

LEGEND

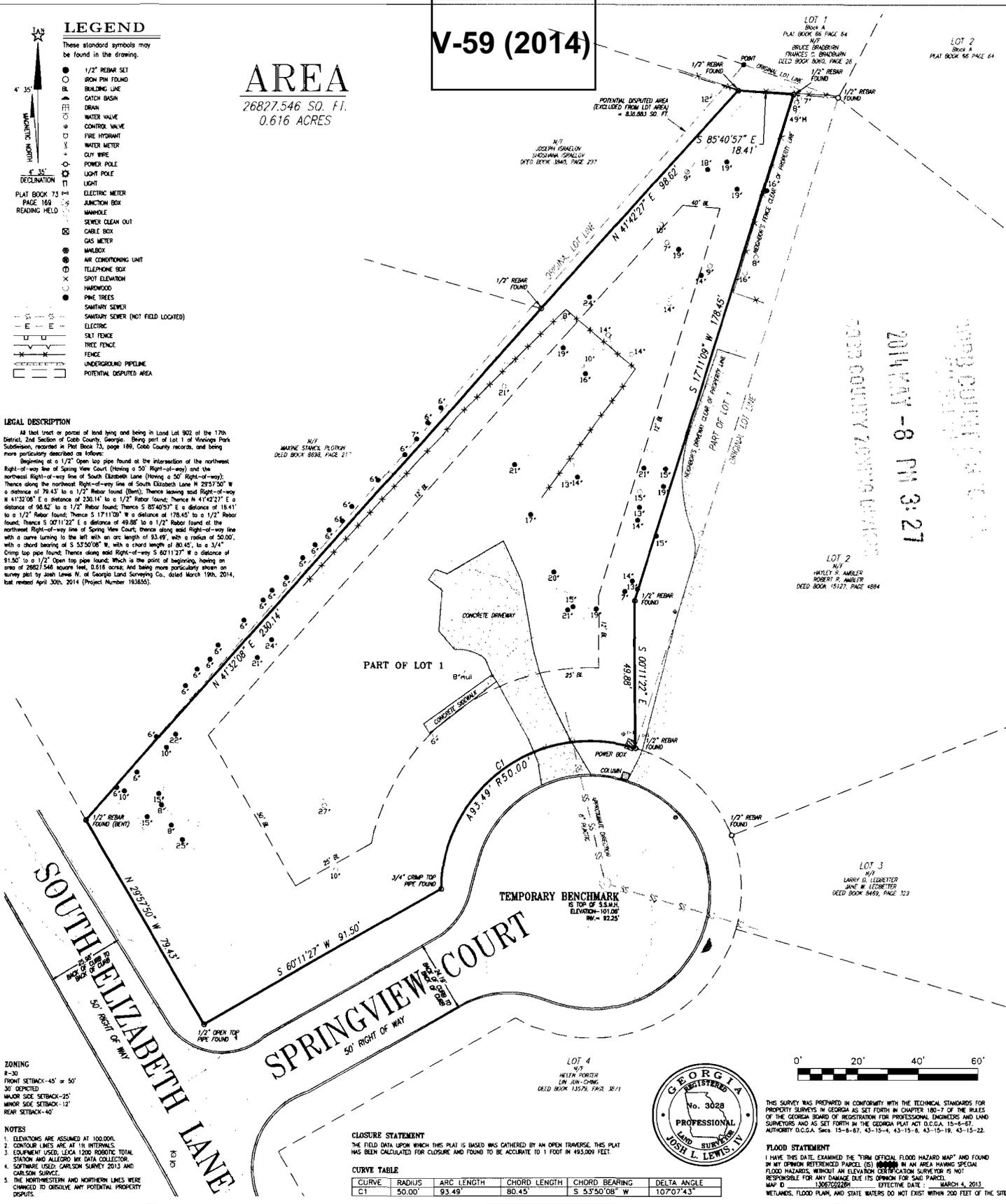
These standard symbols may be found in the drawing.

- 1/2" REBAR SET
- BROWN PIN FOUND
- BUILDING LINE
- CATCH BASIN
- DRAIN
- WATER VALVE
- CONTROL VALVE
- FIRE HYDRANT
- WATER METER
- CUT WIRE
- POWER POLE
- LIGHT POLE
- LIGHT
- ELECTRIC METER
- JUNCTION BOX
- MANHOLE
- SEWER CLEAN OUT
- CABLE BOX
- GAS METER
- MAILBOX
- AIR CONDITIONING UNIT
- TELEPHONE BOX
- SPOT ELEVATION
- HARDWOOD
- PINE TREES
- SANITARY SEWER
- SANITARY SEWER (NOT FIELD LOCATED)
- ELECTRIC
- SILT FENCE
- TREE FENCE
- FENCE
- UNDERGROUND PIPELINE
- POTENTIAL DISPUTED AREA

AREA
26827.546 SQ. FT.
0.616 ACRES

V-59 (2014)

LEGAL DESCRIPTION
All that tract or parcel of land lying and being in said Lot 902 of the 17th District, 2nd Section of Cobb County, Georgia, being part of Lot 1 of Winnings Park Subdivision, recorded in Plat Book 73, page 169, Cobb County records, and being more particularly described as follows:
Beginning at a 1/2" Open top pipe found at the intersection of the northeast Right-of-way line of Spring View Court (having a 50' Right-of-way) and the northeast Right-of-way line of South Elizabeth Lane (having a 50' Right-of-way); Thence along the northeast Right-of-way line of South Elizabeth Lane N 29°57'50" W a distance of 79.43' to a 1/2" Rebar found (Bent); Thence leaving said Right-of-way N 41°32'08" E a distance of 230.14' to a 1/2" Rebar found; Thence N 41°42'27" E a distance of 98.82' to a 1/2" Rebar found; Thence S 85°40'57" E a distance of 18.41' to a 1/2" Rebar found; Thence S 17°11'08" W a distance of 178.45' to a 1/2" Rebar found; Thence S 00°11'22" E a distance of 49.88' to a 1/2" Rebar found at the northeast Right-of-way line of Spring View Court; thence along said Right-of-way line with a curve turning to the left with an arc length of 83.49', with a radius of 50.00', with a chord bearing of S 5°50'08" W, with a chord length of 80.45'; to a 3/4" Comp top pipe found; Thence along said Right-of-way S 80°11'27" W a distance of 91.50' to a 1/2" Open top pipe found, which is the point of beginning, having an area of 26827.546 square feet, 0.616 acres; And being more particularly shown on survey plat by Josh Lewis, D. of Georgia Land Surveying Co., dated March 19th, 2014, last revised April 30th, 2014 (Project Number 193655).



ZONING
R-30
FRONT SETBACK-45' or 50'
30' DEPTH
MAJOR SIDE SETBACK-25'
MINOR SIDE SETBACK-12'
REAR SETBACK-40'

NOTES
1. ELEVATIONS ARE ASSUMED AT 100.00ft.
2. CONTOUR LINES ARE AT 1' INTERVALS.
3. EQUIPMENT USED: LEICA 1200 ROBOTIC TOTAL STATION AND ALLIED BIX DATA COLLECTOR.
4. SOFTWARE USED: CAROLAN SURVEY 2013 AND CAROLAN SURVEY.
5. THE NORTHWESTERN AND NORTHERN LINES WERE CHANGED TO RESOLVE ANY POTENTIAL PROPERTY DISPUTS.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY AN OPEN TRAVERSE; THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 493,009 FEET.

CURVE TABLE

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|--------|------------|--------------|---------------|-------------|
| C1 | 50.00' | 93.49' | 80.45' | S 5°50'08" W | 107°07'43" |



FLOOD STATEMENT
I HAVE THIS DATE, EXAMINED THE FIRM OFFICIAL FLOOD HAZARD MAP AND FOUND IN MY OPINION REFERENCED PARCEL (S) IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO ITS OPINION FOR SAID PARCEL.
AUTHORITY O.C.G.A. Secs 15-8-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.
MAP ID: 1305722228
EFFECTIVE DATE: MARCH 4, 2013
WETLANDS, FLOOD PLAIN, AND STATE WATERS DO NOT EXIST WITHIN 200 FEET OF THE SITE.

155 CLIFTWOOD DRIVE - ATLANTA, GEORGIA 30328 - TELEPHONE (404) 255-4671 - FAX (404) 255-6607 - WWW.GEORGIALANDSURVEYING.COM

| | | | | | |
|---|--|---------------|----------------------------|-----------------------------------|---------------------------------|
| ORDER NUMBER F-3143 193655:2 | SURVEY PLAT FOR: 2893 SPRINGVIEW COURT, ATLANTA GEORGIA 30339 | | DATE: 3/19/14 | SCALE: 20' | |
| | <h1>WATERS EDGE GROUP</h1> | | REVISION BY DATE | LEGAL DESCRIPTION J.L. 4/30/14 | |
| | LAND LOT: 902 | 17th DISTRICT | 2nd SECTION | COBB COUNTY, GA | CLIENT COMMENTS B.C. 4/30/14 |
| | LOT: PART OF LOT 1 | BLOCK: | UNIT: | PHASE: | |
| SUBDIVISION: WINNINGS PARK | | | | | |
| DEED BOOK 14834 . PAGE 5948 | PARTY CHIEF: D.R. | | SHEET 1 OF 1 | | |
| PLAT BOOK 73 . PAGE 169 | DRAFTER: B.C. | | | | |



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.

APPLICANT: Waters Edge Group **PETITION No.:** V-59
PHONE: 678-776-7687 **DATE OF HEARING:** 07-09-2014
REPRESENTATIVE: Dunlavy Law Group, LLC **PRESENT ZONING:** R-30
(Linda I. Dunlavy)
PHONE: 404-371-4101 **LAND LOT(S):** 902
TITLEHOLDER: Karl V. and Cynthia L. Seifert **DISTRICT:** 17
PROPERTY LOCATION: On the northeastern corner **SIZE OF TRACT:** 0.62 acre
of South Elizabeth Lane and Springview Court **COMMISSION DISTRICT:** 2
(2893 Springview Court).
TYPE OF VARIANCE: Waive the minimum lot size from the required 30,000 square feet to 26,827 square feet.

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

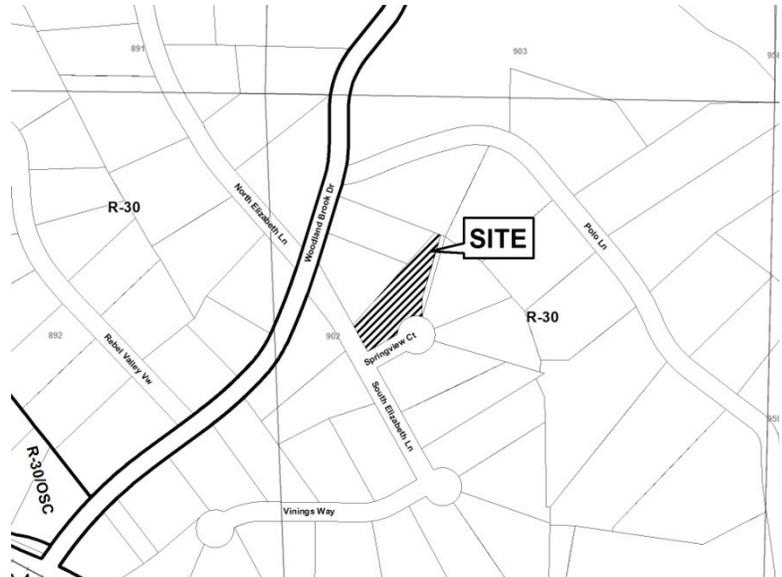
BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS: _____



APPLICANT: Waters Edge Group

PETITION No.: V-59

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: No comment.

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.

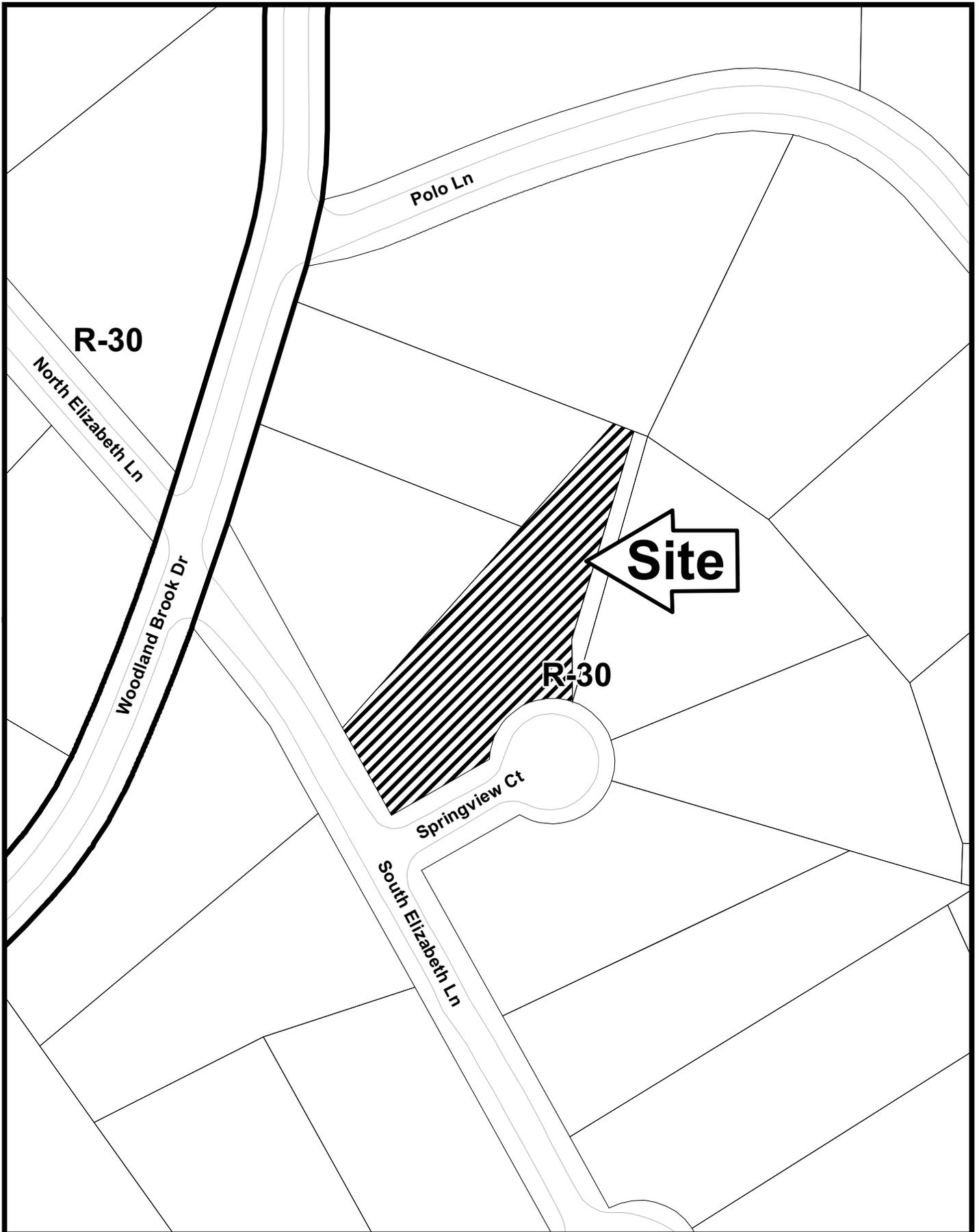
SEWER: No conflict.

APPLICANT: Waters Edge Group

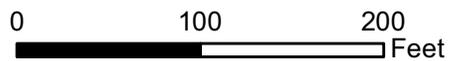
PETITION No.: V-59

FIRE DEPARTMENT: No comments.

V-59



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 BOARD OF ZONING APPEALS
Application for Variance
2014 MAY -8 PM 3:25
COBB COUNTY ZONING DIVISION (type or print clearly)

Application No. V-59
Hearing Date: 7-9-14

Applicant Waters Edge Group Phone # 678-776-7687 E-mail trevor@watersedge.com

Dunlavy Law Group, LLC Address 1026 B Atlanta Ave., Decatur, GA 30030
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 404-371-4101 E-mail ldunlavy@dunlavylawgroup.com
(representative's signature)

Phyllis Pittman-Lee
NOTARY PUBLIC Signed, sealed and delivered in presence of:
DeKalb County, Georgia
Comm. Exp.: 03-20-2013
[Signature]
Notary Public

My commission expires: 03/20/2015

Titleholder Karl V. Seifert Phone # 770-527-6701 E-mail KVSeifert@yahoo.com

Signature Karl V. Seifert Address: 10186 Big Canoe Jasper GA 30143
(attach additional signatures, if needed) (street, city, state and zip code)

Ashley A McClure
Notary Public
Fulton County, Georgia
My Commission Expires August 18, 2017

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

Present Zoning of Property R-30

Location 2893 Springview Court, S.E.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 902 District 17th Size of Tract 0.634 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

See attached written justification in support of variance application

List type of variance requested: Reduction of minimum lot size from 30,000 square feet to 27,604 square feet

EXHIBIT
V-59 (2014)

WRITTEN JUSTIFICATION FOR REQUEST FOR VARIANCES

I. BACKGROUND AND INTRODUCTION

The Cobb County Zoning Ordinance, Section 134-94(a) (3), authorizes the Zoning Board of Appeals to decide applications for variances where the literal enforcement of any code provision would result in unnecessary hardship upon the owner of property.

This situation applies to the property which is the subject of this Application. The Subject Property is comprised of one lot zoned R-30 at 2893 Springview Court. This lot is part of the Vinings Park Subdivision originally platted in 1973. The recorded plat for this subdivision is attached as Exhibit A. Although originally platted as 30,829 square feet, apparently in 1993 the eastern portion of the Subject Property was quit claimed to the immediately adjoining neighbor on Springview Court, thereby creating (most likely through inadvertence) a non-conforming lot. A legal description of the Subject Property as it is now along with the deed to the current owner is attached hereto as Exhibits B and C respectively. A copy of the 1993 Quit Claim Deed is attached hereto as Exhibit D. This Application seeks variances for a corner lot of approximately 26827 square feet (.616 acres) in an R-30 zoning district. The lot has approximately 80 feet of frontage on South Elizabeth Lane and 185 feet of frontage on Springview Court. See Survey, Exhibit E. Photographs depicting the Subject Property and its surrounds as they currently exist are included with this package as Exhibit F. The Applicant desires to construct a new home on the site. However, in order to construct the residence, the Applicant needs a variance from the minimum lot size required of 30,000 square feet.

This document is submitted as the Applicants' Written Justification in support of the variance requested. The required application forms, a paid property tax receipt, the

requisite filing fee and sign posting deposits are submitted contemporaneously with this Written Justification and the Exhibits referenced. Additionally, a proof of mailing the “Consent of Contiguous Occupants or Landowners” form mailed to same on May 5, 2014, is included herein. Plats showing the contiguous properties are attached as Exhibits A and G.

II. VARIANCE REQUEST AND CRITERIA

Variance Requested

Sections 134-196(4)(a) of the Cobb County Zoning Ordinance requires a minimum lot size of 30,000 square feet but expressly allows the ZBA to vary the requirement up to 25% (7500 square feet) of that minimum. Although originally platted to exceed 30,000 square feet, the Subject Property is now +/- 3172.454 square feet shy of the required minimum. For this reason the Applicant requests a variance from Section 134-196(4) (a).

Variance Criteria:

Section 134-94 of the Zoning Ordinance, authorizes variances from the terms of the Zoning Ordinance if to allow such a variance would not be contrary to the public interest; where literal enforcement would result in an unnecessary hardship and where in the individual case granting of the variance would not be contrary to the spirit of the Zoning Ordinance no create any public safety and welfare concerns. This section of the Zoning Ordinance provides that variance may be granted by the ZBA if it finds an applicant meets the following criteria:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

- b. The application of this chapter to this particular piece of property would create an unnecessary hardship;
- c. Such conditions are peculiar to the particular piece of property involved; and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

The Applicant meets and exceeds the standards for the granting of a variance as identified below:

Criteria 1.

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

In 1993, then owner of the Subject Property, Gerald K. Johnson, Jr., deeded a portion of property along the eastern boundary to the owners of 2899 Springview Court. In so doing, he made the Subject Property non-conforming as to lot size. In the interim an expanded driveway and fence have been constructed in the area that once was part of the Subject Property. The driveway serves a garage located on the neighboring lot at 2899 Springview Court. At the time of the conveyance to the adjoining property owner, there was a single family residential structure on the lot but that structure (for reasons not known to this applicant), was demolished sometime in 2009. A review of Google Earth aerial photography shows that a home existed on the site June 5, 2007 and on April 29, 2008, but no structure is visible in April of 2010. A demolition permit was issued for the Subject Property on July 29, 2009. A copy of the historical aerial photographs and the demolition permit information from the Tax Assessor's website is attached hereto as Exhibit H. Because of the demolition of the home on the Subject Property, without a variance the Subject Property cannot be used for single family residential purposes as originally designed.

Criteria 2.

The application of this chapter to this particular piece of property would create an unnecessary hardship.

A refusal to allow the requested variances would indeed cause an undue and unnecessary hardship for the Applicant on the Subject Property. Without a variance for lot size, the lot would be unbuildable, unusable and rendered of no value.

Criteria 3.

Such conditions are peculiar to the particular piece of property involved.

Criteria 4.

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

Varying the strict requirements of the Zoning Ordinance with respect to the Subject Property will not be detrimental to the public good or impair the purposes and intent of the Zoning Ordinance. On the contrary, the action proposed by the Applicant will serve the public interest and enhance the value of nearby properties by allowing an attractive and appropriate residence to be developed on the Subject Property. By returning the property to single-family residential use, the Subject Property will once again contribute to the tax base of the County and provide increased stability to the residential neighborhood surrounding it. Return of the Subject Property to residential use allows maximization of the use of existing infrastructure and allows for appropriate infill development.

III. CONSTITUTIONAL OBJECTIONS

The Applicant respectfully submit that the failure to approve the variance requested would be a denial of due process and equal protection as guaranteed by the 5th and 14th Amendments to the United States Constitution; and, Article I, Section I, Paragraphs 1 and 3, and Article I, Section III, Paragraphs 1 and 3 of the Georgia Constitution, due to the following:

1. A decision to deny the variance would amount to a taking of private property and vested property rights without just and adequate compensation.
2. A denial of the variance would be arbitrary, irrational, capricious and a manifest abuse of discretion.
3. A denial of the variance would discriminate unfairly between the owners of similarly situated properties in violation of the constitutional mandates of equal protection and deny the Applicant due process of law.

Specifically, the home planned by the Applicant would be in harmony with the general purpose and intent of the zoning ordinance while creating no detriment to the public. To refuse the variance request would be contrary to the intent of Cobb County's Zoning Code.

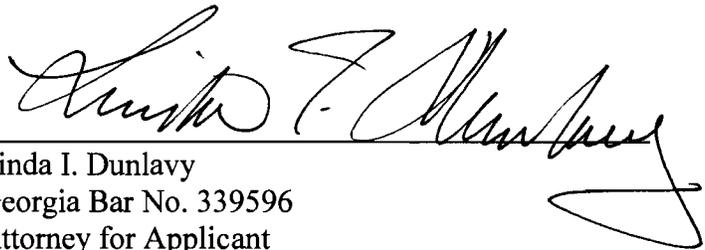
Finally, in the event of any opposition to the Applicant's request, the Applicant States that the opponents do not have standing to challenge the variance request herein.

IV. CONCLUSION

For all the foregoing reasons, the application for variance to the minimum lot size should be granted. In summary, the variance requested will not be inconsistent with specific goals, objectives and policies of the County's Land Use Plan. The action

contemplated by this application is significantly in furtherance of these objectives. The relief requested by the Applicant, if granted, will not substantially impair the intent and purpose of the Cobb County Zoning Ordinance. Varying the strict requirements of the Zoning Ordinance with respect to this property will not hinder, but on the contrary, will serve the public interest and enhance the value of nearby properties by allowing an attractive and appropriate structure to be built on the Subject Property. Finally, to deny the variance would impose an unnecessary hardship on the Applicant and render a heretofore contributing property non-contributing. The lot is unbuildable without the variance requested.

Respectfully submitted this 5th day of May, 2014.



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