



**APPLICANT:** Northwest Neurology, P.C. **PETITION NO.:** V-106  
**PHONE:** 770-819-1717 **DATE OF HEARING:** 10-08-08  
**REPRESENTATIVE:** Garvis L. Sams, Jr. **PRESENT ZONING:** OI  
**PHONE:** 770-422-7016 **LAND LOT(S):** 1006  
**PROPERTY LOCATION:** Located on the east side of Austell Road, north of Fairview Drive (4439 Austell Road). **DISTRICT:** 19  
**SIZE OF TRACT:** .388 acre  
**COMMISSION DISTRICT:** 4

**TYPE OF VARIANCE:** 1) Waive the front setback from the required 50 feet to 25 feet; 2) waive the side setbacks from the required 15 feet to 10 feet; and 3) waive the lot size from the required 20,000 square feet to 16,900 square feet.

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** The proposed building site plan will have to be submitted through the Site Plan Review process for a land disturbance permit prior to submittal for a building permit. If this variance request is approved, after the new building is complete, 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:** No objection to variances for existing conditions. However, new building will require stormwater management analysis to mitigate any potential downstream impacts prior to permitting due to low-lying adjacent property at corner of Austell Road and Fairview Drive.

**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.

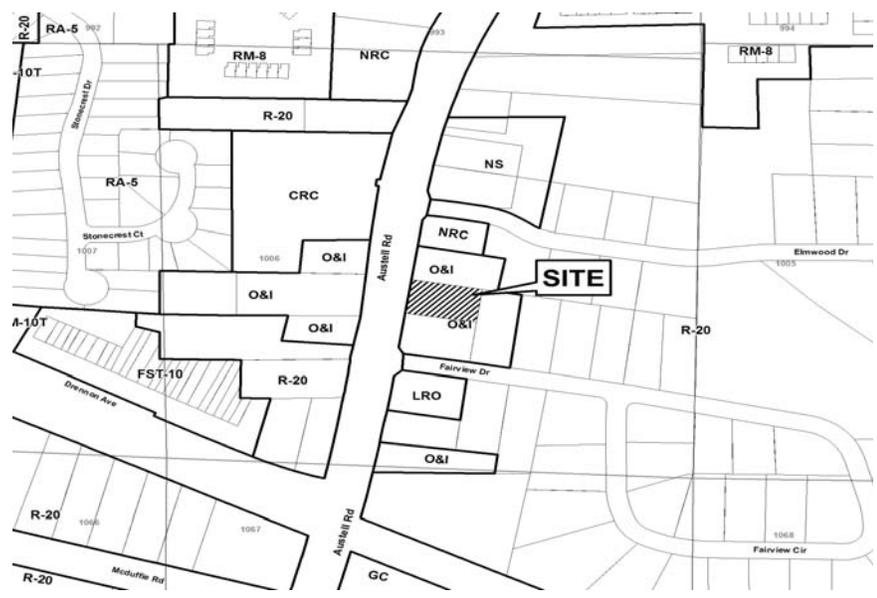
**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

**SEWER:** Health Department approval required for any developmental work which would encroach upon the septic system or reduce its required reserve area. If the Health Department approval cannot be obtained, proposed building cannot be approved without extension of public sewer to this property. This is likely unfeasible.

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

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



# Cobb County Fire and Emergency Services

Applicant Name: Northwest Neurology

Petition Number: V-106

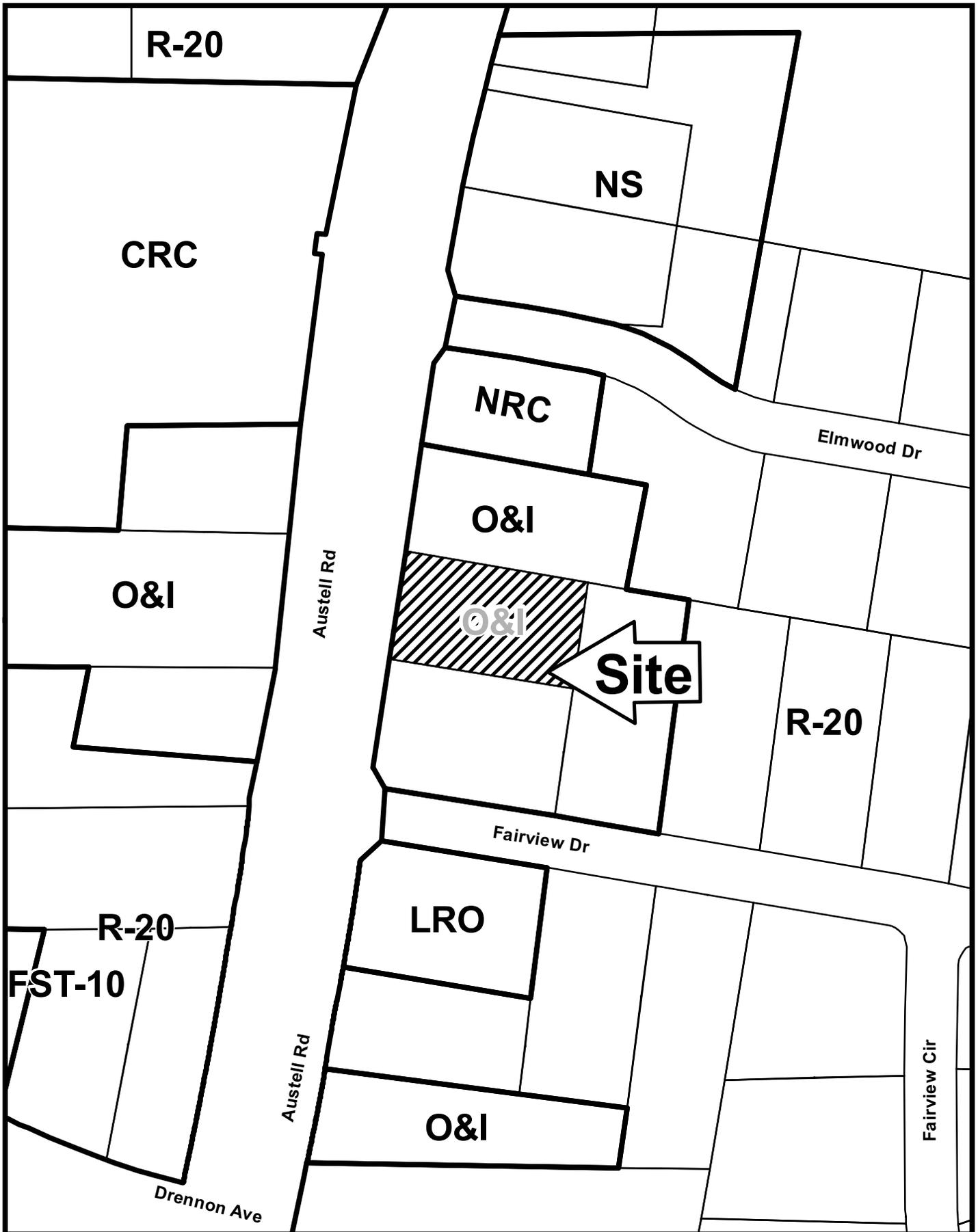
Date: 8.26.2008

## *Fire Marshal Comments*

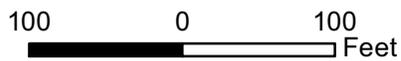
Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

# V-106



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



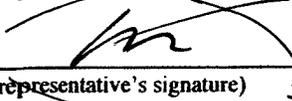
-  City Boundary
-  Zoning Boundary

# Application for Variance Cobb County

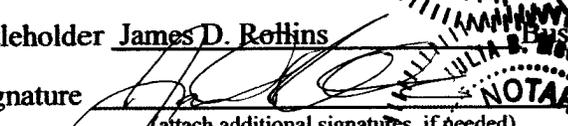
(type or print clearly)

Application No. V- 106  
Hearing Date: 10/08/08

Applicant Northwest Neurology, P.C. Business Phone 770/819-1717 Home Phone \_\_\_\_\_  
Garvis L. Sams, Jr. 376 Powder Springs Street, Suite 100  
SAMS, LARKIN & HUFF, LLP Address Marietta, GA 30064  
(representative's name, printed) (street, city, state and zip code)

By:  Business Phone 770/422/7016 Fax 770/426-6583  
(representative's signature)

My commission expires: \_\_\_\_\_  
Signed, sealed and delivered in presence of:  
Julia B. McCarson  
Notary Public

Titleholder James D. Rollins Business Phone \_\_\_\_\_ Home Phone 770-928-8297  
Signature  Address: 497 Gaillardia Way, Acworth, GA 30102  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: \_\_\_\_\_  
Signed, sealed and delivered in presence of:  
Julia B. McCarson  
Notary Public

Present Zoning of Property Office & Institutional (O&I)

Location East side of Austell Road, north of Fairview Drive (4439 Austell Road)  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1006 District 19th Size of Tract 0.388 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 XX Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other XX

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.  
The hardship existing in this case is precipitated by the widening of Austell Road which left the existing building within the front setback. Prior to the widening of Austell Road, the building complied with the required 50' setback. A literal interpretation or enforcement of Ordinance provisions creates a hardship and would disallow the additional building proposed for the subject property.

List type of variance requested:  
Waiver of front setback on Austell Road from 50' to 25'; waiver of side setbacks from 15' to 10'; and waiver of required lot size from 20,000 square feet to 16,900 square feet.