



**APPLICANT:** Flavia H. Mullen **PETITION NO.:** V-92  
**PHONE:** 404-310-0276 **DATE OF HEARING:** 12-14-11  
**REPRESENTATIVE:** Flavia H. Mullen **PRESENT ZONING:** R-20  
**PHONE:** 404-310-0276 **LAND LOT(S):** 416  
**PROPERTY LOCATION:** On the easterly side of **DISTRICT:** 16  
Fawn Trail, southwesterly of Ebenezer Road **SIZE OF TRACT:** 1.3377 acres  
(3380 Fawn Trail). **COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** 1) Waive the setback for an accessory structure over 650 square-feet (proposed 675 square-foot playhouse) from the required 100 feet adjacent to any property line to zero feet adjacent to the east property line and 45 feet adjacent to the south property line; 2) waive the setback for accessory structures from the required 5 feet to zero feet for sheds 1 - 4; 3) waive the rear setback for an accessory structure from the required 35 feet to 7 feet adjacent to the east property line and 10 feet adjacent to the south property line for shed 5; and 4) waive the setback for an accessory structure from the required 5 feet to 3 feet for shed 6.

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** On 8/4/11, a notice of violation was issued for building without a permit. If the variance is approved, applicable permits and inspections will be required on the approved structure(s) exceeding 120 square-feet. Structures exceeding 120 square-feet which are less than 5 feet from the property line requires a one hour fire resistance rating. 2006 I.R.C. R 302.1.

**STORMWATER MANAGEMENT:** No apparent adverse stormwater impacts are anticipated.

**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**         

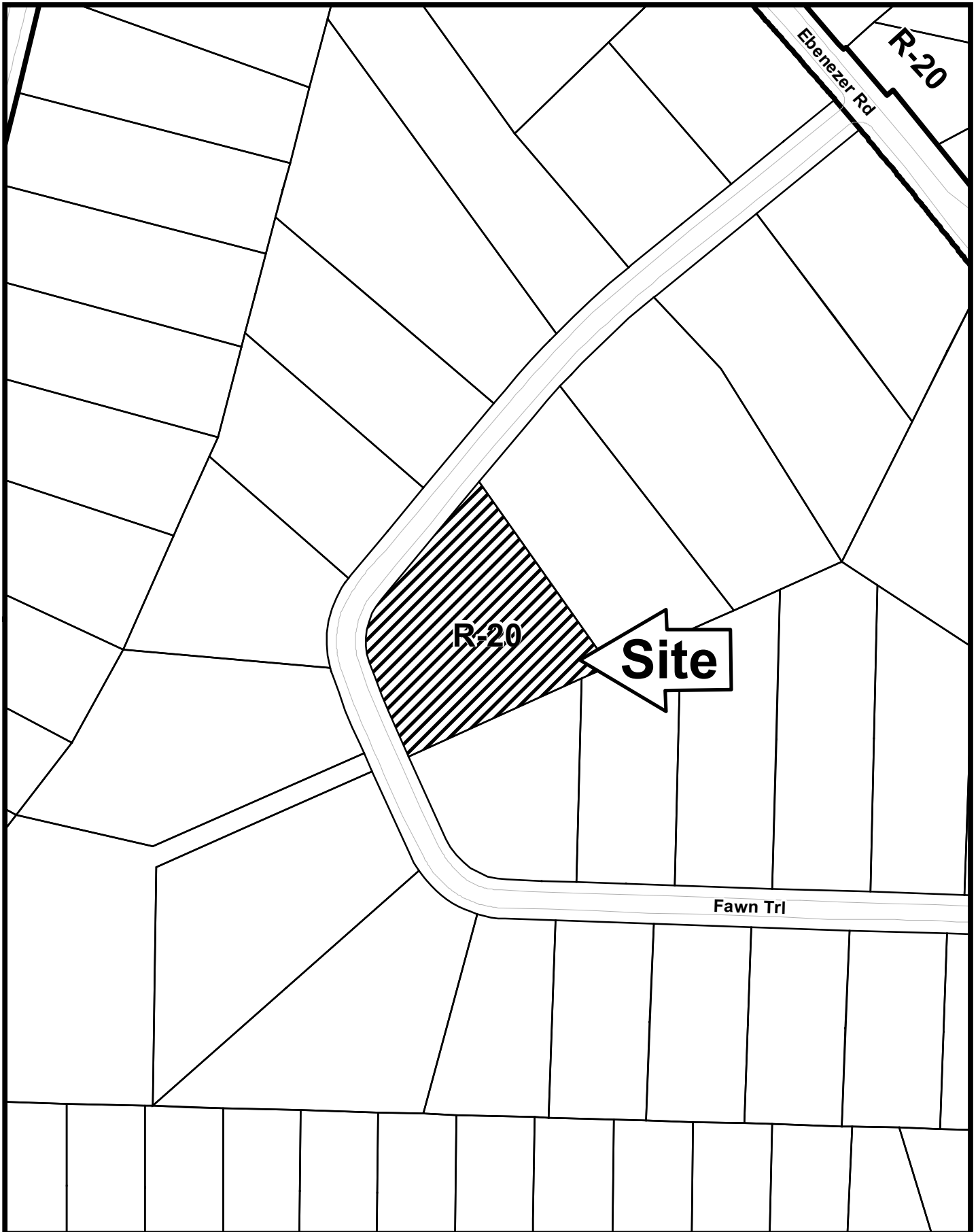
**STIPULATIONS:**         

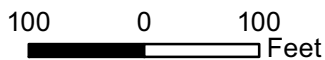
        



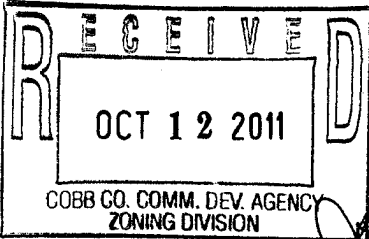
# V-92



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

*JAC*  
*10-30*

(type or print clearly)

Application No. V-92  
Hearing Date: 12/14/11

Applicant FLAVIA H. MULLEN Phone # 404-310-0276 E-mail FLAVIA7ebellsouth.net

FLAVIA H. MULLEN Address 3380 FAUN TRAIL MARIETTA, GA 30066  
(representative's name, printed) (street, city, state and zip code)

Flavia H. Mullen Phone # 404-310-0276 E-mail FLAVIA7ebellsouth.net  
(representative's signature)

CHRISTINA L. BOYD  
NOTARY PUBLIC  
COBB COUNTY, GEORGIA

Signed, sealed and delivered in presence of:

My commission expires: MY COMMISSION EXPIRES 03-11-2012

Christina L. Boyd  
Notary Public

Titleholder BRIAN MULLEN & Kellie Mullen Phone # 770-579-9434 E-mail \_\_\_\_\_

Signature Brian Mullen Address: 1341 TERRELL Mill Rd, Suite 130  
(attach additional signatures, if needed) (street, city, state and zip code) Marietta, GA 30067

Kellie Mullen  
CHRISTINA L. BOYD  
NOTARY PUBLIC  
COBB COUNTY, GEORGIA

Signed, sealed and delivered in presence of:

My commission expires: MY COMMISSION EXPIRES 03-11-2012

Christina L. Boyd  
Notary Public

Present Zoning of Property R-20

Location 3380 Faun Trail Marietta, GA 30066  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 416 District 16<sup>th</sup> 2ND Size of Tract 1.33 Acre(s)  
Lot 24 of Stag's Run Subdivision Section

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.

Please see attached letter, (Exhibit A)

List type of variance requested: Waive setbacks for accessory structures

See Exhibit B for photos.

THIS

PAGE

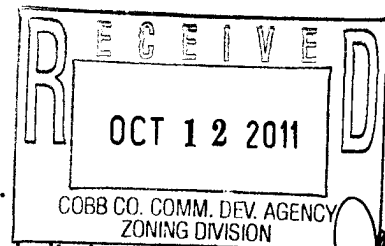
INTENTIONALLY

LEFT

BLANK

Exhibit A

V-92  
Dec. 2011



Thank you for diligently reviewing our need for a Variance for a tree house.

The Variance will acknowledge the existence of the structure within its proximity to property lines and its elevated grandchildren play level space. Without a Variance, the property could not be sold without a clear title.

The true hardship was created when an EPA inspector, reviewing an adjoining property's septic field, REPORTED a structure being built without their permission. The inspector brought this hardship upon us by:

- 1) Never visually looking to see that the tree house is elevated 7' off the ground.
- 2) Never checking to see that we already had a valid Septic Permit from having recently replaced our own septic field.
- 3) Never checking the records to see that the tree house is over 270' from the septic field location.

The Cobb County Health Dept (EPA) apologized for their error and quickly, without charge, delivered a red stamped approval document. By starting this bogus inquiry, however, the EPA inspector created this need for a Variance Hearing, has created a large financial liability for us, wasted NUMEROUS hours of our time that we can NEVER get back, and caused an incredible amount of stress in the midst of the passing of my mother.

My father passed away in April. He designated funds for a new roof & energy efficient windows, a complete redo of the electrical, plumbing & gas systems, a remodel of the basement to properly house live-in care-givers, and a tree house legacy to his nine great-grandchildren. Permits were gotten for all the above systems and in the process we inquired about any paperwork needed for the proposed tree house and were told "As long as it's under 35' high you're fine" – which it is. The allocated funds were gratefully spent as he requested. There are no funds left to tackle a tree house remodel – hence another reason for the Variance to eliminate additional financial hardships. Personally we would have liked to have been able to spend a portion of the tree house funds on a cruise celebrating our 45<sup>th</sup> Anniversary - but that wasn't Dad's wish. He was a former decorated Naval Commander and Oral Surgeon and, as an only child, I never challenged his orders.

We apologize if we innocently violated any zoning laws. That was never our heart or spirit and we truly thought we had gotten all required permissions. We humbly request a Variance to accommodate the tree house.

*Ilavia Mullen for the Mullen Families*



Exhibit B  
V-92/2011  
1 of 2

View from  
our back  
porch.



View from  
Backyard

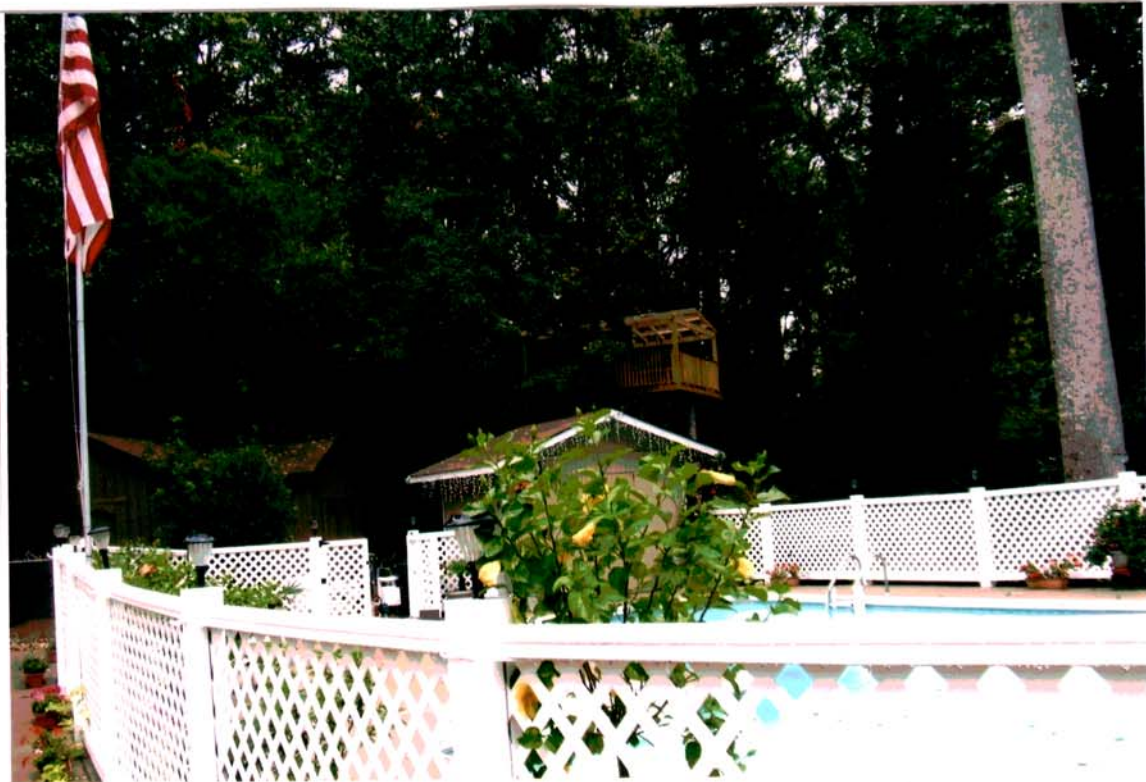


Exhibit B  
V-02/2011  
2 of 2

UPPER DRIVEWAY VIEW



Lower Driveway View