

APPLICANT: Scott Leavell **PETITION NO.:** V-28
PHONE: 404-513-2273 **DATE OF HEARING:** 04-13-11
REPRESENTATIVE: Sams, Lark & Huff, LLP **PRESENT ZONING:** R-20, R-30
PHONE: Parks F. Huff 770-422-7016 **LAND LOT(S):** 256
PROPERTY LOCATION: On the east side of **DISTRICT:** 20
Hamilton Road north of Kennesaw Due West. **SIZE OF TRACT:** 5.641 acres
COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the setback for an accessory structure over 800 square-feet (8,228 square-foot existing barn) from the required 100 feet to 68 feet adjacent to the northern property line and 35 feet adjacent to the eastern property line; and 2) waive the side setback for the primary structure adjacent to the south property line from the required 12 feet to zero feet.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: On 1/25/11 a Stop Work Order and Notice of Violation was issued for building without a permit. A permit could not be obtained for work in progress due to the encroachment into the setbacks. If the variance is approved a building, electrical and plumbing permit will be required prior to the commencement of any further construction. Some of the in slab plumbing work has been concealed and footings and slabs were poured without inspections. Owner must comply with all required inspections if variance is approved.

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: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER: No Conflict

SEWER: No Conflict.

OPPOSITION: NO. OPPOSED _____ PETITION NO. _____ SPOKESMAN _____

BOARD OF APPEALS DECISION
 APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____
 STIPULATIONS: _____



THIS

PAGE

INTENTIONALLY

LEFT

BLANK

Cobb County Fire and Emergency Services

Fire Marshal Comments

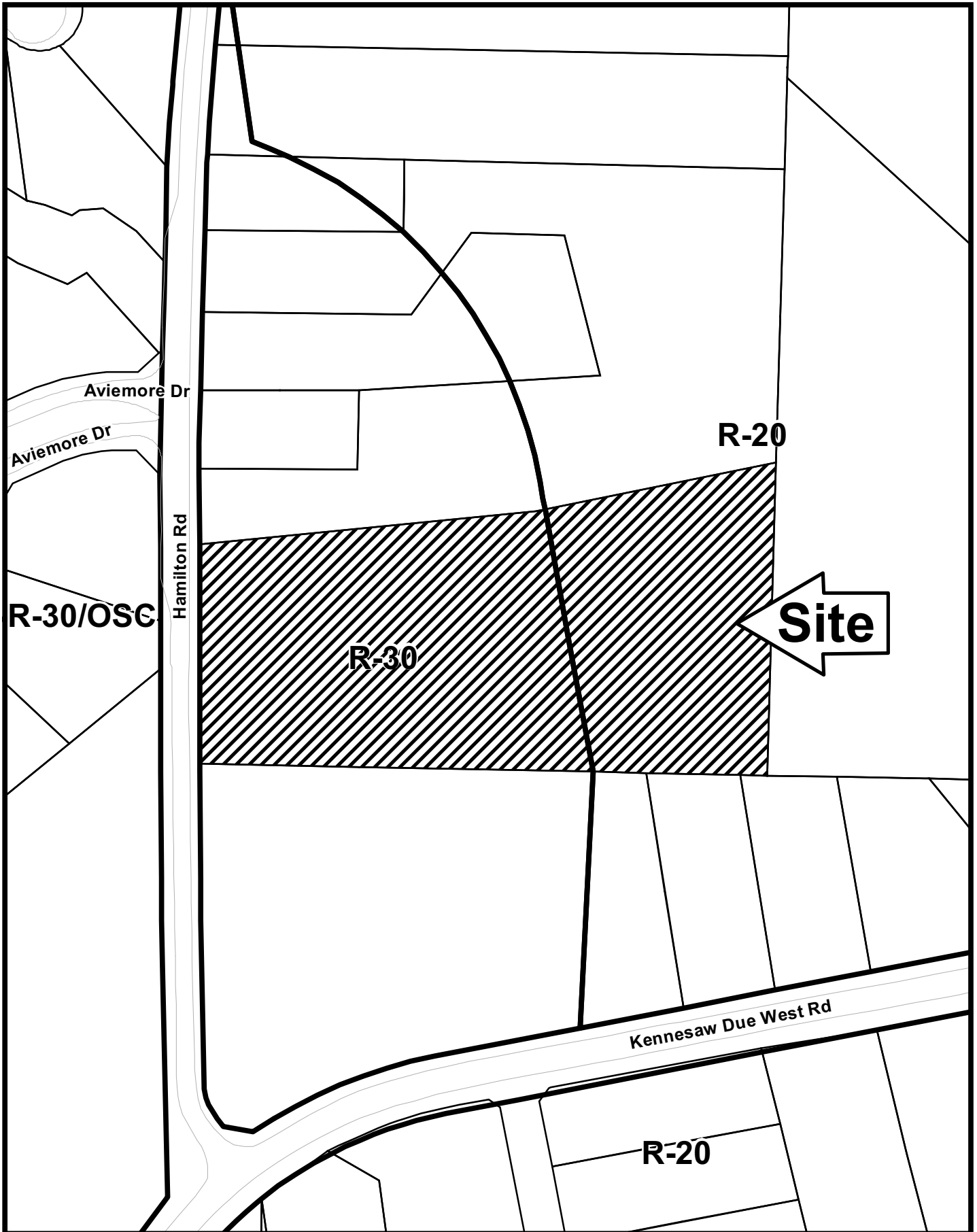
Applicant Name: **Scott Leavell**

Petition Number: V-28

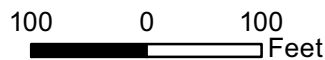
Date: 3/25/2011

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-28



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



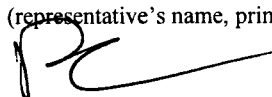
City Boundary
Zoning Boundary

Application for Variance Cobb County

(type or print clearly)

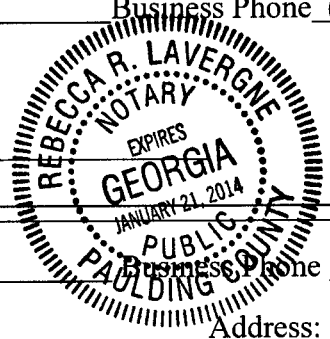
Application No. V- 28
Hearing Date: 4/13/11

Applicant Scott Leavell Cell Phone (404) 513-2273
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Parks F. Huff Address Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)


(representative's signature)

Business Phone (770) 422-7016 Cell Phone (770) 426-6583

My commission expires: _____



Signed, sealed and delivered in presence of:
Rebecca R. Lavergne
Notary Public

Titleholder SEE ATTACHED Business Phone _____ Home Phone _____

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

My commission expires: _____
Notary Public

Present Zoning of Property R-30

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

Land Lot(s) 256 District 20 Size of Tract 5.141 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 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.

Because of the resubdivision of the property, the existing accessory structure no longer meets the current setbacks. The property has oddly shaped north property line.

List type of variance requested: Reduce the rear setback for an accessory structure in excess of 800 square feet from 100 feet to 33.9 feet. Reduce the north property line setback from 100 feet to 71 feet. Cobb County Code Section 134-196 (12)