

APPLICANT: Clyde Lowell Ball and Suzann D. Ball **PETITION NO.:** V-68
PHONE: 770-715-0299 **DATE OF HEARING:** 09-14-11
REPRESENTATIVE: Clyde L. Ball **PRESENT ZONING:** R-20
PHONE: 770-715-0299 **LAND LOT(S):** 17
PROPERTY LOCATION: On the south side of Birds Mill, west of Sharp Mountain Creek (878 Birds Mill). **DISTRICT:** 1041, 1048, 1049
SIZE OF TRACT: 0.46 acre
COMMISSION DISTRICT: 2
TYPE OF VARIANCE: Waive the side setback on lot 84 from the required 10 feet to 6 feet adjacent to the western property line.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: The fireplace bump-out encroaches into a recorded drainage easement associated with a drainage pipe that is located on the subject property line. This could be an issue when this pipe needs to be replaced. A hold harmless agreement must be provided by the owner.

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: No conflict.

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

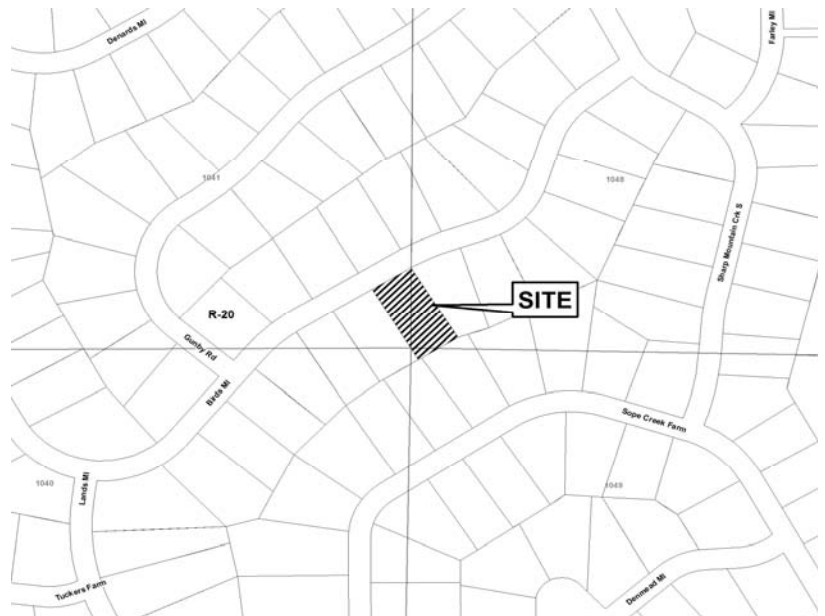
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



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Cobb County Fire and Emergency Services

Fire Marshal Comments

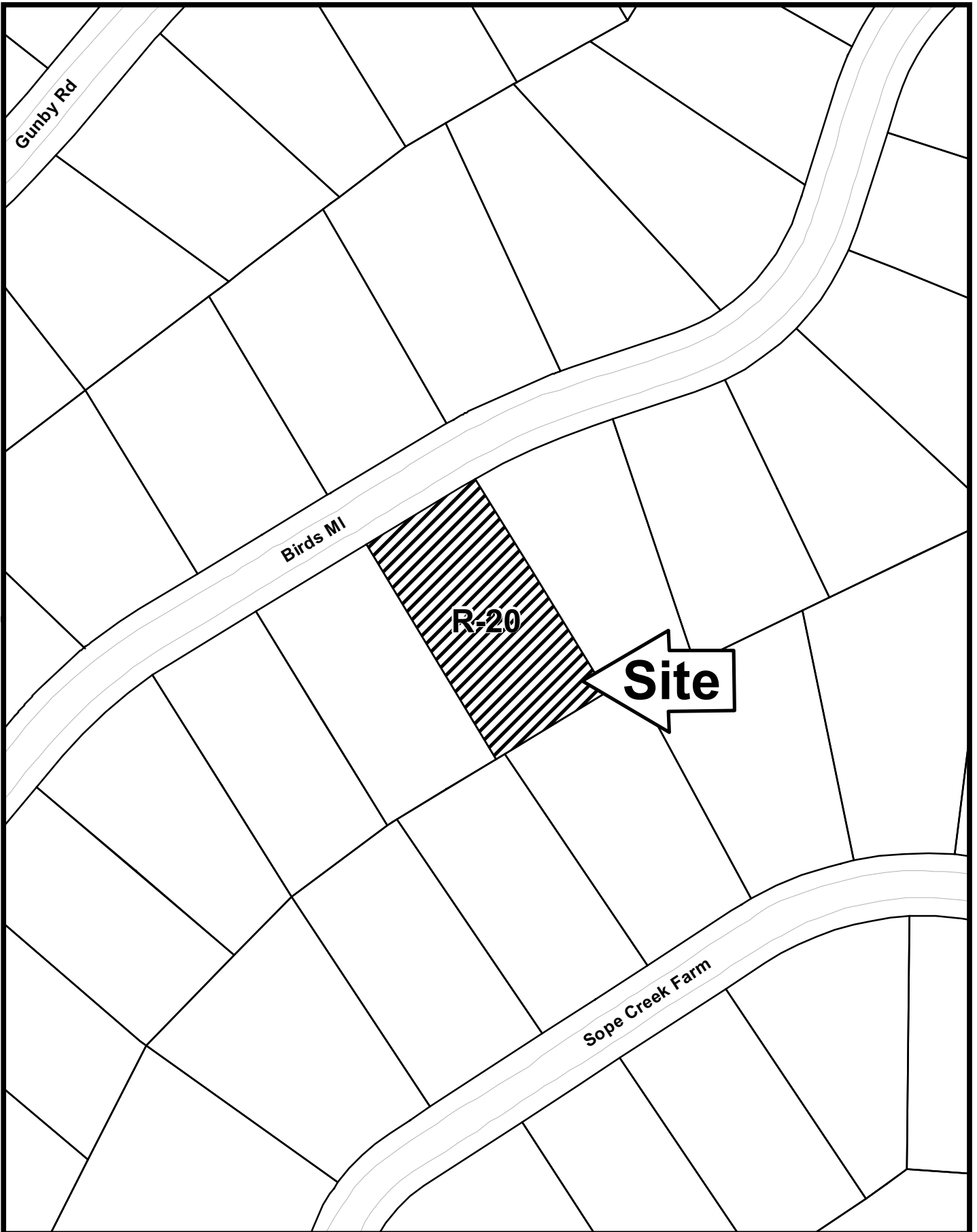
Applicant Name: **Clyde Lowell Ball and Suzann D. Ball**

Petition Number: V-68

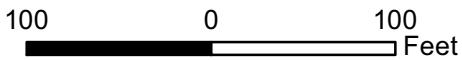
Date: 8/30/2011

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-68



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)

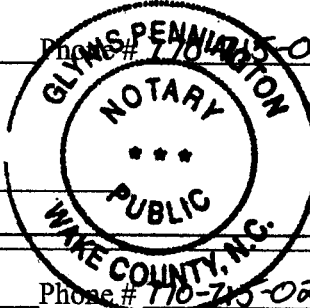
Application No. V-68

Hearing Date: 9-14-11

Applicant CLYDE LOWELL BALL & SUZANN D. BALL Phone # 770-715-0299 E-mail BALL.LOWELL@GMAIL.COM

CLYDE L. BALL Address 6201 BAYSWATER TRAIL, RALEIGH, NC 27612
(representative's name, printed) (street, city, state and zip code)

Clyde L. Ball Phone # 770-715-0299 E-mail BALL.LOWELL@GMAIL.COM
(representative's signature)



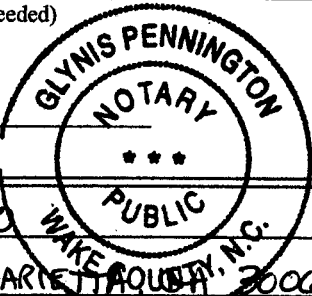
Signed, sealed and delivered in presence of:

My commission expires: 11/21/2012

Glynis Pennington
Notary Public

Titleholder CLYDE LOWELL BALL & SUZANN D. BALL Phone # 770-715-0299 E-mail BALL.LOWELL@GMAIL.COM

Signature Clyde Lowell Ball / Suzann D. Ball Address: 6201 BAYSWATER TRAIL, RALEIGH, NC 27612
(attach additional signatures, if needed) (street, city, state and zip code)



Signed, sealed and delivered in presence of:

My commission expires: 11/21/2012

Glynis Pennington
Notary Public

Present Zoning of Property R-20

Location 878 BIRDS MILL SE, MARETTA QUADRANT, 30067
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1041, 1048 & 1049 District 17th, 2nd Section Size of Tract 0.46 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 ATTACHED DESCRIPTION OF HARDSHIP (EXHIBIT A)

List type of variance requested: HOMEOWNERS REQUEST VARIANCE TO REDUCE SIDE SETBACK FROM 10' TO 6' AS SHOWN ON PLAT OF SURVEY BY JA. EVANS (SOUTHWESTERLY SIDE OF LOT) WAIVE THE SIDE SETBACK FROM 10 TO 6 FT

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V-68 (2011

Exhibit A

Applicant: Clyde Lowell Ball & Suzann D. Ball
Property: 878 Birds Mill SE, Marietta, GA 30067;
(Lot 84, Block G, Sibley Forest – Phase 3-A, Plat Book 102, Page 50,
Cobb County, GA records)

Description of Hardship:

This home in the Sibley Forest subdivision was constructed in its current location in 1985. My wife and I purchased the home in 1993 and lived there for over 17 years, raising our children there and participating actively in the local schools and community. We recently relocated to North Carolina for my job. In connection with our efforts to sell the house, my wife and I recently discovered that the chimney at the southwesterly side of the house apparently encroaches a short distance into the 10-foot side yard setback area as well as a public drainage easement that covers the identical 10-foot area. The existence of the encroachment has become a significant obstacle to our efforts to sell the house. So, we are requesting this variance to address concerns of potential purchasers and make the house marketable.

The chimney is part of the original construction and appears to have passed inspection by County building inspectors and the house was apparently issued a certificate of occupancy in 1985. The house was already 8 years old when we purchased it in 1993 and we were unaware of the encroachment at that time.

Clyde Lowell Ball