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# VARIANCE ANALYSIS

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May 13, 2009

Prepared by:  
**COBB COUNTY**  
**PLANNING AND ZONING DIVISIONS**

***COBB COUNTY BOARD OF COMMISSIONERS***

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COMMUNITY DEVELOPMENT DEPARTMENT***

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Mark A. Danneman, Manager, Zoning Division**



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**COBB COUNTY BOARD OF ZONING APPEALS  
VARIANCE HEARING AGENDA  
MAY 13, 2009**

**CONTINUED CASE**

- V-28**      **MARIETTA FISH MARKET, LLC** (3205 Tyson's Corner, LLC and MFS Properties, LLC, owners) requesting a variance to: 1) reduce the landscape buffer adjacent to residentially zoned property from the required 40 feet to as low as 5 feet; 2) allow temporary parking on a gravel lot on tract A during construction only; 3) waive the width of a drive aisle for 60° parking from 18.5 feet to 13 feet; and 4) waive the front setback on tract C from 50 feet to 37 feet (existing) in Land Lots 443 and 444 of the 16<sup>th</sup> District. Located on the west side of Canton Road, south of Blackwell Road and on the east side of Hilltop Drive. *(Previously continued by the Board of Zoning Appeals from their April 8, 2009 hearing)*

**REGULAR CASES – NEW BUSINESS**

- V-33**      **WILLIAM B. BARBEE** (owner) requesting a variance to: 1) waive the lot size from the required 20,000 square feet to 15,542 square feet; and 2) waive the side setback from the required 25 feet to 17 feet adjacent to the southern property line in Land Lot 1243 of the 16<sup>th</sup> District. Located at the northeast intersection of Hamby Road and Hazelwood Drive (15 Hamby Road).
- V-34**      **FAITH LUTHERAN CHURCH OF COBB COUNTY, INC.** (owner) requesting a variance to waive the required 35 foot landscape screening buffer adjacent to the northwest property line in Land Lots 1244 and 1245 of the 16<sup>th</sup> District. Located on the north side of Lower Roswell Road, west of Holt Road (2111 Lower Roswell Road).
- V-35**      **JDH CAPITAL, LLC** (Robert J. McCamy and Christmas Creek Investment Company, L.P., owner) requesting a variance to: 1) waive the number of parking spaces from the required 275 spaces to 250 spaces; and 2) waive the landscape screening buffer from the required 35 feet to 10 feet adjacent to the eastern property line in Land Lot 631 of the 19<sup>th</sup> District. Located at the northeast intersection of Austell Road and Milford Church Road.      **WITHDRAWN WITHOUT PREJUDICE**

- V-36**      **DONNA MUTH** (Steve T. Muth and Donna L. Muth, owners) requesting a variance to: 1) waive the rear setback on lot 40 for an accessory structure over 144 square feet from the required 35 feet to 8 feet (for the gazebo); 2) allow an accessory structure (existing 72 square foot frame building) to be closer to the side street than the principal structure; and 3) waive the rear setback on lot 40 for an accessory structure under 144 square feet from the required 5 feet to 3 feet (for the frame building) in Land Lot 773 of the 16<sup>th</sup> District. Located at the northwest intersection of Kinridge Trail and Kinridge Road (2147 Kinridge Road).
- V-37**      **REBECCA HIGGINBOTHAM** (Daryle Higginbotham and Rebecca K. Higginbotham, owners) requesting a variance to: 1) waive the setback for an accessory structure over 650 square feet (proposed 1,484 square foot shed) from the required 100 feet to 15 feet adjacent to the eastern property line and 37 feet adjacent to the northern property line; 2) waive the front setback for the house from the required 35 feet to 28 feet (existing); and 3) waive the width of an easement for a house located off of a private easement from the required 25 feet to 20 feet (existing) in Land Lots 250 and 283 of the 20<sup>th</sup> District. Located off of a private easement on the north side of Gilbert Road (1488 Gilbert Road).
- V-38**      **DAVID OGRAM** (John Keith White and Polly D. White, owners) requesting a variance to: 1) waive the side setback adjacent to the northern property line from the required 12 feet to 11 feet; 2) waive the side setback adjacent to the southern property line from the required 25 feet to 24 feet; and 3) waive the rear setback from the required 40 feet to 39 feet on lot 17 in Land Lots 975 and 1018 of the 17<sup>th</sup> District. Located at the northwest intersection of Cochise Drive and Laramie Drive (3275 Laramie Drive).
- V-39**      **DEAN CONSTRUCTION COMPANY** (Craig Robson and Angelia Robson, owners) requesting a variance to waive the rear setback for an accessory structure over 144 square feet on lot 9 from the required 35 feet to 10 feet (proposed 225 square foot pavilion) in Land Lots 954 and 973 of the 17<sup>th</sup> District. Located on the west side of Lemons Ridge Drive, west of Paces Ferry Road (3150 Lemons Ridge Drive). *(Continued by Staff from the May 13, 2009 Board of Zoning Appeals hearing; therefore will not be considered at this hearing)*

- V-40 WEST GEORGIA SURVEYORS** (Doyle G. Shaw, owner) requesting a variance to: 1) waive the public road frontage to allow three homes off of a private easement; 2) allow two accessory structures to the side of the primary structure on tract 1 (existing shed and barn #1); and 3) waive the building setback for an accessory structure over 800 square feet (existing barn #2) from the required 100 feet to 25 feet adjacent to the eastern property line in Land Lot 298 of the 20<sup>th</sup> District. Located off of a private easement on the north side of Due West Road.
- V-41 HILLCREST PARTNERS CORPORATION** (HPC Wade Green LLC, owner) requesting a variance to: 1) waive the side setback adjacent to the northern property line on tract 1 from the required 10 feet to zero feet; and 2) waive the side setback adjacent to the southern property line on tract 2 from the required 10 feet to zero feet in Land Lot 55 of the 20<sup>th</sup> District. Located on the north side of George Busbee Parkway, east of Wade Green Road (4200 Wade Green Road).
- V-42 DANIEL J. MOHAN** (Daniel J. Mohan and Linda H. Mohan, owners) requesting a variance to: 1) waive the side setback adjacent to the northern property line on parcel 32 from the required 12 feet to zero feet; 2) waive the front setback from the required 45 feet to 44 feet; and 3) waive the maximum height of a fence from 6 feet to 12 feet along Johnson Ferry Road (existing) in Land Lot 82 of the 1<sup>st</sup> District. Located on the southwestern side of Hidden Lake Court and on the east side of Johnson Ferry Road, south of Hampton Farms Drive (277 Hidden Lake Court).
- V-43 JOHN E. SWINEY** (Maria S. Lowenstein, owner) requesting a variance to: 1) waive the side setback adjacent to the eastern property line from the required 25 feet to 19 feet for the principal structure; 2) waive the front setback from 35 feet to 30 feet; 3) allow an accessory structure over 650 square feet (existing 720 square foot garage) from the required 100 feet to 80 feet adjacent to the northern property line, 39 feet adjacent to the eastern property line, 4 feet adjacent to the southern property line and 7 feet adjacent to the western property line; and 5) waive the maximum allowable impervious surface from 35% to 50% in Land Lot 219 of the 17<sup>th</sup> District. Located at the southwest intersection of Garrison Road and Carnes Drive (90 Garrison Road)