

Preliminary Plan for Variance Request

Jims Road Community

Cobb County, Georgia Land Lot 120, 16th District, 2nd Section

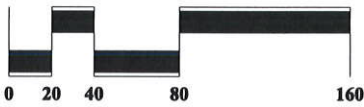
prepared for:

Bercher Homes

DGM
LAND PLANNING
CONSULTANTS

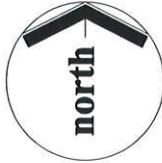


975 Cobb Place
Box 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Scale: 1" = 40'

May 22, 2013



Site Data

Total Site Area: 2.94 AC

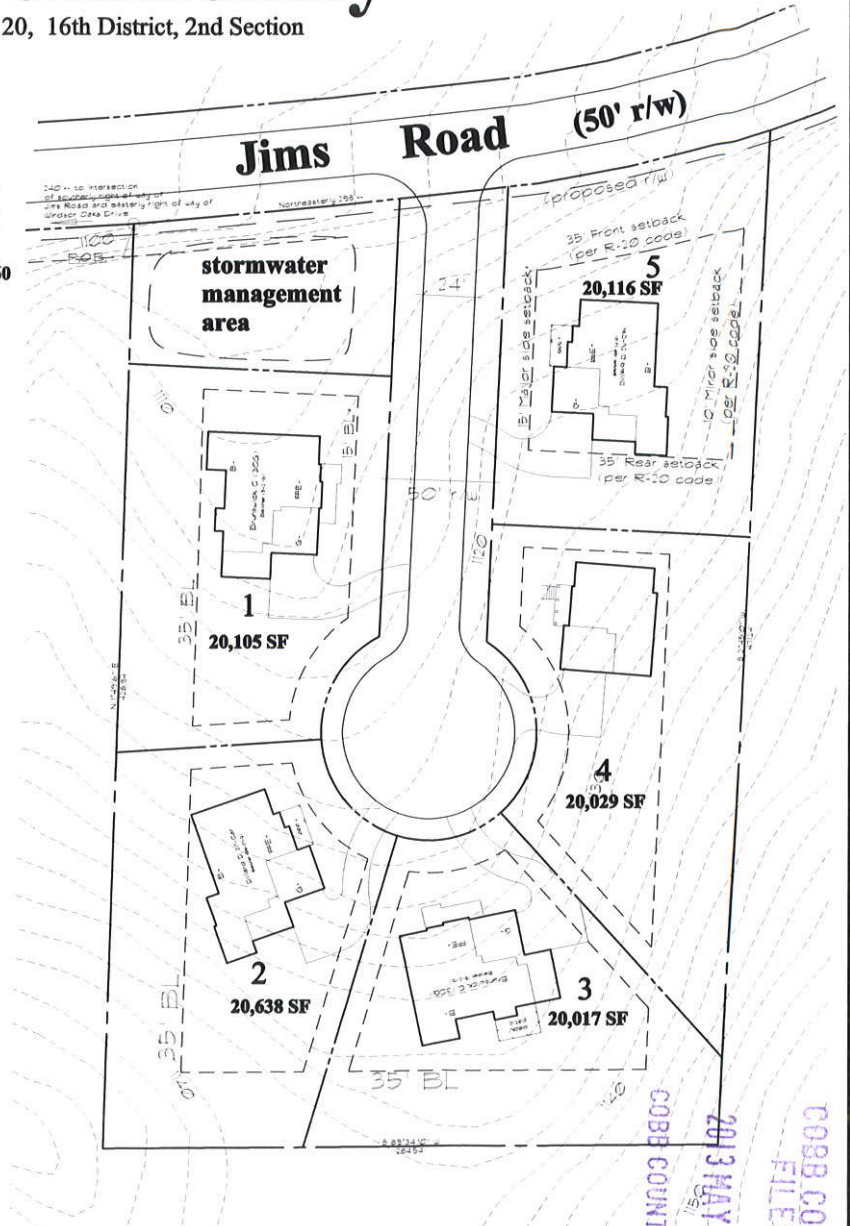
Present Zoning: R-20

Variance Request:

- 1) reduction in front building setbacks from 35' to 15' on lots 1, 2, 3, and 4
- 2) reduction in building setback on lot #5: major side setback: reduction from 25' to 15'

Notes:

1. Boundary survey and topography from Cobb County GIS maps.
2. According to Flood Insurance Rate Map (FIRM) #30670002G, December 16, 2008, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



COBB COUNTY GEORGIA
 FILED IN OFFICE
 2013 MAY 29 PM 4:04
 COBB COUNTY ZONING DIVISION

APPLICANT: Bercher Homes, LLC
PHONE: 770-590-5400
REPRESENTATIVE: J. Kevin Moore
PHONE: 770-429-1499
TITLEHOLDER: Donald W. Kirkpatrick and Betty Lou Kirkpatrick
PROPERTY LOCATION: On the south side of Jims Road, west of Wigley Road (2798 Jims Road).

PETITION No.: V-87
DATE OF HEARING: 07-10-2013
PRESENT ZONING: R-20
LAND LOT(S): 120, 169
DISTRICT: 16
SIZE OF TRACT: 2.94 acres
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the front setbacks from the required 35 feet to 15 feet for lots 1 through 4; and 2) waive the major side setback from the required 25 feet to 15 feet.

OPPOSITION: No. OPPOSED **PETITION No.** **SPOKESMAN**

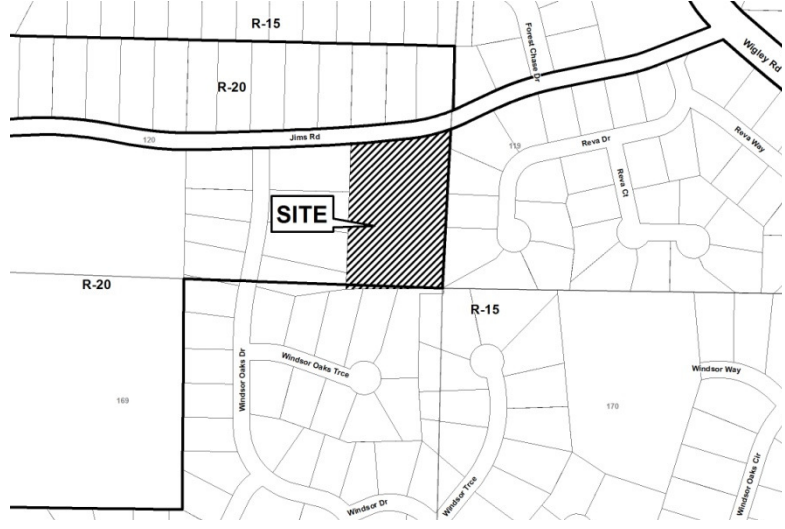
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Bercher Homes, LLC

PETITION No.: V-87

COMMENTS

TRAFFIC: This request will not have an adverse impact on the transportation network.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No comments.

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.

DESIGN GUIDELINES: No comment.

CEMETERY PRESERVATION: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

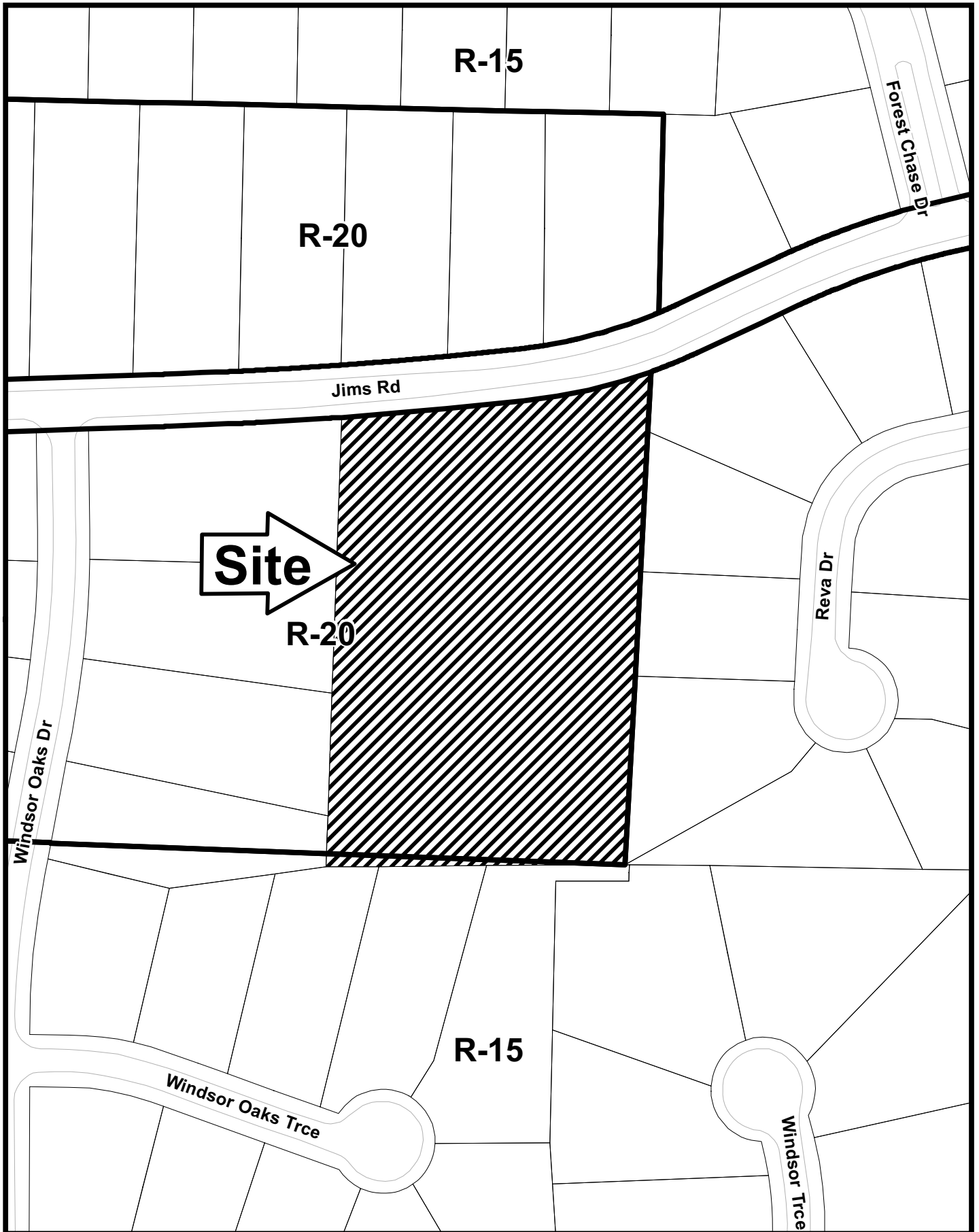
WATER: No conflict.

SEWER: No conflict.

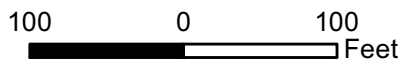
APPLICANT: Bercher Homes, LLC **PETITION No.:** V-87

FIRE DEPARTMENT: 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-87



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

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAY -9 PM 4:33
COBB COUNTY ZONING DIVISION

Application No. V-87 (2013)
Hearing Date: 07/10/2013

Applicant Bercher Homes, LLC Phone # (770) 590-5400 E-mail dbercher@bercherhomes.com
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore Address Marietta, GA 30060
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jkm@mij.com
(representative's signature) Georgia Bar No. 519728 w7@mij.com

My commission expires: January 10, 2015

Signed, sealed and delivered in presence of:
[Signature]
Carolyne E. Cook
Notary Public
EXPIRES
GEORGIA
January 10, 2015
PUBLIC
COBB COUNTY

Titleholder Donald W. Kirkpatrick and Betty Lou Kirkpatrick Phone # _____ E-mail _____
Signature See Attached Exhibit "A" for Titleholders' Signatures Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____

Notary Public

Present Zoning of Property R-20
Location Southerly side of Jims Road; Westerly of Wigley Road; Easterly of Windsor Oaks Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 120 District 16th Size of Tract 2.94 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 X Shape of Property X 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 Exhibit "B" attached hereto and incorporated herein by reference.

List type of variance requested: Reduction of required minimum front setback from thirty-five (35) feet to fifteen (15) feet. (See § 134-197(4)(d).)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 87 (2013)
Hearing Date: July 10, 2013

Applicant: Bercher Homes, LLC
Titleholders: Donald W. Kirkpatrick and Betty Lou Kirkpatrick

Donald W Kirkpatrick
Donald W. Kirkpatrick

Betty Lou Kirkpatrick
Betty Lou Kirkpatrick

Address: P.O. Box 1295
Commerce Ga 3052

Telephone No.: (404) 314-2670

Signed, sealed, and delivered in the presence of:

[Signature]
Notary Public Joierham Cook
Commission Expires: 3-11-2011



Banks Co.

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAY -9 PM 4:33
COBB COUNTY ZONING DIVISION

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 67 (2013)
Hearing Date: July 10, 2013

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant: Bercher Homes, LLC
Property Owners: Donald W. Kirkpatrick and
Betty Lou Kirkpatrick

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant requests a waiver of the minimum front setback from the required thirty-five (35) feet, as set forth under the R-20 zoning classification, to fifteen (15) feet for a 2.94 acre tract located on the southerly side of Jims Road, westerly of Wigley Road and easterly of Windsor Oaks Drive (hereinafter the "Property" or "Subject Property"). The Subject Property will be developed for a small single-family residential development, consisting of five lots. The overall shape of the Property, together with the minimum lot size requirements, result in significantly undersized or non-buildable residential construction envelopes if required setbacks are enforced. By reducing the required minimum front setback for each lot, residential construction can occur in suitable buildable areas. The variance requested herein is not substantial and would allow an otherwise reasonable and marketable residential use of the Subject Property; especially, given that, the remaining setbacks and minimum lot requirements for the proposed development meet or exceed the minimum requirements as set forth in the Cobb County Zoning Ordinance.

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAY -9 PM 4: 33
COBB COUNTY ZONING DIVISION