



Community Development – Zoning Division

John Pederson – Division Manager

ZONING CASE

LUP-3-2023

SITE BACKGROUND

Applicant	The Giving Gardens, Inc.
Phone	770-779-5058
Email	community@ourgivinggarden.org
Representative Contact	Hillary Jensen
Phone	770-779-5058
Email	community@ourgivinggarden.org
Titleholder	The Giving Gardens, Inc.
Property Location	Located on the north side of Cooper Lake Road, and on the east side of Waits Drive
Address	79 Cooper Lake Road, 5288 Wats Drive
Access to Property	Cooper Lake Road, Waits Drive (via church)

QUICK FACTS

Commission District	4-Sheffield
Current Zoning	R-20
Current Use of Property	Single-family residential
Proposed Use	Community garden space including animal husbandry, education, mobile food service unit, food sales, and intern housing
Future Land Use	LDR
Site Acreage	3.2
District	17
Land Lot	183, 250
Parcel #	17025000020, 17025000110
Taxes Paid	Exempt

FINAL ZONING STAFF RECOMMENDATIONS

[Click here to enter text.](#)

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LEGEND

- 1. Existing garden 'tunnel rows' with swale irrigation
- 2. Existing wild space
- 3. Existing and Proposed rain gardens
- 4. Proposed Shade Trellis with Solar and Rainwater Harvesting
- 5. Existing Dome - Approx. 40' diameter geodesic dome with steel supports and vinyl panels. Not fixed, no foundation.
- 6. Proposed Deck - proposed wooden deck
- 7. Existing Food Forest
- 8. Greenhouse/Hoophouse - Proposed structure. Not fixed, no foundation.
- 9. Firepit and seating
- 10. Existing Entry plaza & Social Amenities
- 11. Existing House - existing to remain.
- 12. Proposed Restroom - single occupancy composting toilet
- 13. Proposed Deck - floating structure, approx. 100 sqft
- 14. Existing Orchard
- 15. Proposed Terraced Retaining Wall - approx. 4' total vertical height, individual terraces to be <30" ht.
- 16. Proposed Reconfigured Fenceline
- 17. Existing Mobile Food Kitchen
- 18. Existing Fence and Gates



PLAN PREPARED BY CHRIS MORRIS PLA
 888 482 7301



Revised October 1, 2009

Application #: W.P.3
PC Hearing Date: 2/1/23
BOC Hearing Date: 2/2/23

TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Nonprofit Community Garden
2. Number of employees? 1
3. Days of operation? M-F
4. Hours of operation? approx. 9-5
5. Number of clients, customers, or sales persons coming to the house per day? _____ ; Per week? _____
6. Where do clients, customers and/or employees park?
Driveway: x ; Street: _____ ; Other (Explain): _____
Clients and customers park in parking lot of adjacent church (75 Cooper Lake Road)
7. Signs? No: x ; Yes: _____. (If yes, then how many, size, and location): Materials and equipment related to the garden uses
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): _____
One - Mobile Food Service Unit (trailer)
9. Deliveries? No x ; Yes _____. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)

10. Does the applicant live in the house? Yes _____ ; No x
11. Any outdoor storage? No _____ ; Yes x (If yes, please state what is kept outside): Materials and equipment related to the garden uses
12. Length of time requested (24 months maximum): 24 months
13. Is this application a result of a Code Enforcement action? No x ; Yes _____. (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed):
Please see attached Addendum.

Applicant signature: _____ Date: _____

Applicant name (printed): The Giving Gardens, Inc.



Revised December 18, 2013

Application #: LUP-3

PC Hearing Date: 9/1/23

BOC Hearing Date: 9/21/23

TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

1. Number of unrelated adults in the house? 3
2. Number of related adults in the house? _____
3. Number of vehicles at the house? 3
4. Where do the residents park?
Driveway: x; Street: _____; Garage: _____
5. Does the property owner live in the house? Yes _____; No x
6. Any outdoor storage? No _____; Yes x (If yes, please state what is kept outside): Materials and equipment related to the garden uses
7. Length of time requested (24 months maximum): 24 months
8. Is this application a result of a Code Enforcement action? No x; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
9. Any additional information? (Please attach additional information if needed):
Please see attached Addendum.

Applicant signature: _____ Date: _____

Applicant name (printed): The Giving Gardens, Inc.

ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: _____

Size of house per Cobb County Tax Assessor records: _____

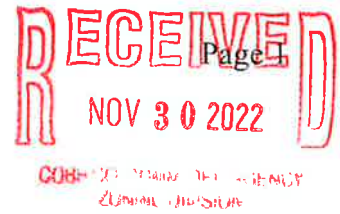
Number of related adults proposed: _____ Number permitted by code: _____

Number of unrelated adults proposed: _____ Number permitted by code: _____

Number of vehicles proposed: _____ Number permitted by code: _____

Number of vehicles proposed to be parked outside: _____ Number of vehicles permitted _____

Revised December 18, 2013



Our Giving Garden was established by The Giving Garden, Inc. as a community garden at 79 Cooper Lake Road (the “Property”) in 2016. Since then, this volunteer-based nonprofit organization has worked to interrupt poverty through growing and donating food, hosting events and camps, collecting and donating household items and clothing, and teaching community members about nutrition and sustainability. Recently, with the support of Sustainable Design Collaborative Atlanta (SDCA), the Garden prepared a vision for improvements to the Property to enhance and achieve its public-focused mission.

The purpose of this application for a Temporary Land Use Permit is to allow the Garden to pursue certain mission-driven uses and improvements to the Property that were identified through the SCDA plan and other organizational planning efforts. These specific uses are not expressly permitted in the R-20 District:

- Outdoor forest school (M-F, 9am – 1pm) and educational day camps (*Note: The forest school is operated by a separate business entity*);
- Animal husbandry (goats, chickens, and donkeys);
- Mobile Food Service Unit (as defined in the Georgia Department of Health Rules and Regulations, Chapter 511-6-1), or “food trailer” to allow the Garden to host nutrition classes, cooking demonstrations, and potential food sales;
- “Base of Operation” (kitchen and cleaning area) serving the Mobile Food Service Unit;
- Food sales (seasonal farmers markets);
- Temporary housing for interns (in RVs/trailers); and
- Enclosed outdoor comfort station/shower.

With the exception of the comfort station, all of these uses can, and will, be accommodated in the existing improvements located at the Property. Parking in support of these uses is provided at the adjacent property, Vinings Lake Church, pursuant to an agreement with the Church, a copy of which is enclosed with the application. The Church parking lot contains 122 parking spaces. As depicted in the enclosed site plan, future improvements may include a trellis (potentially including solar panels), a deck surrounding the existing geodesic dome, and other structures to support public events. These permanent structures are not contemplated in this application for a Temporary Land Use Permit.

The proposed low-impact uses will allow Our Giving Garden to expand its mission and provide more food and educational services in service of community members. The Garden has held meetings and events at the Property in the summer, during which these proposed uses were discussed with neighbors and members of the broader public. As evidenced by the enclosed signed petitions, there is overwhelming support in the community for these uses in support of the Garden’s mission.

Front view of Property and paved parking area for residents

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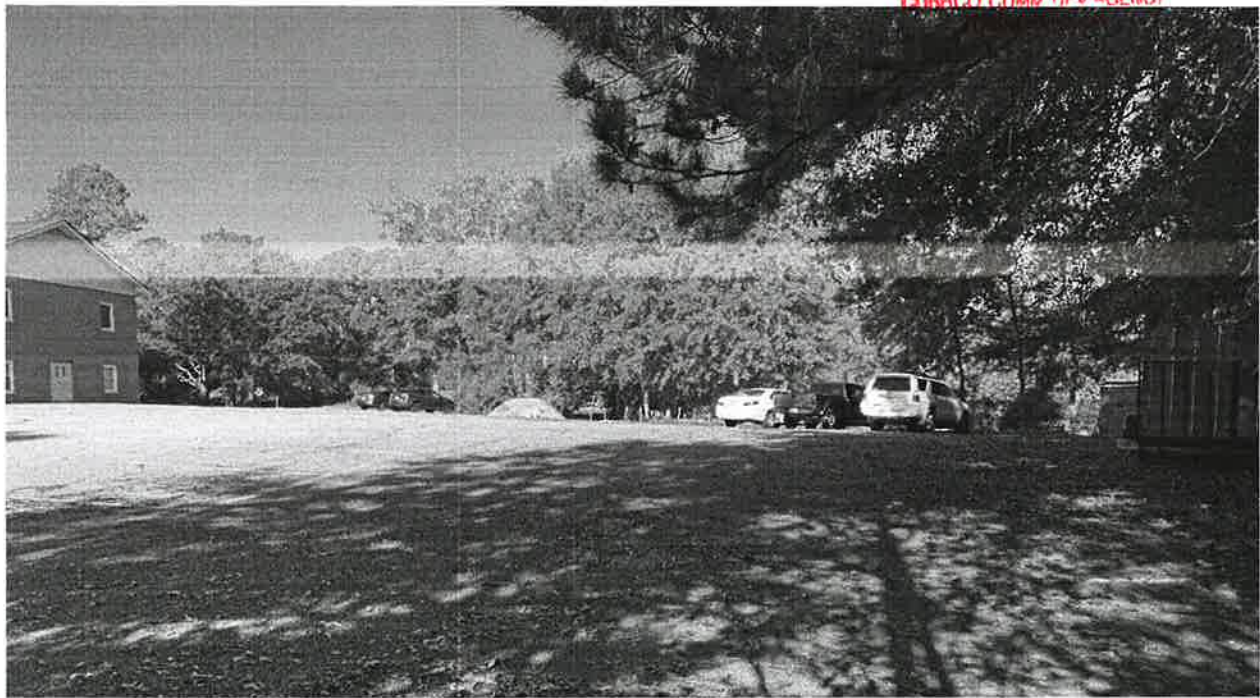


Mobile Food Service Unit (trailer)





View of parking lot (Vinings Lake Church) – looking North



View of parking lot (Vinings Lake Church) – looking South



CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS TO ACCOMPANY APPLICATION FOR LAND USE PERMIT

By signature, it is hereby acknowledged that I give my consent/or have no objection that _____

The Giving Gardens, Inc. intends to make an application for a Land Use Permit for the purpose of
Farm & Education Center on the premises described in the application.

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COBB COUNTY DEPARTMENT OF PLANNING AND ZONING DIVISION

Signature	Printed name	Address
1.	Mary Puerto	100 Stone Gate Way
2.	Betsy Burt	5124 Stoneywood Cir
3.	Heather Maddox	154 Admiral Way SE, Mableton
4.	Brittany Gurley	248 St. Martins Dr SE Mableton
5.	Amanda Paloutka	518 Stoneywood Circle
6.	SARIMA PERERA	236, St. Martins Drive
7.	Lauren Winslow	4658 Coopers Hill Dr SE Smyrna
8.	Emily Ellis	5146 Stoneyfork Ct SE
9.	Rebecca Casaccia	4245 Millside Walk SE
10.	CHRIS LOGAN	1080 PARKLAND RUN SE
11.	Michelle Oppang	1308 Kirkwood Ln Smyrna GA
12.	Rebecca Sayler	2309 Elmwood Cir SE Atlanta 30339
13.	Amber Jones	4514 Wilkerson Pl, Smyrna
14.	James W. Jones	4514 Wilkerson Pl, Smyrna GA 30082
15.	Eric Sanker	5146 Stoneyfork Ct, MABLETON, GA 30126
16.	Laurencia Burt	207 St Martins Lane SE Mableton, GA 30126
17.	Lamar Burt	207 saint martins Lane Mableton
18.	Colleen Phelan	677 Vinings Estates Dr. Mableton
19.	Jeremy Phelan	781 Vinings Estates Dr. Smyrna
20.	Tara Henderson	716 Vinings Estates Dr Mableton

(Attach additional pages if necessary)

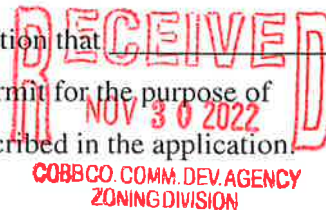
Revised October 1, 2009

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more signatures

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Signature

Printed name

Address

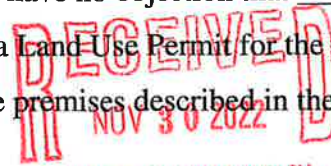
30126

1. Sarah Jourdan	SARAH JOURDAN	355 COOPER LAKE RD SE	30126
2. Julian H. Kent	Julian H. Kent	375 Cooper Lake Rd. SE	
Charles Kent	CHARLES KENT	375 COOPER LAKE RD	30126
4. Kimberly Lawson	KIMBERLY K. LAWSON	179 WANA CIR. SE	30126
5. Amy Crosby	Amy Crosby	491 Cooper Lake RD	30126
6. Anita Bane	Anita Bane	491 Cooper Lake RD	30126
7. Allan Bane	ALLAN BANE	491 Cooper Lake Rd.	30126
8. Mae York	MAE YORK	437 COOPER LAKE RD	30126
9. Buddy York	Buddy YORK	437 COOPER LAKE RD	30126
10. Connie Hayes	CONNIE HAYES	4371 COOPER OAKS DR	SMYRNA 30082
11. Ellen Cook	ELLEN COOK	3323 Sherrad Dr SW	Marietta GA 30060
12. Jo Miller	Jo Miller	1604 Savannah Ct., Smyrna	
13. Cathy Whitten	Cathy Whitten	625 Aunt Lucy Ln, Smyrna	30082
14. Glenn R. Brown	GLENN RAY BROWN	4210 KINGSPRINGS RD. SMYRNA	30082
15. Jimmy Sanders	Jimmy Sanders	2093 Ghentry Dr. Mableton	3006
16. Louis Jourdan	LOUIS JOURDAN	355 COOPER LAKE RD MABLETON	30126
17. Joy Callaway	Joy Callaway	4989 Elizabeth Dr SE Mableton	30126
18. Jack Ward	JACK WARD	5233 Hayden Farms Dr Powder Springs GA	30127
19. Katherine Huddleston		86 Anita Pl Mableton	30126
20. Sheila Geiger	Sheila Geiger	467 Benson Hurst Dr. Mableton GA	30126

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Farm and Education Center on the premises described in the application.



COBB CO. COMM. DEV. AGENCY
 PLANNING DIVISION

Signature	Printed name	Address
1.	Asmeru Smith	1021 Hyacinth Lane Peachtree City 30269
2.	Alison Hoch	47 Charlotte Dr. Mableton GA 30126
3.	Abby Redmond	4591 Gann Crossing Smyrna 30082
4.	Judith W Byler	99 Cooper Lake Rd SE Mableton GA 30126
5.	Janelle Holder	4978 Collins Lake Mableton, GA 30126
6.	Daniel Csenar	2110 Stonebrook Drive Austell GA 30106
7.	Krystal Mahchak	5095 Stonewood Cir Mableton GA 30126
8.	Drew Mahchak	5095 Stonewood Cir Mableton GA 30126
9.	Jenna Dennis	4333 King Valley Dr SE Smyrna GA 30082
10.	Amy J Sheehan	4650 Gann Ct SW Smyrna, GA 30082
11.	Gwenevere Bryant	54 Driskell Ave SW Mableton GA 30126
12.	Lori Wheelis	130 Eddie Ln Mableton GA 30126
13.	Jean Hanson	132 Eddie Ln. Mableton, Ga 30126
14.	Alicia Bellezza-Watts	212 St Martins Lane Mableton GA 30126
15.	Robert Vaisbrough	2187 Brookview Drive Atl, GA 30318
16.	Ben Vaisbrough	2187 Brookview Dr Atl. GA 30318
17.	Mark Erler	5387 Burdette Rd SE Mableton, GA 30126
18.	Selena Erler	5387 Burdette Rd Mableton, Ga 30126
19.	Heather Karvis	3790 Gann Rd. Smyrna, GA 30082
20.	Brett Bokath	4303 Jameson Lane Smyrna GA 30082

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Signature	Printed name	Address
1. <u>Jean Lindstedt</u>	Jean Lindstedt	126 Berry Trail - Dallas Ga. 30132
2. <u>J. Douglas Bruto</u>	J. Douglas Bruto	1870 Skyhawk Crossing, Powder Springs, 30127.
3. <u>Lauren Jones</u>	Lauren Jones	1441 Buckner Rd, Mableton, GA 30126
4. <u>Judy Cannon</u>	Judy Cannon	4366 Bowen Ridge Ct. Smyrna, GA 30082
5. <u>Robert Swarthart</u>	Robert Swarthart	5100 Livitania Rd Mableton GA 30126
6. <u>Brenda Lindstedt</u>	Brenda Lindstedt	340 Cooper Lake Rd Mableton Ga 30126
7. <u>Leslye Knox</u>	Leslye Knox	397 Cooper Lake RD SE 30126
8. <u>Kelly Mercurio</u>	Kelly Mercurio	447 Cooper Lake Rd SE, Mableton, GA 30126
9. <u>Terry Thomas</u>	Terry Thomas	2100 Mulberry Pl Marietta GA 30068
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(Attach additional pages if necessary)

Revised October 1, 2009