

**FEBRUARY 13, 2013 VARIANCE HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 1

PURPOSE

To consider amending the site plan for William and Barbara Madison regarding V-56 (Barbara Madison) of 2006, for property located in Land Lots 1004 of the 17th District, on the west side of Gatestone Way, south of River’s Call Boulevard (1420 Gatestone Way).

BACKGROUND

The subject property received a zoning variance on May 10, 2006 relating to a setback reduction. The variance stipulations limited the improvements to what was shown on the approved site plan, which is attached for review. The applicant would like to amend the approved site plan to allow an outdoor fireplace over part of the patio. The exact location of the outdoor fireplace is shown on the proposed site. Also attached is a picture of the outdoor fireplace. 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

Stipulations, original variance analysis, proposed site plan, and picture of outdoor fireplace.

Stipulations

Application for Variance Cobb County

(type or print clearly)

Application No. V-56
Hearing Date: May 10, 2006

Applicant Barbara Madison Business Phone 302-540-5448 Home Phone 770-956-0419

Tom Eldridge Address 3535 Roswell Road, NE, Suite 48, Marietta, GA 30062
(representative's name, printed) (street, city, state and zip code)

Tom Eldridge
(representative's signature)

Business Phone 770-977-4674 Cell Phone 404-557-8392

Signed, sealed and delivered in presence of:
Brenda J. Bevard
Notary Public

My commission expires: Brenda J Bevard
Notary Public, Fulton County, Georgia
My Commission Expires July 28, 2008

Titleholder Barbara Madison Business Phone 302-540-5448 Home Phone 770-956-0419

Signature Barbara Madison Address: 761 Rice Road #308, Richland, MS 39157
(attach additional signatures, if needed) (street, city, state and zip code)

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Present Zoning of Property R-15

Location 1420 Gatestone Way (River's Call subdivision, Lot #50)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1004 039 District 17th Size of Tract .382 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 16,624 sq. ft. Shape of Property rectangle Topography of Property sloped 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.

By allowing this additional 6' 8" of porch on the rear of our home, we could use the porch regardless of the WEATHER

List type of variance requested: Variance for a rear porch roof that is 6' 8" over the rear building line.

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Application for Variance
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ORIGINAL DATE OF APPLICATION: 05-10-06APPLICANT'S NAME: BARBARA MADISON

**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 MAY 10, 2006:**

BARBARA MADISON (owner) requesting a variance to waive the rear setback on lot 50 from the required 35 feet to 26 feet in Land Lot 1004 of the 17th District. Located on the west side of Gatestone Way, south of River's Call Boulevard (1420 Gatestone Way).

The public hearing was opened and Mr. Tom Eldridge and Ms. Barbara Madison addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Trombetti, to approve variance request **subject to:**

- **these improvements only**
- **no additional structures**
- **site plan depicting the pool marked "Exhibit for V-56" approved February 7, 2006 (copy attached and made a part of these minutes)**
- **Development and Inspections Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

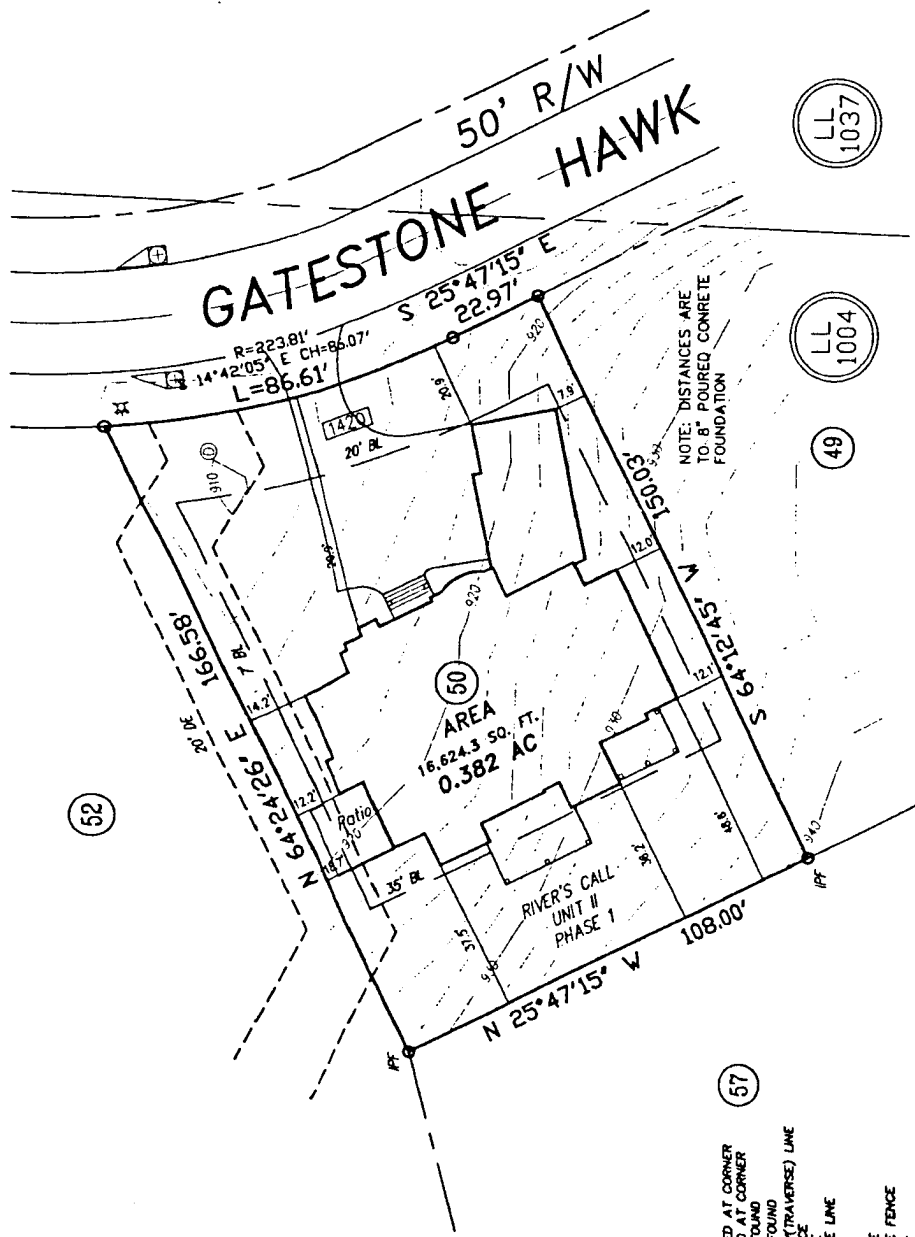
VOTE: **ADOPTED** unanimously

Clerk's Note: Applicant was encouraged to consider alternatives to paving around the entire pool to allow water to go through in order to reduce the impervious surface.

V-56

Original Analysis

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSONS OR ENTITIES. THE SURVEYOR'S LIABILITY IS LIMITED TO THE RECISTRATION BY THE SURVEYOR. SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.



- LEGEND**
- I.P.P. - IRON PIN PLACED AT CORNER
 - I.P.F. - IRON PIN FOUND AT CORNER
 - - MARBLE MONUMENT FOUND
 - △ - BREAK IN PROPERTY (TRAVERSE) LINE
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 - C.M.P. - CORRUGATED METAL PIPE

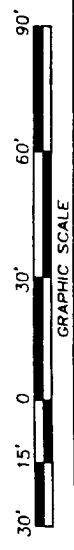
NOTE: DISTANCES ARE TO B' POURED CONCRETE FOUNDATION

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OPTICAL FLOOD HAZARD MAPS. MAP NO. 1308700059F, DATED AUGUST 18, 1992

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 34,767 FEET AND AN ANGULAR ERROR OF 2.1" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

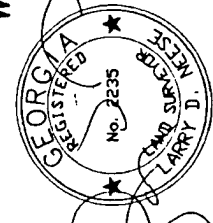
EQUIPMENT UTILIZED: ANGULAR - SODIPROB LINEAR - SOLIDWORKER UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.



WEST GEORGIA SURVEYORS, INC.
 Marietta, Georgia 30008
 731 Sandtown Road
 (770) 428-2122
 FAX: (770) 422-9178

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235
 CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 17:17



SURVEY FOR

Panana Properties

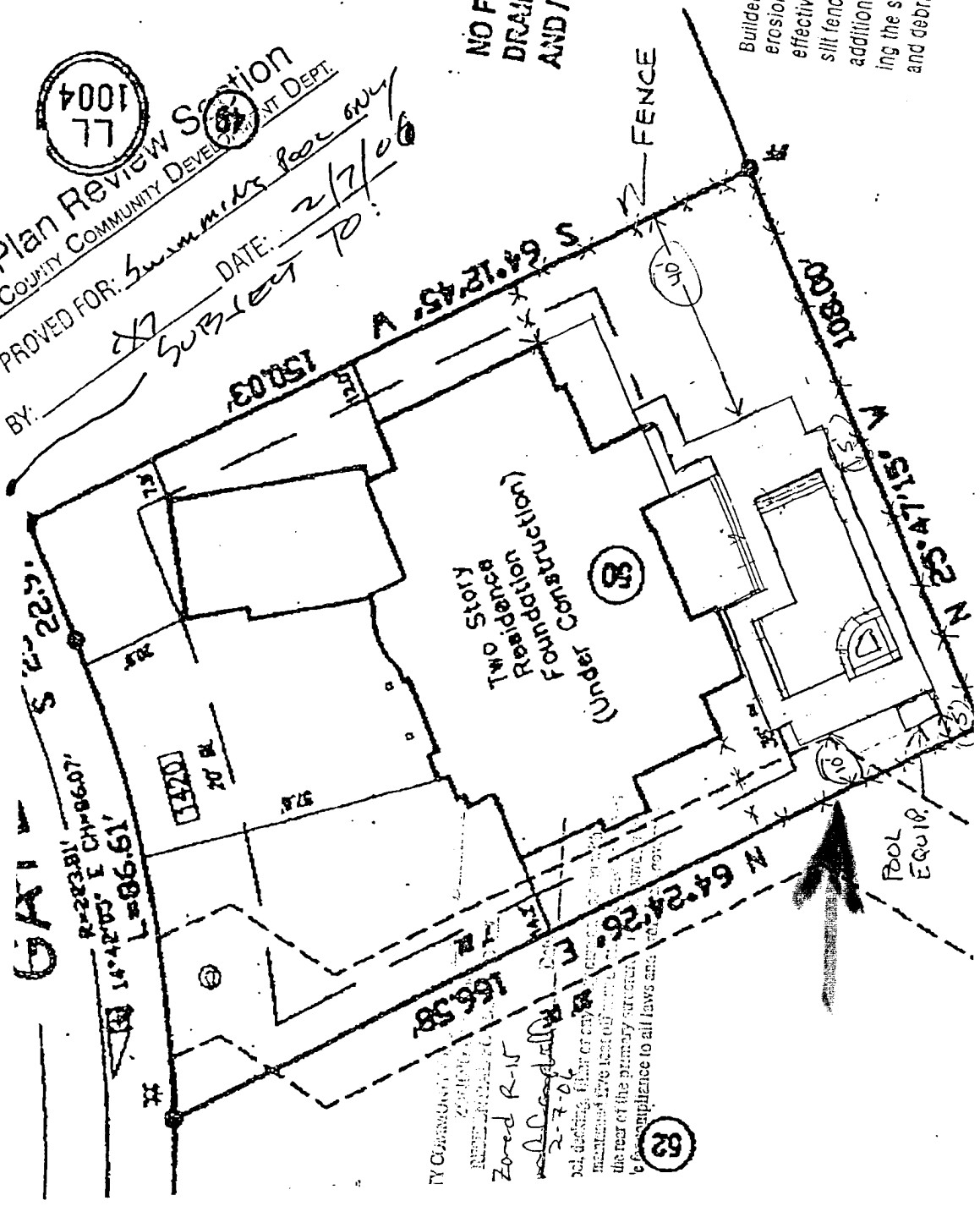
Lot 50 Unit 1	REVISION:
River's Call	Oct. 20, 21
Pigt. Book 227 Page 77	
LAND LOT - 1004	CC LT
DISTRICT - 17th	Dwn GF
COUNTY - Cobb	Chkd LDN
STATE - Georgia	FILE:
DATE - Aug. 29, 2005	SCALE - 1"=30'
	05-0092

Permit 06-01381RX

20' R/W

This lot has a requirement to plant four shade trees (not ornamentals or pines). At least two trees must be planted in the front yard with at least one tree to be three inches caliper planted in the front setback area. All other trees must be a minimum of two inches caliper. These trees must be planted when the house is near completion. The certificate of occupancy will not be released unless the trees are planted.

Plan Review Section
COUNTY COMMUNITY DEVELOPMENT DEPT.
APPROVED FOR: *Summers* DATE: *2/7/08*
SUBJECT TO: *10/08*



OWNER

WILLIAM MADISON
1420 GATESTONE WAY
MARIETTA, GA 30067
770-616-6248

- GUMITE
- HEATED
- 22 X 36
- 530 SQ. FT.
- 3 1/2' - 6' 0"

LAND LOT 1004
2ND SECTION

17TH DISTRICT
NO FILL MAY BE PLACED WITHIN THE DRAINAGE EASEMENT FLOOD PLAN AND/OR DETENTION AREAS.

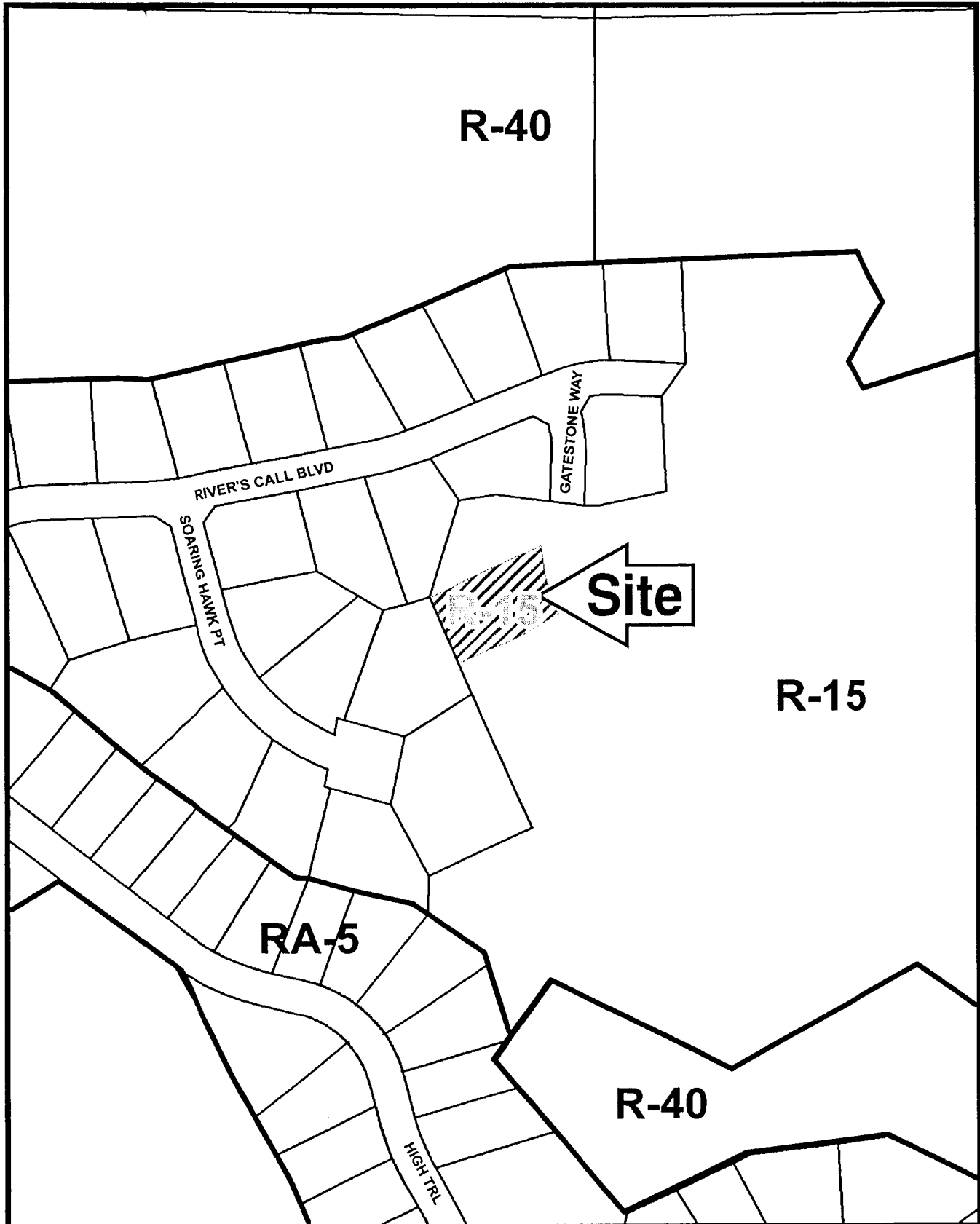
RIVER'S CALL
COBB COUNTY

Builders shall be held fully responsible for on-site erosion control on their own lots. This includes the effective installation and maintenance of hay bales, silt fence, and construction entrances, etc. In addition, builders will be held responsible for keeping the street(s) adjacent to their lots clear of silt and debris.

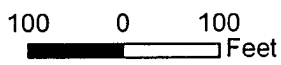
Original Analysis

Exhibit for V-56

V-56 Original Analysis



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



- Draft Parcel Boundary
- Approximate Zoning Boundary

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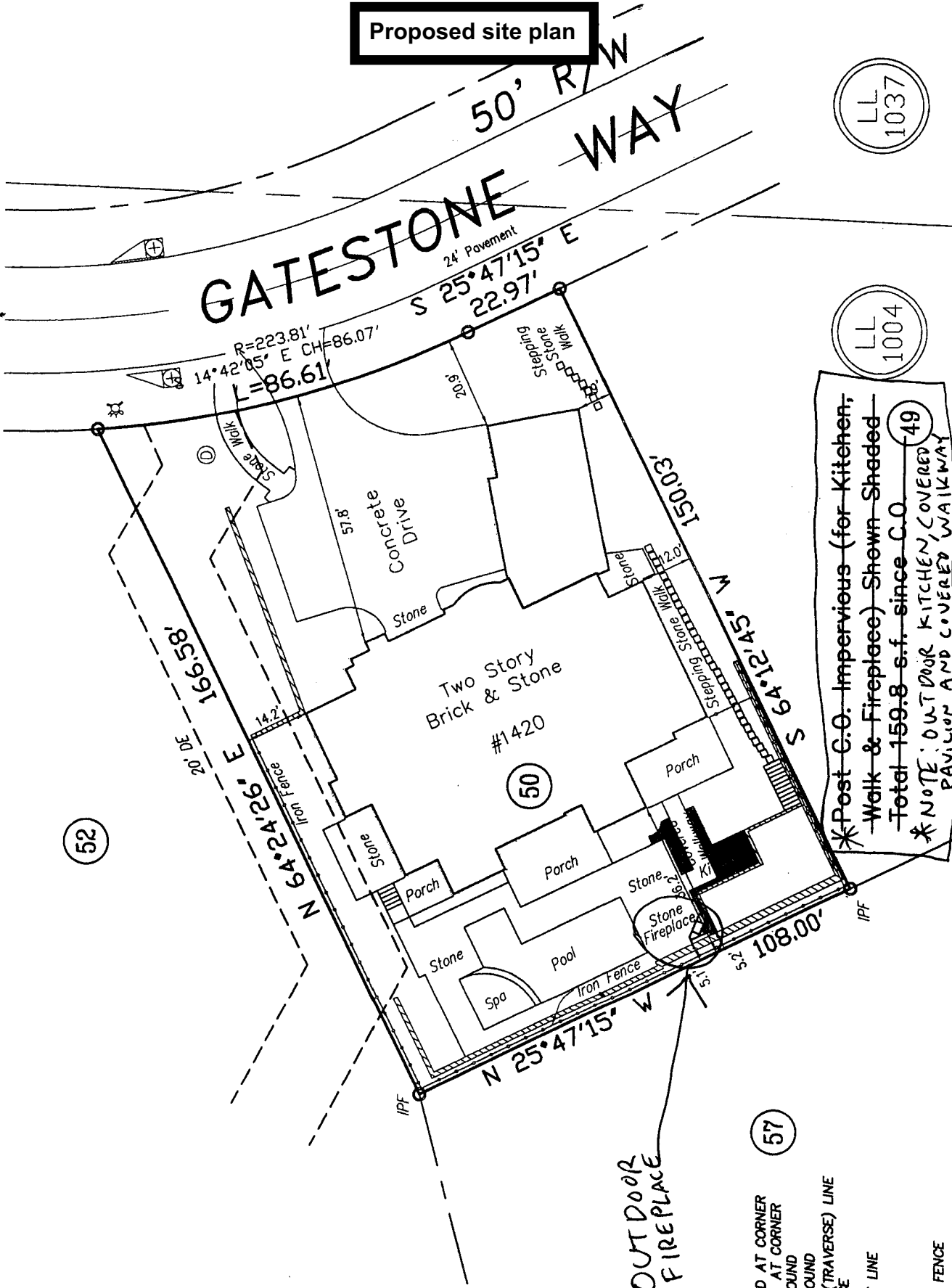
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Proposed site plan



LL
1037

LL
1004

*Post C.O. Impervious (for Kitchen, Walk & Fireplace) Shown Shaded
 Total 159.8 s.f. since C.O. 49
 *NOTE: OUTDOOR KITCHEN, COVERED PAVILION AND COVERED WALKWAY
 REMOVED OCTOBER 2012 PER DEMOLITION PERMIT 2012-007262.

52

50

57

OUTDOOR FIREPLACE



LEGEND

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