

APPLICANT: Patrick Malloy Companies, LLC

PETITION No.: V-91

PHONE: 770-319-5258

DATE OF HEARING: 07-10-13

REPRESENTATIVE: Garvis L. Sams, Jr.

PRESENT ZONING: RA-5

PHONE: 770-422-7016

LAND LOT(S): 696

TITLEHOLDER: Windworth Land, LLC and
Windworth Ventures, LLC

DISTRICT: 17

PROPERTY LOCATION: On the north side of
Central Garden Court, south of Westwood Road
(3948, 3942, 3930 Central Garden Court).

SIZE OF TRACT: 0.44 acre

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: Waive the side setback from the required 5 feet with 15 feet between structures to 5 feet with 10 feet between structures for lots 18, 19, and 21.

OPPOSITION: No. OPPOSED _____ PETITION No. _____ SPOKESMAN _____

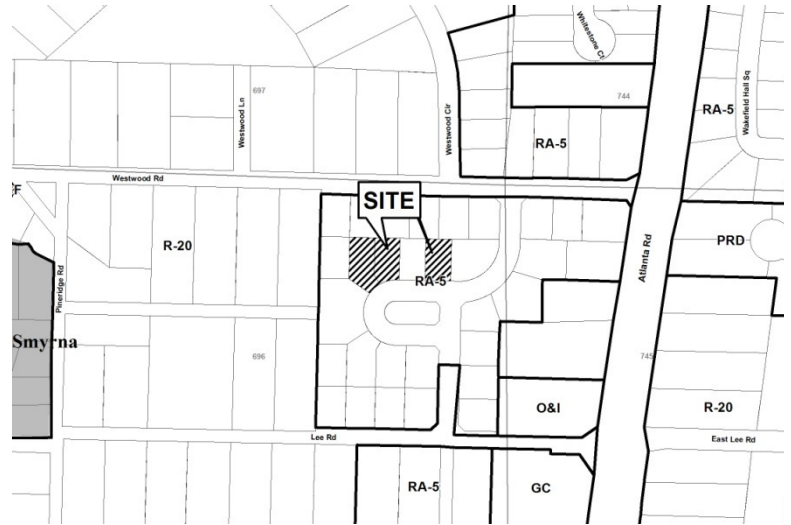
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Patrick Malloy Companies,
LLC

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COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: If reduced side setbacks are approved, adequate drainage swales must be provided along property lines to direct runoff to the street.

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: No comment.

WATER: No conflict.

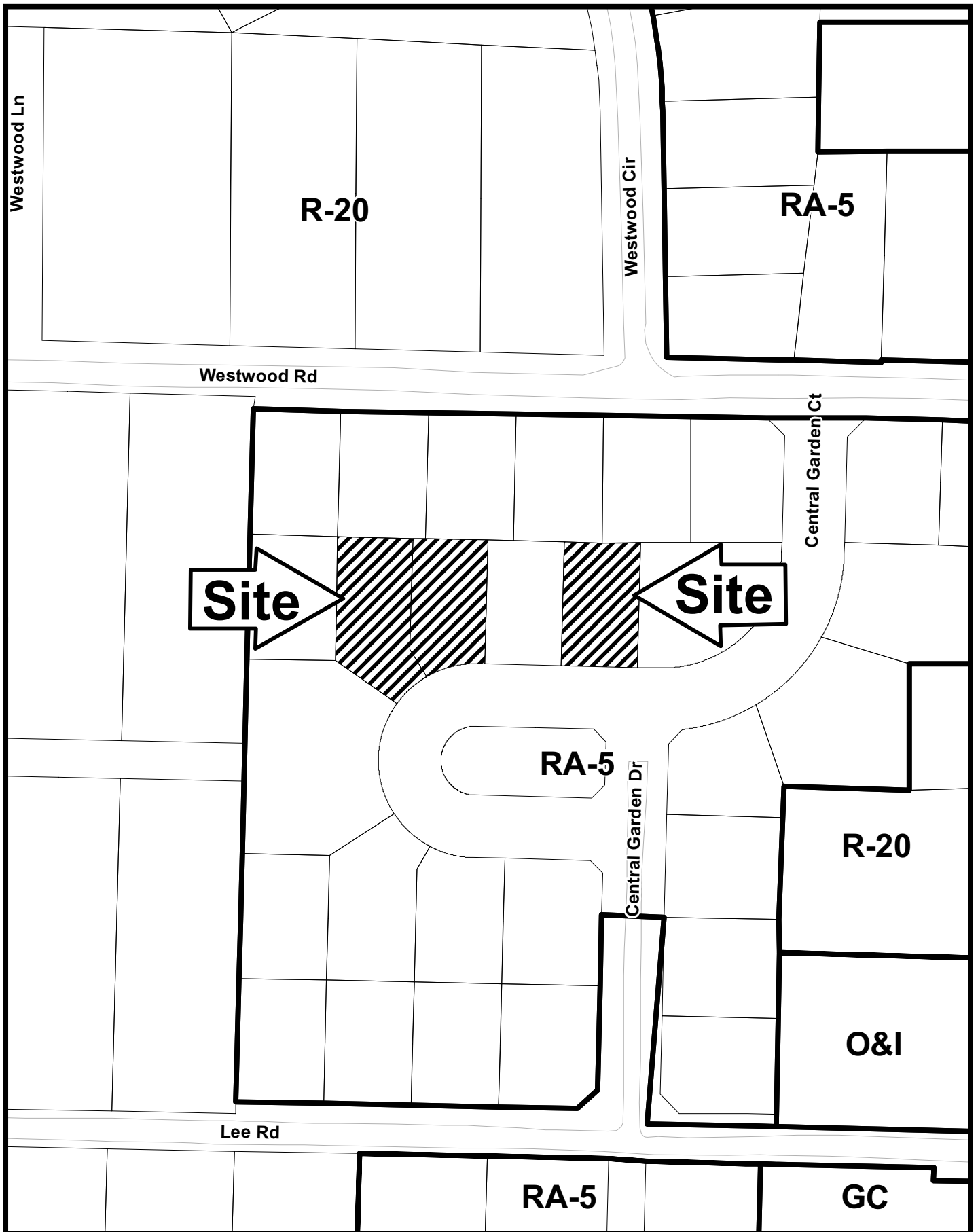
SEWER: No conflict.

APPLICANT: Patrick Malloy Companies,
LLC

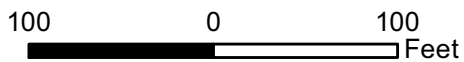
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FIRE DEPARTMENT: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-91



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



-  City Boundary
-  Zoning Boundary

COBB COUNTY GEORGIA
PLANNING DEPARTMENT
2013 MAY 13 AM 10:22
COBB COUNTY ZONING DIVISION

Application for Variance Cobb County

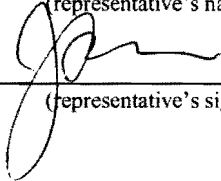
(type or print clearly)

Application No. V-91
Hearing Date: 7/10/13

Applicant J. Patrick Malloy companies, LLC

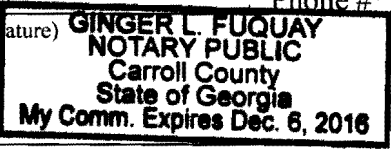
Phone # 770-319-5258 E-mail john.gaskin@prncommunities.com

J. Patrick Malloy
(representative's name, printed) Address 851 CEDAR STREET CARROLLTON, GA 30117
(street, city, state and zip code)



Phone # 770-319-5258 E-mail _____

(representative's signature)



Signed, sealed and delivered in presence of:

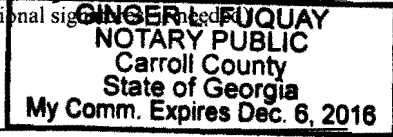
Muge L. Fuquay
Notary Public

My commission expires: _____

Windworth Land, LLC
WINDWORTH VENTURES, LLC

Titleholder _____ Phone # 770-319-5258 E-mail _____

Signature [Signature] Address: 851 CEDAR STREET CARROLLTON GA
(attach additional signatures) (street, city, state and zip code) 30117



Signed, sealed and delivered in presence of:

Muge L. Fuquay
Notary Public

My commission expires: _____

Present Zoning of Property RA-5

Location intersection of Atlanta Road & Westwood Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 696 / 745 District 17th Size of Tract .45 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.

The subdivision was bought out of foreclosure by Windworth Land, LLC, 25% of lots were granted variance to lot size (from 7000 SF to 6000 SF) in original zoning case (Z-175-12-21, 2004) and Z-56-5-2, 2006) The smaller lots with 15' separation between units create hardship for product type on lot.

List type of variance requested: Final plat shows shows 5' side yard setbacks from original zoning cases in 2004 and 2006 (see case # above). However when 15 building separation is imposed on lots building pad becomes too small. Specific request is to reduce building separation from 15' to 10' on the following lots -

Revised: December 6, 2005
lot 18 - 3948 Central Garden Ct
lot 19 - 3942 Central Garden Ct.
lot 21 - 3930 Central Garden Ct