



**APPLICANT:** Christopher Fair and Maria Fair      **PETITION NO.:** V-8  
**PHONE:** 678-477-3061      **DATE OF HEARING:** 01-14-09  
**REPRESENTATIVE:** same      **PRESENT ZONING:** R-20  
**PHONE:** same      **LAND LOT(S):** 1043  
**PROPERTY LOCATION:** Located on the west side of      **DISTRICT:** 17  
Westbury Park Trace, north of Paper Mill Road      **SIZE OF TRACT:** .6921 acre  
(460 Westbury Park Trace).      **COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** Waive the rear setback for an accessory structure (proposed 640 square foot pool cabana) on lot 4 from the required 40 feet to 18 feet.

**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on traffic.  
**DEVELOPMENT & INSPECTIONS:** Some of the proposed project will be in a drainage easement. If the Cobb County Stormwater Management Division approves the encroachment and the variance is granted, a plat revision must be recorded reflecting the conditions of the variance. The surveyor must submit the revised subdivision plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.  
**STORMWATER MANAGEMENT:** The proposed improvements just meet the impervious coverage limit. However, the pool and cabana are proposed within a 20 foot recorded drainage easement. Relocation of this drainage easement is limited due to the 10 foot landscape buffer required along the rear property line. The site plan must be revised to provide for at least a 10 foot drainage easement to accommodate offsite flow and convey it to the existing drop inlet.  
**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:** No permanent structures shall be constructed within 10 feet of the edge of a permanent water or sewer easement on front and rear setbacks, or within 2 feet on side setbacks, per Code 122-123. Sewer is along and within south property line.

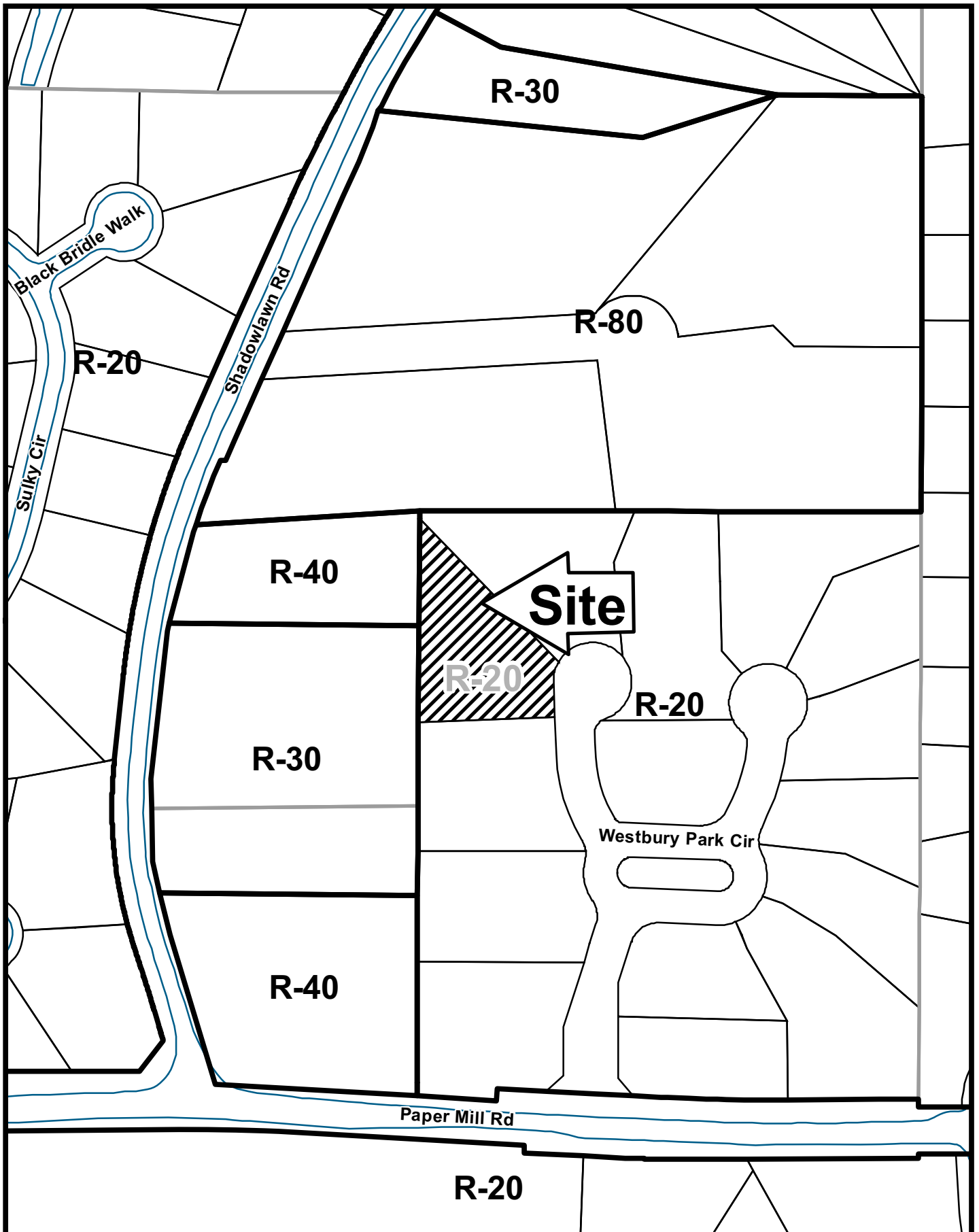
**OPPOSITION:** NO. OPPOSED      **PETITION NO.** \_\_\_\_\_      **SPOKESMAN** \_\_\_\_\_

**BOARD OF APPEALS DECISION**

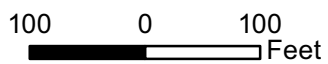
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_  
**STIPULATIONS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# V-8



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. U-8  
Hearing Date: 7-14-09

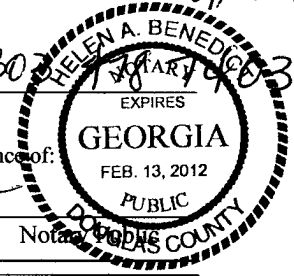
Applicant CHRIS & Maria Fair Business Phone 678 477 3061 Home Phone 770-952-4033

~~CHRIS FAIR~~ Maria Fair Address 460 Westbury Park Trace Marietta, GA 30067  
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone 678 477 3061 Cell Phone 303 778 1963  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]



My commission expires: 2/13/12

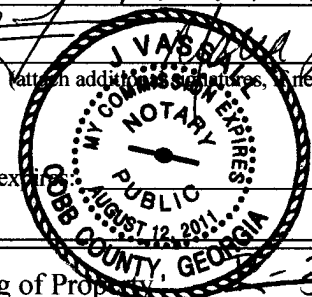
Titleholder <sup>CHRIS FAIR</sup> Maria Fair Business Phone 678 477 3061 Home Phone 770 952 4033

Signature [Signature] Address: 460 Westbury Park Trace Marietta, GA 30067  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

[Signature]

Notary Public



My commission expires: \_\_\_\_\_

Present Zoning of Property R-30 R-20

Location 460 Westbury Park Trace  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1043 P52 District 17 Size of Tract .0921 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.

In the event of non approval, we feel that we would not be able to construct an appropriate safety barrier for unintended usage of the pool. The intended structure will also assist in the reduction of "noise" to neighboring homes. Without this variance, we believe some neighbors might be inconvenienced. This is due to our restrictive site limitations.

List type of variance requested:  
Encroachment upon rear setback for open area structure. WAIVE THE REAR SETBACK FROM REQUIRED 40 FT TO 10 FT.

See Exhibit "A" for cabana rendering.

**Exhibit "A"**  
**V-8 (2009)**  
**Pool Cabana**  
**Rendering**

PRELIMINARY - OPEN AIR - CABANA  
 NOT FOR CONSTRUCTION

**FAIR RESIDENCE**  
 1000 Fair Lakes Road, Suite 200  
 Fair Lakes, Georgia 30075  
 Land Use 1003, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County

SHEET L-2    Nov. 19, 2009  
**Gardner Architects, Inc.**  
 1000 Fair Lakes Road, Suite 200  
 Fair Lakes, Georgia 30075  
 Phone: (770) 538-8888    Fax: (770) 577-6999  
 Email: gardner@gardnerarchitects.com

