

STATE OF GEORGIA

CITY OF STOCKBRIDGE

RESOLUTION NO. R19-1043

A RESOLUTION TO AUTHORIZE A VARIANCE FROM CERTAIN PROVISIONS OF THE STOCKBRIDGE MUNICIPAL CODE AT 845 COG HILL; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to authorize certain variances from the provisions of the Stockbridge Municipal Code at 845 Cog Hill; and

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Resolution.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY RESOLVES:

**Section 1.** That the variance request for 845 Cog Hill, more particularly described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, from certain requirements of the Stockbridge Municipal Code are hereby granted or denied as follows:

1. The variance request to reduce the rear setback requirement on the property is hereby GRANTED, provided that the setback shall be at least 50 feet.

**Section 2.** The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Resolution shall be and are hereby made applicable to this Resolution and shall remain in full force and effect.

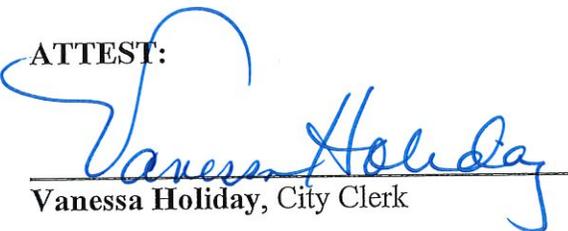
**Section 6.** The effective date of this Resolution shall be the date of adoption unless otherwise specified herein.

**RESOLVED** this 11<sup>th</sup> day of March, 2019.

**CITY OF STOCKBRIDGE, GEORGIA**

  
\_\_\_\_\_  
Anthony S. Ford, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Vanessa Holiday, City Clerk

**APPROVED AS TO FORM:**

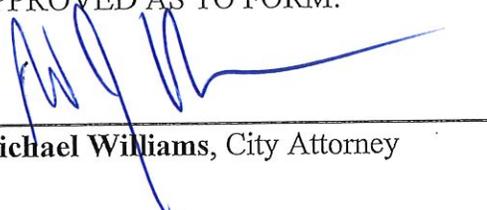
  
\_\_\_\_\_  
Michael Williams, City Attorney

EXHIBIT A



# Variance Evaluation Report

City of Stockbridge

## VR-18-14-S

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**Applicant:** Ngozi Ochulo

**Agent:** Faizal Supariwala  
9900 Torrey Pines Court  
McDonough, GA 30253  
fmsupariwala@yahoo.com

**Location:** 845 Cog Hill Drive  
Stockbridge, Georgia

**Parcel ID:** 051F01244000

**Proposed Use/Purpose:** Single-Family Residential. Applicant requests a variance to reduce the required rear-yard setback from 75 feet to 45 feet to allow for the construction of a single-family dwelling.

**Current Zoning:** PD (Planned Development). According to the Official City of Stockbridge Zoning Map (adopted on February 13, 2017), the property is surrounded by PD zoning on properties to the north, south, east, and west.

**Current Land Use:** Vacant residential lot. The Eagles Landing Golf Course borders the property to the north. Single-family dwellings border the property to the south, east, and west.

**Future Land Use:** Single-family residential

**Sign Posted:** January 30, 2019

**Planning Commission Meeting:** February 21, 2019

**Lot Size:** 0.55 +/- acres

**Road Access:** Cog Hill Drive (a private road inside of Eagles Landing Country Club), off Eagles Landing Parkway.

**Zoning History:** Was rezoned from RA (Residential-Agricultural) to PD (Planned Development) with R-2 (Single-Family Residence), R-3 (Single-Family Residence), and golf course pods on August 14, 2000 (per rezoning case #RZ-00-003).



# Variance Evaluation Report

City of Stockbridge

## VR-18-14-S

### RECOMMENDATIONS

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#### HENRY COUNTY PLANNING AND ZONING DEPARTMENT

##### RECOMMENDATION:

##### DENIAL

An undated "Variance Evaluation Report" was prepared by Stacey Jordan-Rudeseal, Chief Planner for the Henry County Planning & Zoning Department. It was addressed to the City of Stockbridge Zoning Advisory Board. The report noted that the subject property must comply with the development standards from the approved final plat; i.e., the "Eagles Landing Unit XI Development Standards (Circa 2006)." Those standards require a minimum lot area of 18,000 square feet and a minimum lot width of 100 feet. Further, the required minimum yard setbacks are as follows: a 40-foot minimum front yard setback, 10-foot minimum side yard setbacks, and a 75-foot minimum rear yard setback for a golf course lot. Based upon an evaluation of the required criteria for the granting of a variance, the Henry County report recommended a DENIAL of the requested variance.

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#### CITY OF STOCKBRIDGE PLANNING & ZONING

##### RECOMMENDATION:

##### APPROVAL WITH CONDITIONS

##### RECOMMENDATION:

**APPROVAL FOR A VARIANCE OF REAR YARD SETBACK TO 50 FEET:** The Applicant requested a variance to the rear yard setback from 75 feet to 45 feet. According to a copy of a letter that was included within the variance application, Eagles Landing Country Club approves of a rear yard setback reduction from 75 feet to 50 feet. The letter was signed by the General Manager, Doug Fisher.

The requested variance was reviewed by the Eagles Land POA and its architectural committee. The City of Stockbridge Community Development Department received an e-mail message on February 14, 2019 from Brenda Culpepper, the chairman of the Eagles Landing POA and its architectural review committee, which stated that the POA would approve a reduction in the rear yard setback to 50 feet.

Should the Planning Commission and Mayor/Council **APPROVE** the Application for a Variance, it should be subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by Mayor and Council.

1. To the owner's agreement to abide by the following:
  1. To the site plan received by the Department of Community Development on October 19, 2018. Said site plan is conceptual only and must meet or exceed the requirements of the



# Variance Evaluation Report

City of Stockbridge

## VR-18-14-S

Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

2. **The rear yard setback shall be no less than 50 feet.** That is, the approval of this request shall be for a rear yard setback of 50 feet rather than 45 feet. The application states that the applicant requests the granting of a reduction in the rear yard setback from the required 75 feet to 45 feet, but the applicant stated in his Letter of Intent that the request was for 50 feet. Furthermore, since the Eagles Landing POA has approved a setback of 50 feet, any approval of this application should be conditioned upon a modification of the requested variance to allow for a reduction in the yard setback to no less than 50 feet.
3. **The property shall be developed in accordance with the design and specifications that are indicated on the "Lot Site Plan" which was included within the variance application package, prepared by Land Engineering and dated 10-19-2018.** Otherwise, if the site plan differs, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
4. **The property shall be developed in accordance with all other specifications that were approved for the Eagles Landing Planned Development (PD).**

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### CITY OF STOCKBRIDGE PLANNING COMMISSION

February 21, 2019

**RECOMMENDATION:  
APPROVAL W/CONDITIONS**

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### CITY OF STOCKBRIDGE MAYOR/COUNCIL

March 11, 2019

**ACTION:**

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**City of Stockbridge**

**Report Prepared By:** Stacey Jordan-Rudeseal, Chief Planner

**Applicant:** Ngozi Ochulo  
 1100 Eagles Brooke Drive  
 Locust Grove, GA 30248

**Agent:** Faizal Supariwala  
 900 Torrey Pines Court  
 McDonough, GA 30253  
[fmsupariwala@yahoo.com](mailto:fmsupariwala@yahoo.com)

**Location:** 845 Cog Hill  
 Land Lot 17 of the 6<sup>th</sup> District

**Parcel ID:** 051F01244000

**Request:** Variance from development regulations to:  
 1) Reduce the minimum rear yard setback requirement from seventy-five feet (75') to forty-five feet (45') to construct a home on a golf course lot.

**Proposed Use/  
 Purpose:** Single-family Residence

**Current Land Use:** Vacant

**Posted Sign:** January 30, 2019

**PC Meeting:** February 21, 2019

**Council Meeting:** March 11, 2019

**Size of Tract:** 0.55 +/- acres

**Road Access:** Cog Hill (Private Road)

**Zoning History:**

According to the City of Stockbridge Official Zoning Map adopted on February 13, 2017, the subject property is zoned PD (Planned Development). The subject property was rezoned from RA (Residential-Agricultural) to PD (Planned Development) with R-2 (Single-Family Residence), R-3 (Single-Family Residence), and golf course pods on August 14, 2000 (RZ-00-003).

Table 1.0 illustrates the current zoning and land use of surrounding properties.

**Table 1.0 Current Zoning & Land Use of Adjacent Properties**

	<b>Current Zoning</b>	<b>Land Uses</b>
North	PD (Planned Development)	Golf Course
East	PD (Planned Development)	Single-Family Residence
South	PD (Planned Development)	Single-Family Residence
West	PD (Planned Development)	Single-Family Residence

Source: City of Stockbridge Official Zoning Map

**Executive Summary:**

The applicant is requesting a variance from development regulations to reduce the required minimum rear yard setback from seventy-five feet (75') to forty-five feet (45') to accommodate the construction of the single-family residence. **Table 2.0** illustrates the development standards from the approved final plat.

**Table 2.0 Eagles Landing Unit XI Development Standards (Circa 2006)**

Development Feature	Standard
Minimum lot area	18,000 square feet
Minimum lot width	100 feet
Minimum front yard setback	40 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	75 feet (golf course lot)

Source: Approved Final Subdivision Plat signed July 25, 2006

**Criteria for Granting a Variance per Chapter 11: Section 11.02.03 (A-G)**

A variance may be granted upon a finding by the Mayor and Council that all of the following criteria are met.

***Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.***

There are no extraordinary or exceptional conditions pertaining to the subject property due to its size, shape or topography that are not applicable to other lands or structures in the planned development.

***Criteria 2: A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district.***

The provisions of this Chapter would not deprive the applicant of rights commonly enjoyed by other properties of the district. Variance procedures are in place to consider proposed deviations from development standards, and other property owners within this district may request a variance.

***Criteria 3: Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district.***

Granting the rear yard variance would confer special privileges that are denied to other properties within the planned development.

***Criteria 4: The variance will be consistent with the purposes and intent of this UDC, will be compatible with uses on neighboring properties, and will serve the public welfare.***

The requested rear yard variance is in harmony with the purpose and intent of *Section 11.02.00 Variances*, of the Unified Development Code, as a variance is to compensate for a dimensional standard in a real property which would prevent the property from complying with a zoning development regulation. According to the application and the applicant's site plan dated October 19, 2019, they propose a reduction of the rear yard setback to 45 feet. However, the applicant's letter of intent requests a reduction to 50 feet. An e-mail from the General Manager of the Eagles Landing Country Club dated July 12, 2018, indicates no objection to a reduction of the rear yard setback to 50 feet.

***Criteria 5: The extraordinary circumstances are not the result of the actions of the applicant.***

The circumstances requiring the setback reduction are the result of the proposed actions by the applicant.

***Criteria 6: The variance is the minimum relief that will allow the legal use of the land, building or structure.***

The requested variance is the minimum needed to allow the subject property to accommodate the applicant's request. The subject property needs no variance to allow a legal use.

**Criteria 7:** *The variance is not a request to permit a use of land, buildings, or structures that is prohibited in the same zoning district.*

The requested variance will not permit a use of land, buildings, or structures which is not permitted within the planned development; however, a variance is not required to allow a single-family home to be constructed.

**Recommendation:**

Planning Staff recommends **Denial** of the requested variance.

**Attachments:**

- Application
- Letter of Ownership
- Letter of Intent
- Eagles Landing Country Club E-Mail
- Site Plan/Survey
- Sign Photo
- Site Photos
- Exhibit Maps

COS

Henry County Planning & Zoning  
Variance Request Application

Name of Applicant NGOZI OCHULO Phone: 770-823-8799 Date: 12-10-18  
Address Applicant: 1100 EAGLES BROOKE DR Fax \_\_\_\_\_ Pager/Cell # 770-823-8799  
City: LOCUST GROVE State: GA Zip: 30248 E-mail: ngozi66@yahoo.com  
Name of Agent FAIZAL SUPARTIWALA Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
Address Agent: 900 TORREY PINES CT Fax \_\_\_\_\_ Pager/Cell # \_\_\_\_\_  
City: MCDONOUGH State: GA Zip: 30253 E-mail: FMSUPARTIWALA@YAHOO.COM

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS

Variance being requested: TO REDUCE THE REAR SETBACK TO 45 FT  
Address of Property: 845 COG HILL (Street Address) Nearest intersection to the property: BETHPAGE DR  
Size of Tract: 0.55 acre(s), Land Lot Number(s): 17, District(s): 6th  
Property Tax Parcel Number: 051-F01-244-000 (Required)

[Signature]  
Witness' Signature  
DEBIZIE STOKES  
Printed Name of Witness  
[Signature]  
Notary

[Signature]  
Signature of Applicant/s  
NGOZI OCHULO  
Printed Name of Applicant/s  
[Signature]  
Signature of Agent

NOTARY STAMP:



COS

(For Office Use Only)

Total Amount Paid \$ 300 Cash \_\_\_\_\_ Check # 1501 Received by S. Jordan (FEES ARE NON-REFUNDABLE)  
Application checked by: S. Jordan Date: 12-17-18 Map Number(s): 051  
Pre-application meeting: S. Jordan Date: 8-12-18  
Zoning Advisory Board Decision: \_\_\_\_\_  
BOC Decision: \_\_\_\_\_

12/10/2018

SUBJECT: VARIANCE OF 845 COG HILL REAR SETBACKS

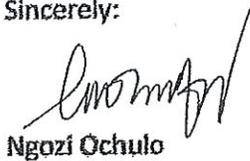
OWNER NAME: NGOZI OCHULO

TO WHOM IT MAY CONCERN:

My name is Ngozi Ochulo currently residing at 1100 Eagles Brokke drive, Locust Grove, GA 30248. I am giving authorization to my builder/contract. Faizal Supariwala of A&A Construction to apply and go to hearing of the variance of my property located at 845 Cog Hill, McDonough, GA 30253. I am applying to reduce my rear setback to 45ft.

If you have any questions please feel free to contact me at 770-823-8799.

Sincerely:



Ngozi Ochulo

*Vickie L Powers*  
Notary Public  
12/10/2018



LETTER OF INTENT

12/17/2018

To Whom It May Concern:

I am planning to build a very nice house in Eagles landing subdivision oat 845 Cog Hill, McDonough, GA 30253. My current rear setback of the property is a t 75ft, I have taken permission and approval from Eagles Landing Country Club to reduce the rear setbacks to 50ft. As I understand it several lots in this subdivision on the golf course have been given such variance by the county.

I am requesting a variance to reduced my rear setbacks to 50ft. I am also attaching my house elevation plans and the approval from the Club.

Sincereluy:

  
Ngozi Ochulo



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- 140 EAGLE SPRINGS
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- 205 HAWICK
- 205 LEGENDS-REN...
- 209 SOMERSET 16
- 250 PHARR RD 1
- 312 FAIRDALE TRACE
- 3348 KEENLAND
- 382 SUMMERHI... 5
- 625 BRENTS CO... 1
- 705 STRATTON
- 712 BETHPAGE
- 743 BETHPAGE 1
- 807 COG HILL 1
- 900 Torrey 1
- ALPA LOTS
- AMERICAN EXP... 9

← Back ↶ ↷ → Archive Move Delete Spam

Re: 845 Cog Hill setbacks

Yahoo/Inbox



Doug Fisher <Doug.Fisher@clubcorp.cc>  
To: faizal supariwala

Jul 12 at 11:42 AM

Faizal,

We approve the change of the set back from 75ft to 50ft.

Thank you

Doug Fisher  
General Manager  
Eagles Landing Country Club  
706-897-9290

Doug.fisher@clubcorp.com

From: faizal supariwala <fmsupariwala@yahoo.com>  
Sent: Tuesday, July 10, 2018 3:33:43 PM  
To: Doug Fisher  
Subject: 845 Cog Hill setbacks

Hi Doug

I wanted to request the rear setback of 845 Cog Hill McDonough to be reduced to 50ft from existing 75ft.

Please call me if you have any questions.

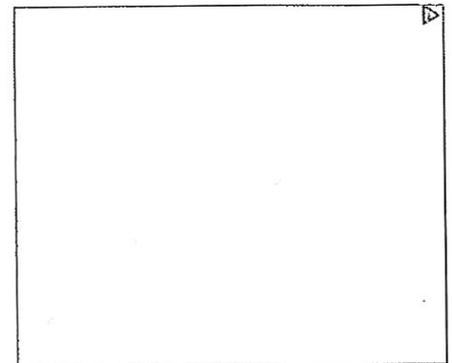
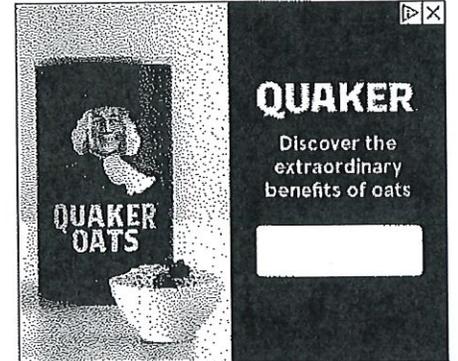
Thanks

Faizal Supariwala  
404-717-6695 cell

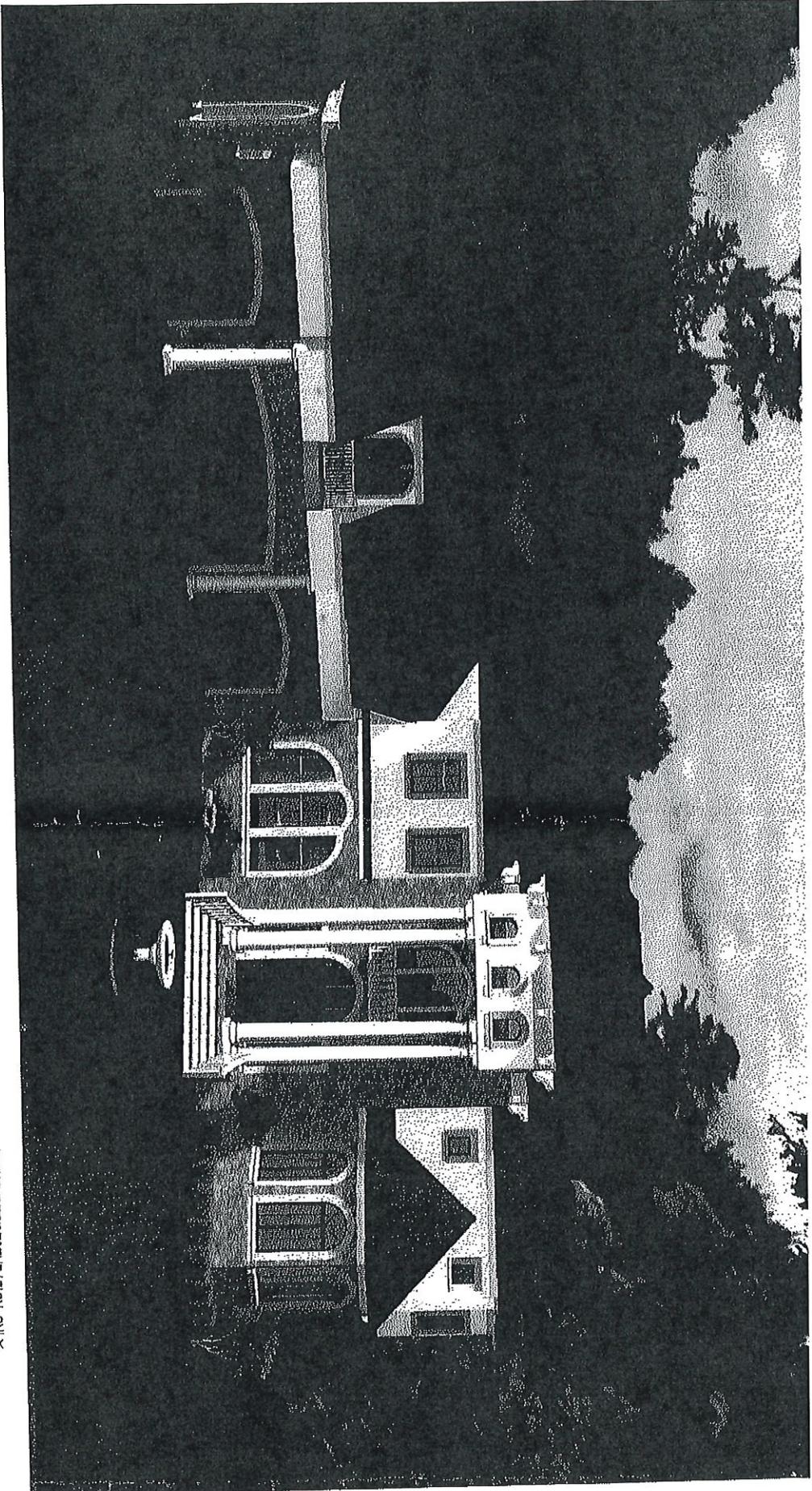


Doug Fisher Q

Doug.Fisher@clubcorp.com  
(706) 897-9290



*Eagles landing Club approval*



ARTIST REPRESENTATION ONLY  
OF HOME AT COMPLETION

A NEW RESIDENCE FOR:

DR. JOSEPH and NGOZI OCHULLO  
845 Cog Hill Drive  
McDorrough, Georgia 30281

DATE PLANS ARE NOT YET RELEASED FOR CONSTRUCTION:

*Atlanta Smart Plans, Since 1980*

SHEET	INDEX
A - 1	COVER SHEET
A - 2	BASEMENT PLAN
A - 3	MAIN FLOOR PLAN
A - 4	SECOND FLOOR PLAN
A - 5	FRONT-LEFT EXTERIOR ELEVATIONS
A - 6	REAR-RIGHT EXTERIOR ELEVATIONS
A - 7	ROOF ELEVATION
A - 8	CROSS SECTION A - A
A - 9	CROSS SECTION B - B
A - 10	DETAILS AND NOTES
E - 1	BASEMENT ELECTRICAL PLAN







845 Cog Hill  
McDonough  
Henry County  
Georgia

# VARIANCE

## CITY OF STOCKBRIDGE PUBLIC HEARING

RE: Development Regulations

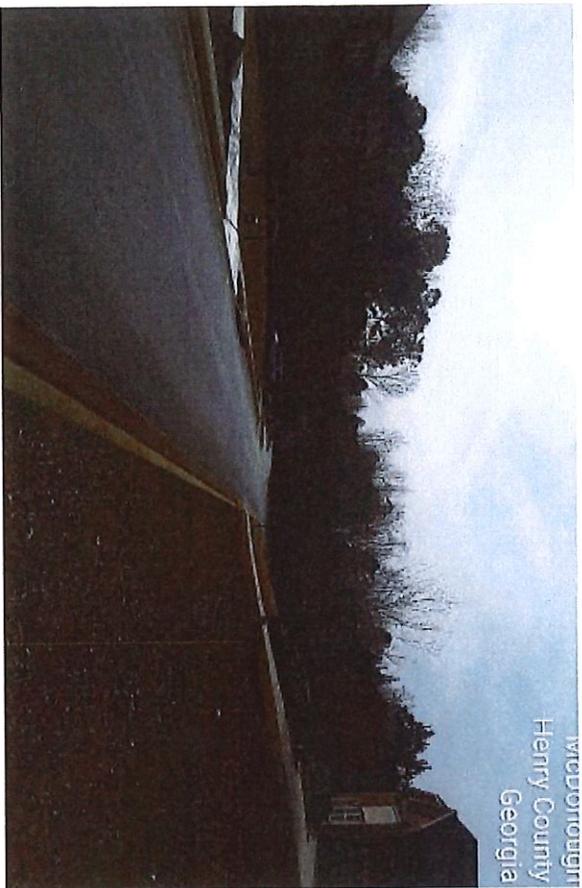
DATE: PC: Feb 21 / Cou: Mar. 11

TIME: 7:00 pm 6:00 pm

LOCATION: Stockbridge City Hall  
4640 North Henry Blvd., Stockbridge, GA

FOR MORE INFO:  
770-288-7526 / [www.hcpz.org](http://www.hcpz.org)

Ngozi Ochulio, 845 Cog Hill, VR-18-14-S



View to the West



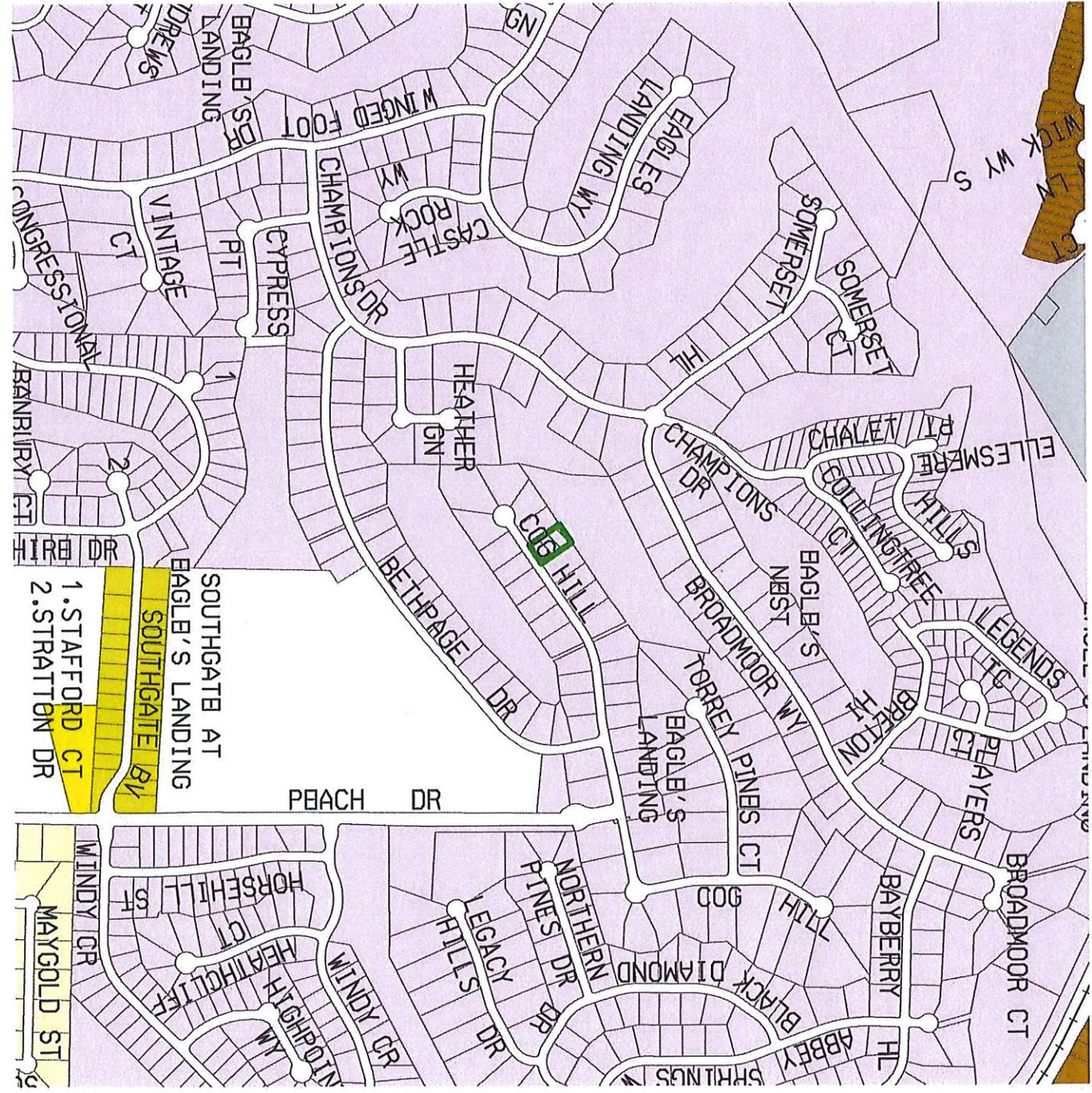
Subject Property



View to the South (Across Cog Hill)



View to the East



**Legend**  
 Request  
 VR-18-14-S

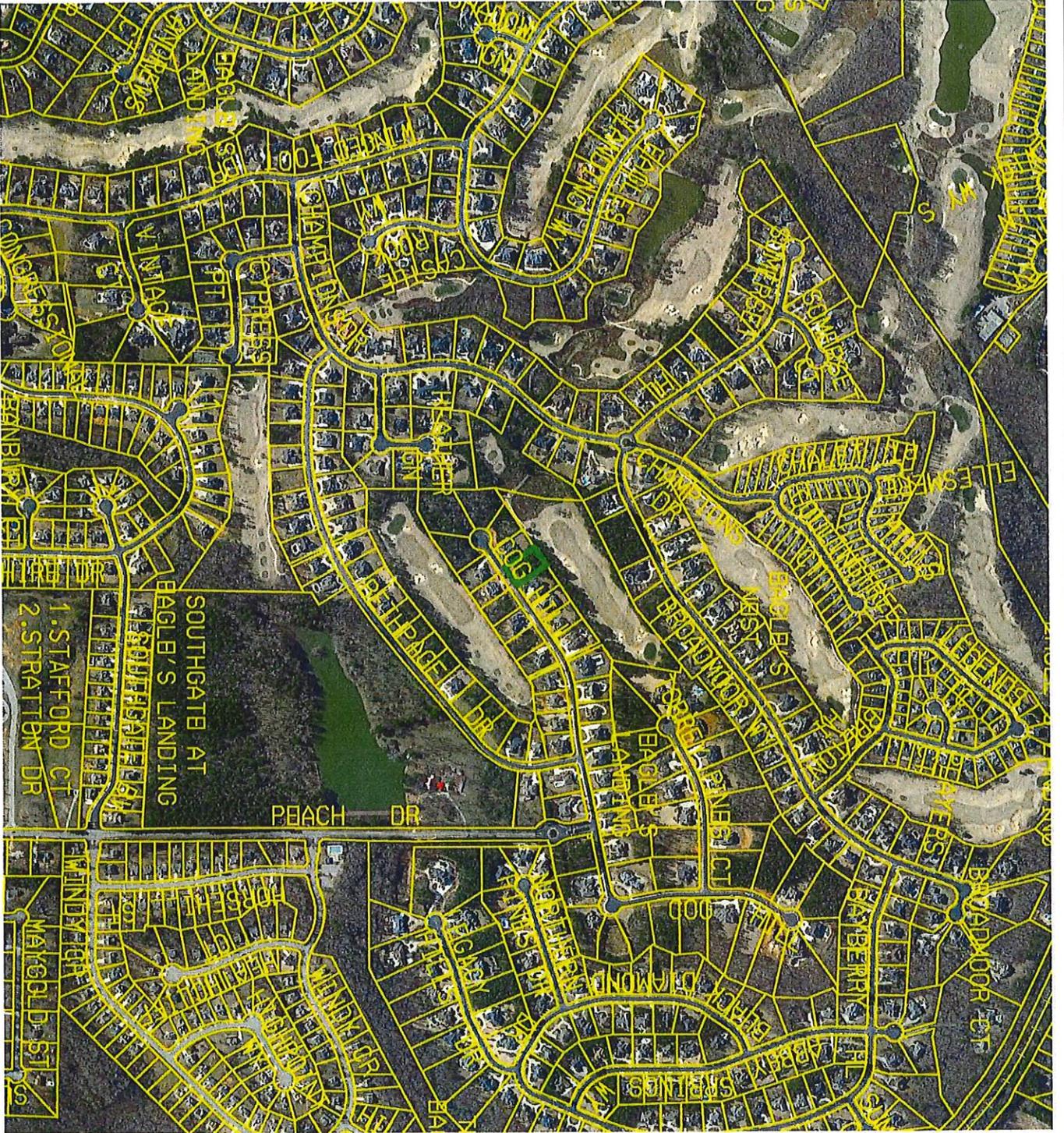
- RA
- R-1
- R-2
- R-3
- R-4
- RD
- RM
- RMH
- OI
- C-1
- C-2
- C-3
- M-1
- M-2
- MU
- PD
- CITY

Scale: 1" = 800'

**Current Zoning Map**

This map is for graphical representation only. It is not a legal document.

- 1. STAFFORD CT
- 2. STRATTON DR



**Legend**  
 Request  
 VR-18-14-S

**AERIAL MAP**

Scale: 1" = 800'



This map is for graphical representation only. It is not a legal document.

# Variance VR-18-14-S

845 Cog Hill

Reduce Rear setbacks

# Aerial View





Subject Property



View to the South (Across Cog Hill)



View to the West



View to the East



# onings lap

