199.

**Re: Petition for Deannexation– Land Lot 0087, 20th District, Parcel 0256, 2nd Section, 3760
Nowlin Road, Kennesaw, Georgia; Notice of Consent.**

Sincerely,



Michael H. Boyce, Chairman

cc: Rob Hosack, County Manager – VIA E-mail
Jackie McMorris, Deputy County Manager – VIA E-mail
Deborah Dance, County Attorney- VIA E-mail
Michael Hughes, Interim Community Development Director – VIA E-mail
Jason Gaines, Planning Division Manager – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Robert Fox, Economic Development Director, City of Kennesaw
Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw

Re: Petition for Deannexation– Land Lot 0087, 20th District, Parcel 0256, 2nd Section, 3760 Nowlin Road, Kennesaw, Georgia; Notice of Consent.

[signature page continued]

Sincerely,

Keli Gambrill

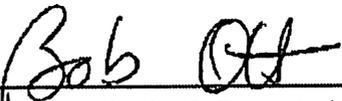
Keli Gambrill, District 1 Commissioner

cc: Rob Hosack, County Manager – VIA E-mail
Jackie McMorris, Deputy County Manager – VIA E-mail
Deborah Dance, County Attorney- VIA E-mail
Michael Hughes, Interim Community Development Director – VIA E-mail
Jason Gaines, Planning Division Manager – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Robert Fox, Economic Development Director, City of Kennesaw
Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw

**Re: Petition for Deannexation– Land Lot 0087, 20th District, Parcel 0256, 2nd Section, 3760
Nowlin Road, Kennesaw, Georgia; Notice of Consent.**

[signature page continued]

Sincerely,



Bob Ott, District 2 Commissioner

cc: Rob Hosack, County Manager – VIA E-mail
Jackie McMorris, Deputy County Manager – VIA E-mail
Deborah Dance, County Attorney- VIA E-mail
Michael Hughes, Interim Community Development Director – VIA E-mail
Jason Gaines, Planning Division Manager – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Robert Fox, Economic Development Director, City of Kennesaw
Darryl Simmons, Planning & Zoning Administrator, City of Kennesaw

Northrup, Jay

From: Westbrook, Jay
Sent: Monday, January 28, 2019 11:51 AM
To: Northrup, Jay; Bentley, Fred; Blair, Debra; Breaden, David; Burns, Jeffrey; Crider, Randal; Davidson, Timothy; Elliott, Mandy; Gaines, Jason; Gordon, Bradley; Heaton, Sam; Helga Hong; Pederson, John; Webb, Ellisia M.; White, Ashley
Subject: RE: DE-ANNEXATION, 3769 Nowlin Road, Kennesaw

No objections from Cobb Fire. All buildings, other than those used as single family dwellings, must have a valid Certificate of Occupancy.

J. Westbrook
Cobb Fire Deputy Chief

From: Northrup, Jay

Northrup, Jay

From: Davidson, Timothy
Sent: Monday, January 28, 2019 11:41 AM
To: Northrup, Jay
Subject: RE: DE-ANNEXATION, 3769 Nowlin Road, Kennesaw

Water service for 3769 Nowlin Road is provided by the existing CCWS water main in Creek Crossing Trail.

Wastewater for the parcels can be treated at the Northwest WRF where there currently is sufficient capacity. Permit issuances are subject to continued WRF compliance with EPD discharge requirements.

Because CCWS will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure loss.

Tim Davidson
Cobb County Water System
660 South Cobb Drive
Marietta, GA 30060
770-419-6312

De-Annexation Application From The City of Kennesaw

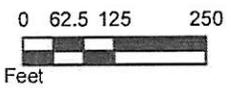
January 2019

20th District
Land Lot 0087
Parcel: 0256

Legend

 Kennesaw

 De-Annexation





Community Development De.
2529 J. O. Stephenson Av
Kennesaw, GA 3014

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$7.09
Postage	\$	
Total P	\$	
Sent To	Cobb County Board of Commissioners Pamela M. Mabry, County Clerk 100 Cherokee Street, #355	
Street	Marietta, Georgia 30090-9679	
City, S	7017 2620 0000 4224 5125	

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

January 25, 2019

Cobb County Board of Commissioners
Pamela Mabry, County Clerk
100 Cherokee Street, #355
Marietta, Georgia 30090-9679

VIA CERTIFIED MAIL 7017 2620 0000 4224 5125

Dear Pamela Mabry and County Commissioners:

Please be advised that the City of Kennesaw, Georgia, will be considering an application for de-annexation, as authorized by Article 1 of Chapter 36, Title 36, O.C.G.A., following public hearings by the Planning Commission and Mayor and Council. The requested application for de-annexation will be heard by the Planning Commission at a meeting to be held on March 06, 2019 and Kennesaw Mayor and City Council at a meeting to be held on March 18, 2019.

(A) Consideration to approve a de-annexation request submitted by Beth Wood for property identified as Land Lot 87, Tax Parcel 256 - 3760 Nowlin Road. Said request is to de-annex .9 acres +/- from the City of Kennesaw and to reunite with the governing authority of Cobb County. Property identified as Land Lot 87, 20th District, Tax Parcel 256, 2nd Section, Cobb County.

This letter has been sent to you certified mail, return receipt requested, upon acceptance of an application for de-annexation from the City of Kennesaw, in accordance with O.C.G.A. 36-36-22 and O.C.G.A. 36-36-22.

Sincerely,

Darryl Simmons
Planning and Zoning Administrator

DS/dlw
Enclosures

CC: Robert Hosack, County Manager, Via E-Mail
Dana Johnson, Director Community Development, Via E-Mail
Jason Gaines, Planning Division Manager, Via E-Mail
Jay Northrup, Intergovernmental Coordinator/Planner, Via E-Mail III
Michael Hughes, Manager, Economic Department, Via E-Mail

Building Services
(770) 429-4554

Economic Dev.
(770) 794-7075

Planning
(770) 590-8268

Fax
(770) 429-4548





DE-ANNEXATION APPLICATION

Date Received
Staff's Initials

~~AK~~
20th 12-20-18
506/HZ
10-11-18 DS
DS

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUEST TO DE-ANNEX PROPERTY IS MANDATORY.

REASON FOR THE DE-ANNEXATION

Only one on the street in City limits, Causes service & delivery issues,
DE-ANNEXATION PROPERTY ADDRESS

20-0087-0-256-0 3760 Nowlin Rd

Land Lot 87 Tax Parcel _____ Lot Size 0.90
Resident Population 1 Housing Units 1 Other Buildings none

APPLICANT Beth Wood

APPLICANT'S EMAIL bstwood@yahoo.com

Applicant address 645 Friendship Church Rd. Powder Springs GA, 30127

(Home #) N/A (Fax #) N/A (Work#) N/A (Cell#) 770-560-7246

Applicant Signature Beth Wood

Signed, sealed and delivered in presence of:
Notary By [Signature] Date 10-11-18



REPRESENTATIVE Beth Wood

(Fax #) N/A (Work#) N/A (Cell#) 770-560-7246

Representative Signature Beth Wood

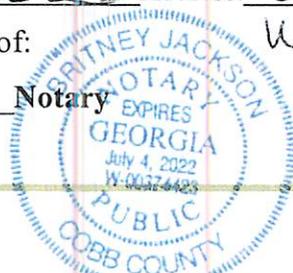
Signed, sealed and delivered in presence of:
Notary By [Signature] Date 10-11-18



TITLEHOLDER: George E. Frohman Telephone: 770-710-9043

Signature George E. Frohman Address: 570 Green Valley Dr. Westminister, SD 57069

Signed, sealed and delivered in presence of:
Notary By [Signature] Date 10-11-18





Community Development Department
 2529 J. O. Stephenson Avenue
 Kennesaw, GA 30144
 770-590-8268

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** have not made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** does not

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Beta Wood

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.



Beta Wood
 Applicants Signature
[Signature] Notary

Signed, sealed and delivered in presence of:

REVISED PLAT

WARRIOR WOODS 1

LAND LOT 87, 20th DISTRICT, 2nd SECTION

COBB COUNTY, GEORGIA

COBB COUNTY CERTIFICATION

THIS PLAT HAVING BEEN SUBMITTED TO COBB COUNTY AND HAVING BEEN FOUND TO COMPLY WITH THE MASTER PLAN, THE COBB COUNTY SUBDIVISION REGULATIONS AND THE COBB COUNTY ZONING REGULATIONS IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS.

James E. Neth
ENGINEERING DEPARTMENT

5/16/79
DATE

James A. Smith
ZONING DEPT. - PLANNING COMMISSION

5-17-79
DATE

Samuel W. Barrett
BOARD OF COMMISSIONERS

5-17-79
DATE

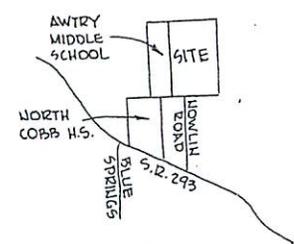
CERTIFICATE OF HEALTH OFFICER

THIS PLAT HAS BEEN APPROVED FOR INDIVIDUAL SEPTIC TANK SYSTEMS, AND INDIVIDUAL SEPTIC TANK PERMITS WILL BE ISSUED UPON RECEIPT OF INDIVIDUAL PLOT PLANS, SHOWING THE SEPTIC TANK SYSTEM IN A SUITABLE PLACE ON THE LOT. THIS APPROVAL SHALL EXPIRE THREE YEARS FROM THE DATE BELOW.

W.C. Neath
COBB COUNTY HEALTH OFFICER

5/11/79
DATE

*Filed in office
8-22-80
Plot Book 76 A9-82
Jack & Graham
Clark*



LOCATION

NOTES

- ALL IPF ARE NO. 6 BARS.
- NO. 4 BAR SET AT EACH LOT CORNER.
- A TRAVERSE OF THE BOUNDARY WAS EFFECTED WITH TRANSIT & TAPE WITH A POSITION CLOSURE OF 1/10,000' AND AN ANGULAR ERROR OF 3" PER ANGLE AND WAS ADJUSTED BY THE TRANSIT RULE.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1/10,000+.
- THIS PLAT IS A RE-SUBDIVISION OF HOWLIN WOODS, UNIT TWO PER PLAT BOOK 57, PAGE 5.
- AT ITS MEETING IN JANUARY, 1979, THE COBB COUNTY BOARD OF APPEALS WAIVED THE REQUIREMENTS FOR CURBS, GUTTER, AND SIDEWALKS IN THIS SUBDIVISION.
- THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN DOCUMENT ATTACHED HERETO, DATED 5-15-79, RECORDED BY 2009, PG 27-179 AND SIGNED BY THE OWNER, WHICH HEREBY BECOMES A PART OF THIS PLAT.
- DATE OF PLAT: MAY 7, 1979.
- REVISED AUG. 19, 1980.

THIS PLAT WAS REVISED TO RELOCATE THE PEDESTRAIN EASEMENT IN BLOCK "H".

James E. Neth 8-22-80
COBB CO. ENGINEER DATE

OWNER'S ACKNOWLEDGMENT

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHO IN PERSON OR THROUGH A DULY AUTHORIZED AGENT ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

JA Sandmann 5-8-79
SANDMANN PROPERTIES
807 COBB PARKWAY
PH: 476-7424

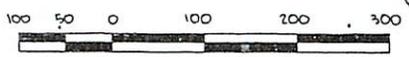
5-8-79
DATE

SURVEYOR'S ACKNOWLEDGEMENT

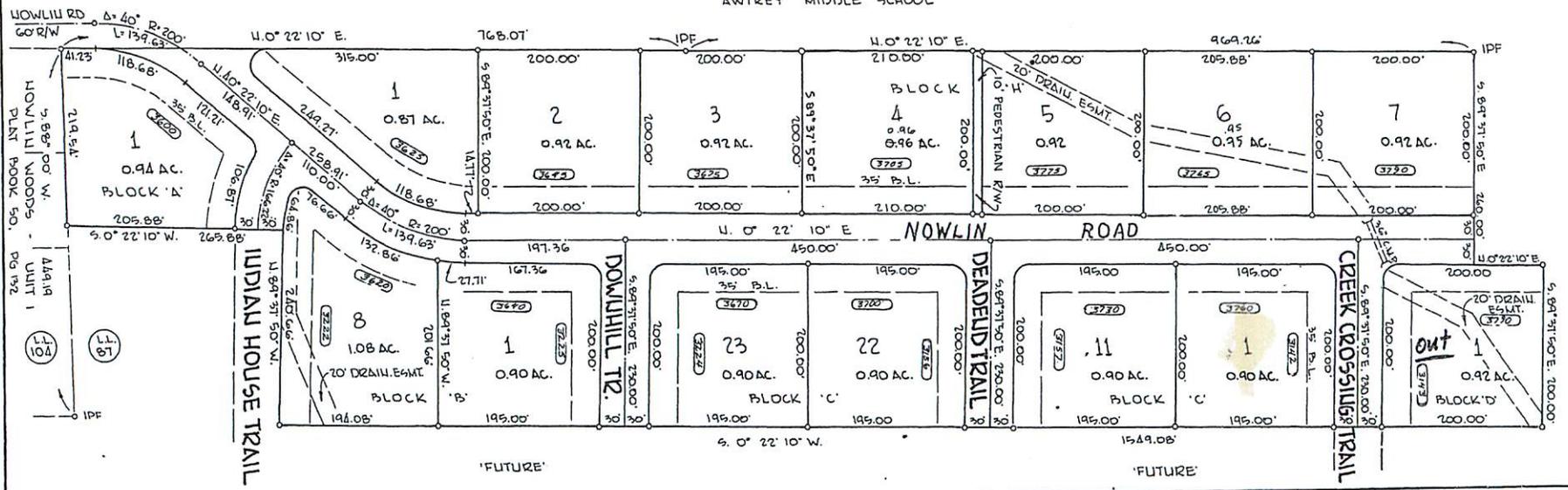
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON, AND IS TO THE ACCURACY AND SPECIFICATIONS REQUIRED BY THE COBB COUNTY SUBDIVISION REGULATIONS.

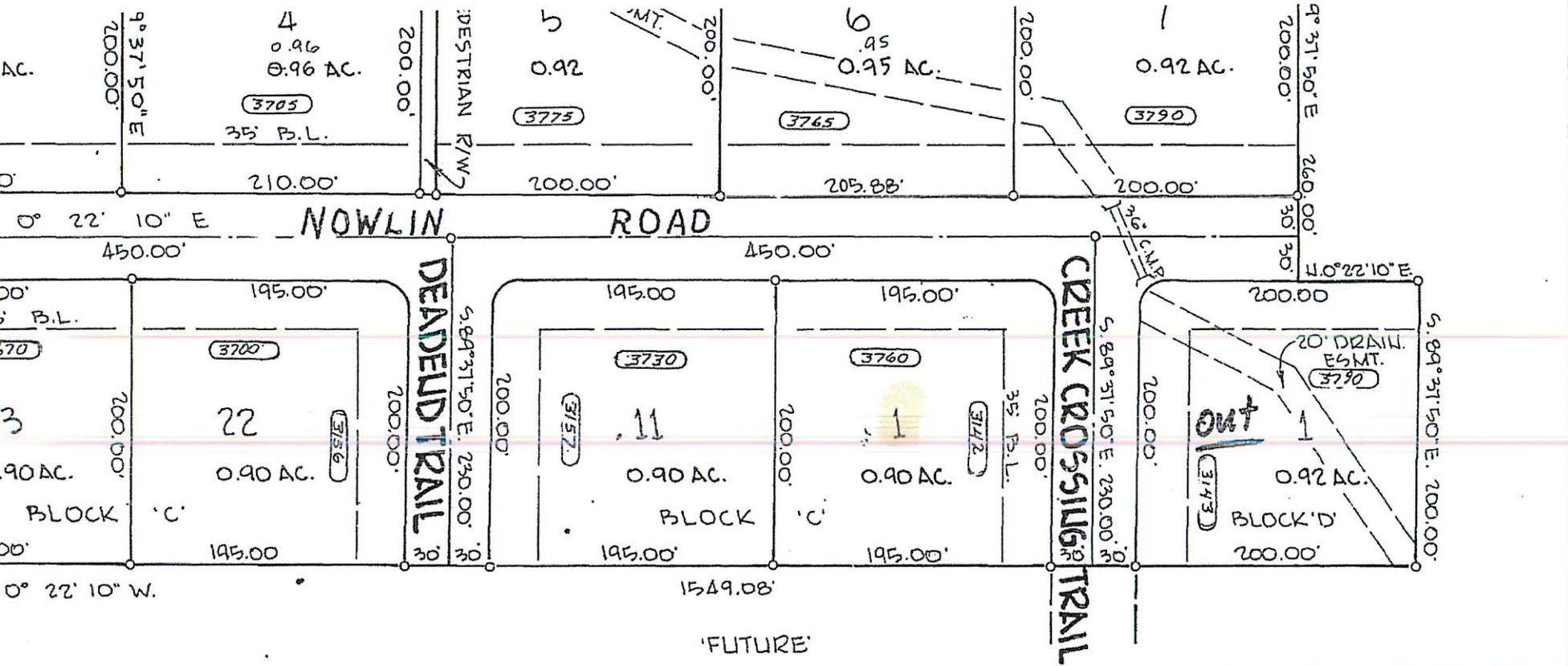
Sam L. Jeffries 5-7-79
SAMUEL L. JEFFRIES P.L.S. 2036
ACME ENGINEERING 8440C
HWY 19, CLUMMING, GA.
PH: 887-0130

5-7-79
DATE



*Filed in Office
May 17, 1979
Jack & Graham
Clark
Plot Bk. 73
Page 108*





44

Please return to: NEEL & ROBINSON ATTORNEYS AT LAW, L.L.C. (NR)
2018 POWERS FERRY ROAD, SUITE 550
ATLANTA, GA 30339
File # 0337670C

Deed Book 13720 Pg 4416
Filed and Recorded Apr-03-2003 02:54pm
2003-0080773
Real Estate Transfer Tax \$168.00

NEEL & ROBINSON, LLC
5555 GLENRIDGE CONNECTOR
SUITE 400
ATLANTA, GA 30342

J.C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA
COUNTY OF COBB

WARRANTY DEED

THIS INDENTURE made this 31st day of March, 2003, between

HARRY WORTON,

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

GEORGE E. FROHWEIN and ROSEMARY RIGGS FROHWEIN,

as joint tenants with rights of survivorship,

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 87 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, BEING LOT 1, BLOCK C OF REVISED PLAT, WARRIOR WOODS 1, AS PER PLAT RECORDED IN PLAT BOOK 76, PAGE 82, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

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 of all persons whomsoever.

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:

[Signature]

Witness

[Signature] (Seal)
HARRY WORTON

[Signature]

Notary Public
My commission expires

(Seal)

(Seal)

[Attach Notary Seal]



EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND
LOT 87 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY,
GEORGIA, BEING LOT 1, BLOCK C OF REVISED PLAT, WARRIOR
WOODS 1, AS PER PLAT RECORDED IN PLAT BOOK 76, PAGE 82, WHICH
PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY
REFERENCE.

JK RR7

Directions From City Hall to 3760 Nowlin Rd.,
Kennesaw, 30144.

Go West on Old 41, to Nowlin Rd. take a right,
up on your right is the house.