

**APRIL 1, 2015 VARIANCE HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-01

PURPOSE

To amend the variance minutes regarding variance application V-115 of 2014 (William Stewart Bruce) for property located on the south side of Yale Court, east of Courtyard Drive, and south of Tanglewood Drive in Land Lot 907 of the 17th District (2901 Yale Court).

BACKGROUND

The subject property was approved for a zoning variance in order to build an addition onto the house during the November 12, 2014 Variance Hearing. It was discovered after the variance minutes were approved that there was a mistake that impacted the applicant's proposal regarding the impervious surface variance. The approved minutes have the maximum allowable surface at 46% when the applicant really needs 54% impervious surface in order to construct the addition that is show on the approved site plan. If approved, all other variance stipulations will remain in effect.

FUNDING

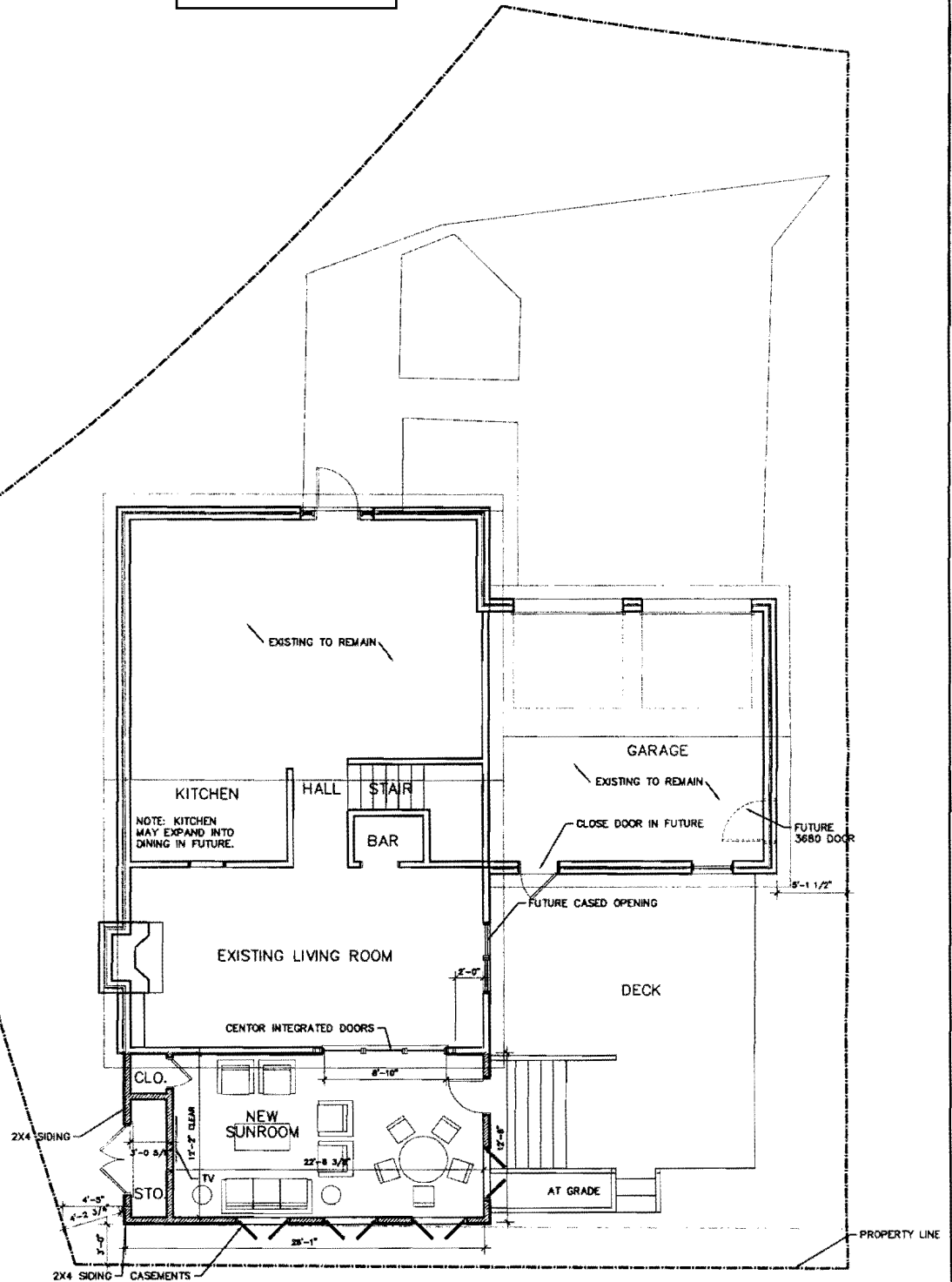
N/A

RECOMMENDATION

The Board of Zoning Appeals consider amending the variances minutes for V-115 of 2014.

ATTACHMENTS

Variance analysis and minutes.



New Proposed Floor Plan
scale: 1/8" = 1'-0"

APPLICANT: William Stewart Bruce
PHONE: 540-588-3125
REPRESENTATIVE: Mark Diedrich
PHONE: 678-244-6270 ext. 207
TITLEHOLDER: William Stewart and Mary Lou Bruce
PROPERTY LOCATION: On the south side of Yale Court, east of Courtyard Drive, south of Tanglewood Drive (2901 Yale Court).
PETITION No.: V-115
DATE OF HEARING: 11-12-2014
PRESENT ZONING: RM-8
LAND LOT(S): 907
DISTRICT: 17
SIZE OF TRACT: 0.12 acre
COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Waive the maximum impervious surface from 40% to 54%; 2) waive the front setback from the required 20 feet to 7 feet adjacent to the north property line; 3) waive the rear setback from the required 30 feet to 3 feet adjacent to the south property line; and 4) waive the side setback from the required 5 feet to 4 feet adjacent to the east property line.

OPPOSITION: No. OPPOSED PETITION No. SPOKESMAN

BOARD OF APPEALS DECISION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

STIPULATIONS:



APPLICANT: William Stewart Bruce

PETITION No.: V-115

COMMENTS

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

DEVELOPMENT & INSPECTIONS: Walls closer than 5 feet to the property line require 1-hour fire rating.

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: It appears that the impervious area calculation includes the existing elevated wooden deck that is over natural ground. Since this area will not be roofed it should not be counted toward impervious coverage. This will reduce the proposed impervious coverage to approximately 46%.

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.

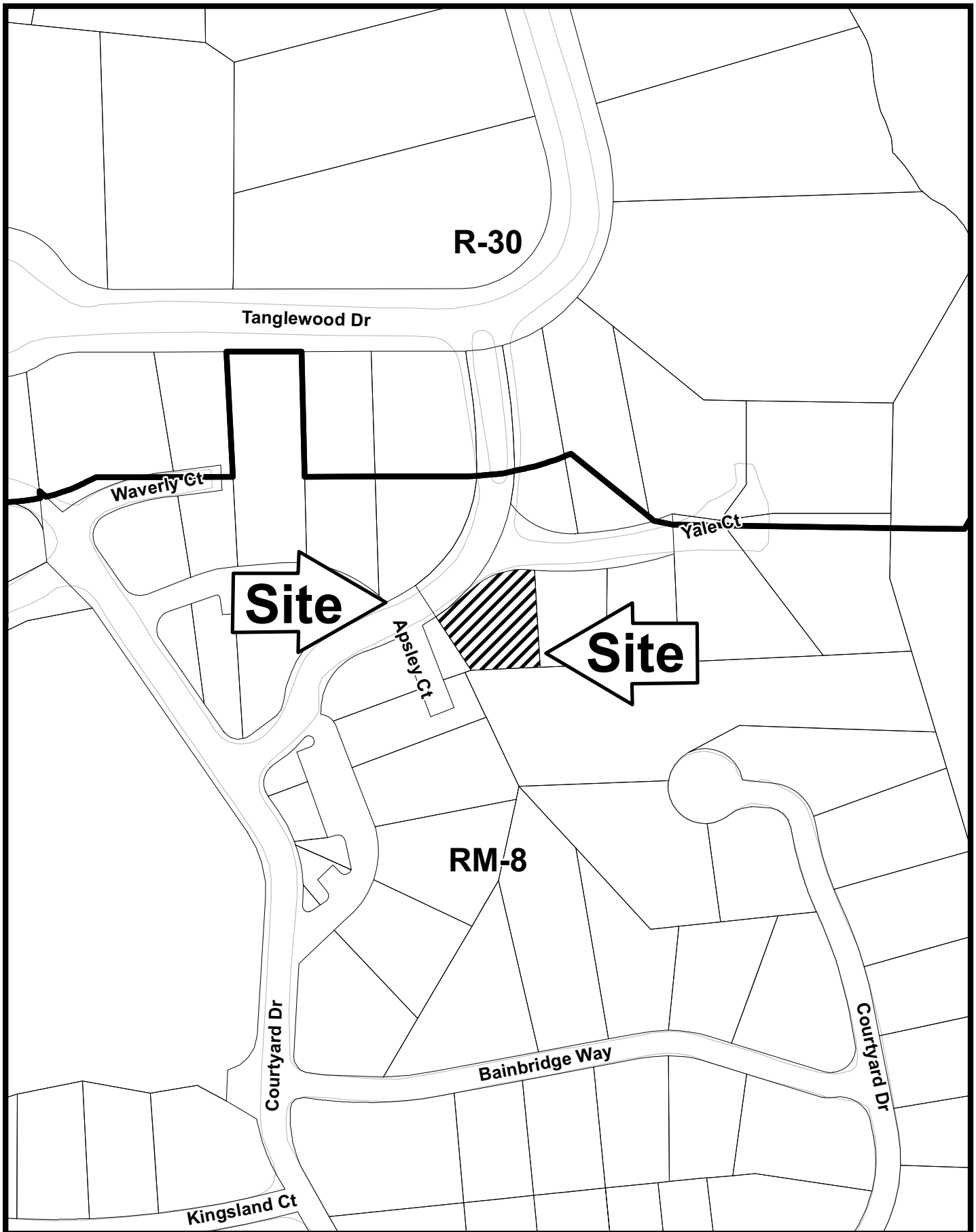
SEWER: No conflict.

APPLICANT: William Stewart Bruce

PETITION No.: V-115

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-115

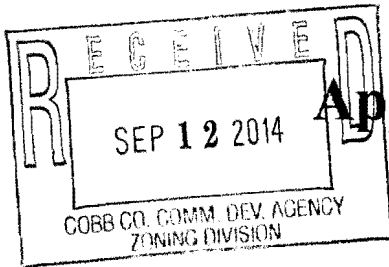


This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet



City Boundary
Zoning Boundary



Application for Variance Cobb County

(type or print clearly)

Application No. V-115

Hearing Date: 11-12-14

Applicant William Stewart Bruce Phone # 540.588.3125 E-mail sbruce@grahamwhite.com
Mark Diedrich Address 834 INMAN VILLAGE PKWY, SUITE#280, ATLANTA, GA 30307
(representative's name, printed) (street, city, state and zip code)

Phone # 678.244.6270 E-mail mark@kuodiedrich.com
(representative's signature) ext. 207

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Titleholder Mary Lou Bruce Phone # 540.588.3125 E-mail mlsbruce@comcast.com
Signature Mary Lou Bruce Address 2901 Yale Court SE, Atlanta, GA 30339
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: June 26, 2017 Signed, sealed and delivered in presence of: Joely Tejeda 9-12-14
Notary Public

Present Zoning of Property RM-8 using RA-5 setbacks for being a single family house

Location 2901 Yale Court SE, Atlanta, GA 30339 (Courtyard at Vinings)
(street address, if applicable: nearest intersection, etc.)

Land Lot(s) 907 District 17th - section 2nd Size of Tract 0.12 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 5300.6 S.F. Shape of Property irregular pentagon Topography of Property level 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).

According to Cobb County regulations, the rear setback for the property is 30' and the side setback is 5'. The community consists of cluster homes with setbacks that do not match with RA-5 zoning. The existing house and screen porch are currently within the setback. Because the screen porch to be replaced is already within the setback, any increase in space will further violate the setback unless a variance is granted. the proposed new porch is sized to better accomodate furniture and is truly and improvement.

List type of variance requested:

I ask for approval to reduce the rear and side yard setbacks for an addition of a sun room in the location of the current screen porch in my house. According to the new addition, the house footprint will reduce the rear setback to 3'-0" and the side yard setback to 4'-0".

MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 12, 2014
PAGE 2

~~CONSENT AGENDA (CONT.)~~

V-92 KENNETH HESTER (CONT.)

To approve variance request subject to:

- Site plan last revised on September 25, 2014 (attached and made part of these minutes)
- Site Plan Review comments and recommendations

V-112 CHERYL L. MARTIN (owner) requesting a variance to: 1) waive the setbacks for an accessory structure under 144 square feet (128 square foot shed) from the required 5 feet from the side property line to 3 feet adjacent to the west property line and from the required 5 feet from the rear property line to 3 feet adjacent to the north property line; and 2) waive the rear setback from the required 30 feet to 27 feet adjacent to the north property line in Land Lot 270 of the 18th District. Located on the northwest side of Twain Circle, east of Mableton Parkway (291 Twain Circle).

To approve variance request subject to:

- Site plan dated September 10, 2014 (attached and made part of these minutes)

V-115 WILLIAM STEWART BRUCE (William Stewart and Mary Lou Bruce, owners) requesting a variance to: 1) waive the maximum impervious surface from the required 40% to 54%; 2) waive the front setback from the required 20 feet to 7 feet adjacent to the north property line; 3) waive the rear setback from the required 30 feet to 3 feet adjacent to the south property line; and 4) waive the side setback from the required 5 feet to 4 feet adjacent to the east property line in Land Lot 907 of the 17th District. Located on the south side of Yale Court, east of Courtyard Drive, and south of Tanglewood Drive (2901 Yale Court).

To approve variance request subject to:

- Maximum impervious surface to be no more than 46%
- House plan dated September 11, 2014 (attached and made part of these minutes)

CONSENT VOTE: **ADOPTED** unanimously