

APPLICANT: Navkar Builders, LLC **PETITION No.:** V-31
PHONE: 678-523-5997 **DATE OF HEARING:** 04-09-2014
REPRESENTATIVE: J. Kevin Moore **PRESENT ZONING:** R-15
PHONE: 770-429-1499 **LAND LOT(S):** 226
TITLEHOLDER: Navkar Builders, LLC **DISTRICT:** 1
PROPERTY LOCATION: On the north side of **SIZE OF TRACT:** 0.36 acre
Heyward Square Place, west of Lower Roswell Road **COMMISSION DISTRICT:** 2
(5466 Heyward Square Place).

TYPE OF VARIANCE: Waive the maximum allowable impervious surface from 35% to 40%.

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

BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____
STIPULATIONS: _____



APPLICANT: Navkar Builders, LLC

PETITION No.:

V-31

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: A portion of this lot includes common drive and amenity area for the subdivision. When the impervious coverage of this area is not counted against the lot, it meets the 35% allowable impervious coverage limit.

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.

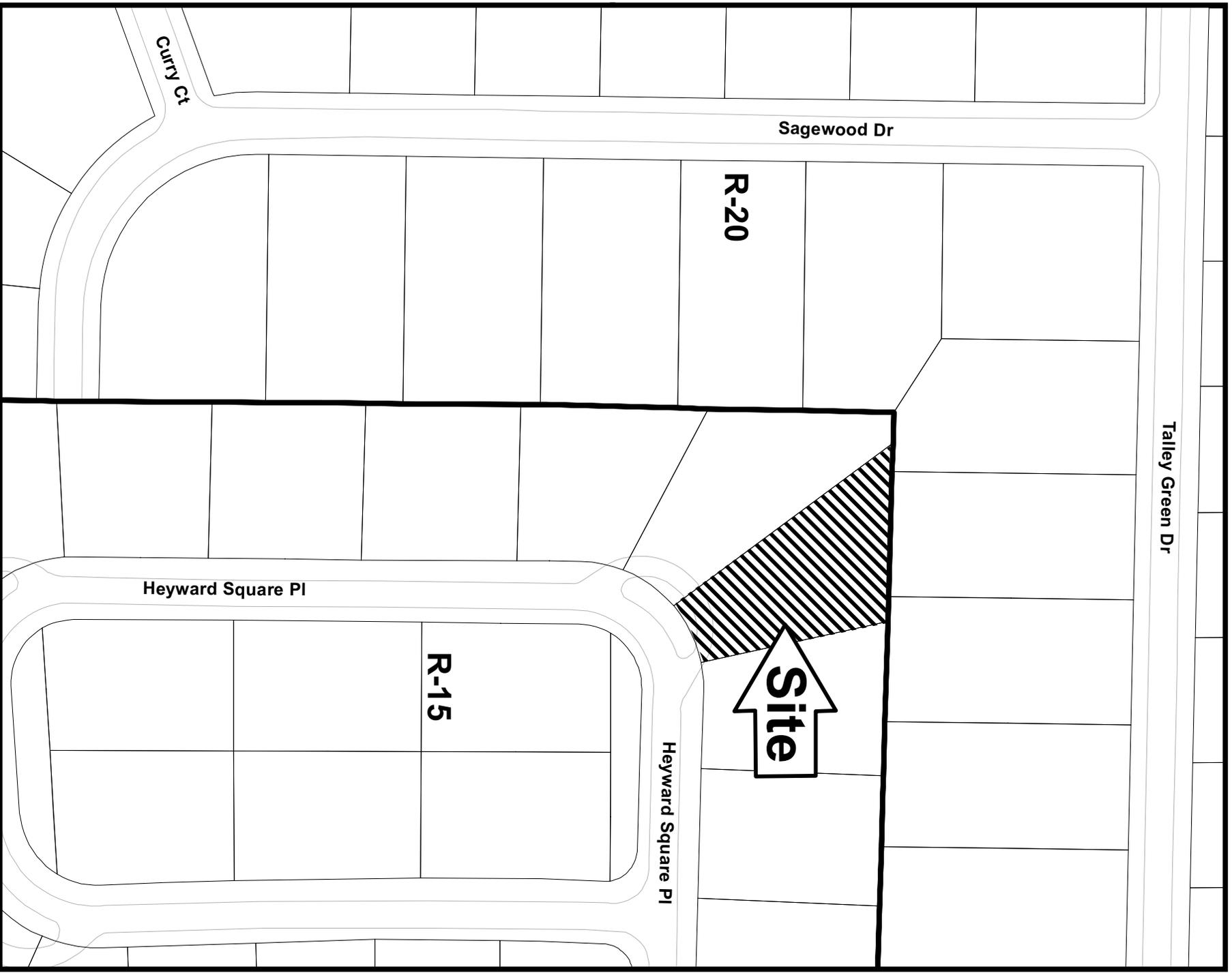
APPLICANT: Navkar Builders, LLC

PETITION No.:

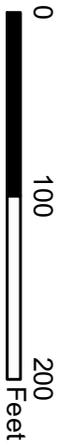
V-31

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-31



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

2014 FEB 14 PM 3:34

(type or print clearly)

Application No. V-31 (2014)
Hearing Date: 04/09/2014

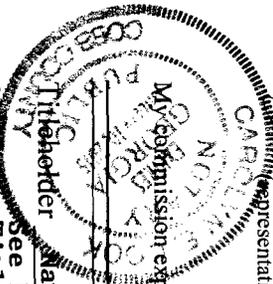
COBB COUNTY ZONING DEPARTMENT

Applicant Navkar Builders, LLC Phone # (678) 523-5997 E-mail kaniska@yahoo.com
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore Address Marietta, GA 30060
(street, city, state and zip code)

(representative's name, printed)
BY: [Signature] Phone # (770) 429-1499 E-mail jk@mij.s.com
(representative's signature) Georgia Bar No. 5197728

My commission expires: January 10, 2015

Signed, sealed and delivered in presence of:
[Signature] Notary Public



Titleholder Navkar Builders, LLC Phone # (678) 523-5997 E-mail kaniska@yahoo.com
See Exhibit "A" for Signature of
Signature [Signature] Titleholder's Representative Address: 2820 Adams Oaks Lane, Marietta, GA 30062
(street, city, state and zip code)

(attach additional signatures, if needed)

Signed, sealed and delivered in presence of:

My commission expires: _____
Notary Public

Present Zoning of Property R-15

Location 5466 Heyward Square Place
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 226 District 1st Size of Tract 0.36± 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 X 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).
See Exhibit "B" attached hereto and incorporated herein by reference.

List type of variance requested: (1) Increase the maximum impervious surface from thirty-five (35) percent to forty (40) percent. (See § 134-198(11)(F)).

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EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V-31 (2014)
Hearing Date: April 9, 2014

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant/Property Owner: Navkar Builders, LLC

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

Under the R-15 zoning classification, Applicant requests a waiver to allow for an increase in the maximum impervious surface area of 35 percent to 40 percent, as more particularly shown and reflected on the site plan submitted with the Application for Variance. The Applicant proposes to construct a residence on the Property, which is located in the Heyward Square subdivision. This community was originally zoned specific to a site plan, which incorporated numerous unique design features to enhance residential value. Such layout designs included right-of-way actually located on the residential lots, including the Subject Property. As a result, many of the subdivision lots have higher impervious surface areas than typically found in an R-15 development; and, additionally, many of the subdivision lots have impervious surface coverage greater than the maximum allowed of 35 percent.

In order for Applicant to construct a residence consistent with the architectural designs and standards found in Heyward Square, it is necessary to exceed the impervious surface limitation. Further, if Applicant were required to meet the impervious surface limitation, it would result in the construction of a residence not in keeping with the values of similar homes and lots in Heyward Square. As such, application of the subject Ordinance would result in an unnecessary hardship for the Applicant, much more restrictive than the other lots and homes in Heyward Square.

COBB COUNTY ZONING DEPARTMENT
2014 FEB 14 PM 3:35
COBB COUNTY ZONING DEPARTMENT
1110 WOODBURN AVENUE
MARIETTA, GA 30067