

APPLICANT: Habitat for Humanity of Northwest **PETITION NO.:** V-43
PHONE: Metro Atlanta, Inc. 770-432-7954 **DATE OF HEARING:** 05-12-10
REPRESENTATIVE: J. Kevin Moore **PRESENT ZONING:** R-20
PHONE: 770-429-1499 **LAND LOT(S):** 370, 371
PROPERTY LOCATION: Located on the south side of **DISTRICT:** 17
Martin Place, south of Taylor Drive. **SIZE OF TRACT:** .70 acre
_____ **COMMISSION DISTRICT:** 4

TYPE OF VARIANCE: 1) Waive the public road frontage from the required 75 feet to 12 feet each for tracts 1 and 2; 2) waive the lot size from the required 20,000 square feet to 15,372 square feet on tract 1; and 3) waive the lot size from the required 20,000 square feet to 15,366 square feet on tract 2.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: If this variance is approved, a plat must be recorded prior to the issuance of any building permits showing any required access easements and referencing the variance case number and date of approval. The plat must be submitted to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: No comment.

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: Applicant should be aware that both tracts 1 and 2 will be < 0.5 acres and therefore will be required to go to public sewer when developed.

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: Habitat for Humanity

Petition Number: V-43

Date: 4/30/2010

Fire Marshal Comments

- 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)
- 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

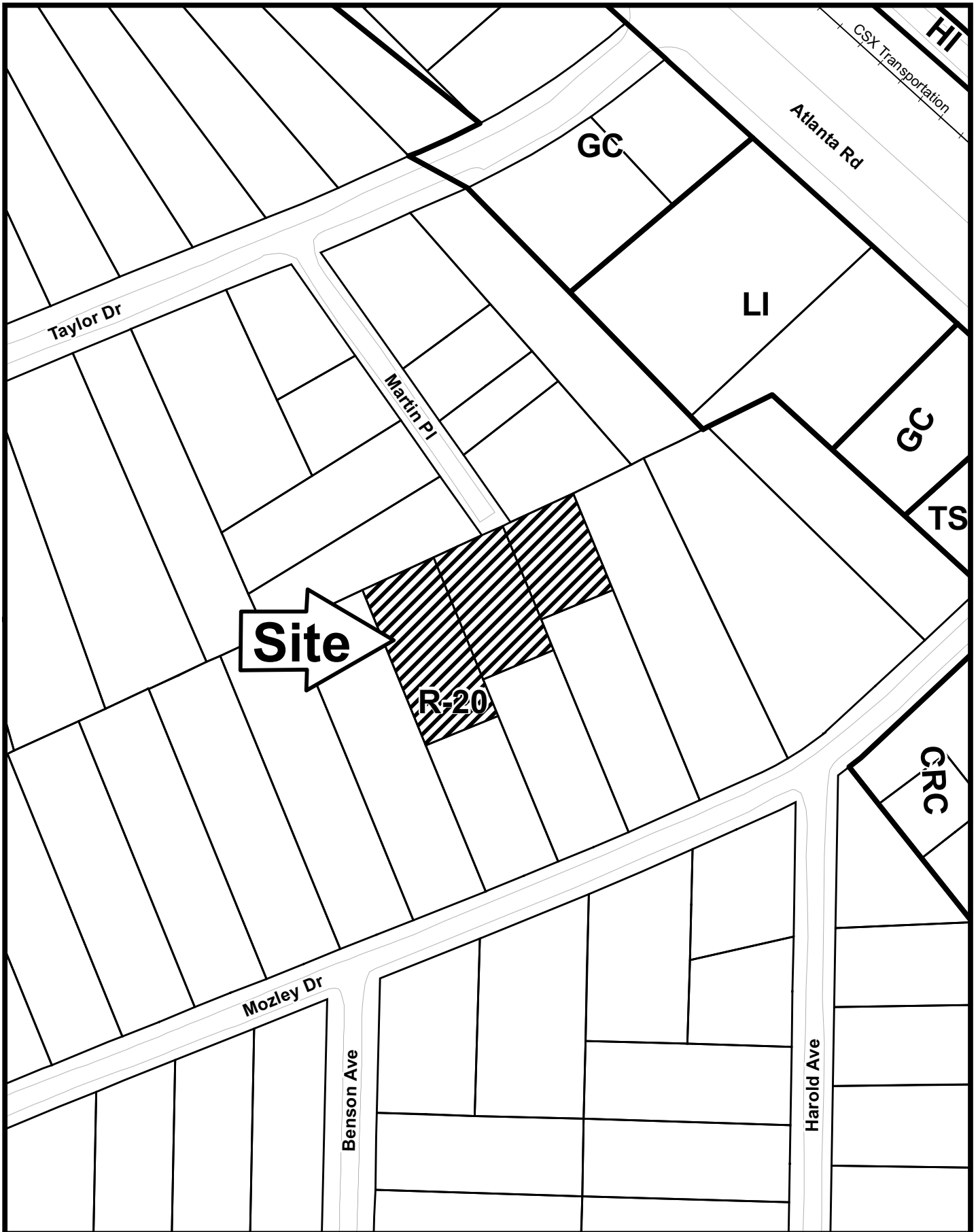
* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 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.

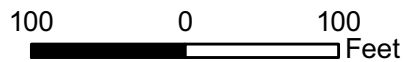
Note



-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-43



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-43 (2010)
Hearing Date: 05/12/2010

Habitat for Humanity of Northwest
Applicant Metro Atlanta, Inc. Business Phone (770) 432-7954 Home Phone Not Applicable
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

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: January 10, 2011

Titleholder Melanie DeFrances Business Phone _____ Cell Phone (404) 372-8766

Signature [Signature] Address: 5574 Wilmer Dr. Norcross GA
(attach additional signatures, if needed) (street, city, state and zip code) 30092

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: January 10, 2011

Present Zoning of Property R-20

Location Southeastern terminus of Martin Place
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 370, 371 District 17th Size of Tract 0.70± 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.

See Exhibit "A" attached hereto and made a part hereof by reference.

List type of variance requested: See Exhibit "A" attached hereto and made a part hereof by reference.

WAIVE THE LOT SIZE + ROAD FRONT.

ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 43 (2010)
Hearing Date: May 12, 2010

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant: Habitat for Humanity of Northwest Metro
Atlanta, Inc.
Owner: Melanie DeFrances

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

Applicant requests a waiver of the required minimum 20,000 square foot lot size for lots located within an R-20 zoning classification. This request is necessitated due to the size, shape, and location of the Subject Property. By waiving the required minimum 20,000 square foot lot size, the Applicant will be able to develop the Property for two single-family residential lots of approximately 15,370 square feet each which will better utilize the Subject Property for residential purposes and take into account the location of the Property at the terminus of Martin Place. Because the Property is located on a "dead-end" street, the minimum required public road frontage for a single-family residential lot is not available. Therefore, in order to meet the requirements set forth in the Cobb County Zoning Ordinance, a waiver of the required public road frontage is necessary in order to allow for the development of the Subject Property for two single-family residences. Otherwise, to deny the requested variances would leave the Property virtually land-locked and unusable pursuant to the provisions set forth within the R-20 zoning classification. Moreover, the Subject Property has been platted as three (3) separate lots of record. The variances requested herein are not substantial and would allow an otherwise reasonable use of the Subject Property; especially, given that adjoining properties are zoned to the R-20 zoning category and nearby properties are zoned for commercial and industrial uses, including , Community Retail Commercial ("CRC"); General Commercial ("GC"); and Light Industrial ("LI").

List type of variances requested:

- (1) Waiver of required minimum 20,000 square foot lot size for R-20 zoned property to 15,370 square feet. (See § 134-197);
- (2) Reduction of the required road frontage for a single-family residential lot from seventy-five (75) feet to approximately 27.5 feet. (See § 134-197(4)c).