

**JULY 11, 2012 VARIANCE HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 1

PURPOSE

To consider amending the site plan for Gary Young regarding V-56 (Gary Young) of 2011, for property located in Land Lots 1090 and 1100 of the 17th District, on the east side of Cherry Hill Drive, east of Pine Valley Drive (150 Cherry Hill Drive).

BACKGROUND

The subject property received a zoning variance on September 14, 2011 relating to impervious surface and setback zoning criteria. The first stipulation for the variance approval states “approval is for the existing improvements *only* as shown on the site plan received by the Zoning Division June 1, 2011”. The applicant would like to amend the site plan to place a 105 square foot outdoor kitchen on the east side of the pool over existing concrete patio. The exact location of the outdoor kitchen is shown on the attached site. Also attached is an architectural elevation of the proposed outdoor kitchen. If approved, all other stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Zoning Appeals conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business Application, proposed site plan, elevations and stipulations.

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BZA

~~BOS~~ Hearing Date Requested: 7-11-12

Applicant: Gary Young **Phone #:** 770.522.9270

(applicant's name printed)

Address: 150 Cherry Hill Dr SE, Marietta 30067 **E-Mail:** gyooung@youngcontracting.co

James Tanner **Address:** 8215 Roswell Road, Building 400

(representative's name, printed)

[Signature] **Phone #:** 770.522.1004 **E-Mail:** jtanner@marieholdings.com

(representative's signature)

Signed, sealed and delivered in presence of:

Judy N. Shaw
Notary Public



My commission expires: 10/18/2014

Titleholder(s): Gary Young **Phone #:** 770.522.9270

(property owner's name printed)

Address: 150 Cherry Hill Dr SE, Marietta 30067 **E-Mail:** gyooung@youngcontracting.co

Gary Young
(Property owner's signature)

Signed, sealed and delivered in presence of:

Judy N. Shaw
Notary Public



My commission expires: 10/18/2014

Commission District: 2 **Case:** V-56

Date of Zoning Decision: 9-14-11 **Original Date of Hearing:** 8-10-11

Location: 150 Cherry Hill Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1090 **District(s):** 17

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

Amend site plan to allow an outdoor kitchen by the pool area.

(List or attach additional information if needed)



CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	50.00'	63.19'	59.07'	N 45° 58' 37" E
C2	60.00'	125.70'	103.94'	S 00° 50' 30" W
C3	60.00'	30.90'	30.56'	S 73° 55' 52" E

LINE	BEARING	DISTANCE
L1	S 00° 51' 32" W	24.00'

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

OWNER'S ACKNOWLEDGMENT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT LOT 4 OF THE ATLANTA COUNTRY CLUB WHOSE NAME IS SUBSCRIBED HEREIN. I ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. I UNDERSTAND THAT THE APPROVAL OF THIS PLAT BY COBB COUNTY IS ONLY FOR THE RE-COMBINATION OF THIS PROPERTY, AND IS NOT MEANT TO SERVE AS APPROVAL OF ANY NON-COMFORMING CONDITIONS THAT CURRENTLY EXIST ON THIS PROPERTY OR WILL BE CREATED BY THE RE-COMBINATION OF THIS PROPERTY.

AND FURTHER, I WARRANT THAT I OWN THE SIMPLE TITLE TO THE PROPERTY SHOWN HEREIN AND AGREE THAT COBB COUNTY SHALL NOT BE LIABLE TO ME, MY HEIRS, SUCCESSORS, OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE RECORDING OF SAID PLAT, AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND OWNERS AND MYSELF SUBSEQUENT IN TITLE TO DEFEND BY WHATEVER OF THESE PRESENTS.

[Signature] Carolyn Young 10/15/11
Signature Printed Name Date

OWNER'S ACKNOWLEDGMENT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT LOT 21 OF PLANTATION ACRES WHOSE NAME IS SUBSCRIBED HEREIN. I ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. I UNDERSTAND THAT THE APPROVAL OF THIS PLAT BY COBB COUNTY IS ONLY FOR THE RE-COMBINATION OF THIS PROPERTY, AND IS NOT MEANT TO SERVE AS APPROVAL OF ANY NON-COMFORMING CONDITIONS THAT CURRENTLY EXIST ON THIS PROPERTY OR WILL BE CREATED BY THE RE-COMBINATION OF THIS PROPERTY.

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[Signature] Darren DeLore 10/15/11
Signature Printed Name Date

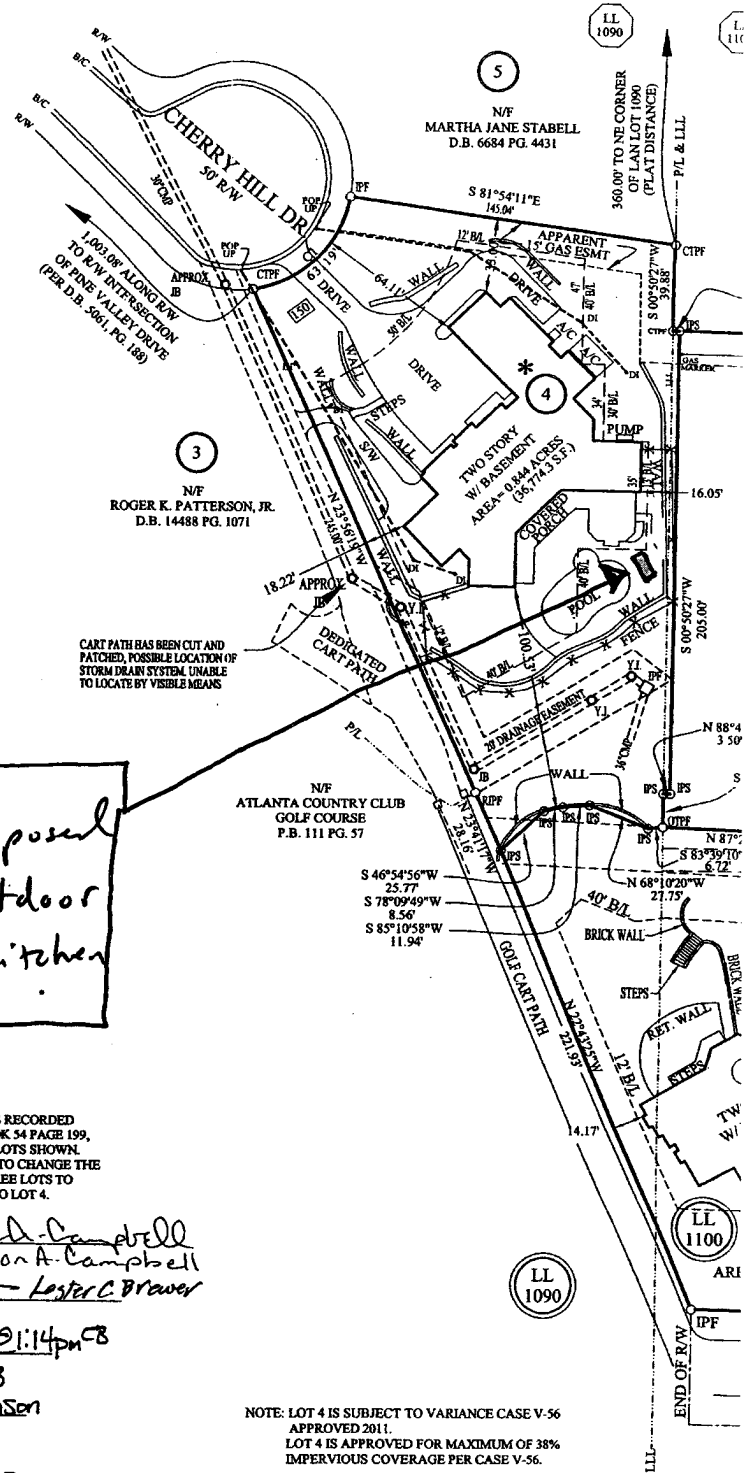
OWNER'S ACKNOWLEDGMENT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT LOT 1 OF THE COLUMNS WHOSE NAME IS SUBSCRIBED HEREIN. I ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. I UNDERSTAND THAT THE APPROVAL OF THIS PLAT BY COBB COUNTY IS ONLY FOR THE RE-COMBINATION OF THIS PROPERTY, AND IS NOT MEANT TO SERVE AS APPROVAL OF ANY NON-COMFORMING CONDITIONS THAT CURRENTLY EXIST ON THIS PROPERTY OR WILL BE CREATED BY THE RE-COMBINATION OF THIS PROPERTY.

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[Signature] Tamara G. Sandoz III 10/16/11
Signature Printed Name Date

Proposed outdoor kitchen



THIS PLAT SUPERCEDES THE PLATS RECORDED IN PLAT BOOK 24 PAGE 73, PLAT BOOK 54 PAGE 199, & PLAT BOOK 111 PAGE 57 FOR THE LOTS SHOWN. THE PURPOSE FOR THE REVISION IS TO CHANGE THE PROPERTY LINES BETWEEN THE THREE LOTS TO PROVIDE MORE SQUARE FOOTAGE TO LOT 4.

LEGEND

- A/C - AIR COMPRESSORS
- B/L - BUILDING LINE
- CTPF - CRIMP TOP PIN FOUND
- IPF - IRON PIN FOUND
- SSS - SANITARY SEWER SERVICE
- RIPF - REBAR IRON PIN FOUND
- P/L - PROPERTY LINE
- LLL - LAND LOT LINE
- N/F - NOW OR FORMERLY
- B/C - BACK OF CURB
- R/W - RIGHT OF WAY
- D.B. - DEED BOOK
- P.B. - PLAT BOOK
- LOC. - LOCATION

10-19-11 *[Signature]* Jason A. Campbell
DATE ZONING DIVISION

10/19/11 *[Signature]* Lester C. Brewer
DATE DEVELOPMENT & INSPECTION DIVISION

PLAT FILED IN OFFICE 10-20-11 11:14pm FB

RECORDED IN PLAT BOOK 292, PAGE 293
[Signature] Clark Jay C. Stephenson
CLERK, COBB COUNTY SUPERIOR COURT

DATE 10-20-11
CFN # 2011-0133013

NOTE: LOT 4 IS SUBJECT TO VARIANCE CASE V-56 APPROVED 2011.
LOT 4 IS APPROVED FOR MAXIMUM OF 38% IMPERVIOUS COVERAGE PER CASE V-56.

LOT: 4 THE ATLANTA COUNTRY CLUB SUBDIVISION BLOCK "F"
LOT 21 PLANTATION ACRES
LOT 1 THE COLUMNS UNIT TWO BLOCK "C"

LOT: 4 BLOCK F T
PART OF LOT 21
PART OF LOT 1 T
LAND LOT 105
COBB COUNTY
DATE: 09/21/20

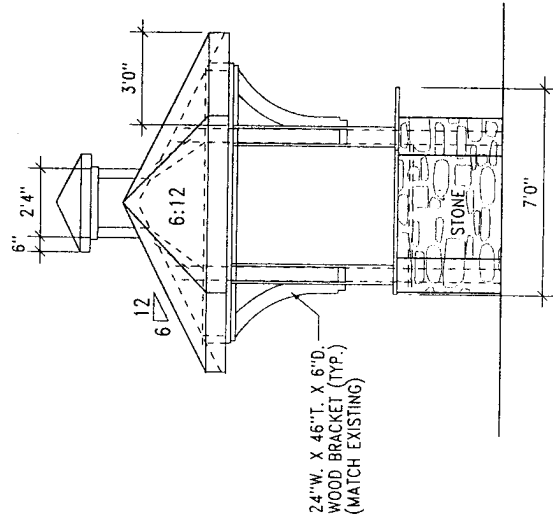
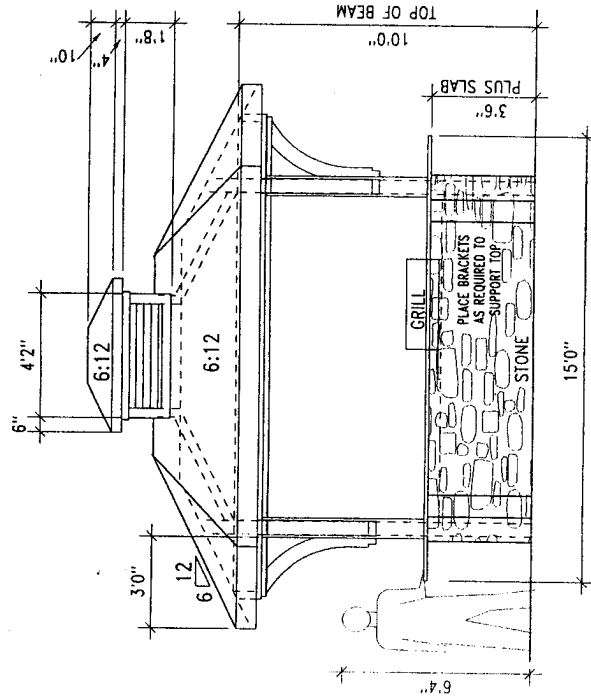
Proposed outdoor kitchen

OUTDOOR KITCHEN
YOUNG RESIDENCE
KYLE HENRY, BUILDER

ELEVATIONS
150 CHERRY HILL DRIVE
MARIETTA, GA

This plan is the property of
Mary Bruce Robinson, LLC,
and may not be used or reproduced
without permission.
This plan is not for resale.

7/20/10
SHEET 1 OF 2
FOR CONSTRUCTION



ORIGINAL DATE OF APPLICATION: 08-10-11

APPLICANT'S NAME: GARY YOUNG

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY
BOARD OF ZONING APPEALS ON SEPTEMBER 14, 2011**

GARY YOUNG (Gary W. Young and Donna M. Young, owners) requesting a variance to: 1) waive the impervious coverage from a maximum of 27% (per previous variance) to ~~43.23%~~ **38%**; and 2) reduce the rear building setback from 40 feet to ~~12~~ **12.5 feet** (existing) in Land Lot 1090 of the 17th District. Located on the east side of Cherry Hill Drive, east of Pine Valley Drive (150 Cherry Hill Drive).

The public hearing was opened and Mr. James Balli addressed the Board and amended the request to rear setback of 12.5 feet, and impervious surface at 38%, *with purchase of any additional property to not create a non-conforming lot*. Following presentation and discussion, the following motion was made:

MOTION: *Motion by Swanson, second by Williams, to approve variance request subject to:*

- approval is for the existing improvements *only* as shown on the site plan received by the Zoning Division June 1, 2011 (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. James Balli dated September 12, 2011 (attached and made a part of these minutes)
- Development and Inspections Division comments and recommendations

VOTE: **ADOPTED** unanimously



TRACT AREA = 0.756 ACRES (32,949.130 S.F.)
 CURVE RADIUS ARC CHORD BEARING
 C1 50.00' 03.14' 59.07' N45.58377E

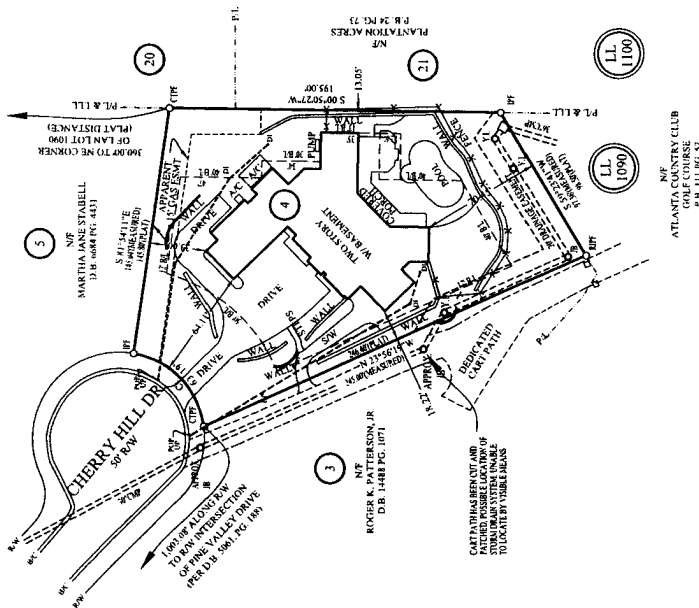
ALL BEARINGS ARE CALCULATED
 FROM THE TRIANGULATION
 POINT MARIETTA, GEORGIA

GENERAL NOTES:

1. OWNER: GARY YOUNG
 150 CHERRY HILL DRIVE
 MARIETTA, GA. 30067
2. PROPERTY ZONED R - 30 TO REMAIN
3. ALL IMPROVEMENTS SHOWN EXIST
4. THERE ARE NO LAKES OR STREAMS,
 CEMETERIES, OR WETLANDS ON THIS LOT.
5. PROPOSED VARIANCES:
 A) AMEND REAR SETBACK 12.5' SOUTH TO
 CLEAR THE COVERED PORCH.
 B) ALLOW 43.5% IMPERVIOUS COVERAGE
 AS SHOWN.

SITE ADDRESS:
 150 CHERRY HILL DR
 MARIETTA, GEORGIA 30067

- LEGEND
- CC - CURB COMPRESSORS
- BL - BUILDING LINE
- CTH - CRIMP TOP PIN FOUND
- IPF - IRON PIN FOUND
- SSS - SANITARY SEWER SERVICE
- RPF - REBAR IRON PIN FOUND
- PL - PROPERTY LINE
- LL - LAND LOT LINE
- BC - BACK OF CURB
- R.W. - RIGHT OF WAY
- D.B. - DEED BOOK
- P.B. - PLAT BOOK
- LOC. - LOCATION



RECEIVED
 JUN 1 2011
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

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



<p>PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC. PLANNING - ENGINEERING - LAND SURVEYING 3945 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127 PH: (770) 435-4506 - Fax: (770) 945-6912</p>	<p>COMP. JOB 0890</p>
<p>LOT 4 BLOCK F THE ATLANTA COUNTRY CLUB SD PB 111 PG 57 LAND LOT 1090 17TH DISTRICT 2ND SECTION COBB COUNTY, GEORGIA DATE: 05/25/2011 SCALE: 1"=50'</p>	<p>VARIANCE PLAN FOR GARY W. YOUNG</p>

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

September 12, 2011

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road
Suite 400
Marietta, GA 30064

Min. Bk. 17 Petition No. V-56
Doc. Type letter of
agreeable conditions
Meeting Date 9-14-2011

SEP 12 2011
9:45am
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION
BA

Re: Variance Application of Gary Young (V-56)
Land Lot 1090, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

As you are aware, this firm represents Gary Young in relation to the pending variance application. In consideration of the granting of the requested variance, Mr. Young proposes that the approval of the variance include the following conditions that shall, upon approval, become part of the Variance:

1. The variance request related to impervious surface requirements shall be reduced to a variance of 38%. See Section 134-196(11).
2. Applicant shall have sixty (60) days from the grant of V-56 to provide evidence to Cobb County Community Development, in a form acceptable to the Director, and including Stormwater Management, that the property is in compliance with the 38% impervious requirements. This includes, but is not limited to, acquisition by deed of additional real property and/or removal/replacement of any impervious surface required to meet 38% impervious coverage.
3. Upon approval of V-56, Applicant will receive a temporary certificate of occupancy that will expire, by express agreement, on Tuesday, November 15, 2011. Applicant acknowledges that the temporary certificate of occupancy will be void and without effect after November 15, 2011. Applicant acknowledges that on or before November 15, 2011, he will be required to obtain a new and valid Certificate of Occupancy from Cobb County, Georgia.

VIA HAND DELIVERY

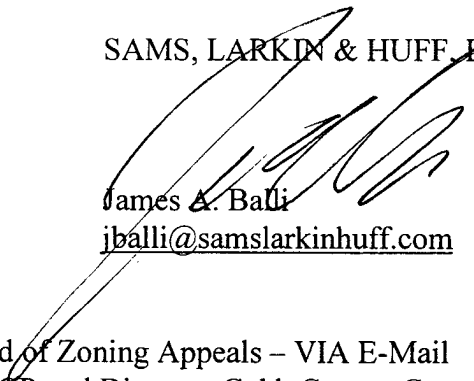
Petition No. V-56
Meeting Date 9-14-2011
Continued

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
Page 2
September 12, 2011

Further, to be clear, the Applicant acknowledges that to legally occupy a residence in compliance with the Cobb County Code there has to be a valid Certificate of Occupancy. Applicant further acknowledges that to receive a permanent Certificate of Occupancy, Applicant will have to provide the evidence as set forth in Stipulation 2 above. Please contact me if you have any questions regarding this application or the proposed stipulations. Thank you for your time and assistance.

Sincerely,

SAMS, LARKIN & HUFF, LLP


James A. Balli
jballi@samslarkinhuff.com

JAB/brl

cc: Members, Cobb County Board of Zoning Appeals – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP and Director, Cobb County Community Development –
VIA E-Mail
Mr. Lee McClead, Cobb County Development and Inspections Manager – VIA E-Mail
Mr. David Breden, Cobb County Stormwater Management – VIA E-Mail
Mr. and Mrs. Gary Young – VIA E-Mail