

# **PRELIMINARY VARIANCE ANALYSIS**

**HEARING DATE: February 8, 2012**

**DUE DATE: January 9, 2012**

Distributed: December 16, 2011



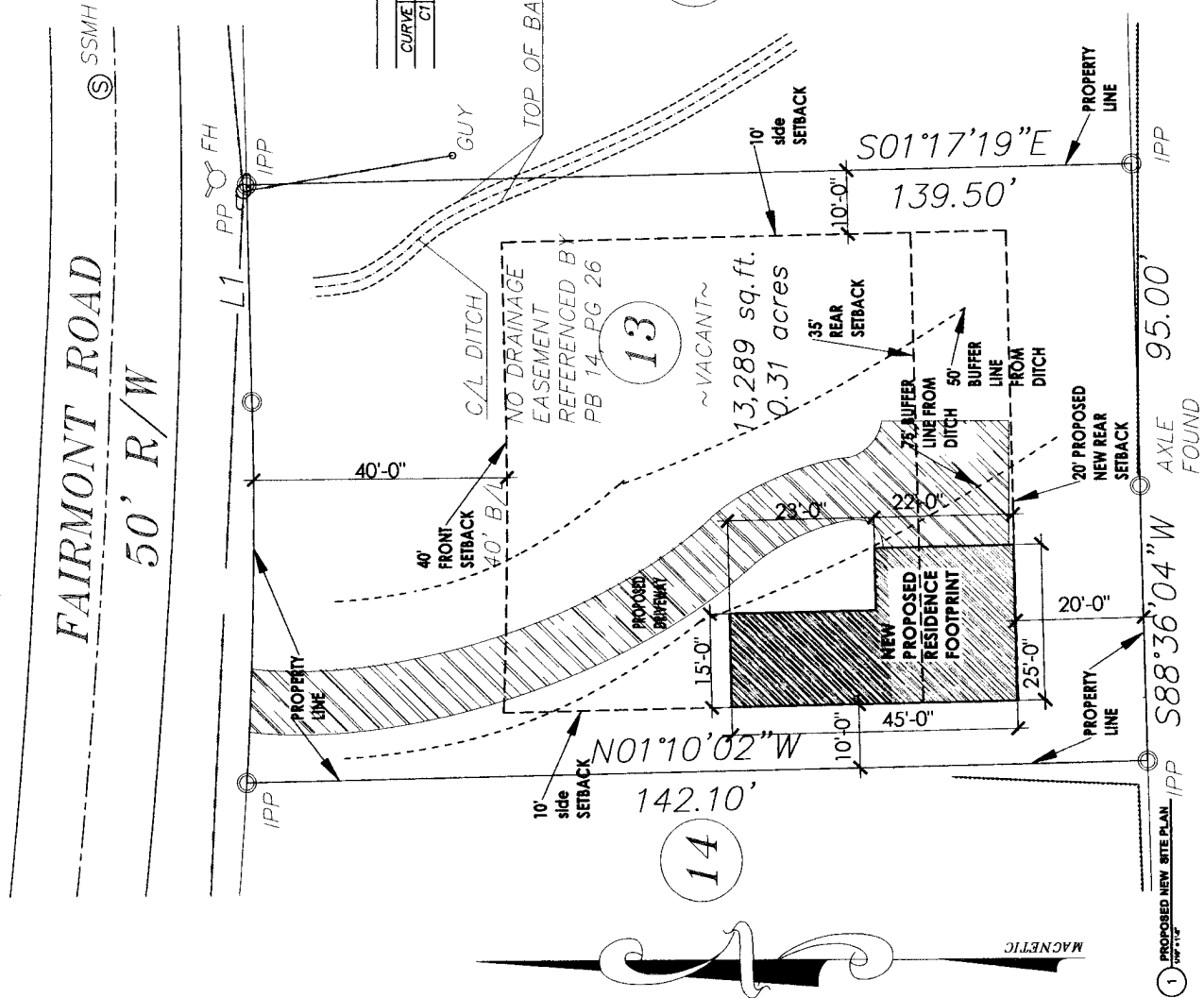
*Cobb County...Expect the Best!*

- LEGEND
- CMP CORRUGATED METAL PIPE
  - DE DRAINAGE EASEMENT
  - SSE SANITARY SEWER EASEMENT
  - STL STEEL TRACK LINE
  - REB REBAR FOUND
  - IPP IRON PIN PLACED
  - OTF OPEN TOP FOUND
  - OTF CRIMP TOP FOUND
  - RB REBAR
  - CB CATCH BASIN
  - POB POINT OF BEGINNING
  - POB HEAD WALL
  - MH MAN HOLE
  - PP POWER POLE
  - LL LAND LOT
  - M MEASURED
  - P PLAN

505' ALONG R/W TO  
R/W KENWOOD ROAD,  
AS PER PB 14, PG 26;  
NO MONUMENT FOUND

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	60.53	757.57	60.51
			BEARING
			S88°59'59"E

LINE TABLE	
LINE	LENGTH
L1	34.23'
	BEARING
	N88°42'41"E



V-8  
(2012)

NEW RESIDENCE FOR  
JEAN A COUTINHO

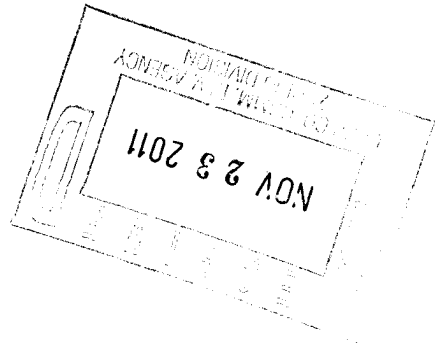
ARCHITECTURE DESIGN DETAILING

11/23/11  
JEAN A COUTINHO  
11/23/11

NEW PROPOSED  
SITE PLAN

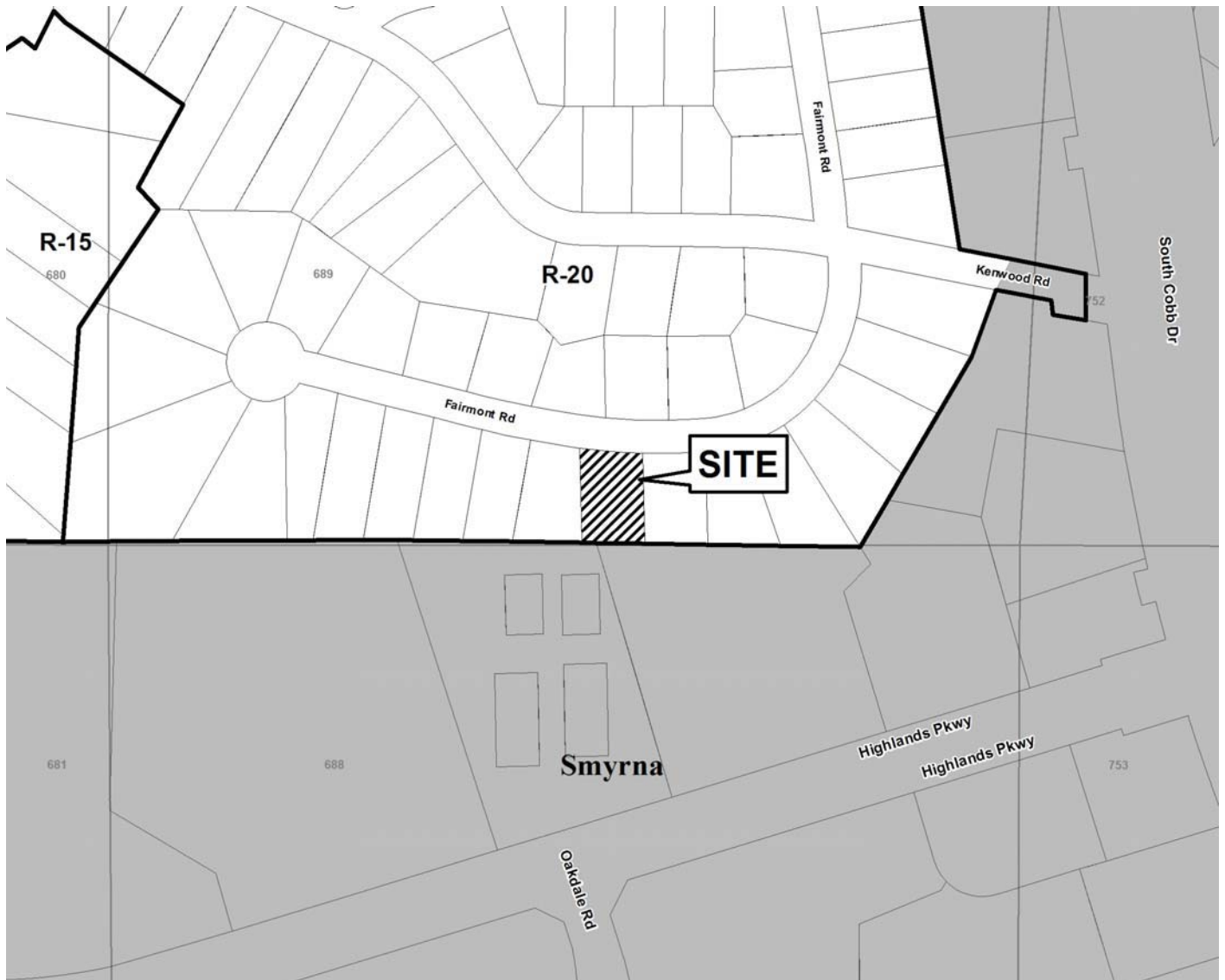
A0

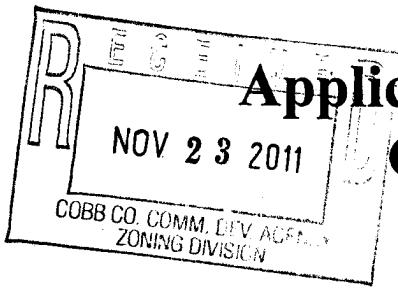
Originally plotted in  
Kenwood Subdivision 02/10/1956  
PB 14 PG 26



1 PROPOSED NEW SITE PLAN

<b>APPLICANT:</b>	<u>Jean A. Coutinho</u>	<b>PETITION NO.:</b>	<u>V-8</u>
<b>PHONE:</b>	<u>404-566-0177</u>	<b>DATE OF HEARING:</b>	<u>02/08/12</u>
<b>REPRESENTATIVE:</b>	<u>Michael P. Landry</u>	<b>PRESENT ZONING:</b>	<u>R-20</u>
<b>PHONE:</b>	<u>770-425-1465</u>		
<b>TITLEHOLDER:</b>	<u>Jean A Coutinho</u>	<b>LAND LOT(S):</b>	<u>689</u>
<b>PROPERTY LOCATION:</b>	<u>On the south side of</u>	<b>DISTRICT:</b>	<u>17</u>
<u>Fairmont Road, south of Kenwood Road</u>		<b>SIZE OF TRACT:</b>	<u>0.31 acre</u>
<u>(5077 Fairmont Road).</u>		<b>COMMISSION DISTRICT:</b>	<u>2</u>
<b>TYPE OF VARIANCE:</b>	<u>Waive the rear setback from required 35 feet to 20 feet.</u>		





# Application for Variance Cobb County

(type or print clearly)

Application No. V-8

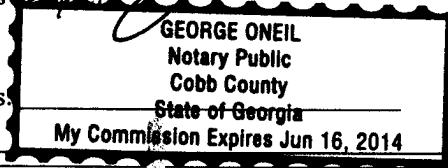
Hearing Date: 2-8-11

Applicant JEAN A. COUTINHO Phone # 404 566 0177 E-mail JEAN@MICHAELPLANDRY.COM

MICHAEL P. LANDRY Address 2655 DALLAS HWY, SUITE 220, MARIETTA GA 30064  
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 770-425-1465 E-mail MLANDRY@MICHAELPLANDRY.COM  
(representative's signature)

My commission expires:



Signed, sealed and delivered in presence of:

Notary Public

Titleholder N/A Phone # N/A E-mail N/A

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

Signed, sealed and delivered in presence of:

My commission expires: N/A N/A

Notary Public

Present Zoning of Property R20

Location 5077 FAIRMONT ROAD<sup>SE</sup>, SMYRNA GA 30082  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 689 District 17TH Size of Tract 0.31 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 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.

BECAUSE OF THE STATE OF THE WATERS IMPOSED ON THIS LOT, IT REDUCES THE FOOTPRINT OF THE BUILDING TO A LESSER & NEAR IMPOSSIBLE PLAN FOR THE TRADITIONAL NEIGHBORHOOD. & PRESENTS AN UNDUE HARDSHIP ON THIS LOT OWNER

List type of variance requested: REAR SETBACK, (BUILDING), FROM 35' TO 20'

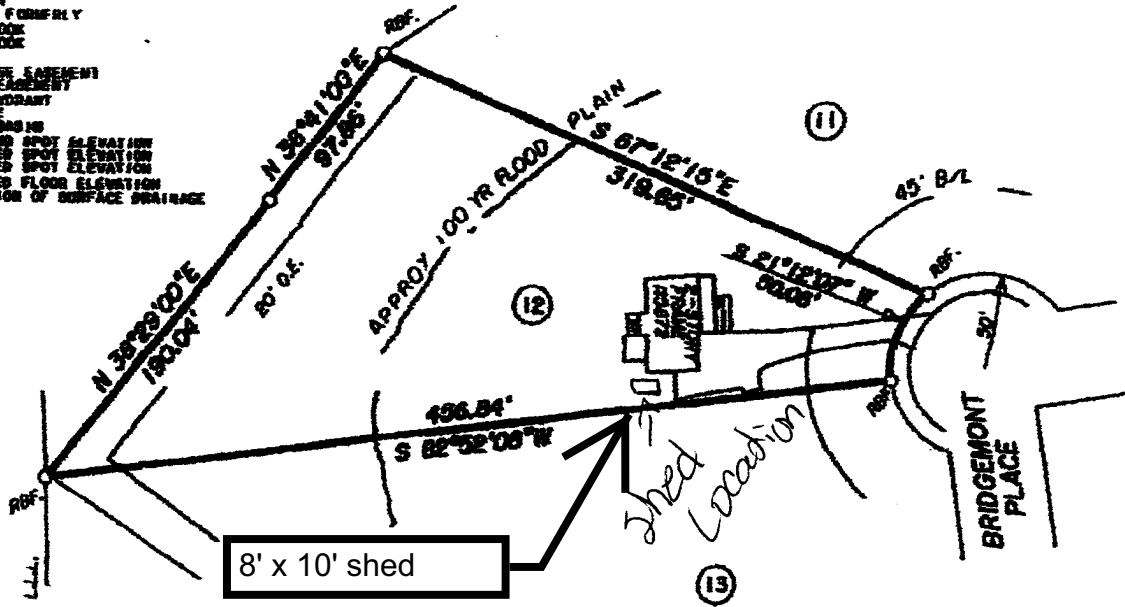
V-9  
(2012)

- LEGEND**
- I.P.F. IRON PIN FOUND
  - I.P.B. IRON PIN SET
  - R.S.F. RE-SURF
  - R.S.B. RE-SURF SET
  - O.T. OPEN TOP
  - C.T. CRIMPED TOP
  - R/W RIGHT OF WAY
  - P.L. PROPERTY LINE
  - C.L. CENTER LINE
  - B.L. BUILDING LINE
  - L.L. LAND LOT
  - L.L.L. LAND LOT LINE
  - G.M.D. GEORGIA MILITIA DISTRICT
  - P.P. POWER POLE
  - F. FENCE LINE
  - R. RADIOS
  - C. CHAINS
  - T.M. TANGENT
  - N.F. ROW OR FORMERLY
  - D.B. DEED BOOK
  - P.B. PLAT BOOK
  - P.G. PAGE
  - D.E. DRAINAGE EASEMENT
  - S.E. SEWER EASEMENT
  - F.H. FIRE HYDRANT
  - M. MOUND
  - C.B. CATCH BASIN
  - S.S. EXISTING SPOT ELEVATION
  - S.S.F. FINISHED SPOT ELEVATION
  - S.S.F.F. FINISHED FLOOD ELEVATION
  - F.F.E. DIRECTION OF SURFACE DRAINAGE

FENCES SHOULD NOT BE PLACED  
USING SIDE DIMENSIONS FROM  
HOUSE.

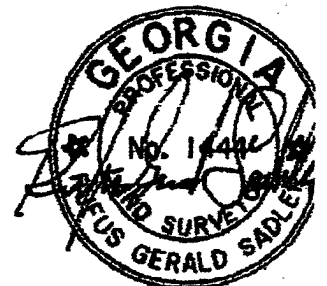
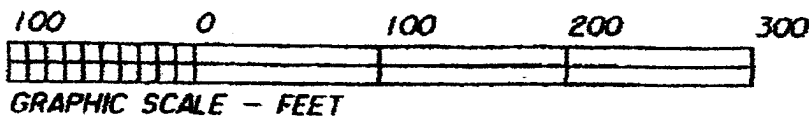
THE FIELD DATA UPON WHICH THIS PLAT IS BASED  
WAS A CLOSURE PRECISION OF ONE FOOT IN  
FEET, AND AN ANGULAR ERROR OF  
SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING  
CRANDALL RULE. THIS PLAT HAS BEEN CALCULATED FI  
CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN  
10,000 FEET.

NOTE THIS HOUSE NOT IN 100YR  
FLOOD PLAIN



IN MY OPINION, THIS IS A CORRECT  
REPRESENTATION OF THE LAND PLATTED.

*Robert T. Harrington*



**SURVEY FOR:**  
**ROBIN T. HARRINGTON &**  
**WENDI CLARK - HARRINGTON**

REF: PB. 129 PG. 49  
COBB COUNTY RECORDS

EQUIPMENT USED :  
TOPCON GTS-213  
TOTAL STATION

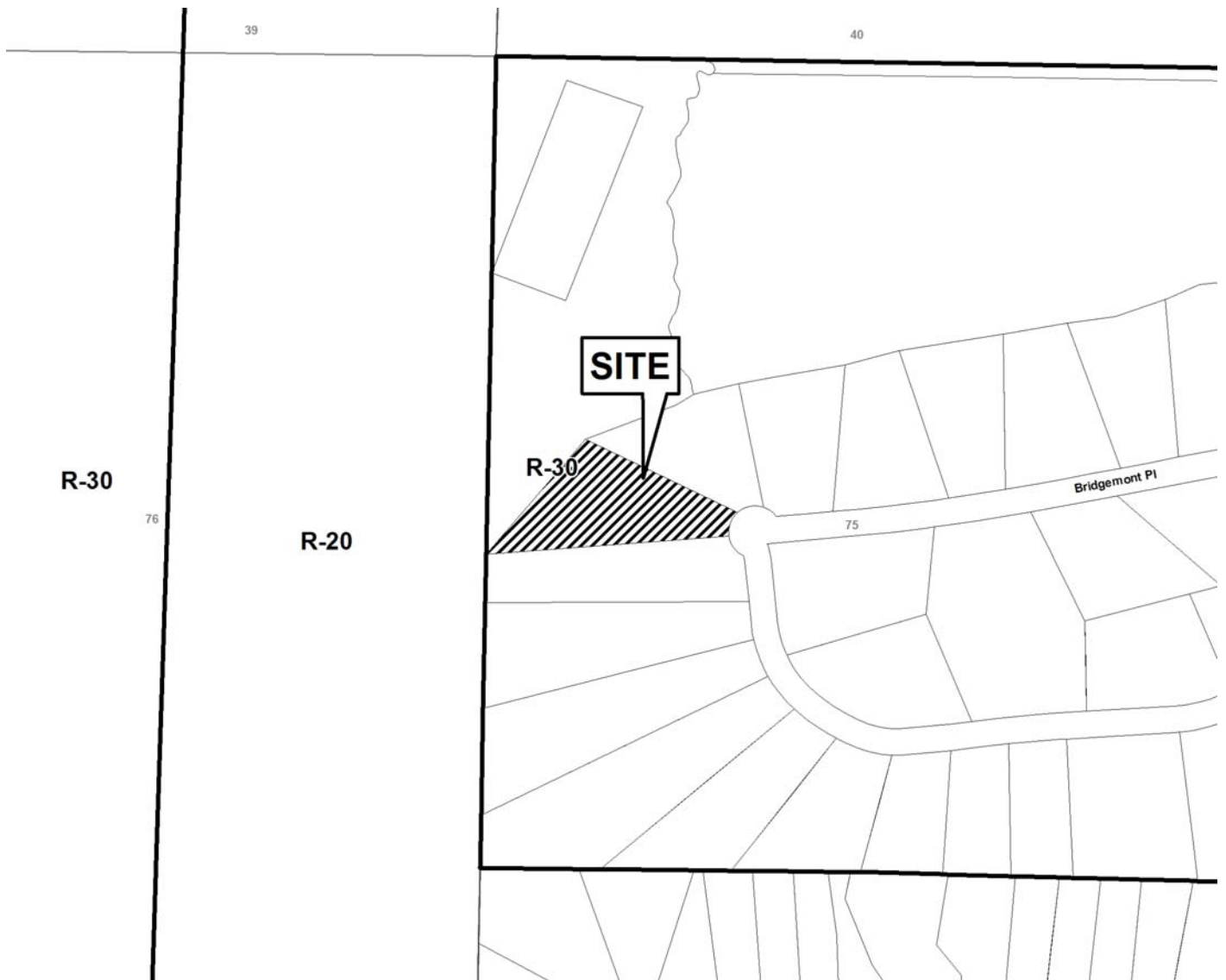
LAND LOT 75	20TH	DISTRICT
2ND SECTION	COUNTY OF COBB	GEORGIA
SCALE: 1" = 100'	DATE: 04-16-2001	
LOT - 12 BRIDGEMONT		
JOB No. 12BM	<b>SADLER AND ASSOCIATES</b> <b>LAND SURVEYING / ENGINEERING</b> <b>MARIETTA - ALPHARETTA, GEORGIA</b> <b>(770) 544-0900 FAX (770) 544-1090</b>	

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED  
AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION  
OF THE APPLICABLE FLOOD HAZARD AREA. A COMPREHENSIVE  
FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE  
INFORMATION.

I HAVE THIS DATE, EXAMINED THE " FIA OFFICIAL FLOOD  
HAZARD MAP " AND THE REFERENCED PARCEL DOES  
APPEAR TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

1.244 acres 770-459-2345  
770-459-0473 for George

<b>APPLICANT:</b>	<u>Wendi Clark</u>	<b>PETITION NO.:</b>	<u>V-9</u>
<b>PHONE:</b>	<u>770-575-1679</u>	<b>DATE OF HEARING:</b>	<u>02/08/12</u>
<b>REPRESENTATIVE:</b>	<u>Richard Schmidt</u>	<b>PRESENT ZONING:</b>	<u>R-30</u>
<b>PHONE:</b>	<u>770-529-0395</u>		
<b>TITLEHOLDER:</b>	<u>Wendi Clark Harrington</u>	<b>LAND LOT(S):</b>	<u>75</u>
<b>PROPERTY LOCATION:</b>	<u>On the west side of</u>	<b>DISTRICT:</b>	<u>20</u>
	<u>Bridgemont Place, west of Georgia Highway 92</u>	<b>SIZE OF TRACT:</b>	<u>1.244 acres</u>
	<u>(5872 Bridgemont Place).</u>	<b>COMMISSION DISTRICT:</b>	<u>1</u>
<b>TYPE OF VARIANCE:</b>	<u>Allow an accessory structure (existing) to be to the side of the primary structure.</u>		



# Application for Variance Cobb County

(type or print clearly)

Application No. V-9

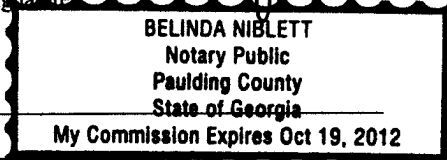
Hearing Date: 2-8-12

Applicant Wendi Clark Phone # 770-5751679 E-mail birdwatchers@bellsouth.net

Richard Schmidt Address 5872 Bridgmont Place  
(representative's name, printed) (street, city, state and zip code)

Richard Schmidt Phone # 770-5790395 E-mail birdwatchers@bellsouth.net  
(representative's signature)

My commission expires:



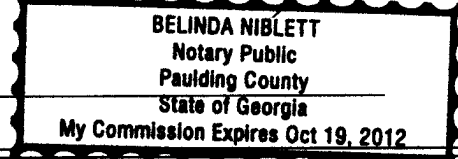
Signed, sealed and delivered in presence of:

Belinda Niblett  
Notary Public

Titleholder Wendi Clark Phone # 770-5751679 E-mail birdwatchers@bellsouth.net

Signature Wendi Clark Address: 5872 Bridgmont Pl Acworth GA 30101  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires:



Signed, sealed and delivered in presence of:

Belinda Niblett  
Notary Public

Present Zoning of Property R-30

Location 5872 Bridgmont Place Acworth GA 30101  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 0075 P77 District 20 Size of Tract 1.244 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.

There is not a level spot to put a shed in back. The house is under a lease purchase at this time (see attached sheet 1 FOR PICTURE). The shed is 13ft. from the lot line and has been in that location for 11 years and has never created a problem. It is even with the back of the house and matches the house. It is 8x10 and two ft. from the garage. The septic system is in the area.

List type of variance requested: to keep where it is. It has been located in the spot for 11 years. You can not see it from the street and it matches the house.



V-9/2012  
Exhibit A  
Sheet 1

5872 BRIDGEMONT PLACE  
ACWORTH, GA 30101

WENDI CLARK





SOLAR LAND SURVEYING COMPANY P.O. BOX 722993 ATLANTA, GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770) 794-9052		DATE 7/26/2011 SCALE 1" = 30'		COBB COUNTY, GEORGIA		LOT 2 BLOCK D UNIT		SUBDIVISION BLUE RIDGE MANOR PLATTED DISC # APPROVED		PLAT BOOK 22 PAGE 55	
THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON DESIGNATED HEREIN AND NO PERSON OTHER THAN THE PERSON DESIGNATED HEREIN HAS ANY RIGHT OR INTEREST IN THE INFORMATION CONTAINED HEREIN. THE PERSON HAS NOT BEEN RECOMMENDED BY THE SURVEYOR NARRING SAID PERSON'S PERSONAL OR ENTRY		BY DATE 08-14-11		ADDED BLOCK TO THE BLOCK		2ND SECTION 19TH DISTRICT		LAND LOT 856		11-2421	
STEWART TITLE GUARANTY COMPANY SANSYL, INC.		DATE 7/26/2011		COBB COUNTY, GEORGIA		2ND SECTION 19TH DISTRICT		LAND LOT 856		11-2421	

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA, ASOW LAND FILE SURVEYS, COUNTY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 9, 11A, 13, 14, 16, 17 & 18 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 16, 2011.

IN MY OPINION, THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 15,000+ FEET, AN ANGULAR ERROR OF 0.5 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

3.55

PIPE	IRON PIN FOUND	CMP	OVERHEAD UTILITY FINDING
OPEN TOP PIN	CONCRETE	CMP	REINFORCED CONCRETE PIPE
CHUMP TOP PIN	CHUMP	ACP	SANITARY SUMMER FASMENT
CHUMP TOP BAR	CHUMP	SCP	DRAINAGE EASEMENT
CENTERLINE BAR	CHUMP	SCS	WATER METER
CHUMP TOP	CHUMP	DE	POINT OF CURVE
RIGHT-OF-WAY	CHUMP	PH	POINT OF BEGINNING
RIGHT-OF-WAY	CHUMP	PH	POINT OF INTERSECTION
RIGHT-OF-WAY	CHUMP	PH	DEED
RIGHT-OF-WAY	CHUMP	PH	IRON PIN PLACED 1/2" BELOW
RIGHT-OF-WAY	CHUMP	PH	MEASURED
RIGHT-OF-WAY	CHUMP	PH	FLAT

1. INFORMATION REGARDING THE ABOVE-RECORDED SURVEY, COMPASSER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES, IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION, AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED BY THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS. SHALL HEREBY DISTINGUISH UNDERSTANDS AND THAT THE SURVEYOR HAS NO RESPONSIBILITY FOR THE ACCURACY OF ANY SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
4. NO VISIBLE EVIDENCE OF A CEMETERY FOUND
5. BEARINGS BASED ON MAGNETIC NORTH. OBSERVATIONS AS NOTED IN PLAT BOOK 22, PAGE 50.

BY GRAPHICALLY PLOTTING ONLY, THE SUBJECT PROPERTY DOES NOT FALL WITHIN A 100 YEAR FEDERALLY DESIGNATED FLOOD HAZARD AREA. THE SUBJECT PROPERTY FALLS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NO 13067C02015 - EFFECTIVE DATE OF DECEMBER 16, 2008

STEWART TITLE GUARANTY COMPANY FILE # 61001-01

C. SPECIAL EXEMPTIONS

1. SENDER GRANT OF EASEMENT BETWEEN MRS. MIGUEL A. MARQUEZ AND A. STEPHAN CHILD CARE, INC. RECORDED NOVEMBER 10, 1948, IN DEED BOOK 11684, PAGE 304, 1086 COUNTY RECORDS.

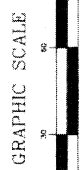
2. SENDER GRANT OF EASEMENT INTEREST AS A 10' SHER EASEMENT THROUGH EASTERLY ADJACENT

R. ALL MATTERS CONTAINED IN PLAT BOOK 22, PAGE 53, ADDRESSING RECORDS SUBJECT DIRECTLY TO EASEMENTS WERE REOPENED.

ALL THAT TRACT OR PARCEL OF LAND LING AND BEING IN  
 LOT 856 OF THE 19TH DISTRICT, WEST SECTION OF CUB  
 COUNTY, GEORGIA, BEING LOT 2, BLOCK D OF BLUE RIDGE  
 CEMETERY SUBDIVISION, RECORDED IN PLAT BOOK 22, PAGE 53,  
 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

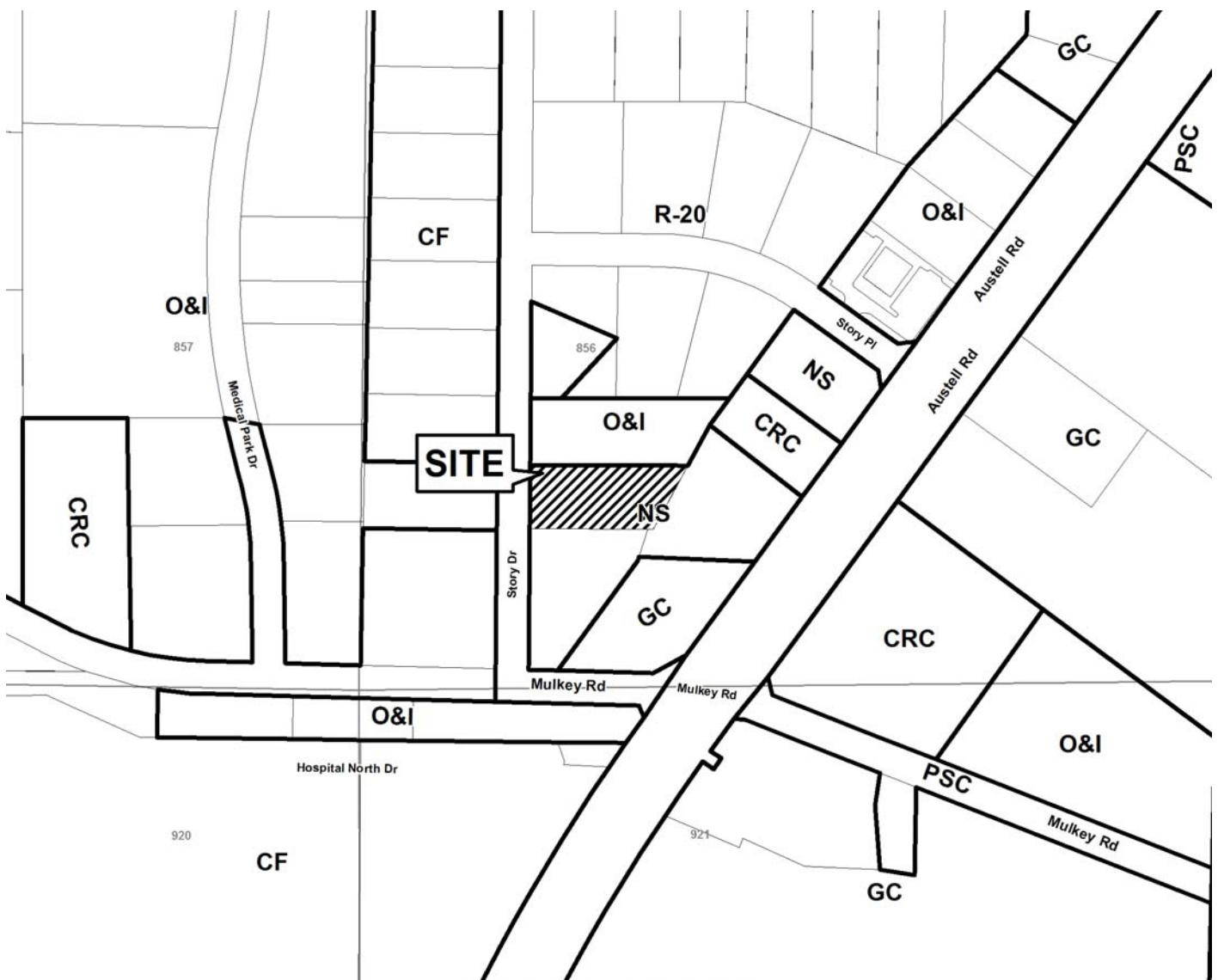
COMMENCING AT THE INTERSECTION OF THE SOUTHERLY  
 RIGHT-OF-WAY LINE OF STORY DRIVE WITH THE EASTERLY  
 RIGHT-OF-WAY LINE OF STORY DRIVE, THENCE RUNNING  
 SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE OF STORY DRIVE  
 300' TO A CRIMP TOP PIPE FOUND AT THE POINT OF BEGINNING  
 THENCE RUNNING SOUTH 89°45'32" EAST 247.61' TO A CRIMP  
 TOP PIPE FOUND, THENCE RUNNING SOUTH 29°16'41" WEST  
 114.30' TO A CRIMP TOP PIPE FOUND, THENCE RUNNING NORTH  
 49°43'20" WEST 194.47' TO A CAPPEL ALBAP FOUND ON THE  
 AFORESAID MENTIONED RIGHT-OF-WAY LINE OF STORY DRIVE, THENCE  
 RUNNING ALONG SAID RIGHT-OF-WAY NORTH 00°20'22" EAST  
 100.05' TO THE CRIMP TOP PIPE FOUND AT THE POINT OF  
 BEGINNING.

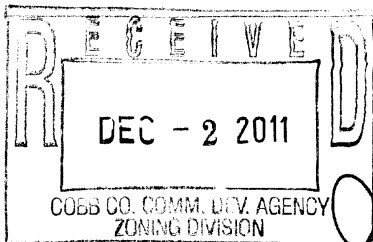
THE ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINS  
0.51 ACRES.



<b>APPLICANT:</b> <u>Lynn Jones</u>	<b>PETITION NO.:</b> <u>V-10</u>
<b>PHONE:</b> <u>770-944-9121</u>	<b>DATE OF HEARING:</b> <u>02/08/12</u>
<b>REPRESENTATIVE:</b> <u>same</u>	<b>PRESENT ZONING:</b> <u>NS</u>
<b>PHONE:</b> <u>same</u>	
<b>TITLEHOLDER:</b> <u>Sansyl, Inc.</u>	<b>LAND LOT(S):</b> <u>856</u>
<b>PROPERTY LOCATION:</b> <u>On the east side of</u>	<b>DISTRICT:</b> <u>19</u>
<u>Story Drive, north of Mulkey Road</u>	<b>SIZE OF TRACT:</b> <u>0.51 acre</u>
<u>(3869 Story Drive).</u>	<b>COMMISSION DISTRICT:</b> <u>4</u>

**TYPE OF VARIANCE:** 1) Waive the number of parking spaces from the required 20 spaces to 9 spaces; 2) waive the side setback adjacent to the north property line from the required 15 feet to 10 feet; and 3) waive the front setback from the required 40 feet to 8 feet.





# Application for Variance Cobb County

(type or print clearly)

Application No. V-10

Hearing Date: 2-8-12

Applicant Lynn Jones

Phone # 770-944-9121 E-mail jone8878@bellsouth.net

Lynn Jones  
(representative's name, printed)

Address 2213 Ector Trail, Marietta 30008  
(street, city, state and zip code)

Lynn Jones  
(representative's signature)

Phone # 770-944-9121 E-mail jone8878@bellsouth.net

My commission expires: June 12, 2015

Signed, sealed and delivered in presence of:

James Mitchell  
Notary Public

Titleholder Lynn Jones  
Richard E Jones

Phone # 770-795-0713 E-mail jone8878@bellsouth.net

Signature Richard E Jones  
(attach additional signatures, if needed)

Address: 2213 Ector Trail, Marietta, GA 30008  
(street, city, state and zip code)

My commission expires: June 12, 2015

Signed, sealed and delivered in presence of:

James Mitchell  
Notary Public

Present Zoning of Property 3869 Story Dr Sansyl Inc. dba Storyland Child Care

Location 3869 Story Drive, Marietta, GA. 30008  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 856 District 19TH Size of Tract .51 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 ☒

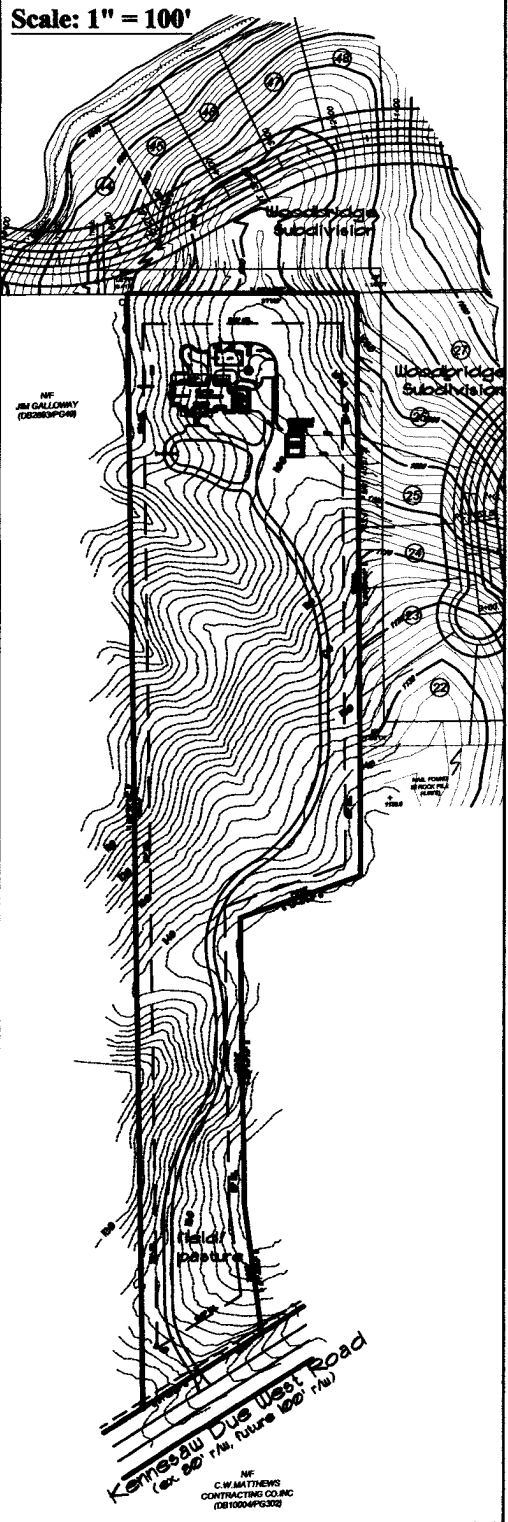
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

I/we are very new owners of this building and business on Story Drive. This business has been in business for over 29 years. And the parklot has been the same. There are no trees for me to cut down to make room for more parking. We used our saving -> see attached

List type of variance requested: Parking & setback variances.

V-10 / 2012

and our retirement to purchase this business. It would be extremely devastating. We have 2 ½ kids in college, a mortgage, car notes, and all the other normal bills associated with living in America today. We could not survive losing this business. I also do not have any more extra "Running Capital." Like I stated we closed on this business on Oct. 14, 2011. An extra money has been spent. I had to get the kitchen up to code with the Fire Marshall. The old owners were under a "grandfather clause", they did not have to have Fire Prevention Suppression System. Even having all the utilities turned on, each required a hefty cash deposit. The business is a childcare, and yes there is a Food Program that I have applied to be on, but those monies won't be available until the end of December. Until that time, I have to feed 120 + kids, 5 days a week 3 meals per day, very costly. I even had to borrow the 607.00 so that I could file for this Variance. Note to mention my 17 employees who would also be out of work, and lose their livelihood as well. These are just a few of the hardship being created by following the normal terms of the ordinance.



## Burton Residence

**Mr. and Mrs. Matthew Burton**



Revisions:	

**R-80**

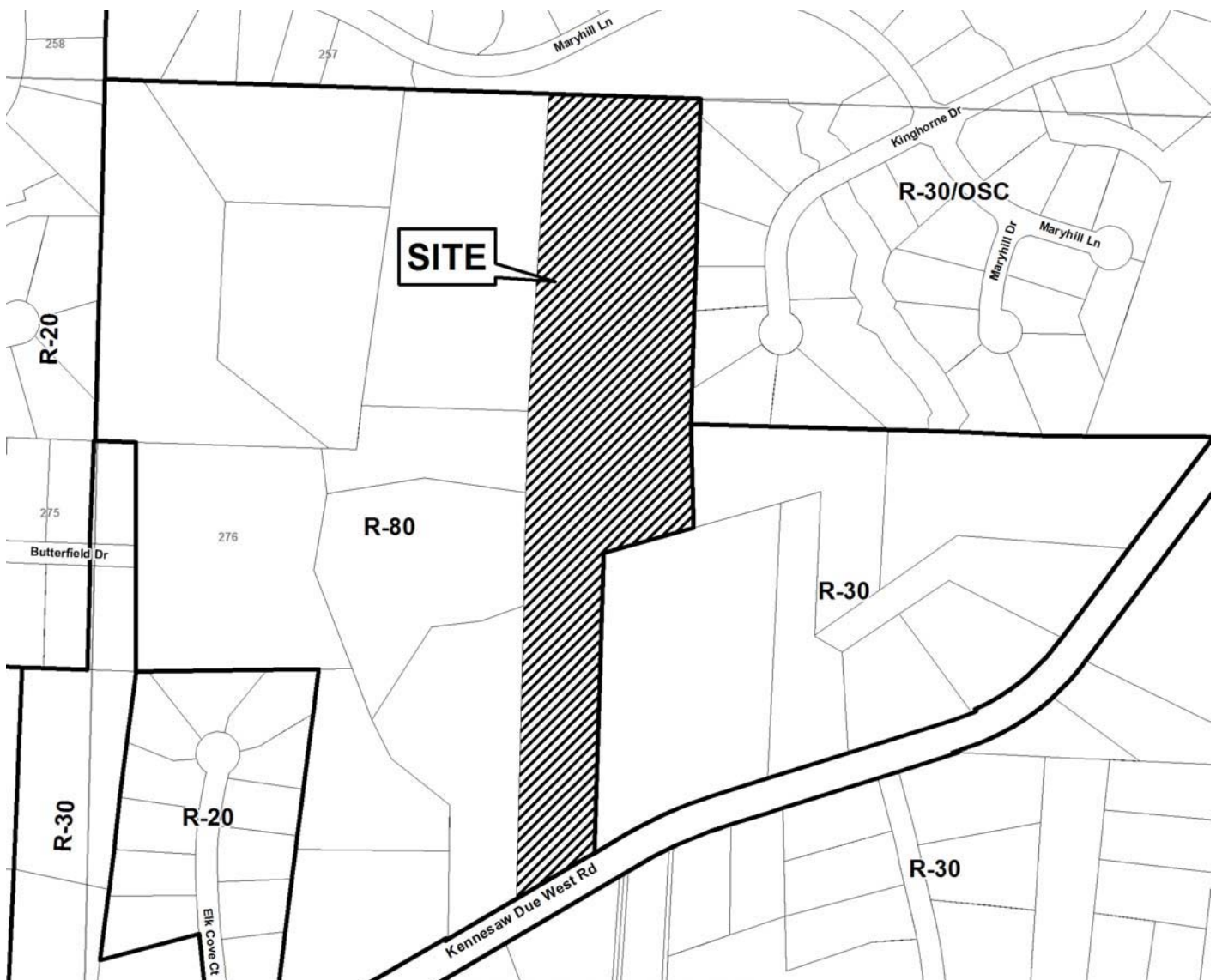
**1. accessory structure (detached garage)  
located in front of primary structure**

1. Boundary survey and topographic information by Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) 13061C0025F, August 18, 1992, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No streams or wetland exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

This topographic map shows a residential property with a proposed detached garage. The main structure is labeled "Burton Residence" and includes a driveway, a pool, and a "proposed detached garage" measuring 16'-00" x 26'-00". The map features contour lines indicating elevation, with labels such as 1000, 1090, and 1100. A north arrow is present in the upper left corner. The property is bounded by a 50' BL (Boundary Line) and a 25' BL. The map also shows a "1/2" RR (Right of Way) and a "N 89° 44' 10" E" bearing. The map is oriented with North at the top.

<b>APPLICANT:</b>	<u>Matthew Burton</u>	<b>PETITION NO.:</b>	<u>V-11</u>
<b>PHONE:</b>	<u>770-344-0172</u>	<b>DATE OF HEARING:</b>	<u>02/08/12</u>
<b>REPRESENTATIVE:</b>	<u>David Meyer</u>	<b>PRESENT ZONING:</b>	<u>R-80</u>
<b>PHONE:</b>	<u>770-891-6588</u>		
<b>TITLEHOLDER:</b>	<u>Matthew D. &amp; Mary M. Burton</u>	<b>LAND LOT(S):</b>	<u>276</u>
<b>PROPERTY LOCATION:</b>	<u>On the north side of</u>	<b>DISTRICT:</b>	<u>20</u>
<u>Kennesaw Due West Road, west of Hamilton Road</u>		<b>SIZE OF TRACT:</b>	<u>11.66 acres</u>
<u>(737 Kennesaw Due West Road).</u>		<b>COMMISSION DISTRICT:</b>	<u>1</u>

**TYPE OF VARIANCE:** 1) Allow an accessory structure to the front of the primary structure; and 2) waive the setback for an accessory structure over 1,000 square feet (1,402 square foot detached garage) from the required 100 feet to 90 feet adjacent to the eastern property line.





# Application for Variance

## Cobb County

(type or print clearly)

Application No. V-11

Hearing Date: 2-8-12

Applicant MATTHEW BURTON

Phone # 770 344 072

E-mail MBURTON@NARWHALCAPITAL.COM

DAVID MEYER  
(representative's name, printed)

Address 601 BURKE LANE ROAD, MARIETTA, GA 30004  
(street, city, state and zip code)

[Signature]  
(representative's signature)

Phone # 6588

E-mail DMEYER@DEVELOP.COM

My commission expires: September 19, 2015

Signed, sealed and delivered in presence of

Andrew Hall

Notary Public

Titleholder Matthew D + Mary M. Burton

Phone # 770-377-7555

E-mail mburton@narwhalcapital.com

Signature Mary M. Burton  
(attach additional signatures, if needed)

Address 737 Kennesaw Dr West Rd, Kennesaw, GA 30152  
(street, city, state and zip code)

My commission expires: September 19, 2015

Signed, sealed and delivered in presence of

Andrew Hall

Notary Public

Present Zoning of Property R-80

Location 737 KENNESAW DR WEST ROAD  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 276 District 20 Size of Tract 11.66 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 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.

OWNER DESIRES TO BUILD A DETACHED GARAGE AS SHOWN ON SITE PLAN. REAR OF PRIMARY STRUCTURE CONTAINS EXISTING POOL AND LANDSCAPE PLANTINGS

List type of variance requested: ACCESSORY STRUCTURE LOCATED IN REAR OF PRIMARY STRUCTURE  
ALLOW AN ACCESSORY STRUCTURE TO THE FRONT OF THE PRIMARY

JN: 11 258

**GENERAL NOTES:**

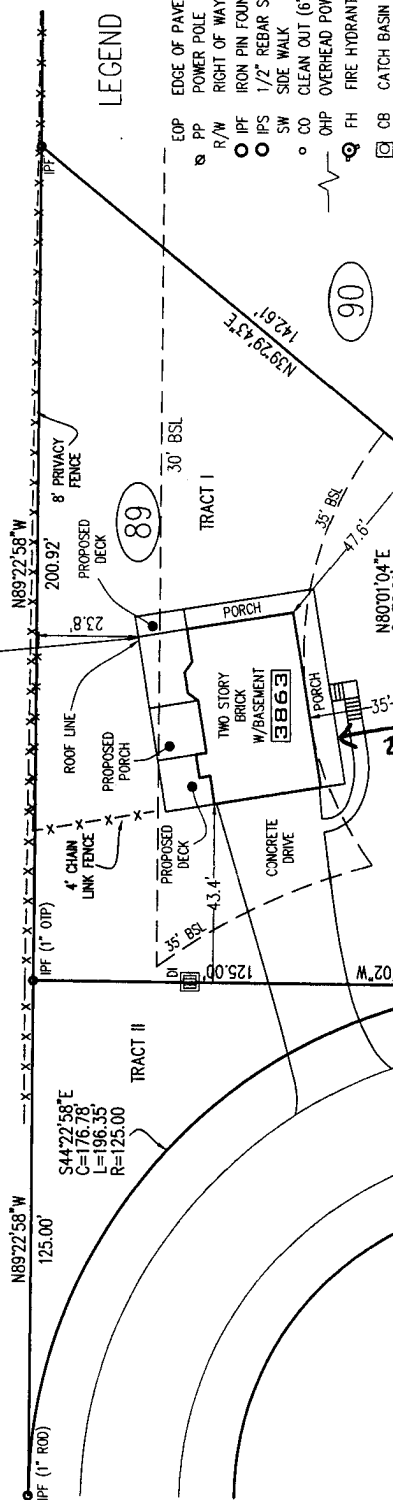
- 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
- 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
- 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
- 4: No Geodetic monuments were found within 500 feet of this site
- 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

REFERENCE:  
PLAT OF SURVEY FOR  
NORMAN & MARJORIE FAGGE  
BY SURVEY SYSTEMS & ASSOCIATES, INC.  
DATED MAY 2, 1995  
PB 80 PG 86

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A  
FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF COBB  
COUNTY, GEORGIA 13067C0066G EFFECTIVE DATE DECEMBER 16,  
2008

IMPERVIOUS SURFACES:  
DRIVE & FRONT WALK = 1,384 FT. SQ.  
HOUSE = 1,135 FT. SQ.  
FRONT PORCH = 401 FT. SQ.  
PROPOSED DECKS = 385 FT. SQ.  
PROPOSED PORCH = 152 FT. SQ.  
TOTAL IMPERVIOUS = 3,457 FT. SQ. (16.6%)  
LOT = 20,802 FT. SQ.

6.2' VARIANCE REQUESTED



TOTAL AREA: 20,802 FT SQ, 0.48 AC  
CALCULATED PLAT CLOSURE: 1:7,543,435

FIELD DATA:  
TRAVERSE PRECISION: 1:10,000+  
AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE  
AND WAS UNADJUSTED

EQUIPMENT:  
TOPCON GPT 3005 TOTAL STATION

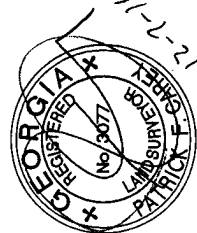
BOUNDARY SURVEY FOR  
NORMAN & MARJORIE FAGGE  
LOT 89 - TRACT 1 & 2,  
VILLAGE NORTH HIGHLANDS SUBDIVISION  
**3863 ARCARO COURT**

COBB COUNTY, GEORGIA  
LAND LOT 256, DIST 16, SECT II  
DATE: DECEMBER 7, 2011

**V-12  
(2012)**

**LEGEND**

- EOB
- PP
- R/W
- RIGHT OF WAY
- IPF
- IRON PIN FOUND (1/2")
- IPS
- 1/2" REBAR SET
- SW
- SIDE WALK
- CO
- CLEAN OUT (6" PVC)
- OHP
- OVERHEAD POWER
- FH
- FIRE HYDRANT
- CB
- CATCH BASIN



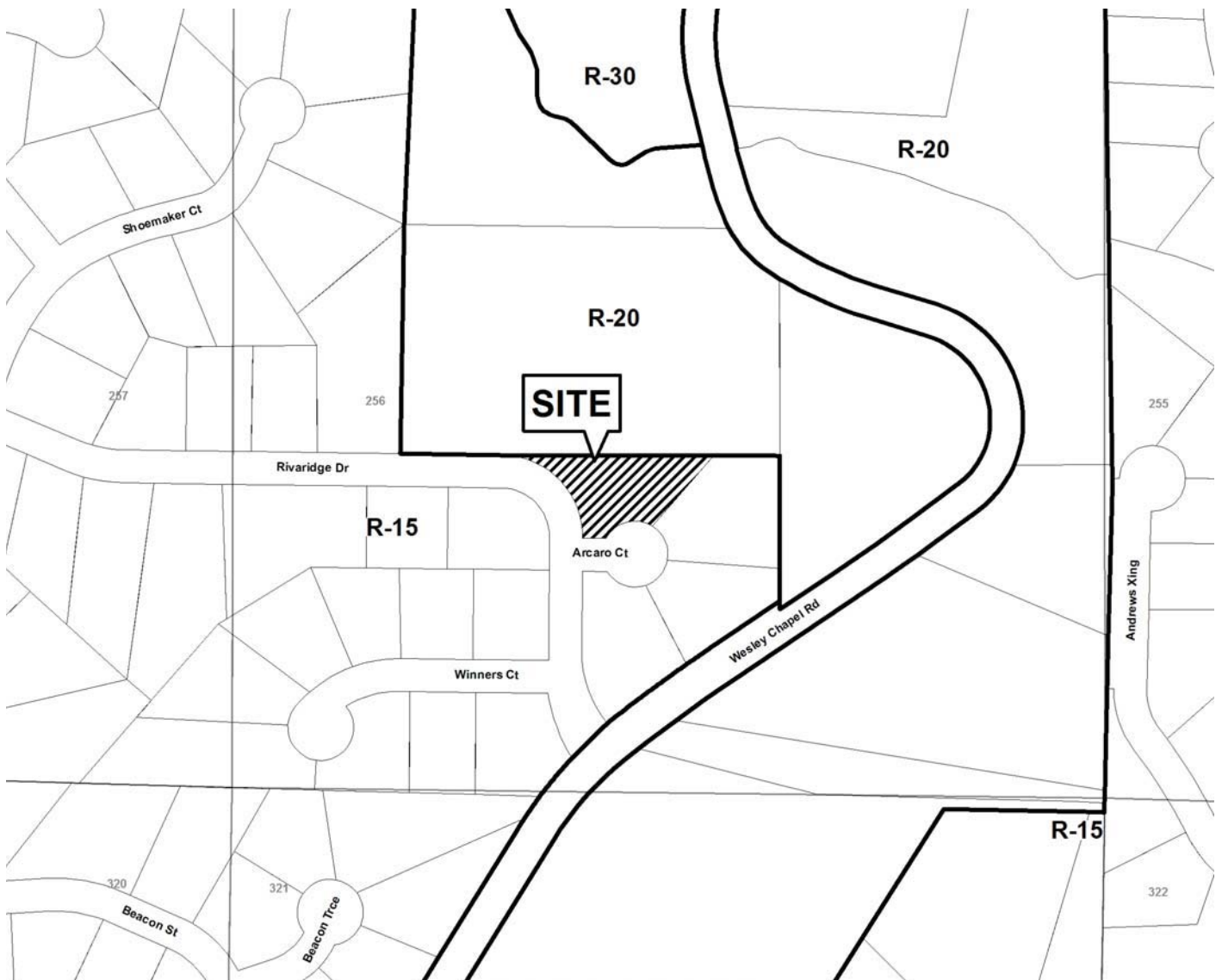
PATRICK F. CAREY, R.L.S. #3077  
FOR  
DEKALB SURVEYS, INC.  
403. W. PONCE DE LEON  
SUITE 106  
DECATUR, GEORGIA 30030  
404.373.9003

COPY RIGHT 2011-THIS 11 X 17  
DRAWING AND REPRODUCTIONS  
ARE THE PROPERTY OF THE  
SURVEYOR AND MAY NOT BE  
REPRODUCED, PUBLISHED OR USED  
IN ANY WAY WITHOUT THE  
WRITTEN PERMISSION OF THIS  
SURVEYOR  
\*\*DRAWN IN THE U.S.A.\*\*



www.dekalbsurveys.com

<b>APPLICANT:</b>	<u>Vision Home Group</u>	<b>PETITION NO.:</b>	<u>V-12</u>
<b>PHONE:</b>	<u>404-925-2849</u>	<b>DATE OF HEARING:</b>	<u>02/08/12</u>
<b>REPRESENTATIVE:</b>	<u>Kris Price</u>	<b>PRESENT ZONING:</b>	<u>R-15</u>
<b>PHONE:</b>	<u>404-925-2849</u>		
<b>TITLEHOLDER:</b>	<u>Norman D. &amp; Marjorie S. Fagge</u>	<b>LAND LOT(S):</b>	<u>256</u>
<b>PROPERTY LOCATION:</b>	<u>At the northeast</u>	<b>DISTRICT:</b>	<u>16</u>
<u>intersection of Arcaro Court and Rivaridge Drive</u>		<b>SIZE OF TRACT:</b>	<u>0.48 acre</u>
<u>(3863 Arcaro Court).</u>		<b>COMMISSION DISTRICT:</b>	<u>3</u>
<b>TYPE OF VARIANCE:</b> <u>1) Waive the rear setback from the required 30 feet to 23 feet; and 2) waive the front setback from the required 35 feet to 28 feet.</u>			



# Application for Variance Cobb County

(type or print clearly)

Application No. V-12

Hearing Date: 2-8-12

Applicant Vision Home Group  
Kris Price

Phone # 404 925-2849 E-mail KPrice@visionhomegroup.com

(representative's name, printed)

Address 535 Briar Run Court Loganville, GA 30052

(street, city, state and zip code)

(representative's signature)

Phone # 4-925-2849 E-mail \_\_\_\_\_

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_

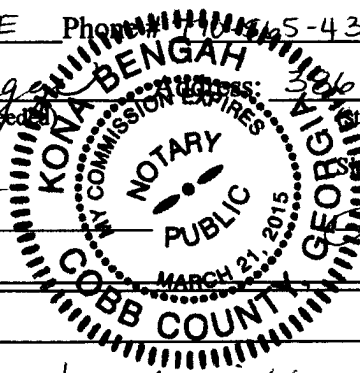
Notary Public

Titleholder MARJORIE S. FAGGE Phone # 404 455-4307 E-mail mfagge@comcast.net

(X) Signature Marjorie S. Fagge Address: 3863 Arcaro Ct. Marietta GA 30062  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: 3/21/15



Notary Public

Present Zoning of Property R-15

Location 3863 Arcaro Court, Marietta GA 30062  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 256 District 16 Size of Tract 0.48 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.

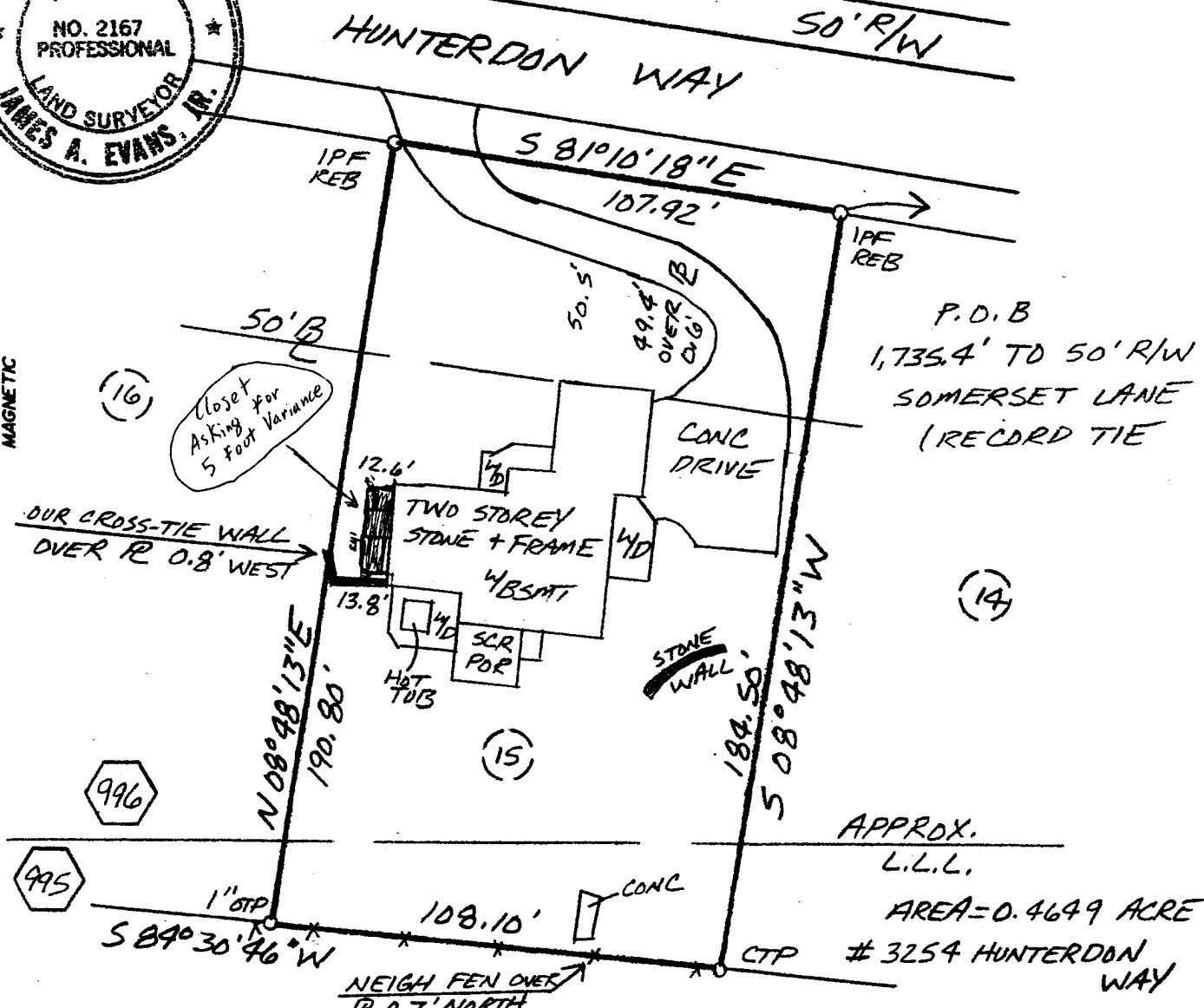
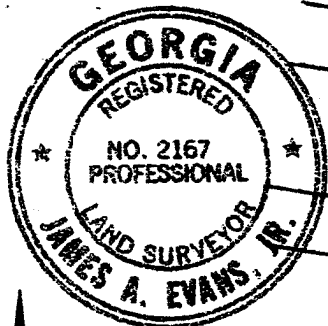
Size of Property \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other \_\_\_\_\_

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.

Mr. and Mrs Fagge would like to be able to enjoy the georgia weather on a screened in porch; they often have grandchildren visit and would like to improve their backyard so it continues to be a place were families can come to gether and share time.

List type of variance requested:

WAIVE THE REAR SETBACK  
ON LOT 89 FROM REQUIRED 30 FT  
TO 23 FT



I HAVE THIS DATE, EXAMINED THE  
"FIA OFFICIAL FLOOD HAZARD MAP"  
AND FOUND REFERENCED HOUSE NOT  
IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PANEL NO. 13067CD129G  
LOCATION COBB  
ZONE "X"

40' 0' 40'  
GRAPHIC SCALE

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS  
A CLOSURE PRECISION OF ONE FOOT IN 1000 FEET AND AN  
ANGULAR ERROR OF SECONDS PER ANGLE POINT, AND WAS  
ADJUSTED USING COMPASS RULE. THIS MAP OR PLAT HAS  
BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCUR-  
ATE WITHIN ONE FOOT IN 20,000 FEET.

EQUIPMENT USED :  
TOPCON GTS-2(B) 8 TRANSIT W/200' STEEL TAPE.

IN MY OPINION, THIS PLAT IS A CORRECT  
REPRESENTATION OF THE LAND PLATTED AND  
HAS BEEN PREPARED IN CONFORMITY WITH  
THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

*James A. Evans, Jr.*

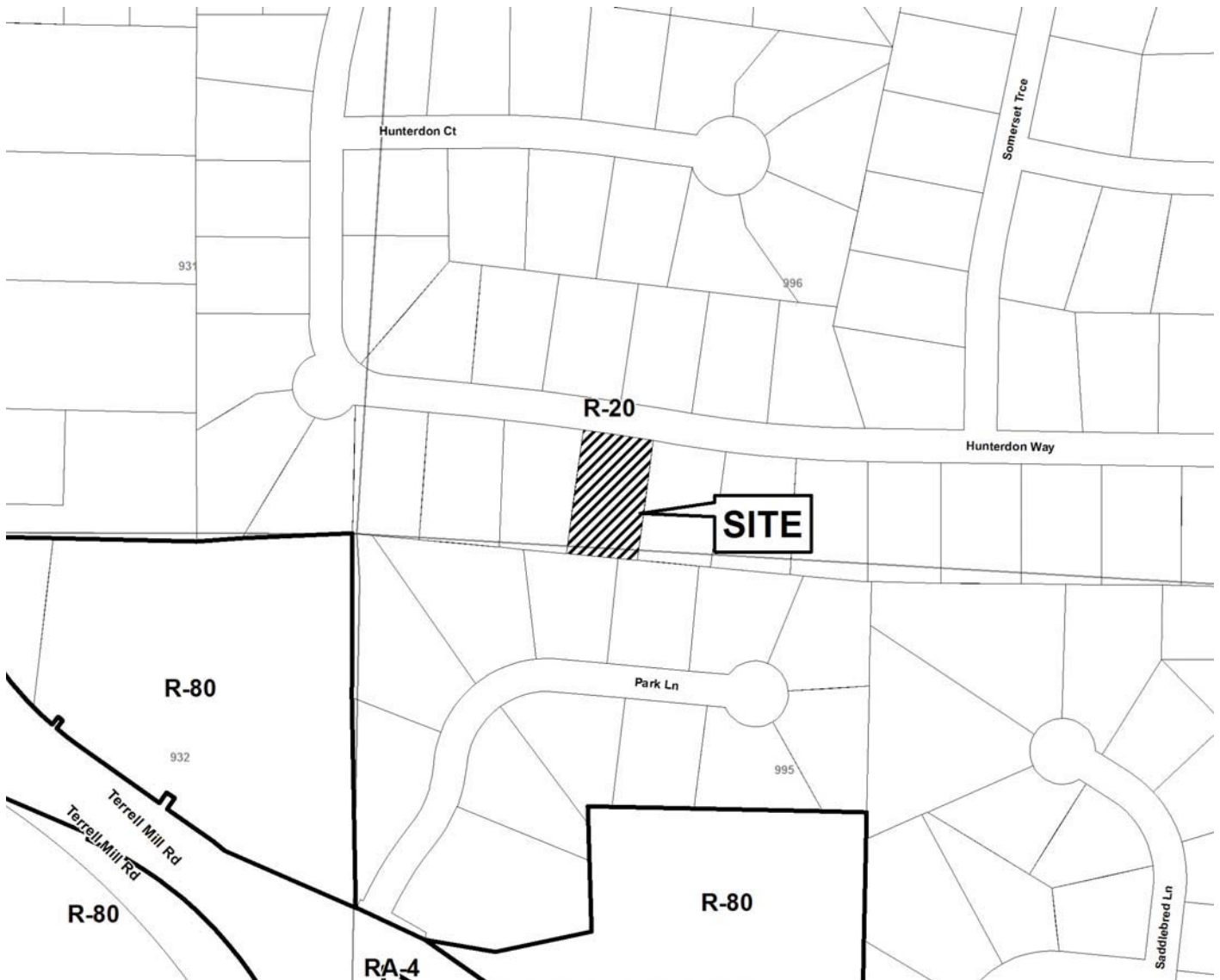
**J. A. EVANS**  
SURVEYING CO., INC.  
POWDER SPRINGS, GEORGIA  
PH. 770-943-0000

### SURVEY FOR :

ANTHONY ROBINSON

LOT 15 BLK. "F" UNIT THREE	REVISIONS
SOMERSET	
LAND LOTS 995, 996	
DISTRICT 17TH SECTION 2ND	
COBB COUNTY, GEORGIA	CC
PLAT BOOK 67 PAGE 31	DRWN
DATE: 6-4-08 SCALE: 1" = 40'	CHKD
	JOB #
	331-08

<b>APPLICANT:</b>	<u>Anthony Robinson</u>	<b>PETITION NO.:</b>	<u>V-13</u>
<b>PHONE:</b>	<u>678-524-8981</u>	<b>DATE OF HEARING:</b>	<u>02/08/12</u>
<b>REPRESENTATIVE:</b>	<u>Anthony &amp; Jennifer Robinson</u>	<b>PRESENT ZONING:</b>	<u>R-20</u>
<b>PHONE:</b>	<u>678-524-8981</u>		
<b>TITLEHOLDER:</b>	<u>Anthony Robinson</u>	<b>LAND LOT(S):</b>	<u>995, 996</u>
<b>PROPERTY LOCATION:</b>	<u>On the south side of</u>	<b>DISTRICT:</b>	<u>17</u>
	<u>Hunterdon Way, south of West Somerset Court</u>	<b>SIZE OF TRACT:</b>	<u>0.4649 acre</u>
	<u>(3254 Hunterdon Way).</u>	<b>COMMISSION DISTRICT:</b>	<u>2</u>
<b>TYPE OF VARIANCE:</b>	<u>Waive the side setback from the required 10 feet to 5 feet, adjacent to the western property line.</u>		





# Application for Variance

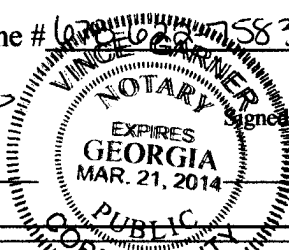
## Cobb County

(type or print clearly)

Application No. V-13  
Hearing Date: 2-8-12

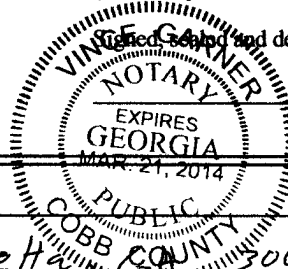
Applicant Anthony Robinson Phone # 678-524-8981 E-mail trobinson123@yahoo.com  
Anthony Robinson Address 3254 Hunterdon way, Marietta Ga 30067  
(representative's name, printed) (street, city, state and zip code)

Jennifer Robinson Phone # 678-622-7583 E-mail JennyNRobinson@aol.com  
(representative's signature) Anthony Robinson Jennifer Robinson  
My commission expires: 3-21-2014  
Signed, sealed and delivered in presence of: Vince G  
Notary Public



Titleholder Anthony & Jennifer Robinson Phone # 678-524-8981 E-mail TRobinson123@yahoo.com  
Signature Anthony Robinson Jennifer Robinson Address: 3254 Hunterdon Way, Marietta Ga 30067  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 3-21-2014



Present Zoning of Property R-20  
Location 3254 Hunterdon Way, Marietta Ga 30067  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 995, 996 District 17th Size of Tract 0.4649 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.

- Following the normal terms of the ordinance would cause many issues, listed below:
- Roof line issues including water drainage issues and an unsightly appearance.
  - Multiple plant and tree cut downs.
  - Blocks views for both us and to the neighbors to the side.
  - Unightly appearance to house which will not look natural.

List type of variance requested: Requesting variance from the 10 Foot setback of side of property to be changed to a 5 Foot setback. This will allow for a closet addition, which is needed in order to renovate the master bathroom. This addition will be elevated around 8 feet above ground. The only footprints to the property will be structural posts.

V-14  
(2012)

WITHDRAWN WITHOUT  
PREJUDICE

Associates  
and

DWG 5944 CP  
DATE 12/11/11  
BY [signature]  
CHECKED [signature]  
APPROVED [signature]

Cobb County LDP #XXXXXX  
TOTAL SITE AREA:  
518,986.1 SF  
7.32 ACRES  
CUBESIDE LITERARY, INC.  
WITH SUBSTANTIAL  
LAND LOT 40 & 41  
20TH DISTRICT, 2ND SECTION  
UNIMPROVED SITE AREA - 200 ACRES

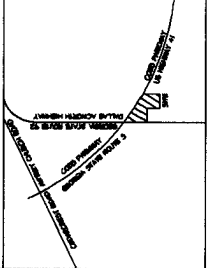
PRIMARY PERMITS  
TOTAL LIMITS OF DISTURBED

DESIGNED BY:  
MR. DAVID A. [signature]  
HARRIS, INC.  
1000 W. [signature]  
SHELLEY, GA 30088  
24 HOUR  
3325 CUMBERLAND  
ATLANTA, GA 30328  
770.437.1500

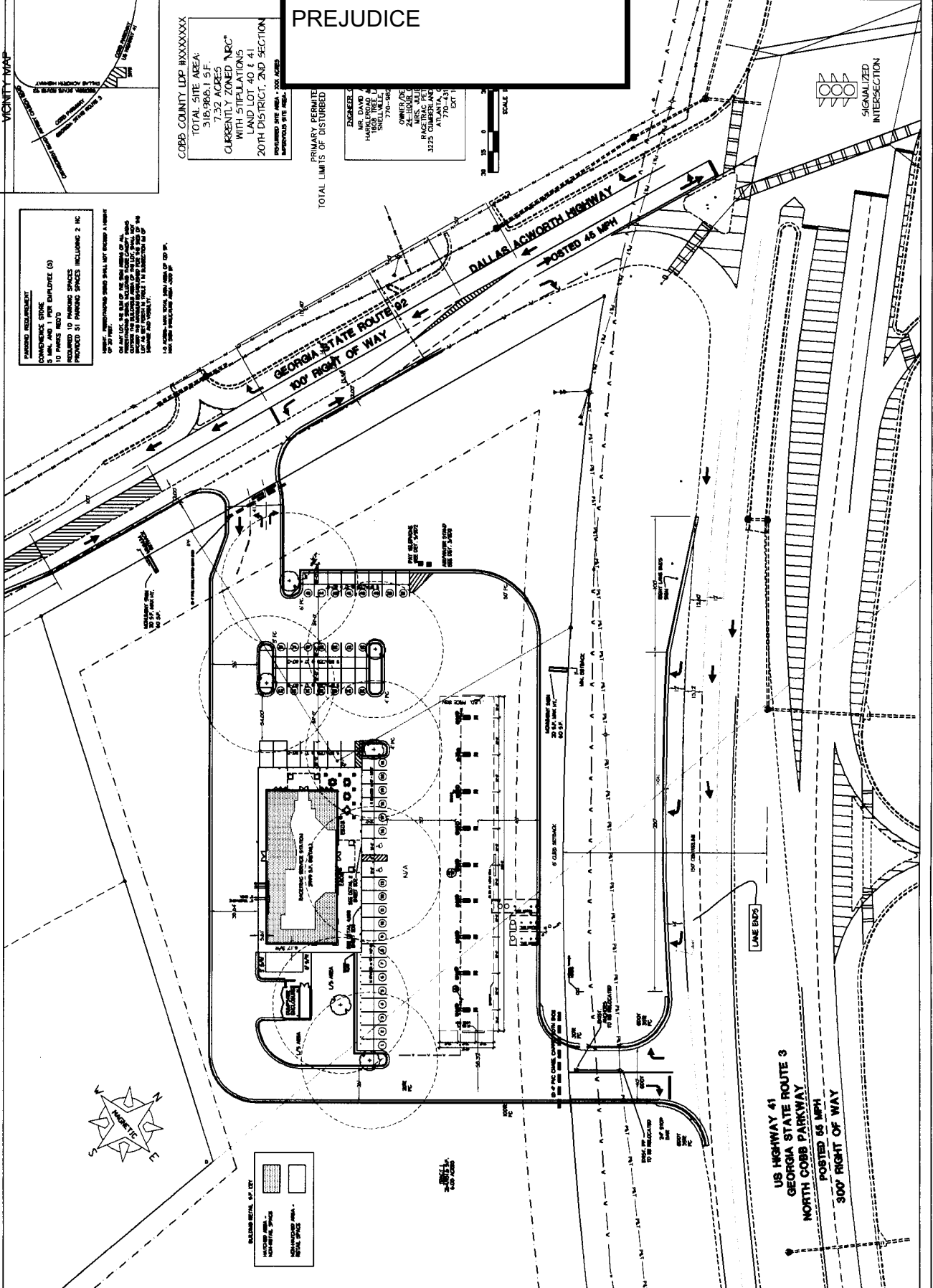
SCALE 1" = 100'

PRELIMINARY SITE PLAN 1  
RACETRAC SERVICE STATION #449  
US HIGHWAY 41/N COBB PARKWAY  
COBB COUNTY, GA  
DATE 12/11/11  
SCALE 1" = 100'

VICINITY MAP



PARKING REQUIREMENTS  
CONVENIENCE STORE  
5 MIN. AND 1 PER EMPLOYEE (S)  
10 PARKING SPACES  
REQUIRED TO PARKING SPACES  
PROVIDED BY PARKING SPACES INCLUDING 2 IN-C  
OF THE LOT  
ON ANY LOT, THE SIGN OF THE BUSINESS OF ALL  
BUSINESSES OPERATING ON THE LOT, SHALL BE  
LOCATED WITHIN THE SIGNAGE AREA OF THE LOT, AND  
SHALL BE MAINTAINED IN A LEGIBLE AND READABLE  
CONDITION AT ALL TIMES.



**APPLICANT:** Andalusia Properties, Inc. **PETITION NO.:** V-14  
**PHONE:** 770-422-7016 **DATE OF HEARING:** 02/08/12  
**REPRESENTATIVE:** Parks Huff **PRESENT ZONING:** NRC  
**PHONE:** 770-422-7016  
**TITLEHOLDER:** Scott Evans, Jeannie Evans, Karen **LAND LOT(S):** 40, 41  
Yeon Choi, Joseph Ahn, Mindy Choe and Youn J. You  
**PROPERTY LOCATION:** At the southeast **DISTRICT:** 20  
intersection of Dallas Acworth Highway and Highway 41. **SIZE OF TRACT:** 6.08 acres  
**COMMISSION DISTRICT:** 1  
**TYPE OF VARIANCE:** Waive the maximum allowable size of an electronic sign (LED) from 32 square-feet to 51 square-feet.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**SITE PLAN REVIEW:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

**WITHDRAWN  
WITHOUT PREJUDICE**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO.** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**BOARD OF APPEALS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

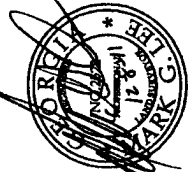
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ALL BEARINGS ARE CALCULATED FROM ANGLES TURNED, BASED ON A SINGLE MAGNETIC OBSERVATION

[illegible]

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENT AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.



PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.

PLANNING • ENGINEERING • LAND SURVEYING  
3982 AUTSELL-POWDER SPRINGS ROAD • POWDER SPRINGS, GEORGIA 30127  
Ph. (770) 435-2376 • Fax (770) 943-6912

РП. (170) 433-2370 - FAX (170) 243-0912

РП. (170) 433-2370 - FAX (170) 243-0912

2011035VP

GENERAL NOTES:  
1. PROPERTY ZONED R-30 TO REMAIN  
2. SETBACKS AS SHOWN  
3. VARIANCE REQUESTED TO REDUCE TO  
40' REAR ALONG TENNIS COURT TO  
ZERO AND TO REDUCE THE SIDE  
ALONG THE TENNIS COURT FROM  
12' TO ZERO.

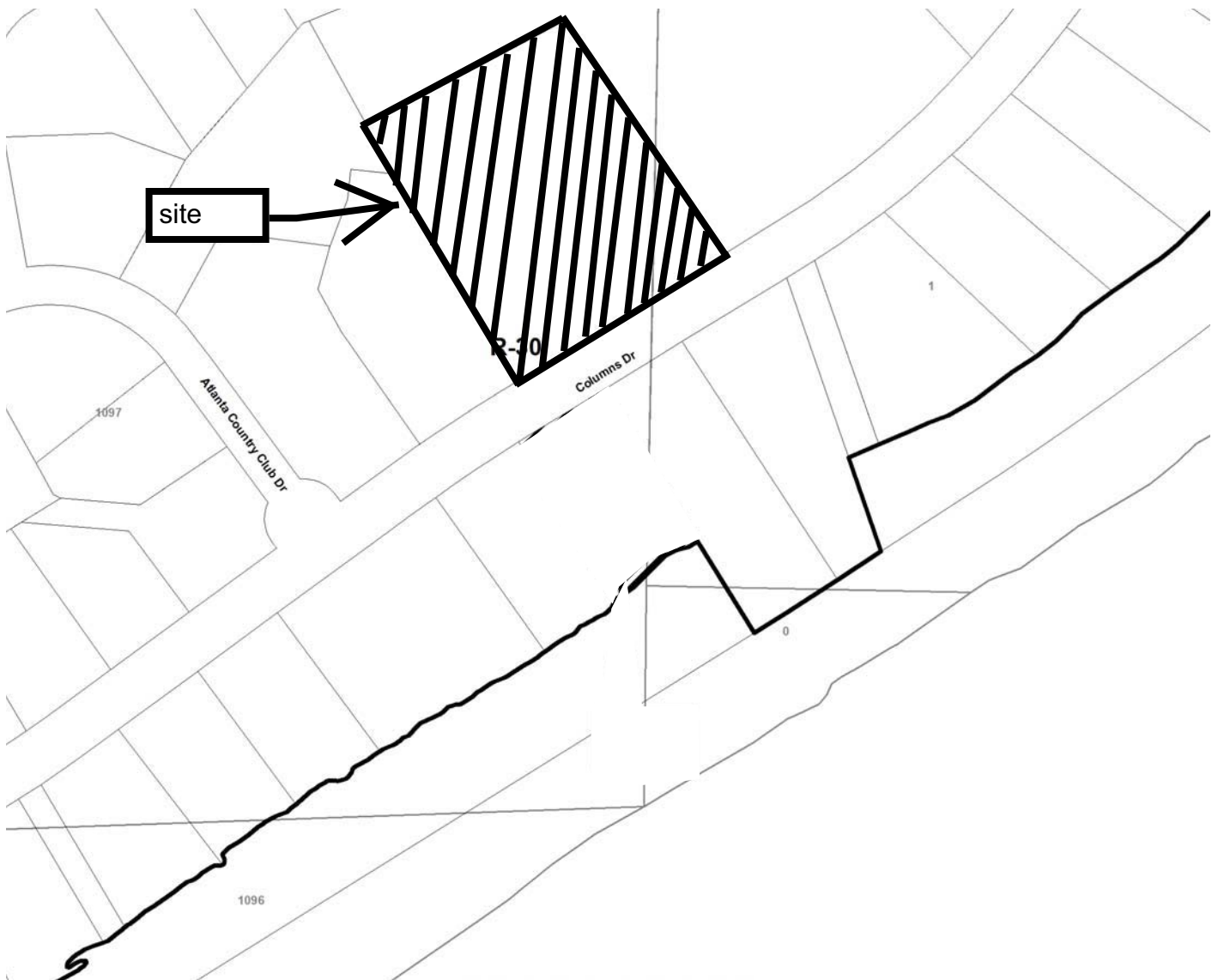
[illegible]

**VARIANCE PLAT FOR**

ROBERT &amp; GAIL RIESENBERG

<b>APPLICANT:</b> <u>Clifton A. Brashier, Jr. &amp; Gail Riesenberg</u>	<b>PETITION NO.:</b> <u>V-15</u>
<b>PHONE:</b> <u>770-422-7016</u>	<b>DATE OF HEARING:</b> <u>02/08/12</u>
<b>REPRESENTATIVE:</b> <u>Parks Huff</u>	<b>PRESENT ZONING:</b> <u>R-30</u>
<b>PHONE:</b> <u>770-422-7016</u>	
<b>TITLEHOLDER:</b> <u>Clifton A. Brashier, Jr.</u>	<b>LAND LOT(S):</b> <u>1 &amp; 1097, 1098</u>
<b>PROPERTY LOCATION:</b> <u>On the north side of</u>	<b>DISTRICT:</b> <u>1 &amp; 17</u>
<u>Columns Drive, east of Atlanta Country Club Drive</u>	<b>SIZE OF TRACT:</b> <u>2.796 acres</u>
<u>(4561 Columns Drive).</u>	<b>COMMISSION DISTRICT:</b> <u>2</u>

**TYPE OF VARIANCE:** 1) Waive the rear setback for an accessory structure (tennis courts) from the required 40 feet to zero feet; and 2) waive the side setback for an accessory structure from the required 12 feet to zero feet adjacent to the western property line.



# Application for Variance

## Cobb County

(type or print clearly)

Application No. V- 15  
Hearing Date: 2/8/12

Applicants: Clifton A. Brashier, Jr. and Gail B. Riesenbergs      Riesenbergs Home Phone (404) 931-5805  
SAMS, LARKIN & HUFF, LLP      376 Powder Springs Street, Suite 100  
Joel L. Larkin      Address: Marietta, GA 30064  
(representative's name, printed)      (street, city, state and zip code)

[Signature]      Business Phone (770) 422-7016      Cell Phone (770) 426-6583  
(representative's signature)

My commission expires: \_\_\_\_\_

Signed, sealed and delivered in presence of:

[Signature]

Notary Public

Titleholder: Clifton A. Brashier, Jr.      Business Phone (404) 527-8755      Mobile Phone: (404) 444-4348

Signature [Signature]      Address: 4561 Columns Drive SE, Marietta, GA 30067  
(attach additional signatures, if needed)      (street, city, state and zip code)

My commission expires: \_\_\_\_\_

Signed, sealed and delivered in presence of:

[Signature]

Notary Public

Present Zoning of Property R-30

Location 4561 Columns Drive, SE, Marietta, GA 300  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1 & 1098      District 1<sup>st</sup> and 17th      Size of Tract 2.796 acres      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 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 filing

List type of variance requested: 1) Reduce rear setback for tennis court from 40 feet to 0 feet  
2) Reduce side setback for tennis court from 12 feet to 0 feet



V-15  
2012

**ADDENDUM TO APPLICATION FOR VARIANCE**  
**AND CONSTITUTIONAL OBJECTION**

**Hearing Date: February 8, 2012**

**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

COME NOW the Applicants, CLIFTON A. BRASHIER, JR. and GAIL RIESENBERG, (hereinafter collectively referred to as the "Applicant") and supplement their Application for Variance as follows:

1.

Clifton A. Brashier, Jr. is the owner of the real property and improvements located at 4561 Columns Drive SE, Marietta, Cobb County, Georgia. Gail B. Riesenberg is the owner of the adjacent property located at 4571 Columns Drive SE, Marietta, Cobb County, Georgia. Both of said properties are zoned to the R-30 classification under the Cobb County Zoning Ordinance. Both lots, however, far exceed the minimum 30,000 square feet requirement for that district. In fact, 4561 Columns Drive is currently approximately 3.80 acres and 4571 Columns Drive is approximately 6.70 acres.

4561 Columns Drive is developed with a single family residence. It also contains a tennis court and a detached garage outbuilding. This detached garage is in addition to a separate multi-car garage that is contained within the residence structure.

4571 Columns Drive is also developed with a single family residence. In addition thereto, however, 4571 has been developed and used for more than 15 years as a non-profit riding stable.

Mr. Brashier and his wife recently decided that they desire to downsize. When Mrs. Riesenberg heard that they were interested in selling their property, they began having discussions about her purchasing a portion of their acreage to be

incorporated into her non-profit riding facility. Those conversations culminated in an agreement between the parties pursuant to which Mrs. Riesenbergs has agreed to purchase the entirety of the 4561 Columns Drive Property with the intention of re-drawing the property lines, renovating the house and ultimately re-selling the house on a smaller, although still expansive, approximately 2.8 acre lot. The additional acreage would be added to Mrs. Riesenbergs's adjacent property, thereby increasing its lot size to approximately 7.8 acres.

The requested variances are solely to accommodate Mrs. Riesenbergs's re-platting for the property lines. The variances are not requested for the purpose of constructing new structures. Instead, Mrs. Riesenbergs primarily seeks to enlarge the pasture area for her non-profit riding stable by shifting certain property that is located to the rear of the 4561 Columns Drive Property (and largely within a Colonial Pipeline Easement Area) to the adjacent 4571 Columns Drive Property. The most productive re-platting for this purpose requires variances for the setbacks between the existing tennis court and the property lines. Current zoning requirements impose a 40 foot rear setback. The Tennis court is presently non-conforming in that it sits approximately 22 feet from the back property line. Your applicants propose that this setback be reduced further to 0 feet.

The proposed re-platting also contemplates that the tennis courts sit on a portion of the side property line. Essentially, your Applicants propose that the Tennis Court Fencing establish the property line between the re-platted 4561 Columns Drive Property and the pasture area for 4571. No additional structures are contemplated in this pasture area at this time. In fact, development within this area is largely prohibited

by virtue of the existing Colonial Pipeline easements.

2.

Given the foregoing desires of the parties and the purposes for which the variances are sought, the Applicant states that a literal interpretation and enforcement of Ordinance provisions creates a hardship.

3.

Enforcement of the Zoning Ordinance requirements concerning the Subject Property creates and would create an unnecessary and unreasonable hardship with no resulting substantial benefit to the public good.

4.

The variance sought by the Applicant concerning the subject property will not impair the purpose, spirit and intent of the Ordinance and stand to alleviate any and all non-compliance of the foregoing requirements while causing no substantial detriment to the public good.

5.

Applicable Ordinance provisions concerning the required variance are unconstitutional as applied to the Subject Property in that same deprive the Applicants of property under and pursuant to Article I, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation.

6.

Applicable Ordinance provisions, as applied to the Subject Property, violate the Applicant's right to the unfettered use and development of the Subject Property in conformity with the existing Ordinance in that the Ordinance creates an unreasonable hardship totally unrelated to public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, same is unconstitutional in that it is arbitrary, unreasonable and injurious resulting in relatively little gain or benefit to the public while at the same time inflicting serious injury and loss upon the Applicant.

7.

The Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Applications for Variances also violate Article I, Section I, Paragraphs I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

This 8th day of December, 2011.

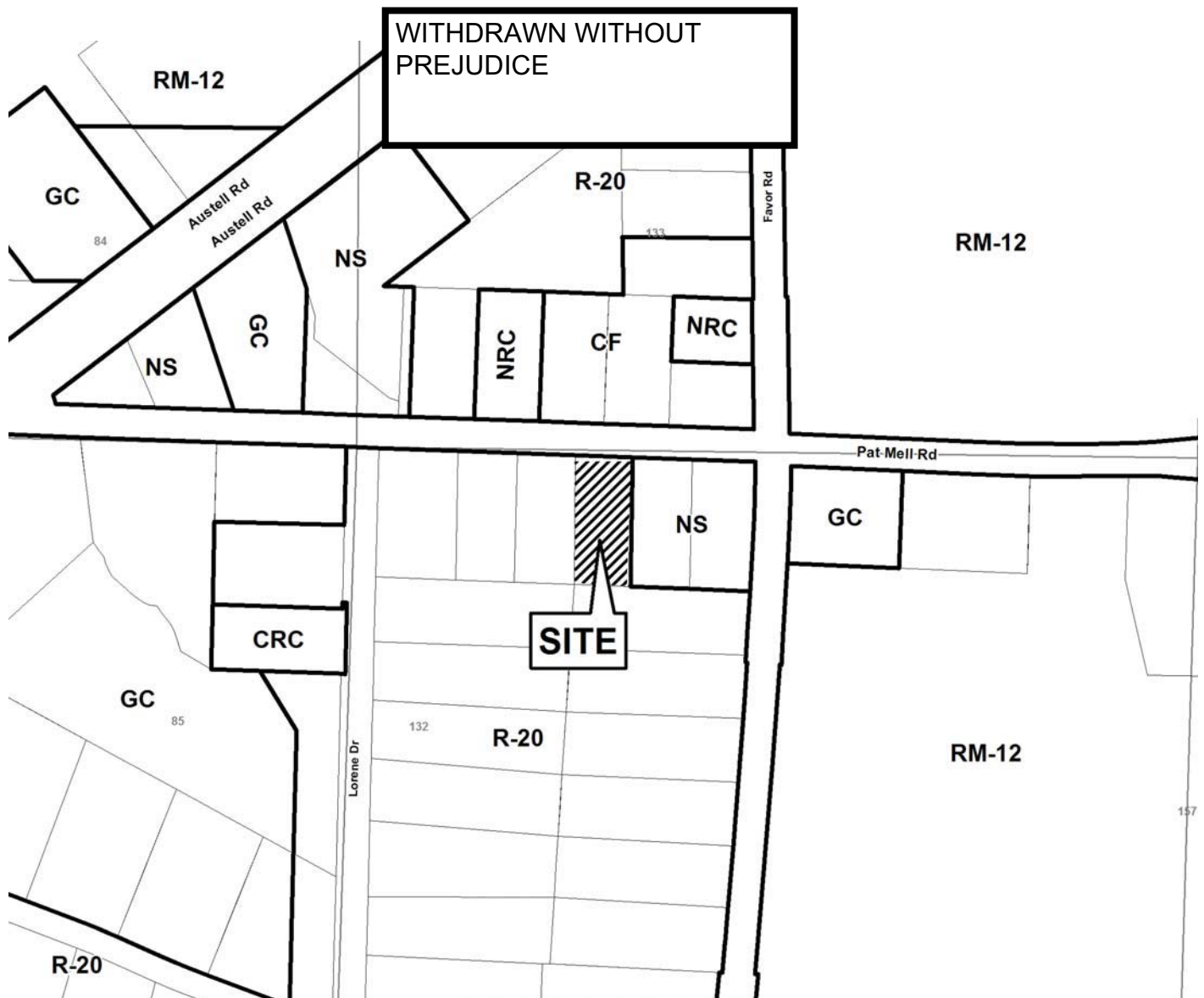
SAMS, LARKIN & HUFF, LLP

By: 

JOEL L. LARKIN  
Attorney for Applicant  
Ga. Bar No. 438415



**APPLICANT:** George Ngwang **PETITION NO.:** V-16  
**PHONE:** 770-222-9342 **DATE OF HEARING:** 02/08/12  
**REPRESENTATIVE:** same **PRESENT ZONING:** R-20  
**PHONE:** same  
**TITLEHOLDER:** George Ngwang **LAND LOT(S):** 132  
**PROPERTY LOCATION:** On the south side of **DISTRICT:** 17  
Pat Mell Road, west of Favor Road **SIZE OF TRACT:** 0.413 acre  
(405 Pat Mell Road). **COMMISSION DISTRICT:** 2  
**TYPE OF VARIANCE:** Waive the lot size on lot 4 from the required 20,000 square feet to 17,987 square feet to allow applicant to apply for rezoning.

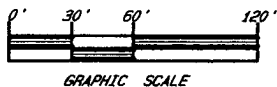
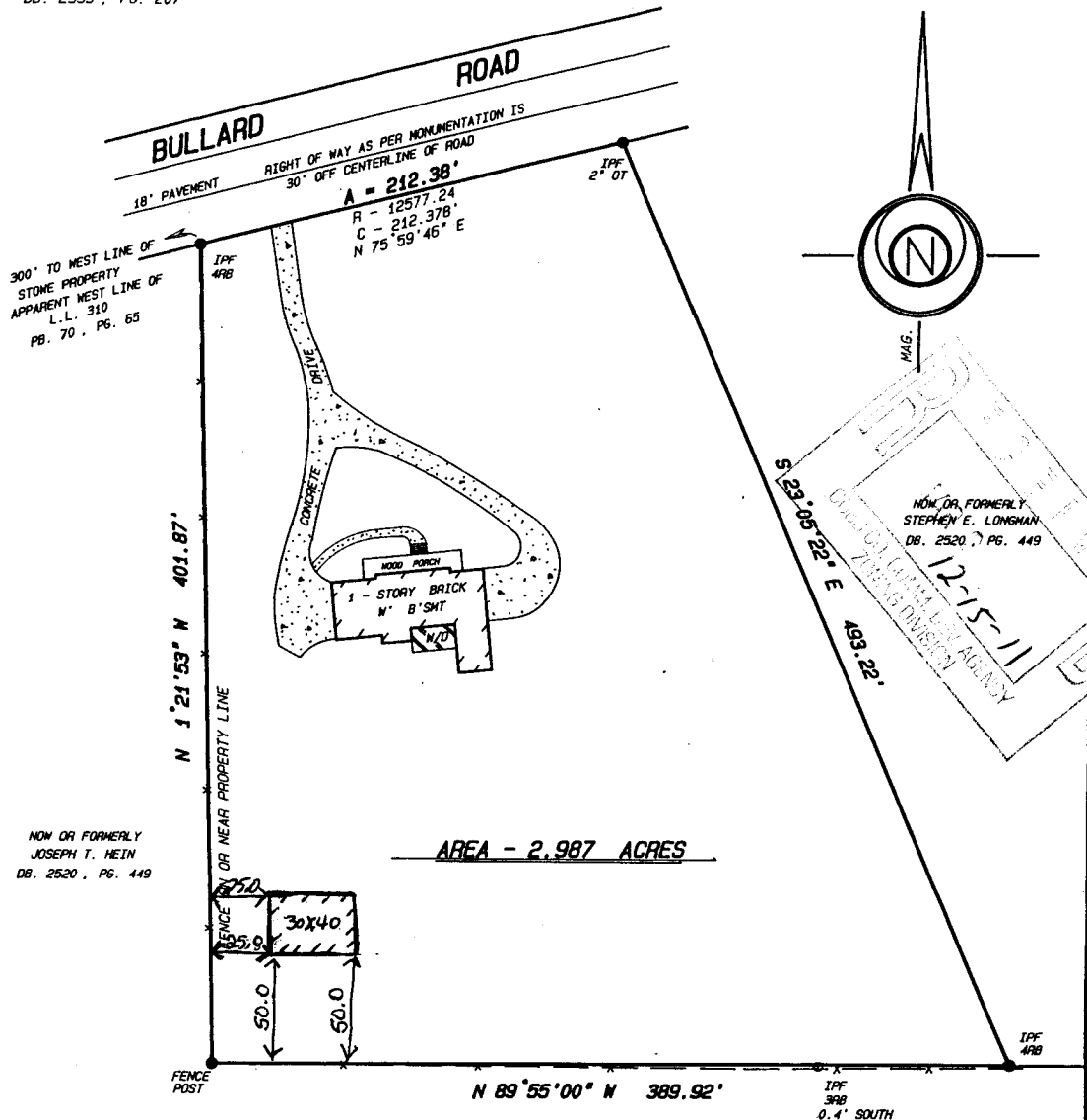




V-17  
(2012)

REFERENCE:  
PB. 70, PG. 65  
DB. 1238, PG. 43  
DB. 2353, PG. 207

OTHER FIELD DATA



NOW OR FORMERLY  
JOSEPH T. HEIN  
DB. 2520, PG. 449

REVISED TO ADD WALKS & DRIVE DISC 106

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN N/A FEET AND AN ANGULAR ERROR OF N/A " PER ANGULAR POINT. IT WAS ADJUSTED USING N/A

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000+ FEET

ALL MATTERS OF TITLE ARE EXCEPTED



"F.I.A. OFFICIAL FLOOD HAZARD MAP"  
COMMUNITY NUMBER 130052 PAGE 45 F.  
ZONE X DATED 8-18-92 SHOWS THIS PROPERTY NOT TO BE IN A BASE FLOOD AREA

EQUIPMENT UTILIZED:  
ANGULAR - NIKON A5  
LINEAR - E.D.M.  
NO N.G.S. MONUMENT FOUND WITHIN 500' OF THIS PROPERTY

SURVEY FOR:  
**DAVID L. JONES &  
KELLY J. JONES**

SUBDIVISION -

LOT - BLOCK - UNIT -

LAND LOT - 310

DISTRICT - 19th SECTION - 2nd

COUNTY - COBB STATE - GEORGIA

REFERENCE PLAT BOOK 70, PAGE 65

REFERENCE DEED BOOK, PAGE

DATE: MAY 21, 1993 SCALE: 1" = 60'

REVISED: SEPTEMBER 1, 1993 JOB NO.: B 93 - 0615

**C & C LAND SURVEYORS, INC.**  
P.O. BOX 837, ACWORTH, GEORGIA 30101  
(404) 975 - 3933

<b>APPLICANT:</b>	<u>David Jones</u>	<b>PETITION NO.:</b>	<u>V-17</u>
<b>PHONE:</b>	<u>770-514-1765</u>	<b>DATE OF HEARING:</b>	<u>02/08/12</u>
<b>REPRESENTATIVE:</b>	<u>same</u>	<b>PRESENT ZONING:</b>	<u>R-80</u>
<b>PHONE:</b>	<u>same</u>		
<b>TITLEHOLDER:</b>	<u>David Jones &amp; Kelli Jones</u>	<b>LAND LOT(S):</b>	<u>310</u>
<b>PROPERTY LOCATION:</b>	<u>On the south side of</u>	<b>DISTRICT:</b>	<u>19</u>
	<u>Bullard Road, east of Lost Mountain Road</u>	<b>SIZE OF TRACT:</b>	<u>3 acres</u>
	<u>(1561 Bullard Road).</u>	<b>COMMISSION DISTRICT:</b>	<u>1</u>
<b>TYPE OF VARIANCE:</b>	<u>Allow an additional electric meter on a lot.</u>		



5282020

# Application for Variance Cobb County

Kelli J. Jones

(type or print clearly)

Application No.

V-17

Hearing Date:

2-8-12

Applicant

DAVID L JONES

Phone #

770 722 7563

E-mail

DJ30127@Comcast.net

DAVID L JONES

(representative's name, printed)

Address

1561 Bullard Rd Powder Springs GA 30127

(street, city, state and zip code)

*[Signature]*

(representative's signature)

Phone #

Same

E-mail

Same

Signed, sealed and delivered in presence of:

My commission expires:

Notary Public

Titleholder

DAVID JONES

Phone #

Same as above

E-mail

Same

Signature

*[Signature]*

(attach additional signatures, if needed)

Address:

Same

(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires:

Notary Public

Present Zoning of Property

12-80

Location

1561 BULLARD ROAD

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

Land Lot(s)

310

District

19

Size of Tract

2.987

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.

Existing electrical panel in house will not support any extra electrical load, without costly updates to existing electrical system. It is much more beneficial to add a new electrical meter for the accessory building.

List type of variance requested:

ALLOW ADDITIONAL ELECTRIC METER FOR ACCESSORY STRUCTURE.