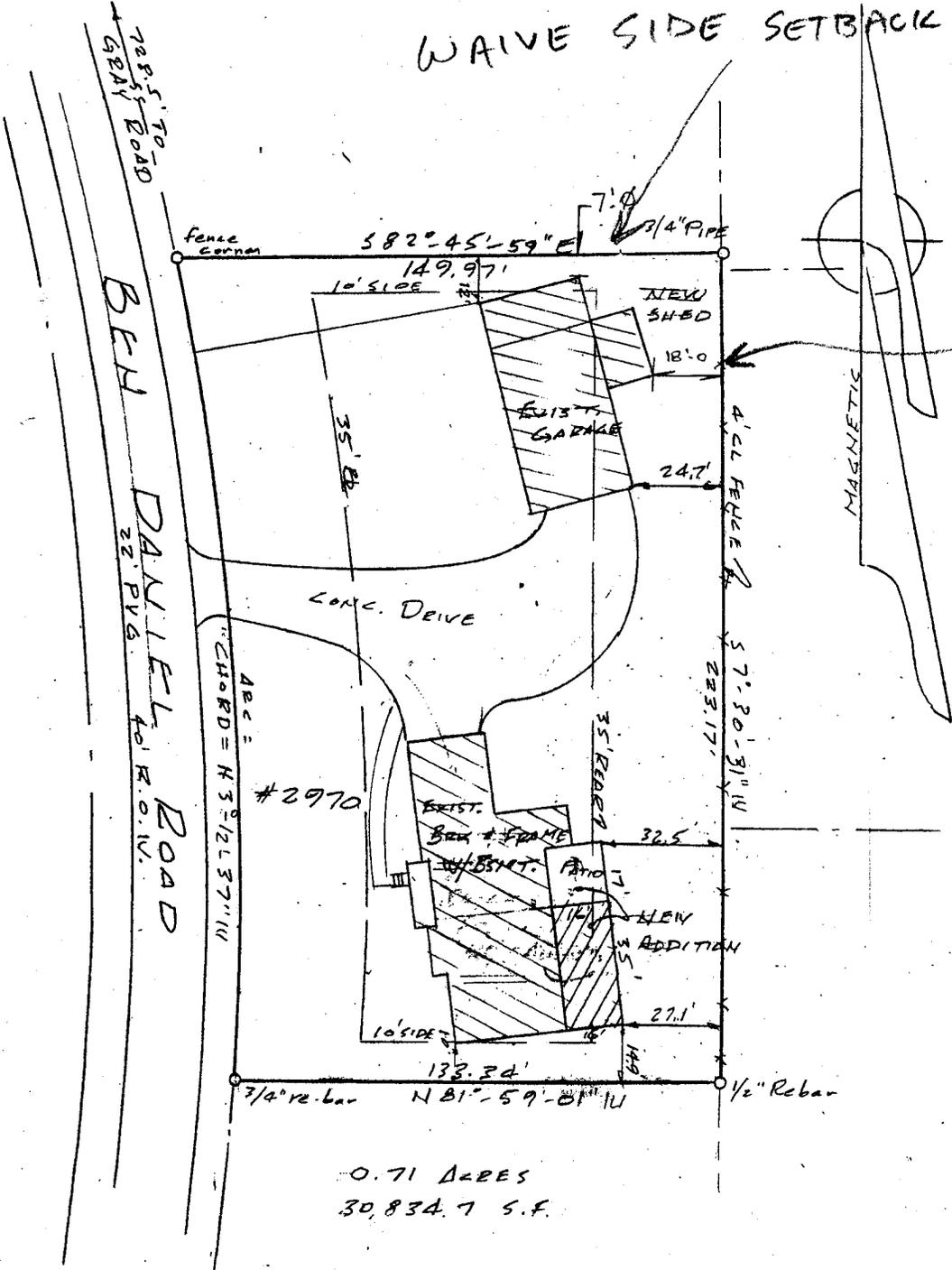


V-100
(2008)

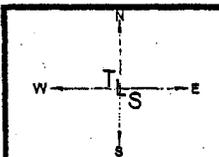
**PROPOSED
WAIVE SIDE SETBACK**



WAIVE
REAR
SETBACK

0.71 ACRES
30,834.7 S.F.

REF - SURVEY BY FELPE ENGINEERS,
INC. FOR SARA LEE, AUG. 21, 1976



TRU-LINE SURVEYING INC.
2070 ATTIC PARKWAY
SUITE 505
KENNESAW, GA. 30064
PHONE (770) 919-8732
FAX (770) 919-8731



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

WEL

SURVEY FOR ADELMO ROBANAHE	
LAND LOT: 234	SCALE: 1" = 30'
DISTRICT: 1.7 TH	DATE: MARCH 21
SECTION: 1 ST	DRAWN BY:
COUNTY: COBB	CHECKED BY:
STATE: GEORGIA	JOB NO.: 01-3858

APPLICANT: Adelmo Rabanales **PETITION NO.:** V-100
PHONE: 770-480-4748 **DATE OF HEARING:** 10-08-08
REPRESENTATIVE: John Galczynski **PRESENT ZONING:** R-20
PHONE: 678-887-7368 **LAND LOT(S):** 234
PROPERTY LOCATION: Located on the east side of Ben Daniel Road, southwesterly of Gray Road (2907 Ben Daniel Road). **DISTRICT:** 17
SIZE OF TRACT: .71 acre
COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Allow an accessory structure to the side of the primary structure; and 2) waive the setback for an accessory structure over 650 square feet (proposed 1,757 square foot garage) from the required 100 feet to 7 feet adjacent to the northern property line, 78 feet adjacent to the western property line and 18 feet adjacent to the eastern property line.

COMMENTS

TRAFFIC: This request will not have an adverse impact on traffic.

DEVELOPMENT & INSPECTIONS: Violation notices and citation issued for illegal structure built without permit. V-50 was denied 6/11/08 for similar appeal. As directed by V-50 motion of 6/11/08 building inspections met on site 6/27/08 and detailed what was to be removed. Citation was issued 8/14/08 as structure was not removed.

STORMWATER MANAGEMENT: No significant stormwater management impacts anticipated over existing conditions.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

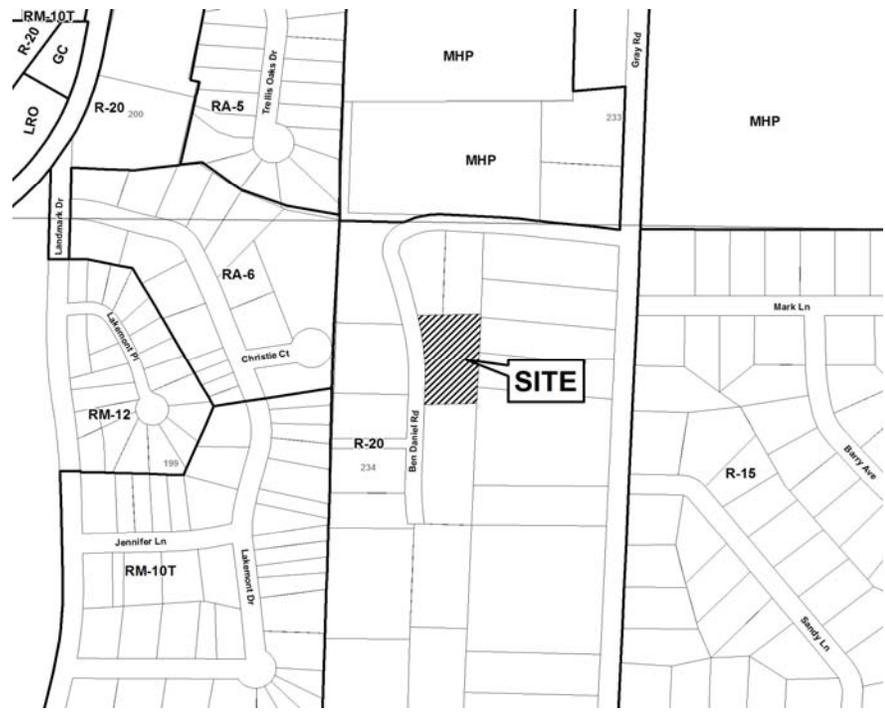
CEMETERY PRESERVATION: No comment.

WATER: No conflict.

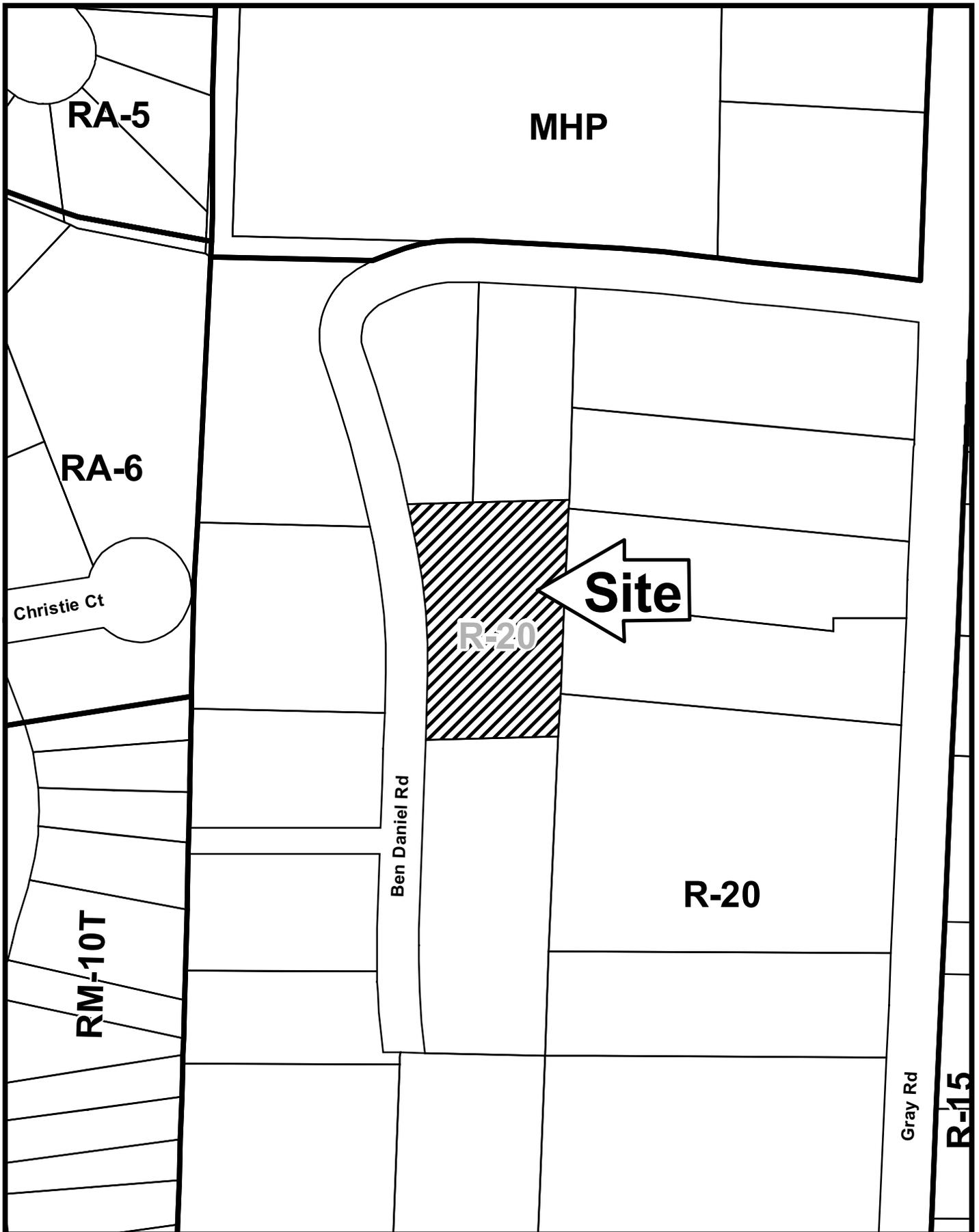
SEWER: Not available to property.

OPPOSITION: NO. OPPOSED **PETITION NO.** **SPOKESMAN**

BOARD OF APPEALS DECISION
APPROVED **MOTION BY**
REJECTED **SECONDED**
HELD **CARRIED**
STIPULATIONS:



V-100



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



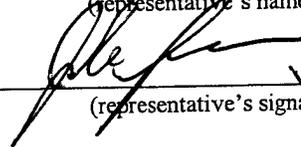
-  City Boundary
-  Zoning Boundary

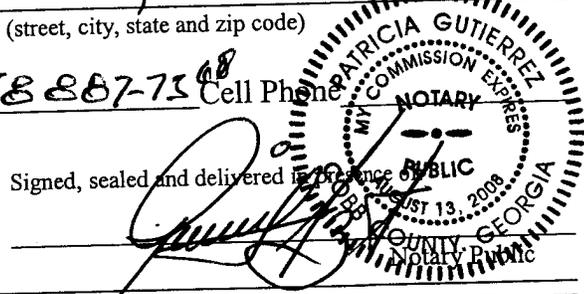
Application for Variance Cobb County

(type or print clearly)

Application No. V-100
Hearing Date: 10-8-08

Applicant ADELMO RABANALES Business Phone 7/480-4748 Home Phone _____
JOHN GALCZYNSKI Address P.O. Box 551, Smyrna GA 30080
(representative's name, printed) (street, city, state and zip code)

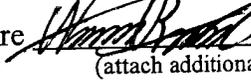
 J GALCZYNSKI Business Phone 678 887-7388 Cell Phone _____
(representative's signature)

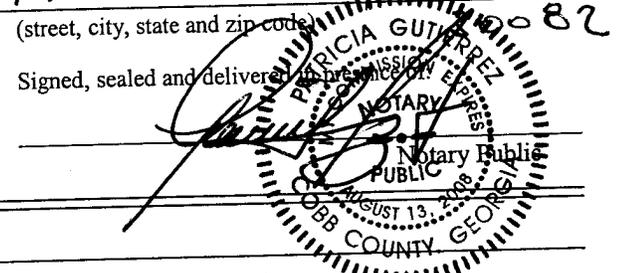


Signed, sealed and delivered in presence of _____

My commission expires: 8-13-2008

Titleholder ADELMO RABANALES & IDALIA M. RABANALES Business Phone _____ Home Phone 7/480-4748

Signature  ADOLFO Address: 2907 BEN DANIEL RD SMYRNA
(attach additional signatures, if needed) (street, city, state and zip code)



Signed, sealed and delivered in presence of _____

My commission expires: 8-13-2008

Present Zoning of Property R-20

Location 2907 BEN DANIEL ROAD, SMYRNA, GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 234 District 17 Size of Tract 0.71 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other _____

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

THIS VARIANCE APPLICATION IS TO AMEND SIDE PROPERTY SET-BACK FOR EXPANDED ACCESSORY BUILDING WHICH WAS EXTENDED FURTHER THAN EXISTING SET BACK PROVIDED. SO IT IS PROPOSED THAT THE CORNER OF SAID BUILDING BE MOVED FORWARD 8'-0" AND ADJUST SIDE SET BACK LINE ACCORDINGLY

List type of variance requested: CHANGE PROPERTY SIDE SET-BACK DISTANCE TO 7'-0", CHANGE BACK SET BACK FOR ACCESSORY BLDG TO 18'-0".

Application for Variance Cobb County

(type or print clearly)

Application No. V-50

Hearing Date: 6-11-08

Applicant + _____ Business Phone 770 480 4748 Home Phone _____

Adelmo Rabanales Address 2907 Ben Daniel Rd
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone + Cell Phone _____
(representative's signature)

Signed, sealed and delivered in presence of:

J. Bowen
Notary Public

My commission expires: + Notary Public, Cobb County, Georgia
My Commission Expires February 3, 2011

Titleholder + Adelmo Business Phone 770-480-4748 Home Phone 678 3059393

Signature [Signature] Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

See attached for Additional Signature

Signed, sealed and delivered in presence of:

J. Bowen
Notary Public

My commission expires: + Notary Public, Cobb County, Georgia
My Commission Expires February 3, 2011

Present Zoning of Property R-20

Location 2907 BEN DANIEL ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 234 047 District 17 Size of Tract _____ Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other _____

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

Garage is complete, shed was added to the end, owner did not realize he built in set back, would like not to remove part of shed

List type of variance requested: change set-back

Page 3 of 4APPLICATION NO.: V-50ORIGINAL DATE OF APPLICATION: 06-11-08APPLICANT'S NAME: IDALIA RABANALES

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY
BOARD OF ZONING APPEALS ON JUNE 11, 2008**

IDALIA RABANALES (Adelmo N. Rabanales and Idalia Maldonado Rabanales, owners) requesting a variance to: 1) waive the rear setback from the required 35 feet to 27 feet; and 2) waive the setback for an accessory structure over 650 square feet (proposed 1,585 square foot garage) from the required 100 feet to 3 feet adjacent to the northern property line, 84 feet adjacent to the western property line and 23 feet adjacent to the eastern property line in Land Lot 234 of the 17th District. Located on the east side of Ben Daniel Road, south of Gray Road (2907 Ben Daniel Road).

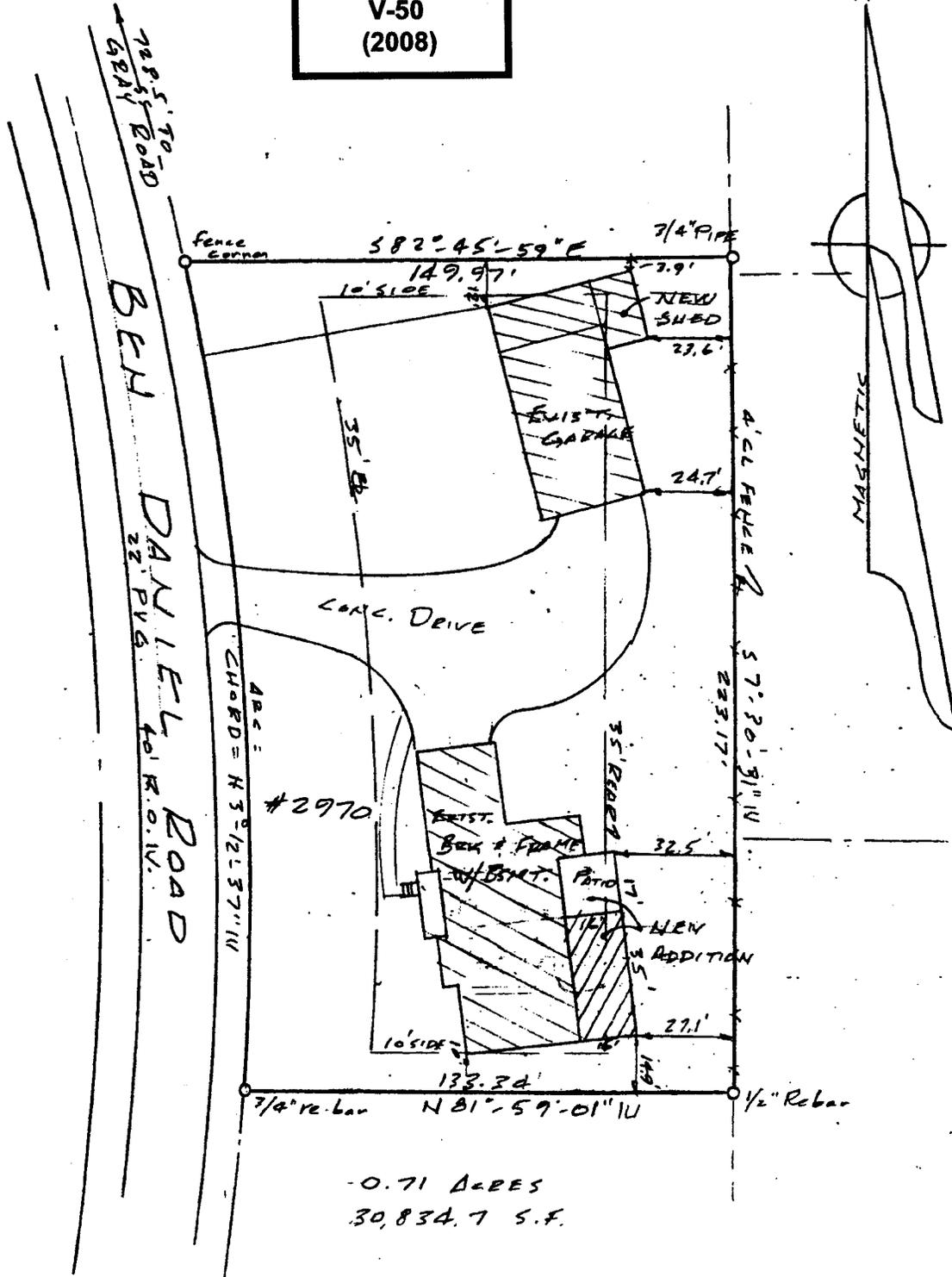
The public hearing was opened and Interpreter Mr. Jose Almonte Jumelles and owner Mr. Adelmo Rabanales addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Homan, second by McCleskey, to **approve** request #1, and to **reject** request #2 with the following **directives and instructions**:

- **within sixty (60) days of this decision, the accessory structure (garage) to be reduced in size (additions to be removed as shown on site plan), with Building Inspections Division staff to meet on site with the property owner to detail what is to be removed (site plan is attached and made a part of these minutes)**
- **no living quarters or business use of the accessory structure**
- **no business use of property, other than allowed by Code for Customary Home Occupations**
- **Development and Inspections Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **vehicles on site to be brought into compliance or removed from site within sixty (60) days of this decision**

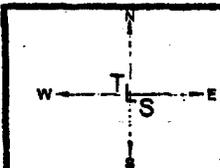
VOTE: **ADOPTED** unanimously

V-50
(2008)



0.71 ACRES
30,834.7 S.F.

REF - SURVEY BY FELPE ENGINEERS,
INC. FOR SARA LEE, AUG. 21, 1976



TRU-LINE SURVEYING INC.

2070 ATTIC PARKWAY
SUITE 505
KENNESAW, GA. 30084
PHONE (770) 919-8732
FAX (770) 919-8731



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

SURVEY FOR

ADELMO ROBBAHALE

LAND LOT:	234	SCALE:	1" = 30'
DISTRICT:	17 TH	DATE:	MARCH 21
SECTION:	1ST	DRAWN BY:	
COUNTY:	CLAY		

APPLICANT: Idalia Rabanales **PETITION NO.:** V-50
PHONE: 770-480-4748 **DATE OF HEARING:** 06-11-08
REPRESENTATIVE: Adelmo Rabanales **PRESENT ZONING:** R-20
PHONE: 770-480-4748 **LAND LOT(S):** 234
PROPERTY LOCATION: Located on the east side of **DISTRICT:** 17
Ben Daniel Road, south of Gray Road **SIZE OF TRACT:** .71 acre
(2907 Ben Daniel Road). **COMMISSION DISTRICT:** 4

TYPE OF VARIANCE: 1) Waive the rear setback from the required 35 feet to 27 feet; and 2) Waive the setback for an accessory structure over 650 square feet (proposed 1,585 square foot garage) from the required 100 feet to 3 feet adjacent to the northern property line, 84 feet adjacent to the western property line and 23 feet adjacent to the eastern property line.

COMMENTS

TRAFFIC: This request will not have an adverse impact on traffic.
DEVELOPMENT & INSPECTIONS: Building Division issued a Stop Work Order 1/31/08 for building without a permit. Exterior walls require a one hour rating within 5 feet of property line. Permits required for any approvals of variance prior to continuance of construction. If this variance request is approved, a plat must be recorded reflecting the revised setback. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. For questions, call 770-528-2147.
STORMWATER MANAGEMENT: The original garage is nearly the size of the house and its skewed orientation places the corner of the structure immediately adjacent to the property line. While the total impervious coverage is less than the allowable, expansion of an already non-compliant structure does not seem prudent.
HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.
CEMETERY PRESERVATION: No comment.
WATER: No conflict.
SEWER: Not available to property.

OPPOSITION: NO. OPPOSED _____ PETITION NO. _____ SPOKESMAN _____

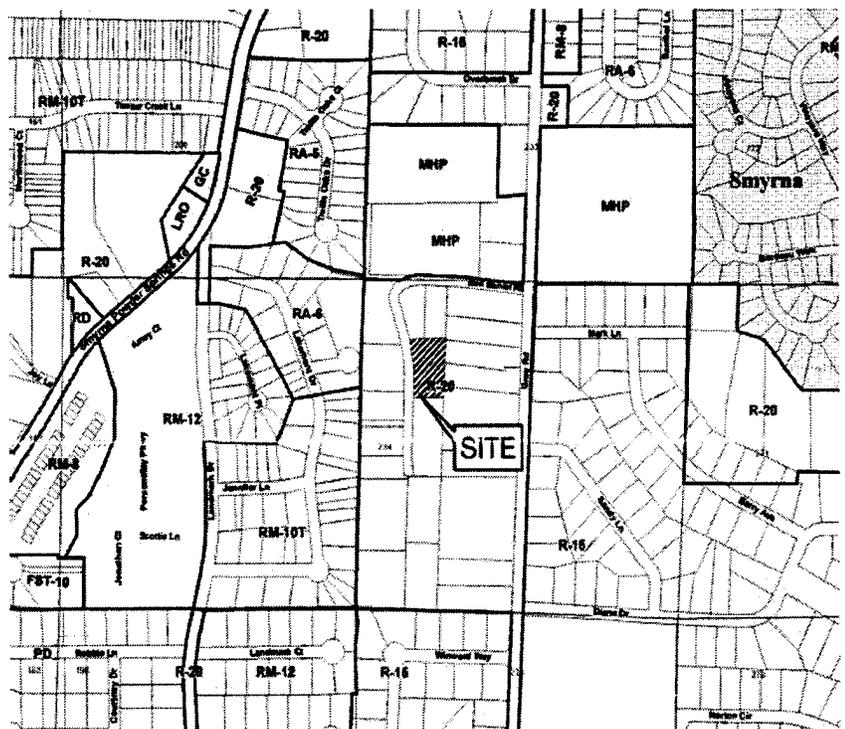
BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

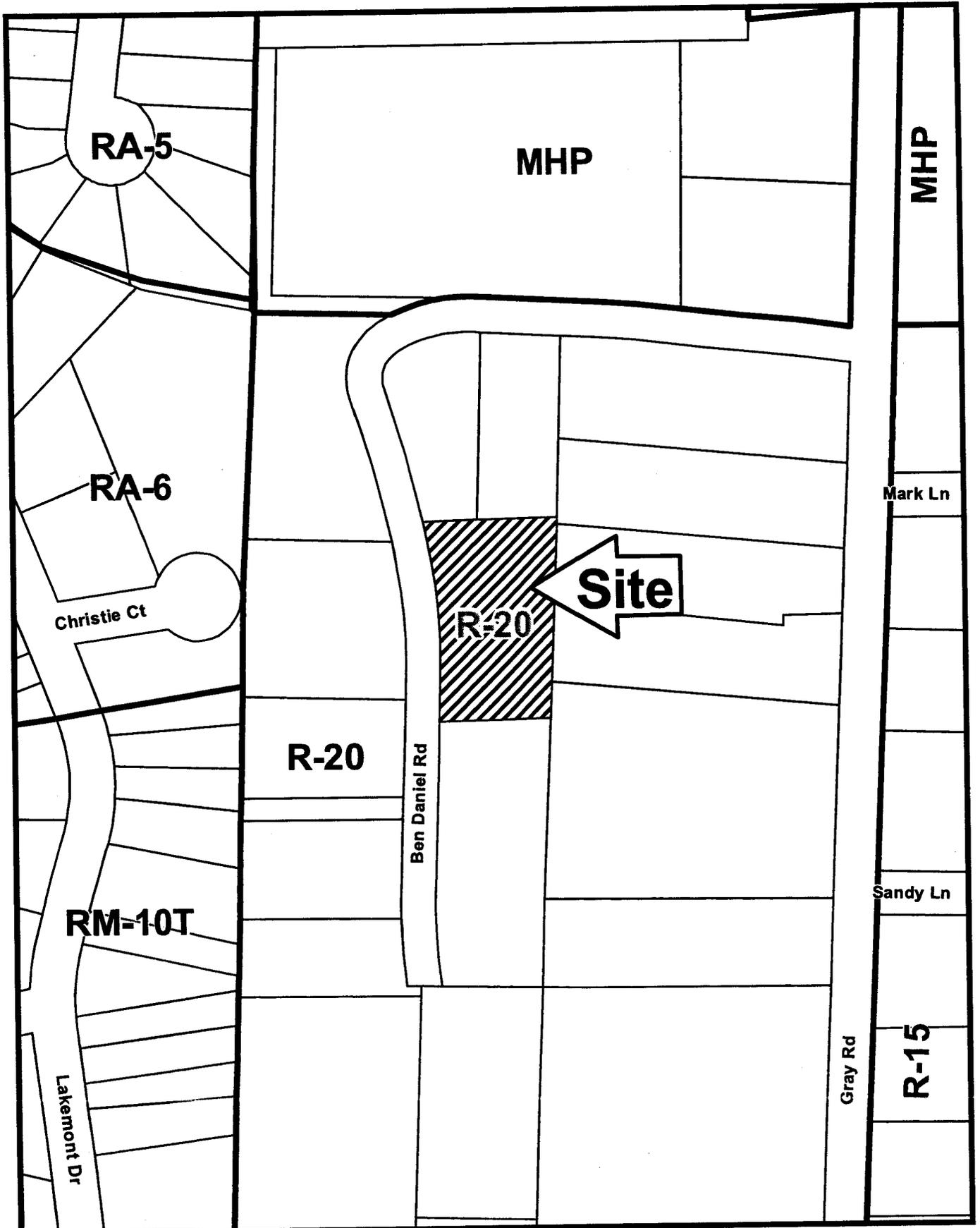
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

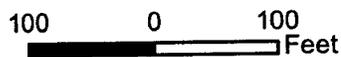
STIPULATIONS: _____



V-50



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



- City Boundary
- Zoning Boundary

Application for Variance Cobb County

(type or print clearly)

Application No. V-50
Hearing Date: 6-11-08

Applicant + _____ Business Phone 770 480 4748 Home Phone _____

Adelmo Babanales Address 2907 Ben Daniel Rd
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone L Cell Phone _____
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: L Notary Public, Cobb County, Georgia
My Commission Expires February 3, 2011 J. Bowen
Notary Public

Titleholder + Adelmo Business Phone 770-480-4748 Home Phone 678 3059393

Signature [Signature] Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: L Notary Public, Cobb County, Georgia
My Commission Expires February 3, 2011 J. Bowen
Notary Public

Present Zoning of Property R-20

Location 2907 BEN DANIEL ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 234 ①47 District 17 Size of Tract _____ Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other _____

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

Garage is complete shed, was added to the end, townie did not realize he built in set back, would like not to remove part of shed

List type of variance requested: change set-back