

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: September 21, 2010

Applicant: Traton Homes, LLC Phone #: (770) 427-9064

(applicant's name printed)

Address: 720 Kennesaw Avenue, Marietta, GA 30060 E-Mail: Not Applicable

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street

J. Kevin Moore Address: Marietta, GA 30060

(representative's name, printed)

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jkm@mijs.com; w7@mijs.com

(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2011

Notary Public

Titleholder(s): Walton Stonehaven, LLC Phone #: (678) 303-4100

(property owner's name printed)

Address: 2181 Newmarket Parkway, Marietta, GA 30067 E-Mail: rjones@waltoncommunities.com

com

BY: [Signature]

(Property owner's signature) Roy M. Jones, Manager

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2011

Notary Public

Commission District: 2 (Ott) Zoning Case: Z-75 (2005)

Date of Zoning Decision: 05/17/2005 Original Date of Hearing: 05/17/2005

Location: Westerly side of Atlanta Road; northerly of Cheyanne Drive

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

Land Lot(s): 743, 744 District(s): 17th

State specifically the need or reason(s) for Other Business: _____

See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENT)

Application No.: Z-75 (2005)
Original Hearing Date: May 17, 2005
Date of Zoning Decision: May 17, 2005
Current Hearing Date: September 21, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Traton Homes, LLC
Property Owner: Walton Stonehaven, LLC

On May 17, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximately 6.31 acre tract to the RA-5 zoning category (hereinafter "Subject Property" or "Property"). The purpose of rezoning the Property was the addition to a previously approved residential development to be known as Stonehaven at Vinings. The approval of the rezoning request was site plan specific referencing the revised Rezoning Plan dated March 29, 2005, filed April 27, 2005 (a copy of which is attached hereto as Exhibit "1"); and was subject to the conditions set forth in the official minutes, as well as the letter of agreeable stipulations and conditions dated May 11, 2005, filed May 12, 2005, and the "Stipulation Revisions and Additions" filed at the hearing of the Board of Commissioners on May 17, 2005.

Applicant seeks to amend a portion of the approved Rezoning Plan and certain stipulations and conditions which relate specifically to three lots noted on the approved Rezoning Plan as Lots 9, 10, and 11, now known as Lots 59, 60, and 61, Unit III. The proposed amendments are as follows:

- (1) Applicant submits the "Proposed Access Plan" prepared by DGM Land Planning Consultants, Inc. dated August 17, 2010, which shows one access and shared driveway to service the three lots from Atlanta Road. Applicant seeks to amend the referenced, approved Rezoning Plan as to Lots 59, 60, and 61 only and substitutes in lieu thereof the "Proposed Access Plan."
- (2) Additionally, paragraph 26 of the "Stipulation Revisions and Additions as to Z-75 (2005) to Letter of Agreeable Stipulations and Conditions dated May 11, 2005, Presented by Moore Ingram Johnson & Steele, LLP" is amended to delete the second sentence, which reads as follows: "[t]here shall be no access to Atlanta Road." Further, any reference within the official minutes relating to no access to Atlanta Road with regard to Lots 59, 60, and 61 shall be deleted.

The proposed amendment does not adversely impact or affect the remaining Stonehaven development or surrounding properties or property owners. The original concept for the three subject lots was to provide access by a rear alley. However, there are significant topographical challenges to provide rear-alley access to these three lots which results in this original concept becoming an unreasonable hardship. If the requested revisions are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the overall Stonehaven at Vinings Subdivision.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on May 17, 2005, as to Z-75 (2005), are unaltered by this requested Site Plan and Stipulation Amendment.

Anderson & Westwood Road

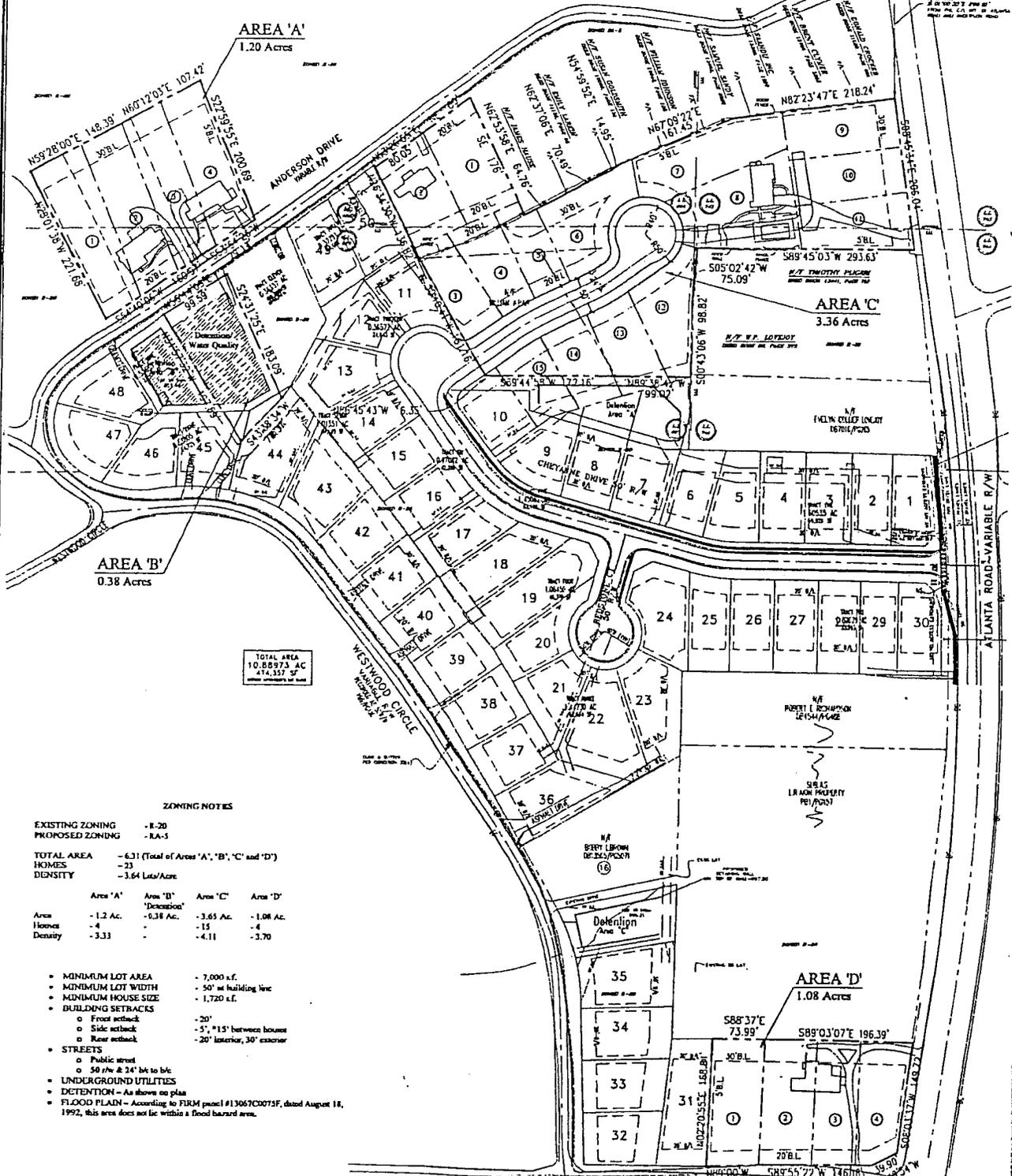
Rezoning Plan
 Land Use: RT, RA, R2, R3 & R4 District: 17th City: Cobb County, Georgia

Weaver & Woodbury



770 CHAMBERLAIN SUBURBAN ROAD, SUITE 200
 ATLANTA, GEORGIA 30346
 PHONE: 404.252.1100
 FAX: 404.252.1101

Min. Bk. 34 Petition No. Z-75
 Doc. Type general site plan layout
for reference only
 Meeting Date May 17, 2005



AREA 'B'
 0.38 Acres

AREA 'A'
 1.20 Acres

AREA 'C'
 3.36 Acres

AREA 'D'
 1.08 Acres

TOTAL AREA
 10.88973 AC
 474,327 SF

ZONING NOTES

- EXISTING ZONING - R-20
 - PROPOSED ZONING - RA-5
 - TOTAL AREA - 6.31 (Total of Areas 'A', 'B', 'C' and 'D')
 - HOUSES - 23
 - DENSITY - 3.64 Lots/Acre
- | | Area 'A' | Area 'B' | Area 'C' | Area 'D' |
|---------|-----------|------------|------------|------------|
| Area | - 1.2 Ac. | - 0.38 Ac. | - 3.65 Ac. | - 1.08 Ac. |
| Houses | - 4 | - 15 | - 4 | - 4 |
| Density | - 3.33 | - | - 4.11 | - 3.70 |
- MINIMUM LOT AREA - 7,000 s.f.
 - MINIMUM LOT WIDTH - 50' w/ building line
 - MINIMUM HOUSE SIZE - 1,720 s.f.
 - BUILDING SETBACKS
 - o Front setback - 20'
 - o Side setback - 5', *15' between houses
 - o Rear setback - 20' (maximum, 30' exterior)
 - STREETS
 - o Public street
 - o 50 ft w/ 24' bit to b/c
 - UNDERGROUND UTILITIES
 - DETENTION - As shown on plan
 - FLOOD PLAN - According to FEMA panel #13067C0073F, dated August 18, 1992, this area does not lie within a flood hazard area.



APR 27 2005



Exhibit "1"

Proposed Access Plan

Stonehaven #59,60,61

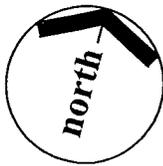
Cobb County, Georgia Land Lots 743 & 744, 17th District, 2nd Section

prepared for:

Traton Corp.

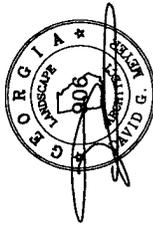


975 Oak Place
 Bunn Street 212
 KENNESAW
 GA 30144
 770 514-9006
 FAX 514-9491



August 17th, 2010

Revisions:



Notes:

1. Boundary survey by Watts & Browning and topographic information by CCLand Surveyors.
2. According to Flood Insurance Rate Map (FIRM) #1306750075F, August 18, 1992, No portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. Stream and wetland classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. No Utility easements exist on site and are not shown on site plan.

