

PRELIMINARY VARIANCE ANALYSIS

HEARING DATE: November 11, 2009

DUE DATE: October 9, 2009

Distributed: September 16, 2009



Cobb County...Expect the Best!

V-83
(2009)

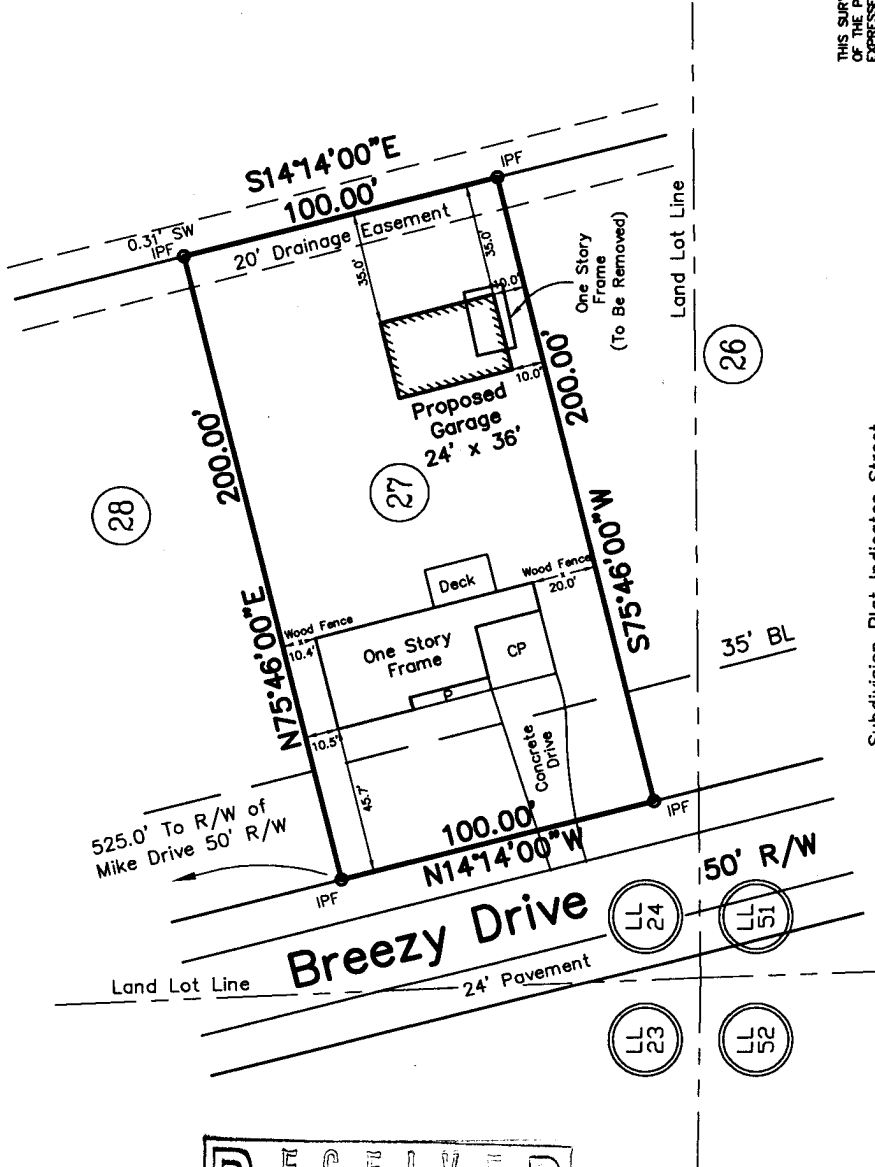
Area
20,000.0 Sq. Ft.
0.459 Acres

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR. SURVEY PERFORMED WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.

SURVEY FOR

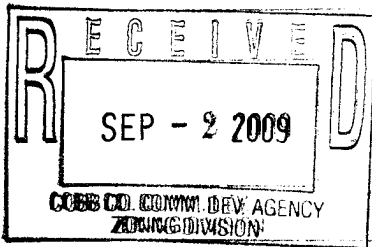
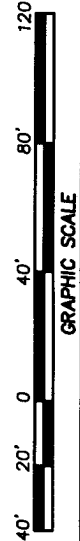
Kenneth Vaughn

REVISIONS	
Lot 27	Mountain Breeze Estate Section Three
Plat Book 61 Page 66	LAND LOT - 24
DISTRICT - 19th	SECTION - 2nd
COUNTY - Cobb	Chkd LDN
STATE - Georgia	FILE:
DATE - Sept. 1, 2009	SCALE - 1"=40'
090082	



Subdivision Plat Indicates Street
Address as #437. Owner has Received
Mail for years at #432

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA
AS INDICATED BY A FEDERAL FLOOD HAZARD MAPS
MAP NO. 130670004G, DATED December 18, 2008
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 21\"/>

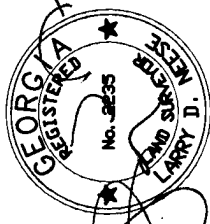


- LEGEND
- IPF - IRON PIN FOUND
 - MM - MARBLE MONUMENT FOUND
 - Δ - BREAK IN PROPERTY (TRAVERSED) LINE
 - - - - - WIRE FENCE
 - - - - - POWER LINE
 - - - - - TELEPHONE LINE
 - LLL - LAND LOT LINE
 - P.P. - POWER POLE
 - X - WOOD FENCE
 - R.C.P. - BENE CONC PIPE
 - C.M.P. - CORRUGATED METAL PIPE

WEST GEORGIA SURVEYORS, INC.

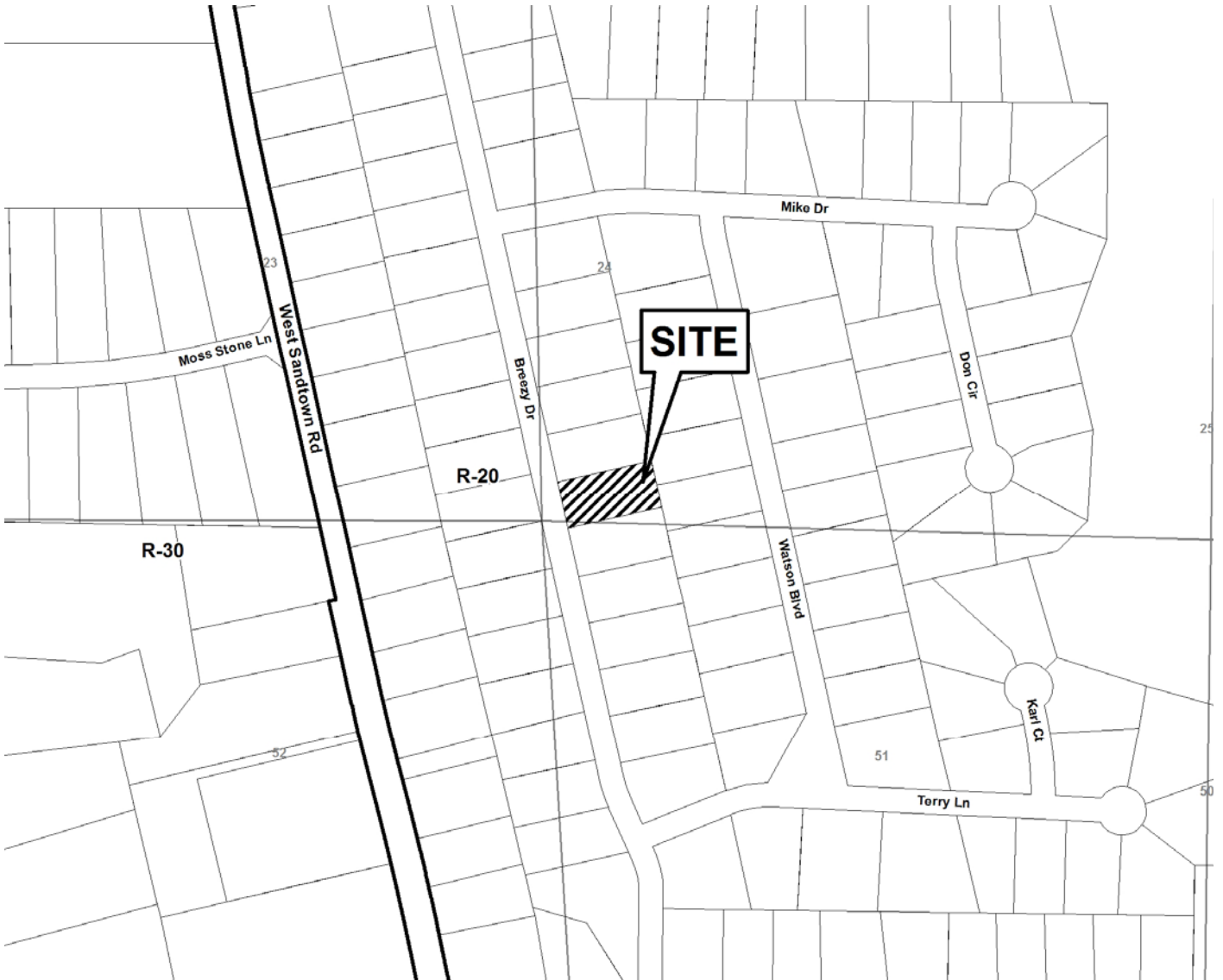
731 Sandtown Road
Marietta, Georgia 30008
(770) 428-2122
FAX: (770) 422-9178

LARRY D. HEISE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.
CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY
MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17



APPLICANT:	<u>Kenneth M. Vaughn</u>	PETITION NO.:	<u>V-83</u>
PHONE:	<u>770-419-7859</u>	DATE OF HEARING:	<u>11-11-09</u>
REPRESENTATIVE:	<u>same</u>	PRESENT ZONING:	<u>R-20</u>
PHONE:	<u>same</u>	LAND LOT(S):	<u>24</u>
PROPERTY LOCATION:	<u>Located on the east side of Breezy Drive, south of Old Dallas Road (432 Breezy Drive).</u>	DISTRICT:	<u>19</u>
		SIZE OF TRACT:	<u>.5 acre</u>
		COMMISSION DISTRICT:	<u>1</u>

TYPE OF VARIANCE: Waive the setback for an accessory structure over 650 square feet (proposed 864 square foot garage) from the required 100 feet to 10 feet adjacent to the southern property line, 35 feet adjacent to the eastern property line and 50 feet adjacent to the northern property line.



Application for Variance

Cobb County

(type or print clearly)

Application No. V-83
Hearing Date: 11-11-09

Applicant Kenneth M. Vaughn Business Phone N/A Home Phone 770-419-1959

Kenneth M. Vaughn Address 432 Breezy Dr. Marietta GA 30064
(representative's name, printed) (street, city, state and zip code)

Kenneth M. Vaughn Business Phone N/A Cell Phone N/A
(representative's signature)

My commission expires: My commission expires
on February 28, 2010

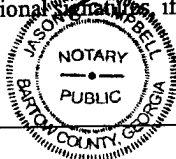
Signed, sealed and delivered in presence of:

Brenda B. Wise
Notary Public

Titleholder Kenneth M. Vaughn Business Phone _____ Home Phone _____

Signature Kenneth M. Vaughn Address: 432 Breezy Dr. Marietta GA 30064
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____



Signed, sealed and delivered in presence of:

Jason D. Campbell
Notary Public

My Commission Expires
October 31, 2011

Present Zoning of Property Residential R-20

Location 432 Breezy Dr. Marietta GA 30064
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 0027 District 19 Size of Tract 1/2 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 1/2 Acre Shape of Property Rectangular Topography of Property Flat Other _____

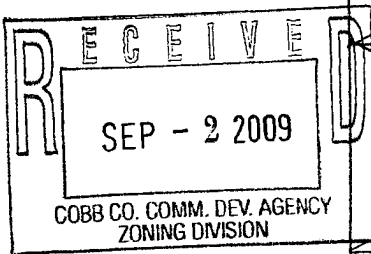
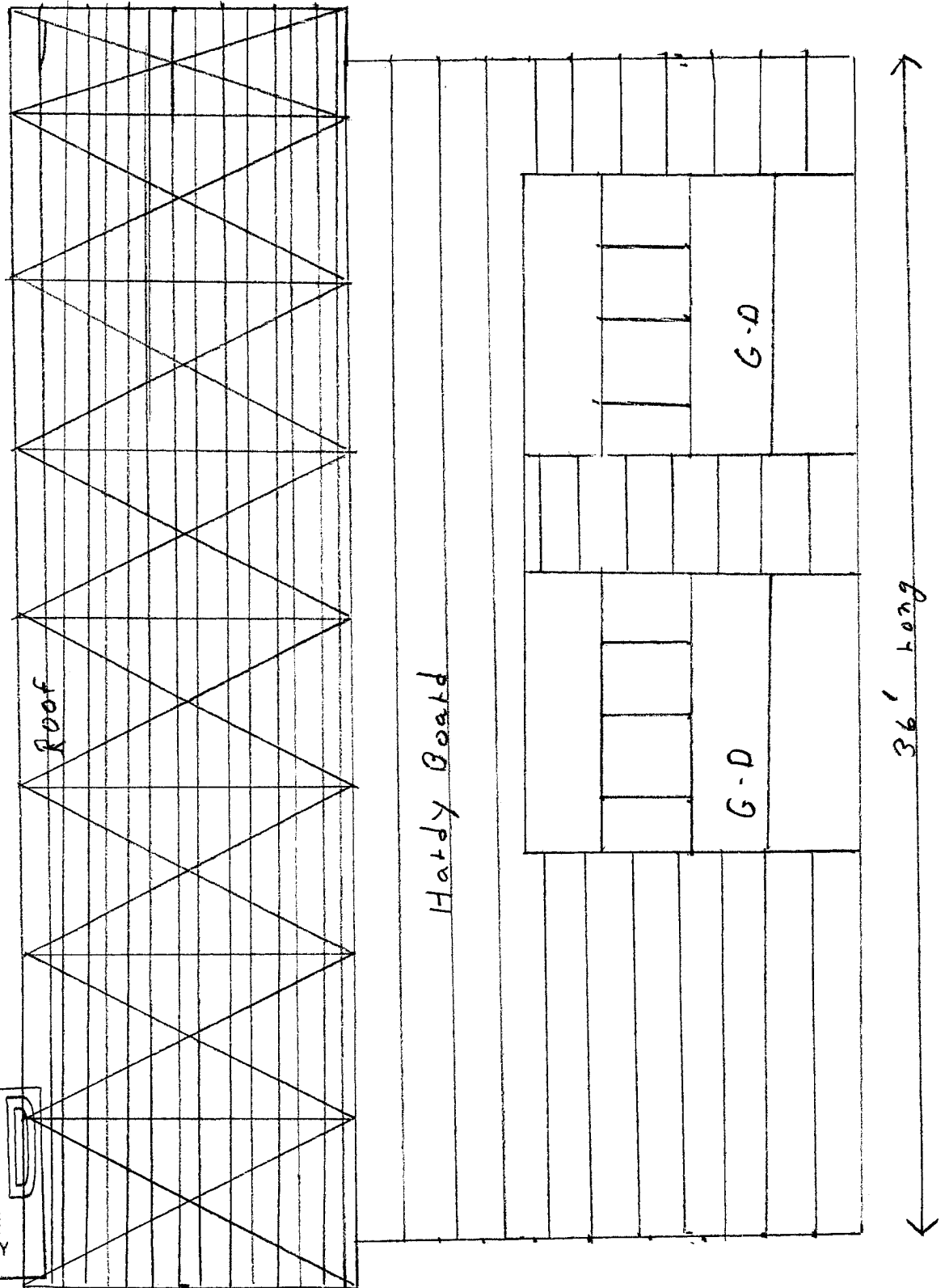
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the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

This will be a two car garage with storage area for two antique cars and lawn mower other yard equipment. This is needed to comply with existing ordinance for residential vehicles.

List type of variance requested: Garage

ALLOW GARAGE OVER 650 SQ FT

← P.M. , h6 →

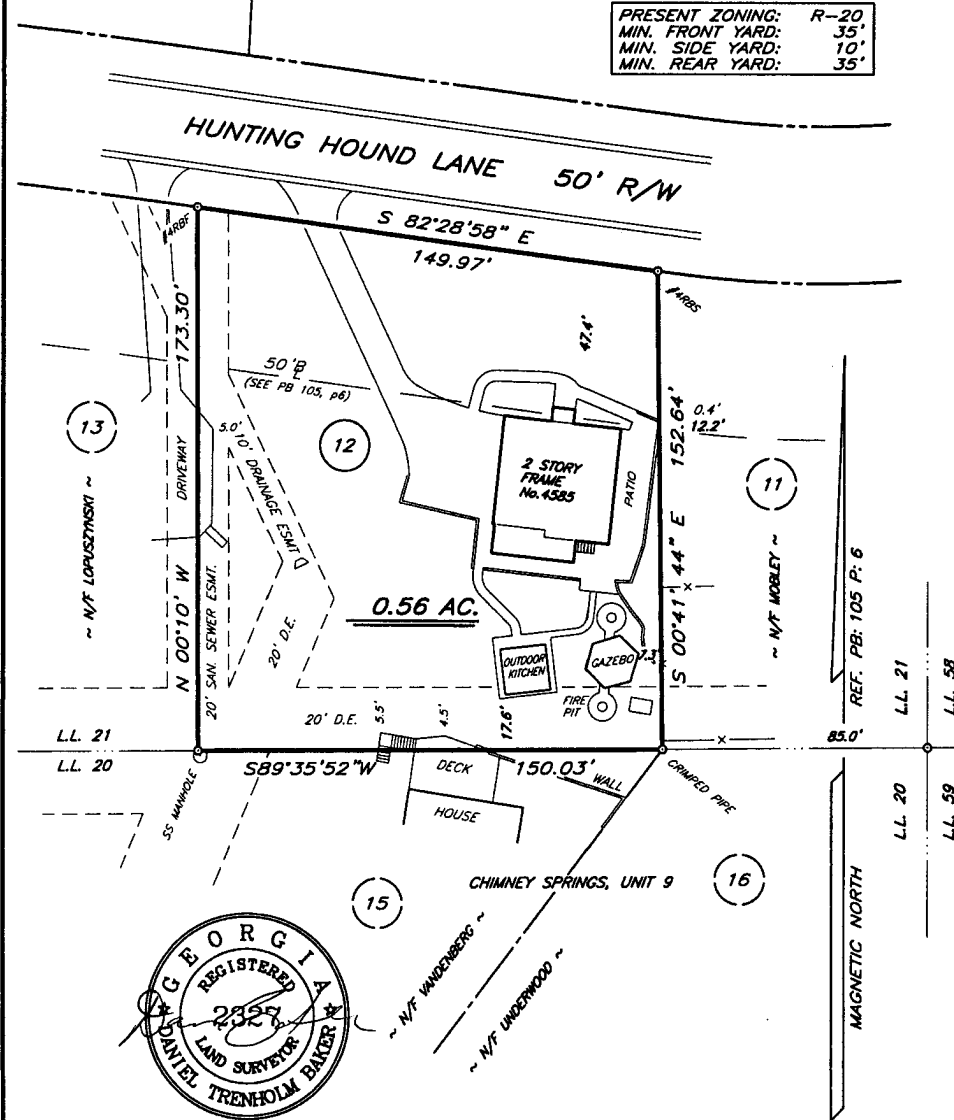


**V-84
(2009)**

THIS PLAT IS PREPARED FROM METER ; LINEAR PRECISION OF USING THE COMPASS RULE.	A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE TRAVERSE : 1/10,000+ ; ANGULAR PRECISION : 06" \sqrt{n} . THE TRAVERSE WAS ADJUSTED LINEAR PRECISION OF THIS PLAT : 1/143,221 . MATTERS OF TITLE ARE EXCEPTED.
--	--

PRESENT ZONING: R-20
 MIN. FRONT YARD: 35'
 MIN. SIDE YARD: 10'
 MIN. REAR YARD: 35'

PRESENT ZONING:	R-20
MIN. FRONT YARD:	35'
MIN. SIDE YARD:	10'
MIN. REAR YARD:	35'



THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD
PLAIN; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY PANEL
13067 C 0068 G DATED DECEMBER 16, 2008 .



DATE : 09-01-09
SCALE : 1"=40'
DRAWN BY : DTB
CHECKED BY :
047/FR12

SURVEY FOR :

ADELFO LANDESTOY
MARIA E. LANDESTOY

LOT # 12, Block "A"
FOX RUN, Unit One, Section Two

LOCATED IN L.L. 21
1st DIST., 2nd SECT.,
COBB COUNTY, GA.

DANIEL BAKER, PC
SURVEYORS/ENGINEERS

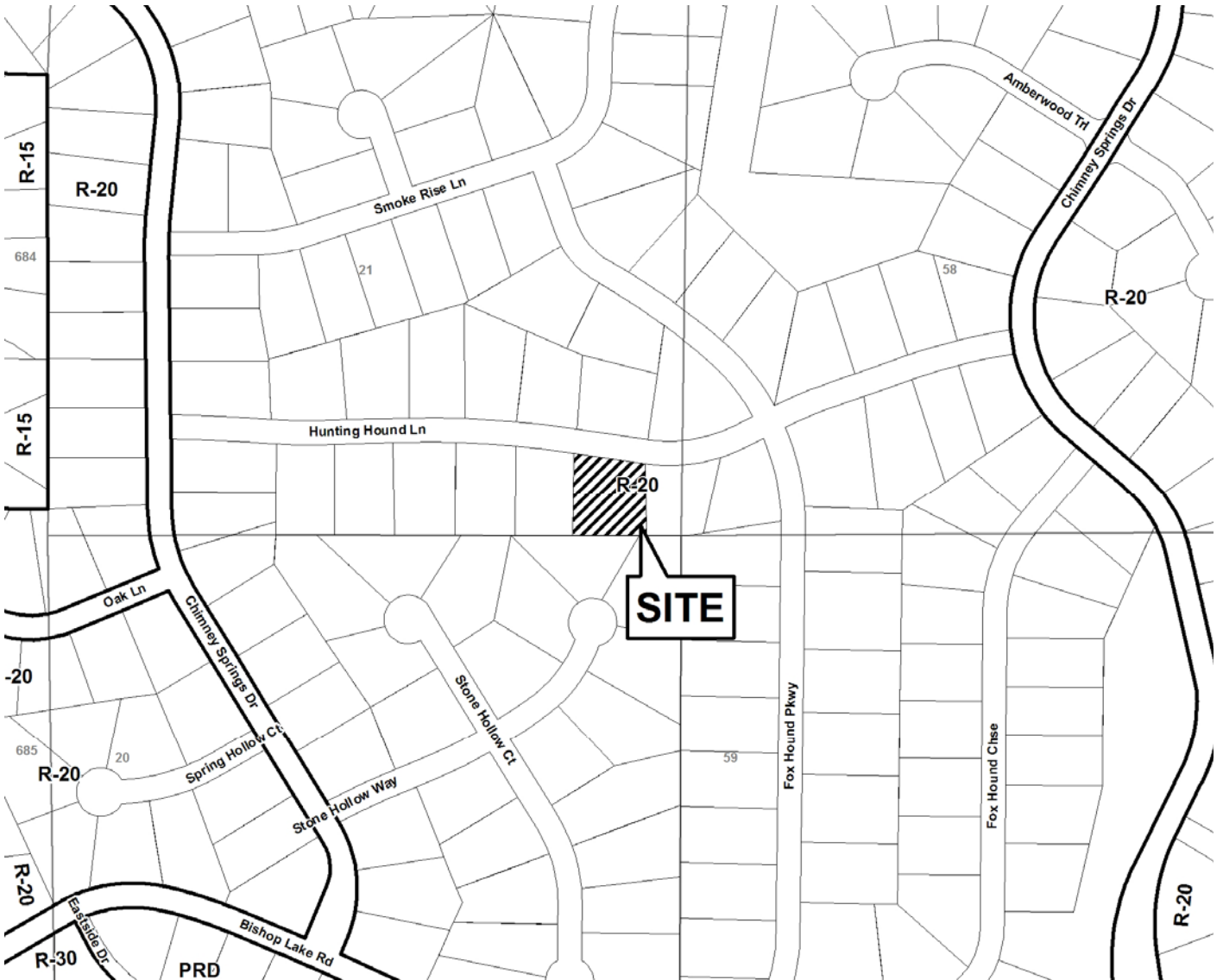
Post Office Box 2047
CARTERSVILLE, GEORGIA 30120
(770) 382-5969

09-516 A

RECEIVED
SEP - 3 2009
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Maria E. Landestoy **PETITION NO.:** V-84
PHONE: 678-429-0051 **DATE OF HEARING:** 11-11-09
REPRESENTATIVE: same **PRESENT ZONING:** R-20
PHONE: same **LAND LOT(S):** 21
PROPERTY LOCATION: Located on the south side of **DISTRICT:** 1
Hunting Hound Lane, west of Fox Hound Parkway **SIZE OF TRACT:** .56 acre
(4585 Hunting Hound Lane). **COMMISSION DISTRICT:** 3

TYPE OF VARIANCE: Allow two accessory structures over 144 square feet (proposed 210 square foot outdoor kitchen and 255 square foot gazebo) to be 17 feet from the required rear property line and 7 feet from the required eastern property line.



Application for Variance

Cobb County

(type or print clearly)

Application No. U-84
Hearing Date: 11-11-09

Applicant Maria E. Landestoy Business Phone 6784290051 Home Phone _____

Address _____
(representative's name, printed) (street, city, state and zip code)

Maria E. Landestoy Business Phone 6784290051 Cell Phone _____
(representative's signature)

My commission expires: March 11, 2012
MARK T. TRINGLE
NOTARY PUBLIC, sealed and delivered in presence of:
Cobb County - State of Georgia
My Comm. Expires Mar 11, 2012
9/3/09
Notary Public

Titleholder Maria E. Landestoy Business Phone _____ Home Phone _____

Signature Maria E. Landestoy Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: My Commission Expires February 3, 2011
Notary Public, Cobb County, Georgia
Signed, sealed and delivered in presence of:
J. M. M...
Notary Public

Present Zoning of Property R-20

Location 4585 HUNTING HOUND LANE
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) D7 21 District 1 Size of Tract .56 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 _____

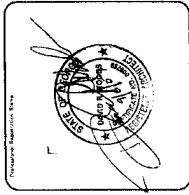
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the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

* This variance is needed because I put
in these structures and wasn't told
I needed a variance.

List type of variance requested: ALLOW 2 ACCESSORY STRUCTURES
OVER 144 SQFT TO BE 17FT FROM REAR + 7FT
FROM SIDE

Platinum
AUTO-SPA

General Notes

[illegible]

DAVID R. WOODS, AIA
Architects, Engineering & Project Management
185 RICH-LAKE DRIVE
SUWANEE
GEORGIA 30024
(770) 482-7355

EXISTING
ARCHITECTURAL
SITE PLAN

AS-1.0

11

00 00 07
Cebu

AS SHOWN

RELEASED FOR CONSTRUCTION



1 EXISTING ARCHITECTURAL SITE PLAN
AS-1.0 1" = 20.00'

THE FIELD DATA UPON WHICH THIS PLAN WAS BASED HAD A CLOSURE PRECISION OF ONE FOOT IN 37,713 FEET, AN ANGULAR UNIFORMITY OF 0.05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS LOT IS NOT WITHIN A
100 YEAR FLOOD HAZARD AREA
ACCORDING TO THE FEMA/FIRM OF
1983 FOR DEKALB COUNTY, GEORGIA
PANEL NO. 13247C0200 F
600 W. 100' (30' X 30' X 30' X 30')

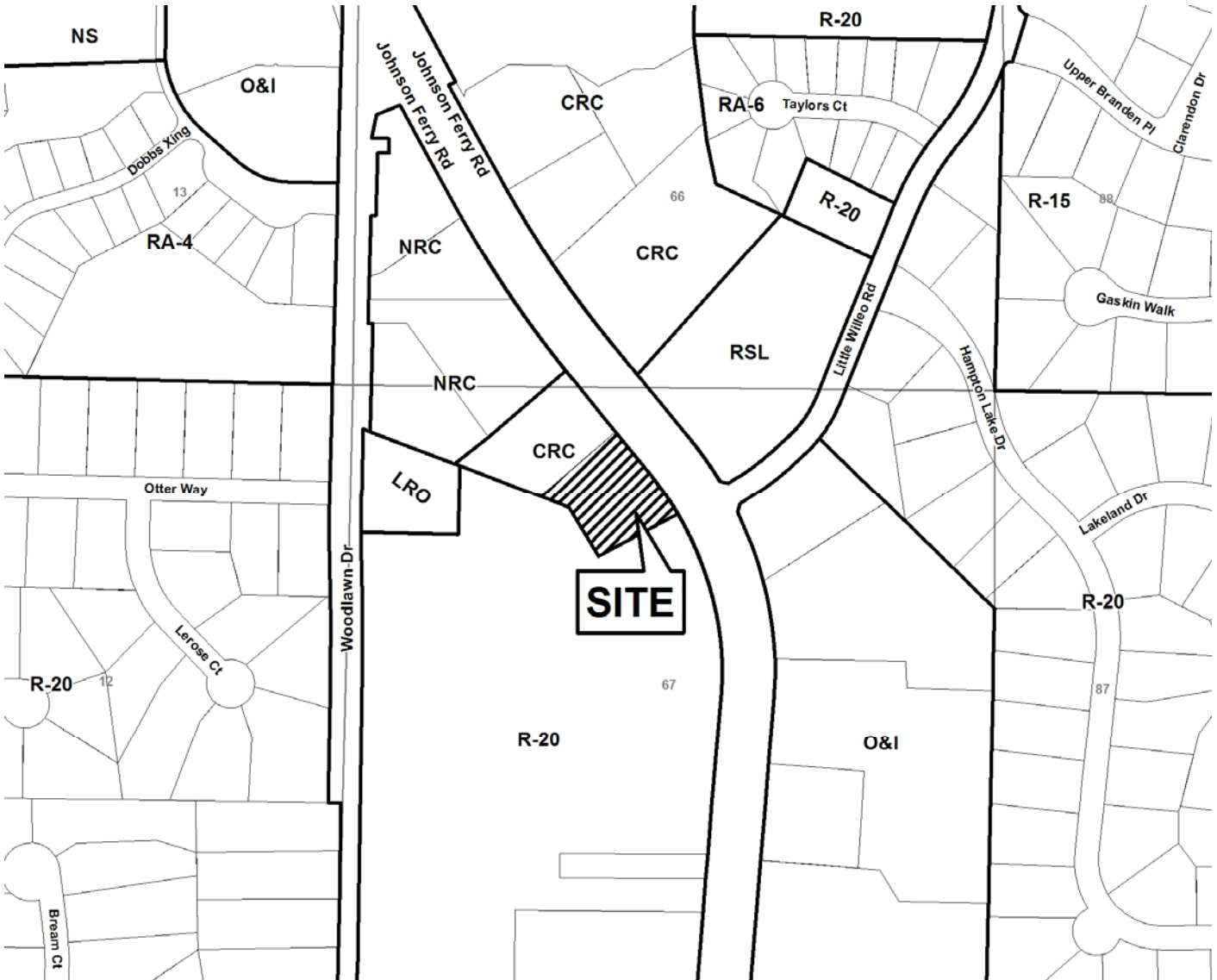
AREA = 34,547 S.F. OR 0.793 ACRES
CURRENTLY ZONED CRC
19 TOTAL PARKING SPACES SHOWN
(INCLUDES 2 HANDICAPPED SPACES)

LEGAL DECISIONS
ALL: "DIRECT" is found in *Black's Law Dictionary*, 4th Edition, 1951, at 273. The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211st, 212th, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272nd, 273rd, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282nd, 283rd, 284th, 285th, 286th, 287th, 288th, 289th, 290th, 291st, 292nd, 293rd, 294th, 295th, 296th, 297th, 298th, 299th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311st, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 327th, 328th, 329th, 330th, 331st, 332nd, 333rd, 334th, 335th, 336th, 337th, 338th, 339th, 340th, 341st, 342nd, 343rd, 344th, 345th, 346th, 347th, 348th, 349th, 350th, 351st, 352nd, 353rd, 354th, 355th, 356th, 357th, 358th, 359th, 360th, 361st, 362nd, 363rd, 364th, 365th, 366th, 367th, 368th, 369th, 370th, 371st, 372nd, 373rd, 374th, 375th, 376th, 377th, 378th, 379th, 380th, 381st, 382nd, 383rd, 384th, 385th, 386th, 387th, 388th, 389th, 390th, 391st, 392nd, 393rd, 394th, 395th, 396th, 397th, 398th, 399th, 400th, 401st, 402nd, 403rd, 404th, 405th, 406th, 407th, 408th, 409th, 410th, 411st, 412th, 413th, 414th, 415th, 416th, 417th, 418th, 419th, 420th, 421st, 422nd, 423rd, 424th, 425th, 426th, 427th, 428th, 429th, 430th, 431st, 432nd, 433rd, 434th, 435th, 436th, 437th, 438th, 439th, 440th, 441st, 442nd, 443rd, 444th, 445th, 446th, 447th, 448th, 449th, 450th, 451st, 452nd, 453rd, 454th, 455th, 456th, 457th, 458th, 459th, 460th, 461st, 462nd, 463rd, 464th, 465th, 466th, 467th, 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 510th, 511st, 512th, 513th, 514th, 515th, 516th, 517th, 518th, 519th, 520th, 521st, 522nd, 523rd, 524th, 525th, 526th, 527th, 528th, 529th, 530th, 531st, 532nd, 533rd, 534th, 535th, 536th, 537th, 538th, 539th, 540th, 541st, 542nd, 543rd, 544th, 545th, 546th, 547th, 548th, 549th, 550th, 551st, 552nd, 553rd, 554th, 555th, 556th, 557th, 558th, 559th, 560th, 561st, 562nd, 563rd, 564th, 565th, 566th, 567th, 568th, 569th, 570th, 571st, 572nd, 573rd, 574th, 575th, 576th, 577th, 578th, 579th, 580th, 581st, 582nd, 583rd, 584th, 585th, 586th, 587th, 588th, 589th, 590th, 591st, 592nd, 593rd, 594th, 595th, 596th, 597th, 598th, 599th, 600th, 601st, 602nd, 603rd, 604th, 605th, 606th, 607th, 608th, 609th, 610th, 611st, 612th, 613th, 614th, 615th, 616th, 617th, 618th, 619th, 620th, 621st, 622nd, 623rd, 624th, 625th, 626th, 627th, 628th, 629th, 630th, 631st, 632nd, 633rd, 634th, 635th, 636th, 637th, 638th, 639th, 640th, 641st, 642nd, 643rd, 644th, 645th, 646th, 647th, 648th, 649th, 650th, 651st, 652nd, 653rd, 654th, 655th, 656th, 657th, 658th, 659th, 660th, 661st, 662nd, 663rd, 664th, 665th, 666th, 667th, 668th, 669th, 670th, 671st, 672nd, 673rd, 674th, 675th, 676th, 677th, 678th, 679th, 680th, 681st, 682nd, 683rd, 684th, 685th, 686th, 687th, 688th, 689th, 690th, 691st, 692nd, 69

[illegible]

Patricia La Go, Paper Co. Inc. Atlanta, Ga.
Recorded in Ques Book 5772, page 6234.
Index & Serials

APPLICANT: Platinum Auto SPA, Inc. **PETITION NO.:** V-85
PHONE: 678-560-6060 **DATE OF HEARING:** 11-11-09
REPRESENTATIVE: Robert Burrows **PRESENT ZONING:** CRC
PHONE: 678-560-6060 **LAND LOT(S):** 67
PROPERTY LOCATION: Located on the west side of **DISTRICT:** 1
Johnson Ferry Road, north of Lower Roswell Road **SIZE OF TRACT:** .793 acre
(1075 Johnson Ferry Road). **COMMISSION DISTRICT:** _____
TYPE OF VARIANCE: Waive the front setback from the required 50 feet to 18 feet.



Application for Variance

Cobb County

(type or print clearly)

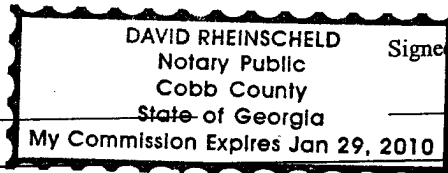
Application No. V-85

Hearing Date: 11-11-09

Applicant PLATINUM AUTO SPA, INC. Business Phone 678-560-6060 Home Phone (404) 543-3550
ROBERT BURROWS, PRES. Address 1075 JOHNSON FERRY RD, MARIETTA, GA 30068
(representative's name, printed) (street, city, state and zip code)

Robert E. Burrows Business Phone 678 560 6060 Cell Phone 404 543 3550
(representative's signature)

My commission expires: 11/29/2010

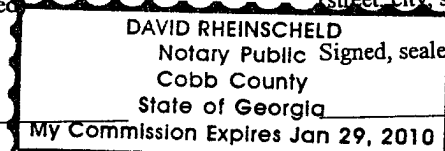


Signed, sealed and delivered in presence of:

Notary Public

Titleholder KANBARK PROP. LLC Business Phone 678 560 6060 Home Phone 404 543 3550
Signature Robert E. Burrows Address: SAME AS ABOVE
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 11/29/2010



Signed, sealed and delivered in presence of:

Notary Public

Present Zoning of Property CRC
Location 1075 JOHNSON FERRY RD, MARIETTA, GA 30068
(street address, if applicable; nearest intersection, etc.)
Land Lot(s) 67 District 1ST Size of Tract .793 Acre(s)

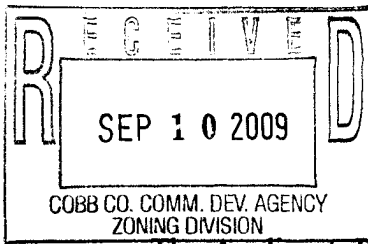
Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property .79 Shape of Property 5 SIDE Topography of Property LEVEL 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.

SEE ATTACHED

List type of variance requested: SEE ATTACHED
WAIVE THE FRONT SETBACK FROM
REQUIRED 50 FT TO 18 FT



**PLATINUM AUTO SPA
LETTER OF INTENT FOR VARIANCE**

The Applicant, Platinum Auto Spa, Inc. and Kanbur Properties, LLC (the "Applicant"), respectfully requests an extension of one year in which to come within compliance from the front yard setback requirements of the Community Retail Commercial ("CRC") zoning classification set forth in Article IV, Section 138-218 of the Cobb County Zoning Ordinance ("Zoning Ordinance") for approximately .793 acres located at 1075 Johnson Ferry Road in Land Lot 67 of the 1st District, 2nd Section, Cobb County, Georgia ("Subject Property"). The Applicant understands that there are projected changes to the Ordinance that may bring the Property into compliance within this time period. The Property is zoned to the CRC zoning classification. Platinum Auto Spa is currently conducting business as a full-service auto care facility. When the Applicant purchased the Property four years ago, it was an existing car wash facility in complete disrepair. The Applicant has successfully revived the Property, and as part of this process, inadvertently constructed a protective canopy for its workers within the fifty (50) foot front yard setback required in the CRC zoning district. Accordingly, the Applicant now respectfully requests a reduction in the front yard setback from fifty (50) feet to eighteen (18) feet to accommodate this canopy, which is used to protect employees from the elements while they are detailing automobiles.

The protective canopy allows the Applicant to be in compliance with Occupational Safety and Health Administration ("OSHA") guidelines for employees. Section 134-94 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant a variance request which is not "contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done." In this case, the grant of the variance request will allow the Applicant to continue to

protect the health and welfare of its employees, and as a result, the variance request is in the public interest.

Furthermore, the way the existing structures are situated on the Property causes a hardship to the Applicant such that there is no other place for a protective canopy to be placed on the Property. In other words, the flow of the vehicles through the existing tunnel would be completely impeded if the protective canopy were to be placed anywhere else on the Property. Additionally, the protective canopy cannot be placed anywhere else on the Property without interfering with the existing parking spaces. Accordingly, the Applicant respectfully requests approval of this variance request.

Additionally, the location of the canopy is on the south side of the only property access entrance and exit. As such the canopy does not interfere in any way with access to Johnson Ferry Road. Therefore in the spirit of driving safety it does not present an access hazard to the right-a-way, a primary reason for the setback. Accordingly, the Applicant respectfully requests approval of this variance request.

A denial of this variance request would be unconstitutional in that it would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any interpretation or application of the Cobb County Zoning Ordinance that does not permit the requested variance as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal

Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its property while not substantially advancing legitimate state interests.

A denial of the foregoing variance request would also constitute an arbitrary and capricious act by the Cobb County Board of Zoning Appeals without any rational basis therefor constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

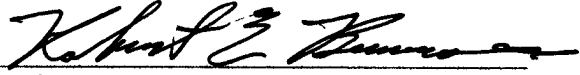
A refusal by the Cobb County Board of Zoning Appeals to grant the variance requested by the Applicant would also be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The provisions of the Cobb County Zoning Ordinance that delegate authority to the Cobb County Board of Zoning Appeals to hear matters such as the variances requested by the Applicant do not set forth sufficient standards for the Board of Zoning Appeals to follow and are an unconstitutional delegation of authority from the Board of Commissioners of Cobb County to the Cobb County Board of Appeals.

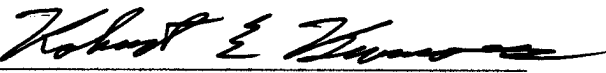
The Applicant's rights to due process, which are guaranteed by the state and federal constitutions, are denied by the procedures followed by the Cobb County Board of Appeals in that there are not sufficient rules and regulations governing the procedures of the Board, there is insufficient time allowed to present evidence to the Board and there is no right to discovery and cross examination of witnesses.

The Applicant, therefore, respectfully requests that the Cobb County Board of Zoning Appeals grant the variance as requested above.

Platinum Auto Spa, Inc.

By: 
Robert E. Burrows
President

Kanbur Properties, LLC.

By: 
Robert E. Burrows
Managing Member

1075 Johnson Ferry Road
Marietta, Georgia 30068
Telephone: (678) 560-6060
Facsimile: (678) 560-6009

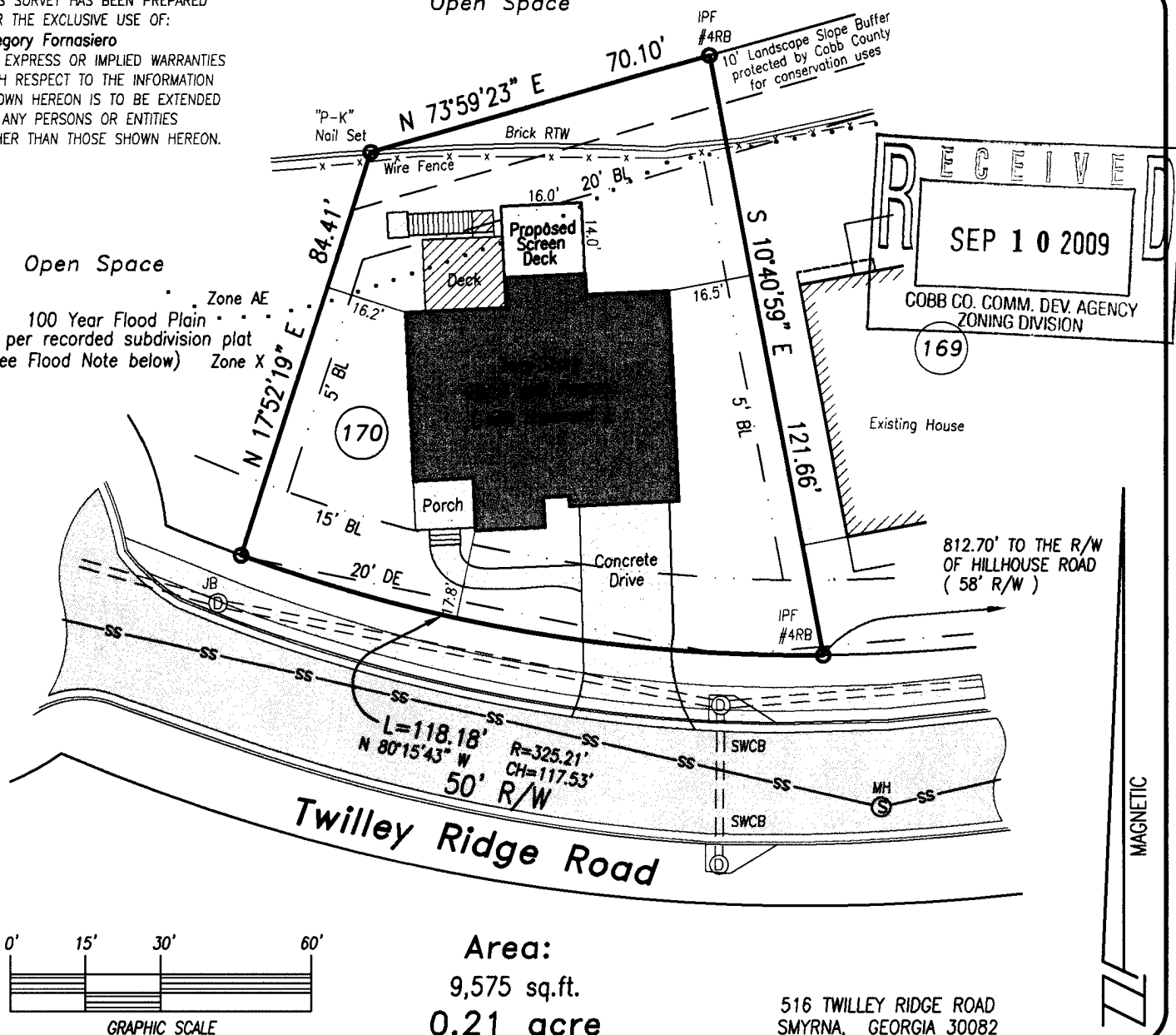
V-86
(2009)

THIS SURVEY HAS BEEN PREPARED
FOR THE EXCLUSIVE USE OF:
Gregory Fornasiero
NO EXPRESS OR IMPLIED WARRANTIES
WITH RESPECT TO THE INFORMATION
SHOWN HEREON IS TO BE EXTENDED
TO ANY PERSONS OR ENTITIES
OTHER THAN THOSE SHOWN HEREON.

Open Space

Open Space

Zone AE
100 Year Flood Plain
as per recorded subdivision plat
(See Flood Note below) Zone X



GRAPHIC SCALE

Area:
9,575 sq.ft.
0.21 acre

516 TWILLEY RIDGE ROAD
SMYRNA, GEORGIA 30082

THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE, THE UNDERSIGNED AND C C LAND SURVEYORS, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. THE UTILITIES SHOWN ARE SHOWN FOR THE CLIENTS' CONVENIENCE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES NOT SHOWN. THE SURVEYOR ASSUMES RESPONSIBILITY ONLY FOR THE UTILITIES SHOWN. THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE IN N/A FEET AND AN ANGULAR ERROR OF N/A PER ANGLE POINT AND WAS NOT ADJUSTED. OPEN ENDED TRAVERSE UTILIZED TO GATHER FIELD DATA. THIS PLAT HAS BEEN CALCULATED AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 187,476 FEET.

EQUIPMENT UTILIZED: ANGULAR: TRIMBLE S-6, LINEAR: EDM

LEGEND:
A-ARC
CH-CHORD
#4RB-1/2" REBAR
IPF-IRON PIN FOUND
IPS-IRON PIN SET
OTP-OPEN TOP PIPE
CTP-CRIMP TOP PIPE
AI-ANGLE IRON
POB-POINT OF BEGINNING
POC-POINT OF COMMENCEMENT
MH-MANHOLE
JB-JUNCTION BOX
HW-HEADWALL
SSE-SEWER EASEMENT
DE-DRAINAGE EASEMENT
CONC-CONCRETE
RTW-RETAINING WALL
BL-BUILDING LINE
DI-DROP INLET
CB-CATCH BASIN
R/W-RIGHT OF WAY

ACCORDING TO THE FEMA MAP
OF COBB COUNTY:

MAP NUMBER: 13067 C
FLOOD ZONE "AE" & "X"
PAGE 0202 G
DATED: 12-16-2008

THIS PROPERTY IS NOT IN A
100 YEAR FLOOD HAZARD
AREA.



SURVEY FOR:

Gregory Fornasiero

LOT: 170 UNIT: III PHASE: 1

SUBDIVISION: COVERED BRIDGE AT BARNES MILL

PLAT BOOK/PAGE: 267/55-56

CITY:

LAND LOT: 98 DISTRICT: 17th SECTION: 2nd

COUNTY: COBB STATE: GEORGIA

FIELD DATE: 02-08-08 DRAFTING DATE: 02-11-08

REVISIONS: 09-10-09 Show Proposed Deck SCALE: 1" = 30'

Field Crew: JW Drawn By: VH Checked By: JW Approved By: CC

M:\Sub\BarnesMill\CoveredBridge JOB No.: A 09-0141 FN

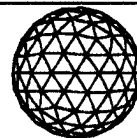
CC Land Surveyors

3459 Acworth Due West Road ~ Suite 218

Acworth, Georgia 30101

770-975-3933 ~ 770-975-3501 (fax)

www.ccland.com



APPLICANT:	<u>Greg Fornasiero</u>	PETITION NO.:	<u>V-86</u>
PHONE:	<u>678-358-5990</u>	DATE OF HEARING:	<u>11-11-09</u>
REPRESENTATIVE:	<u>same</u>	PRESENT ZONING:	<u>PVC</u>
PHONE:	<u>same</u>	LAND LOT(S):	<u>98</u>
PROPERTY LOCATION:	<u>Located on the north side of Twilley Ridge Road, west of South Hurt Road</u>	DISTRICT:	<u>17</u>
	<u>(516 Twilley Ridge Road).</u>	SIZE OF TRACT:	<u>.21 acre</u>
TYPE OF VARIANCE:	<u>Waive the rear setback on lot 170 from the required 20 feet to 15 feet.</u>		



Application for Variance

Cobb County

(type or print clearly)

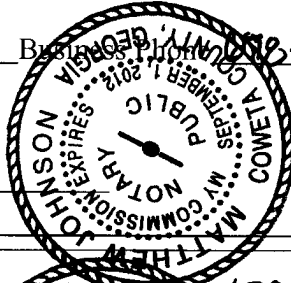
Application No. V - 86
Hearing Date: 11-11-09

Applicant GREG FORNASIERO Business Phone 678-358-5990 Home Phone 770-432-1985

GREG FORNASIERO Address 516 TWILLEY RIDGE ROAD SMYRNA, GA 30082
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone 678-358-5990 Cell Phone 678-358-5990
(representative's signature)

My commission expires: 9-1-2012



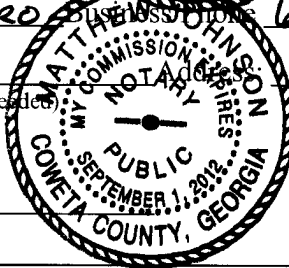
Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Titleholder GREG FORNASIERO
CHRISTINA FORNASIERO Business Phone 678-358-5990 Home Phone 770-432-1985

Signature [Signature] 516 TWILLEY RIDGE ROAD SMYRNA, GA 30082
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 9-1-2012



Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Present Zoning of Property PVC

Location 516 TWILLEY RIDGE ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 98 District 17 Size of Tract 0.21 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 X Shape of Property X 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.

DUE TO THE IRREGULAR SHAPE OF THE LOT, THE REAR SETBACK RESTRICTS THE ABILITY TO COVER THE EXISTING DECK. THE PROPERTY IS PRESENTLY A NON-CONFORMING LOT DUE TO THE IRREGULAR SHAPE, AND AT THE TIME OF DEVELOPMENT IT REQUIRED A VARIANCE TO THE FRONT SETBACK PROVISION. THE ANGLE OF THE BACK PROPERTY LINE RESTRICTS THE ABILITY TO COVER/ROOF ANY MODERATE SIZE DECK EXTENDING FROM THE GENERAL LIVING SPACE.

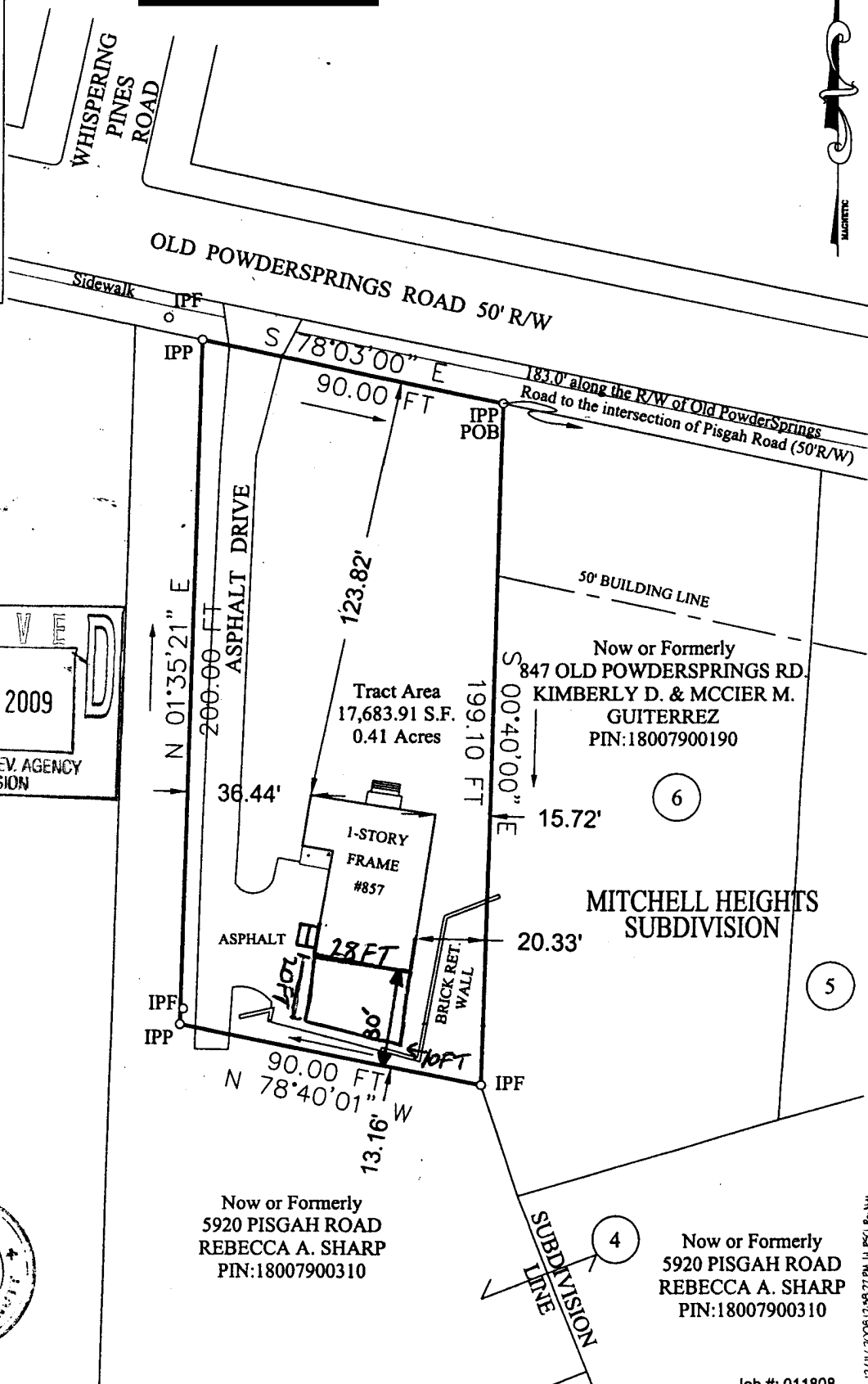
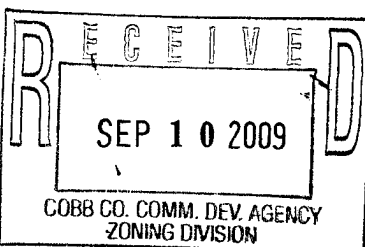
List type of variance requested:

MOVE THE EXISTING SETBACK FROM 20' TO 15'

V-87
(2009)

LEGEND

- X-X- = Barbed Wire
- SS = Sanitary Sewer
- XX FH = Fire Hydrant
- PP = Power Pole
- IPP = Iron Pin Placed
- IPF = Iron Pin Found
- MON = Monument Found
- LP = Light Pole
- EP = Edge Pavement
- POB = Point of Beginning
- CTP = Crimp Top Pin Found
- B/C = Back of Curb
- CL = Centerline
- CL = Chain Link Fence
- SSMH = Sewer Manhole
- SSE = Sanitary Sewer Easement
- JB = Junction Box
- DI = Drop Inlet
- PL = Property Line
- CMP = Corrugated Metal Pipe
- RCP = Reinforced Conc. Pipe
- DE = Drainage Easement
- WV = Water Valve
- WM = Water Meter
- R/W = Right of Way
- = Power Line



- All iron pins are 1/2" Rebar unless otherwise noted.
 - Equipment used: Topcon GTS Total Station
 - The field data upon which this plat is based has a closure precision of 1 foot in 25,000 feet and an angular error of 03 seconds per angle point, and was adjusted using Compass Rule.
 - This plat has been calculated for closure and is found accurate within one foot in 215,466 feet.
 - This plat subject to all easements public and private.



Perimeter Surveying Co., Inc
 1065 Sandtown Road Marietta, GA 30068

Boundary Survey for:

JAIME CAMARENA

857 OLD POWDERSPRINGS ROAD
 Land Lot 79, 18th District
 MABLETON, 30126
 Cobb County, Georgia
 PIN: 18007900180

Plat Book:

Page:

This plat may be based on a recorded plat from iron pins referenced on said plat for closure tie in.

According to F.I.R.M. Community Panel # 13067C0212G, dated December 16, 2008 this property is not located in an area having special flood hazards.

Computed by: RSNutt
 Drawn by: RSNutt
 Checked by: KLNutt

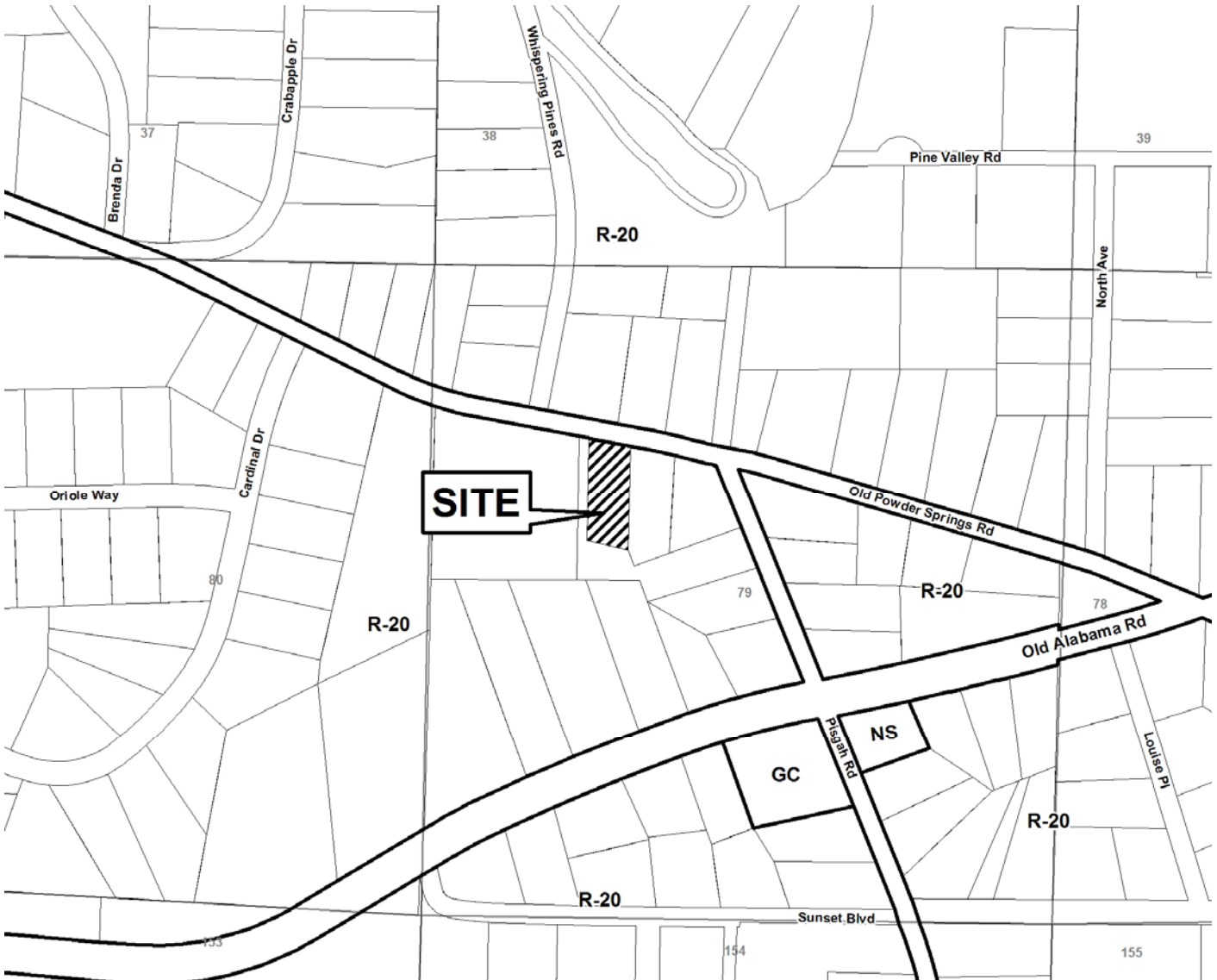
Party Chief: KLNutt
 Date Surveyed: 11/25/2008

GRAPHIC SCALE



Job #: 011808

APPLICANT: Jaime Camarena **PETITION NO.:** V-87
PHONE: 770-941-7050 **DATE OF HEARING:** 11-11-09
REPRESENTATIVE: Neveyda K. Vaillant **PRESENT ZONING:** R-20
PHONE: 770-616-2504 **LAND LOT(S):** 79
PROPERTY LOCATION: Located on the south side of **DISTRICT:** 18
Old Powder Springs Road, west of Pisgah Road **SIZE OF TRACT:** .41 acre
(857 Old Powder Springs Road). **COMMISSION DISTRICT:** 4
TYPE OF VARIANCE: Waive the rear setback from the required 35 feet to 10 feet.



Application for Variance

Cobb County

(type or print clearly)

Application No. V-87

Hearing Date: 11-11-09

Applicant JAIME CAMARENA Business Phone (770) 941-7050 Home Phone _____

Nereyda K. Vaillant
(representative's name, printed)

Address 3291 Bankhead Hwy lot 2A Little Springs GA 30122
(street, city, state and zip code)

[Signature]
(representative's signature)

Business Phone _____

770-616-2544 Phone _____

Signed, sealed and delivered in presence of:

My commission expires: Sept 06, 2010

[Signature]
Notary Public

Titleholder JAIME CAMARENA

Business Phone (770) 941-7050

Home Phone (770) 732-9379

Signature Jaime Camarena

(attach additional signatures, if needed)

Address: 6559 MARTIN'S CREEK RD, Austell, GA 30168
(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: Sept 06, 2010

[Signature]
Notary Public

Present Zoning of Property R-20

Location 857 OLD POWDER SPRINGS

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) D18 79

District 18

Size of Tract .41

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.

The residence at 857 Old Powder Springs Rd does not have an enclosed outside storage unit, neither does it have a covered vehicle parking space. The new garage addition would provide storage and a covered parking space. There would still be plenty of empty space from other neighboring buildings.

List type of variance requested: The variance we need is 10ft from the rear property line instead of 30 that we now have.