



**APPLICANT:** J.D. Whitener, Jr. and Shelley L. Whitener      **PETITION NO.:** V-31  
**PHONE:** 770-427-8579      **DATE OF HEARING:** 04-14-10  
**REPRESENTATIVE:** J. Kevin Moore      **PRESENT ZONING:** R-30  
**PHONE:** 770-429-1499      **LAND LOT(S):** 271  
**PROPERTY LOCATION:** Located off of a private      **DISTRICT:** 20  
easement on the west side of Lost Mountain Road      **SIZE OF TRACT:** 2.33 acres  
(5100 Lost Mountain Trail).      **COMMISSION DISTRICT:** 1  
**TYPE OF VARIANCE:** Waive the public road frontage to allow a second home off of a private easement.

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** No comments

**STORMWATER MANAGEMENT:** Proposed parcels are estate-sized lots in excess of 80,000 square feet and will be exempt from stormwater management requirements.

**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:** Water meters must be set at edge of Lost Mountain Trail Right-of-Way.

**SEWER:** Proposed Lot 1 is not required to connect to sewer. Septic system will require Environmental Health Department Approval.

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

**BOARD OF APPEALS DECISION**

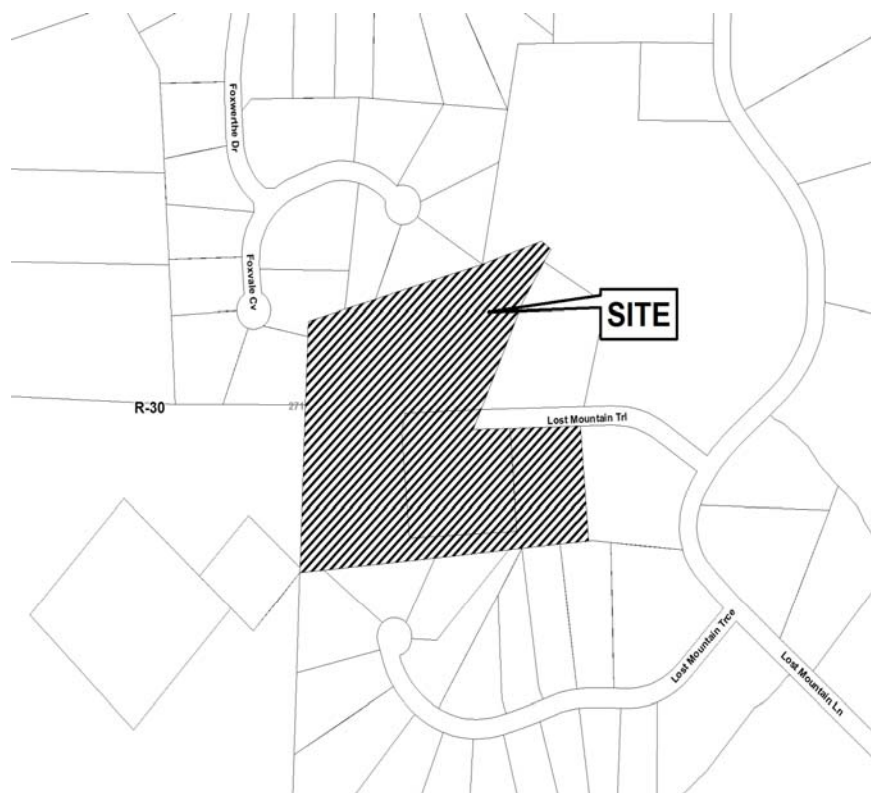
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

STIPULATIONS: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_



# Cobb County Fire and Emergency Services

Applicant Name: J.D. and Shelley Whitener

Petition Number: V-31

Date: 4/1/2010

## *Fire Marshal Comments*

- Driveway must have a minimum 12' driving surface width with minimum 25' inside turning radius.
- Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
- Maximum grade shall not exceed 18%.
- Driveway must extend within 150' of the most remote portion of the structure.
- Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
- Driveway must support 25 Tons (50,000 lbs.)
- Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
- Hydrant within 500' of remote structure, minimum 6" main\*  
( Required Flow: 1000 gpm @ 20 psi)
- Fire Flow Test from closest existing hydrant\*  
( Required Flow: 1000 gpm @ 20 psi)

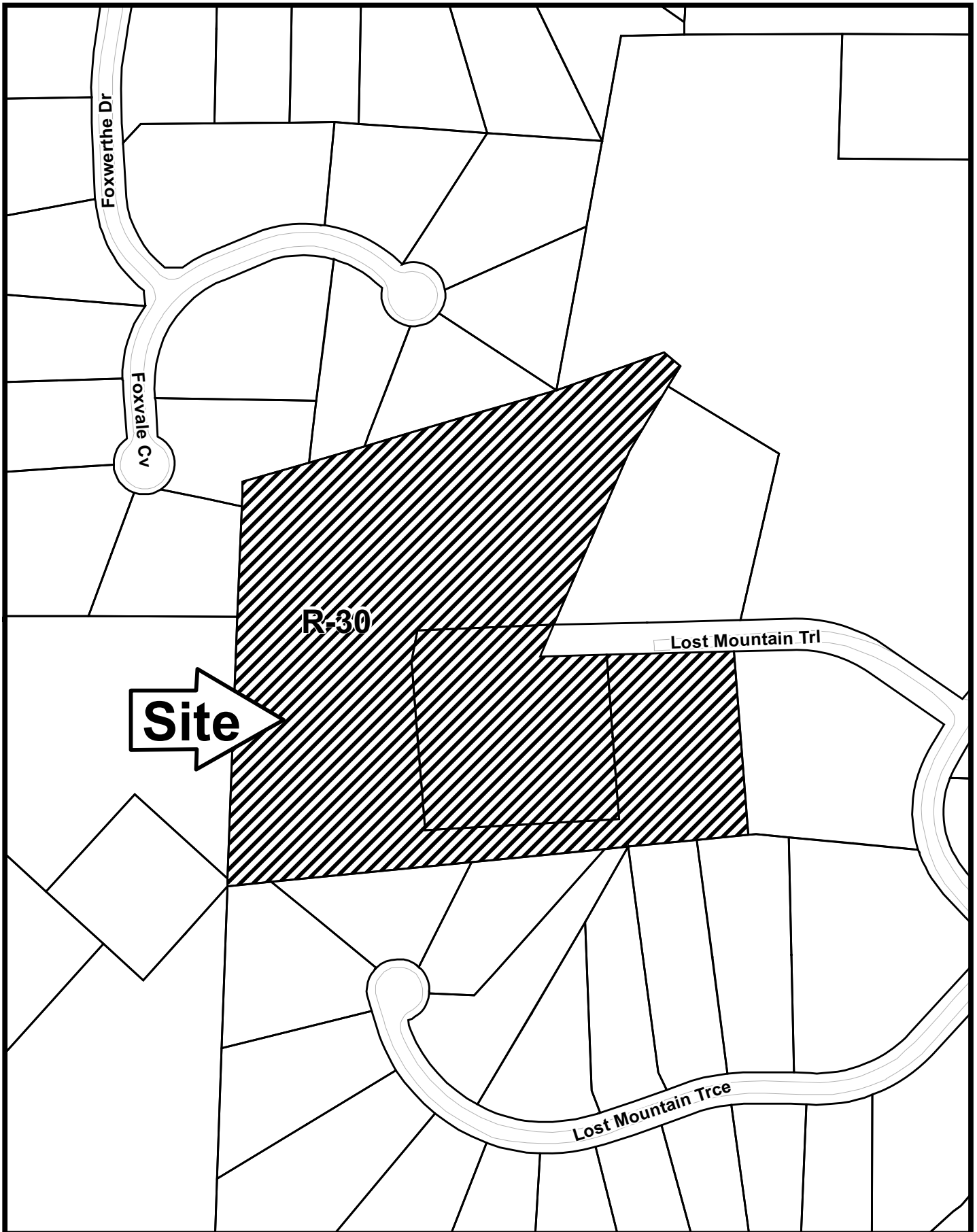
\* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) NFPA 13D Sprinkler System
- 2.) Complete structure treated with a Class-A Fire Retardant spray meeting a flame spread of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.

### Note:

-Dead-end access roads in excess of 1000 feet shall be provided with a turn-around.  
Residential cul-de-sac without island: 38-foot outside radius. Hammerhead turn-around: total of 120 feet needed (60 feet from center of drive).

# V-31



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

200 0 200 Feet



City Boundary  
Zoning Boundary

# Application for Variance Cobb County

(type or print clearly)

Application No. V-31 (2010)  
Hearing Date: 04/14/2010

Applicant J.D. Whitener, Jr. and Shelley L. Whitener Business Phone (770) 427-8579 Home Phone (770) 423-9199  
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street  
J. Kevin Moore Address Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Business Phone (770) 429-1499 Cell Phone (678) 516-1609  
(representative's signature) Georgia Bar No. 519728

My commission expires: January 10, 2011

Signed, sealed and delivered in presence of:  
Carolyn E. Cook  
Notary Public

Titleholder J.D. Whitener, Jr. and Shelley L. Whitener Business Phone (770) 427-8579 Home Phone (770) 423-9199  
Signature See Attached Exhibit "A" Address: 5100 Lost Mountain Trail, N.W.  
(attach additional signatures, if needed) (street, city, state and zip code)  
Kennesaw, GA 30152

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

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
Notary Public

Present Zoning of Property R-30

Location Western Terminus of Lost Mountain Trail  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 271 District 20th Size of Tract 2.33 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 X

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 Exhibit "B" attached hereto and made a part hereof by reference

List type of variance requested: (1) To reduce the required road frontage for a single-family residential lot from seventy-five (75) feet to zero (0) feet. (See § 134-196(4)(c))

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE**

Application No.: V-31 (2010)  
Hearing Date: April 14, 2010

**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

**Applicants/Titleholders: J.D. Whitener, Jr. and Shelley L. Whitener**

Please state what hardship would be created by following the normal terms of the ordinance:

The Subject Property contains approximately 2.33 acres and is part of a larger tract of approximately 11.48 acres owned by Applicants/Property Owners. The Subject Property is undeveloped and is zoned R-30. Access to the Property is limited to a fifty (50) foot private drive off Lost Mountain Trail, and the Property has no frontage on a public roadway. Rather than subject the Property to development pursuant to the R-30 zoning classification, Applicants/Property Owners desire to create large acreage tracts in keeping with the area. At some time in the future, a new residence is intended to be constructed upon the Subject Property; and, therefore, a variance must be obtained to waive the minimum public road frontage requirement. The requested variance results in very minimal, if any, impact on surrounding properties and would allow an otherwise reasonable use of the Subject Property; especially, given that adjoining properties are zoned to the R-20, R-30, and Planned Residential Development ("PRD") zoning classifications.