

FLAT OF RETRACEMENT SURVEY AND POOL HOUSE LAYOUT FOR

RODNEY REX McCOLLOCH AMY CHRISTINE MOORE McCOLLOCH

LOCATED IN LAND LOT 181, 20TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA
BEING LOT 6, HEATHER VALLEY ESTATES
AS SHOWN IN PLAT BOOK 235, PAGE 66

2102 ROCKY FALLS COURT
AREA = 1.417 ACRES
61,725 SQ. FT.



V-83
(2016)

SURVEY NOTES:
PROPERTY ZONED: R-30

THERE IS A 5' NON-DISTURBANCE BUFFER (WITHIN STREAMS) AND A 5' BUFFER (WITHIN WATER STREAMS) ADJACENT TO ANY STREAM OR BODY OF WATER MANDATED BY THE STATE AND THERE MAY BE ENHANCED BUFFERS PLACED ON THE PROPERTY. THE PROPERTY IS IN THE JURISDICTION OF THE LOCAL MUNICIPALITIES. THE PROPER AUTHORITY SHOULD BE CONTACTED BEFORE BEGINNING ANY DISTURBANCE NEAR THESE AREAS. THIS PLAT WAS PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREIN. THIS PLAT DOES NOT EXTEND TO OTHERS WITHOUT THE PERMISSION OF THE SURVEYOR.

ORIGINAL PLATS, NOTES AND OTHER DRAWINGS PREPARED BY THE SURVEYOR AND HIS ASSOCIATES, INCLUDING ELECTRIC AND MECHANICAL PLANS, ARE THE PROPERTY OF THE SURVEYOR. THE BUILDING SETBACKS SHOWN HEREON ARE INTERPRETATION AND SHOULD BE RELEIED UPON ONLY AFTER AFFIRMATION BY THE COBB COUNTY ZONING DEPARTMENT. THERE MAY BE OTHER UTILITIES EXISTING ON THIS PROPERTY THAT ARE NOT SHOWN. ALL DISTANCES SHOWN ARE HORIZONTAL/GROUND DISTANCES.

DATE	REVISIONS	DESCRIPTION

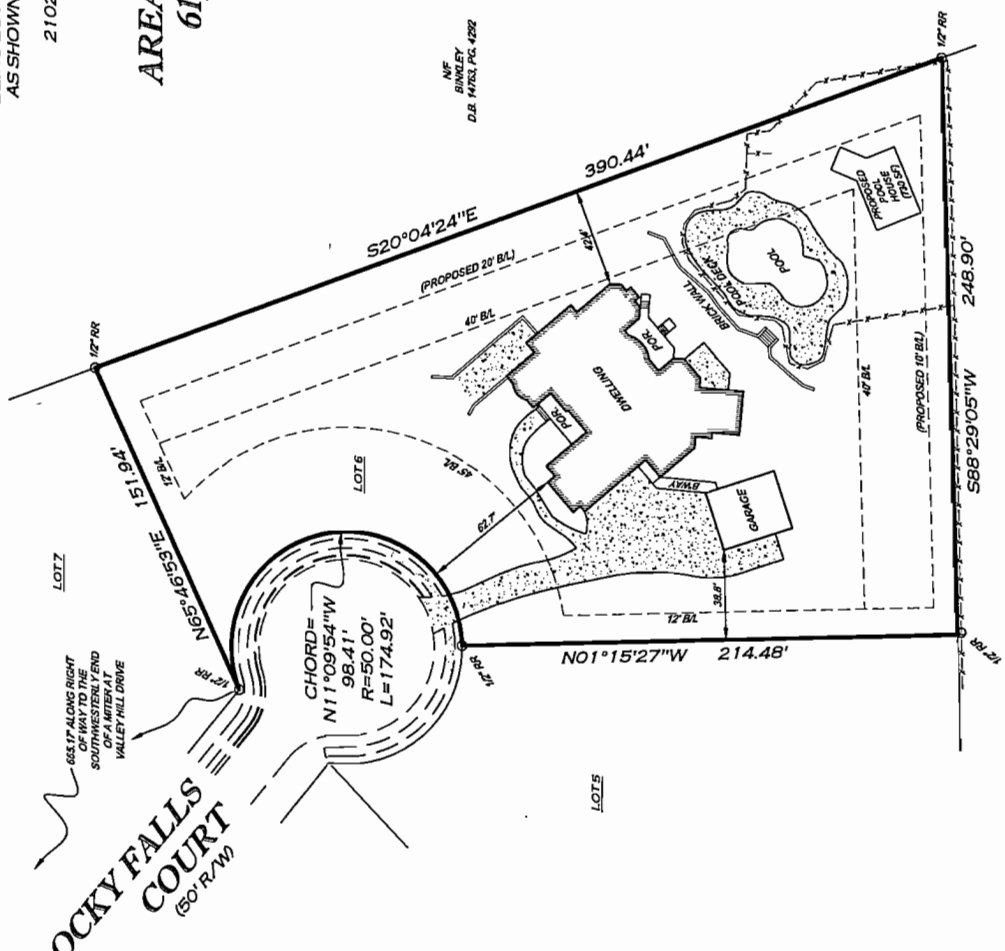
THE CRUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
2881 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064
(770) 943-9800
E-MAIL: BEN@CRUSSELLE.COM
FILE: C08468.DWG
FIELD SURVEY DATE: 08/07/16
PLAT DATE: 02/29/16 SCALE: 1"=40'



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

IMPERVIOUS AREA TABULATION:

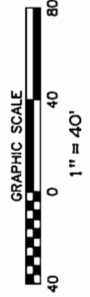
DRIVEWAY	= 4822 SF
DRIVES, WALKS, PORCHES, GARAGE, STAIRS, PATIO, POOL DECK & WALLS	= 8817 SF
TOTAL	= 13639 SF
TOTAL CURRENT COVERAGE	= 22 %
* PROPOSED POOL HOUSE	= 170 SF
PROPOSED COVERAGE	= 23 %



- LEGEND**
- CONCRETE MONUMENTATION:
 - IF S = CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - CORNER FOUND
 - UNMONUMENTED CORNER
 - CORNER TO BE SET WHEN CONSTRUCTION PERMITS
 - X - X - FENCE LINE
 - RR = STEEL REINFORCING ROD
 - OTP = OPEN TOP WATER PIPE
 - PP = POWER POLE
 - CL = CENTERLINE
 - BL = BUILDING LINE
 - L.W. = RIGHT OF WAY LINE
 - WATER MAINS = W - W - W - W - W - W
 - OVERHEAD POWER LINES = W - W - W - W - W - W
 - GAS MAINS = G - G - G - G - G - G
 - SEWER = S - S - S - S - S - S
 - NS = NOW OR FORMERLY OWNED BY
 - NSAB = NAIL SET AT BASE
 - NFAB = NAIL FOUND AT BASE
 - D.B. = DEED BOOK
 - R/W MON. = CONCRETE RIGHT OF WAY MONUMENT

FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAP FOR THE SUBJECT PROPERTY AND DETERMINE THE FLOOD ZONING EFFECTIVE DATE: DECEMBER 16, 2008. THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO LIE IN ZONE: "X". "X" = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

TECHNICAL DATA
TRANSVERSE PRECISION: 1/20,000
ANGLE ERROR: 1/200,000
SINGLE ERROR: 1/200,000
EQUIPMENT: TOPCON GPT-3005
PLAT PRECISION: 1/2,000,000



COBB COUNTY BOARD OF EDUCATION
(BULLARD ELEMENTARY SCHOOL)

APPLICANT: Rodney R. McColloch

PETITION No.: V-83

PHONE: 770-429-1499

DATE OF HEARING: 06-15-2016

REPRESENTATIVE: J. Kevin Moore

PRESENT ZONING: R-30

PHONE: 770-429-1499

LAND LOT(S): 181

TITLEHOLDER: Rodney Rex McColloch and Amy
Christine Moore McColloch

DISTRICT: 20

PROPERTY LOCATION: At the southern terminus
of Rocky Falls Court, south of Valley Hill Road
(2102 Rocky Falls Court).

SIZE OF TRACT: 1.42 acres

COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the setbacks for an accessory structure over 650 square feet (proposed 730 square foot pool house) from the required 100 feet to 20 feet adjacent to the eastern side and to 10 feet adjacent to the southern side; and 2) allow a second electrical meter on the lot.

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

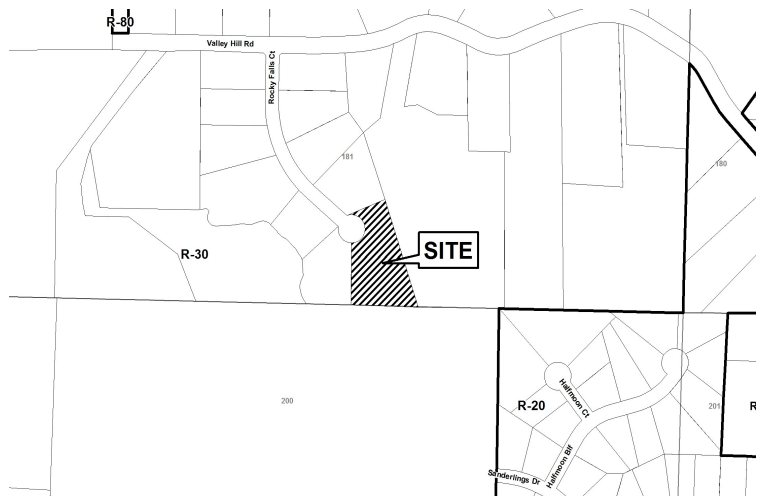
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Rodney R. McColloch

PETITION No.: V-83

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comments.

SITE PLAN REVIEW: No comments.

STORMWATER MANAGEMENT: No adverse stormwater management impacts are anticipated.

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 for V-72 –V-85.

DESIGN GUIDELINES: Staff has determined that the subject site is not within the boundaries of approved design guidelines study areas; therefore does not have to comply with design guidelines requirements. No comments.

CEMETERY PRESERVATION: No comment.

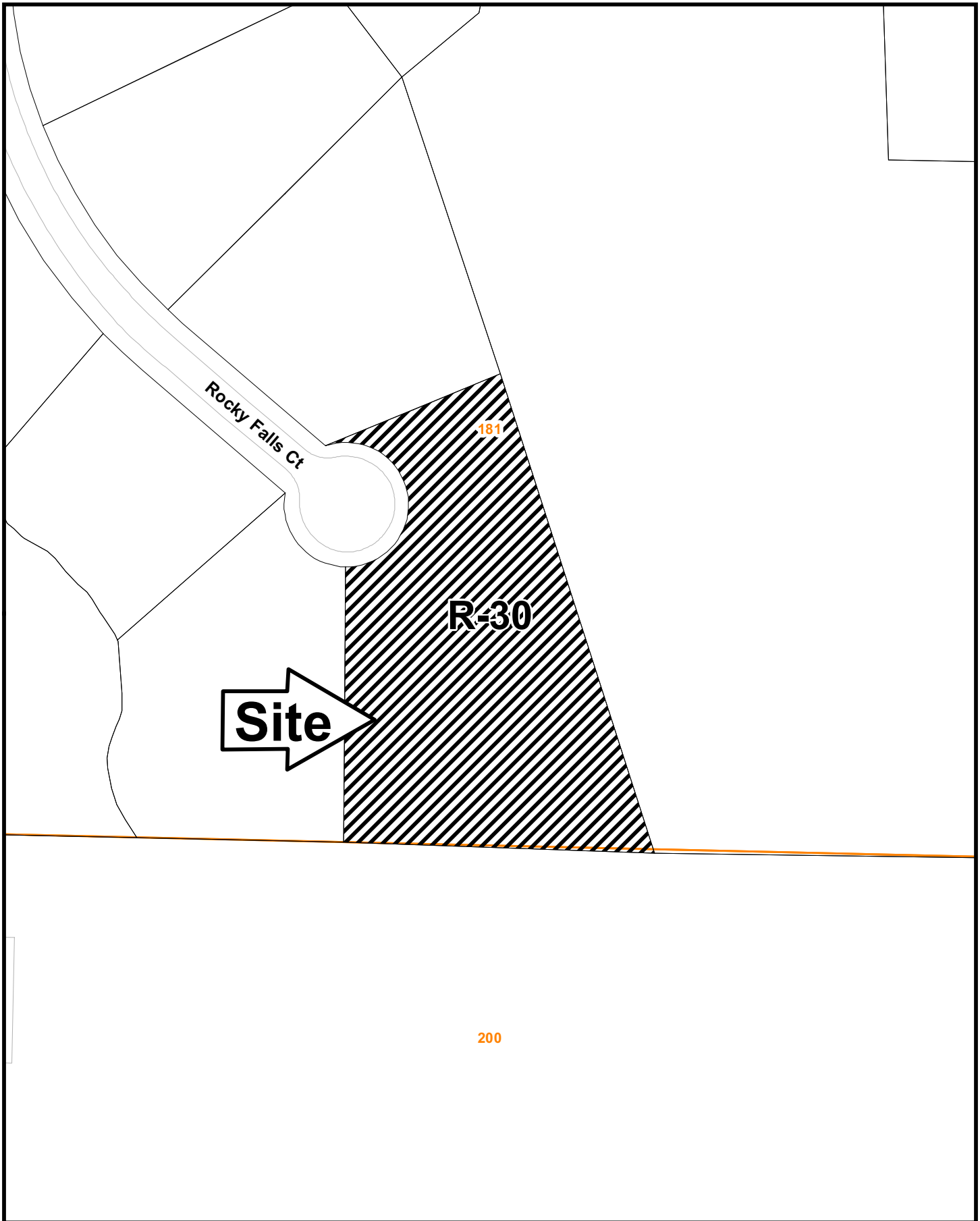
WATER: No conflict.

SEWER: No conflict.

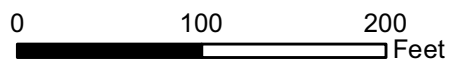
APPLICANT: Rodney R. McColloch **PETITION No.:** V-83



FIRE DEPARTMENT: NO COMMENTS: 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.

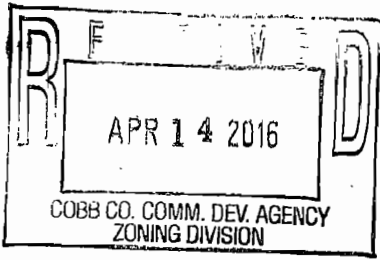
V-83-2016 GIS



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

(type or print clearly)

Application No. V-83 (2016)
Hearing Date: 06/15/2016

Applicant Rodney R. McColloch Phone # (770) 429-1499 E-mail rodney@mijs.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@mijs.com
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: January 10, 2019

Titleholder Amy Christine Moore McColloch and Rodney Rex McColloch Phone # (770) 429-1499 E-mail rodney@mijs.com

Signature See Attached Exhibit "A" Address: 2102 Rocky Falls Court, N.W.
(attach additional signatures, if needed) (street, city, state and zip code) Kennesaw, GA 30152

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property R-30

Location 2102 Rocky Falls Court
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 181 District 20th Size of Tract 1.417 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

Does the property or this request need a second electrical meter? YES NO _____

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: (1) Reduction of required one hundred (100) foot setback for an accessory structure exceeding 650 square feet to ten (10) feet.

(See § 134-196(12)(a)).

V-83
(2016)
Exhibit

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V-83 (2016)
Hearing Date: June 15, 2016

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

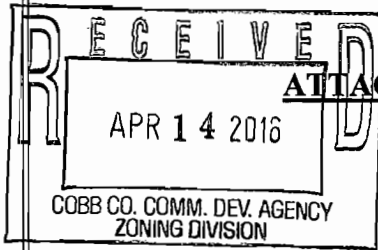
Applicant: Rodney R. McColloch
**Property Owners: Amy Christine Moore McColloch and
Rodney Rex McColloch**

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

In July 2012, Applicant and his wife purchased property containing 1.417 acres, known as Lot 6, Heather Valley Estates (f/k/a Chapas Hill Estates), and located at 2102 Rock Falls Court, Kennesaw, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property is located on a cul-de-sac, and a residence, detached garage, and pool were located thereon at the time of purchase. Applicant is proposing the construction of an accessory structure (pool house) of no more than 730 gross square feet. The overall shape of the Property, the location of the Property on a cul-de-sac, the topography of the Property; as well as location of existing improvements (e.g., pool) substantially restrict a location for the proposed accessory structure other than as shown on the Plat, which is the most practical and reasonable location. Applicant, therefore, seeks a reduction of the required minimum setback of one hundred (100) feet, as set forth under the R-30 zoning classification, to ten (10) feet, to allow for the construction of an accessory structure to the rear of the existing pool.

The variance requested herein is not substantial and would allow an otherwise reasonable residential use on the Subject Property; especially, given that, the remaining setbacks for the Property and other requirements are unaffected. Additionally, the Property and proposed pool house are located adjacent to Cobb County Board of Education property, on which is located a substantial cell tower. Therefore, the proposed pool house and requested variance will have no adverse impact on adjoining properties.

V-83
(2016)
Exhibit



ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V-83 (2016)
Hearing Date: June 15, 2016

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

**CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR VARIANCE**

COMES NOW, Applicant and one of the Property Owners, RODNEY R. McCOLLOCH (hereinafter referred to as "Applicant"), and the remaining Property Owner, AMY CHRISTINE MOORE McCOLLOCH (hereinafter collectively referred to as "Property Owners"), and assert the following:

1.

By Application for Variance dated and filed April 14, 2016, Applicant and Property Owners applied for a variance as to the requirements of the Cobb County Zoning Ordinance and seek a variance from said Ordinance which requires a one hundred (100) foot setback for an accessory structure exceeding 650 square feet upon property zoned to the R-30 zoning classification (hereinafter referred to as the "Setback Ordinance").

2.

The Zoning and Planning Ordinance of Cobb County was established by the governing authority of Cobb County, Georgia, under and pursuant to Ga. Laws 1956, p. 2006, as amended, being hereinafter referred to as the "Zoning and Planning Ordinance of Cobb County" or in the alternative the "Ordinance."

3.

By Application for Variance, Applicant and Property Owners applied for a variance specifically as to certain real property lying and being in Cobb County, Georgia, a

more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the "Subject Property" or "Property").

4.

The Application for Variance seeks a reduction of the zoning requirement under the Setback Ordinance as applied to the Subject Property.

5.

There is no question but that enforcement of the Setback Ordinance would create an unnecessary hardship in that same would deny a reasonable and economic use of the Property while causing no substantial detriment to the public good nor would it impair the intent of the Setback Ordinance. The Application for Variance does not seek a use of the Property which is prohibited by any ordinance or resolution.

6.

The Zoning and Planning Ordinance of Cobb County and the Code of Cobb County are unconstitutional as applied to the Property in that said Ordinances deprive Applicant and Property Owners of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. Said Ordinances, as they presently exist, violate the Applicant's and Property Owners' rights to unfettered use of their Property in that a refusal to grant the requested variance from said Ordinances would result in unwarranted loss of reasonable residential use. Further, said Ordinances do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore

confiscatory and void as applied to the Property. Further, said Ordinances are unconstitutional in that same are arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant and Property Owners.

7.

The Zoning and Planning Ordinance of Cobb County and Code of Cobb County are further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Application for Variance also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 14th day of April, 2016.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVIN MOORE
Georgia Bar No. 519728

Attorneys for Applicant and Property Owners

THIS

PAGE

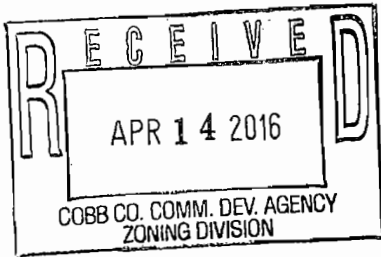
INTENTIONALLY

LEFT

BLANK

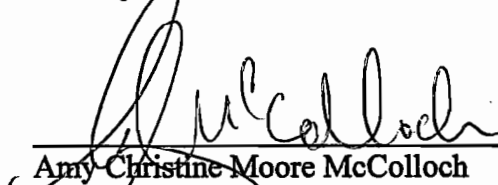
V-83
(2016)
Exhibit

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE

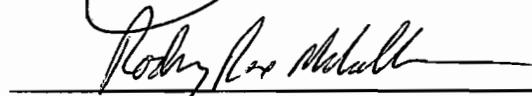


Application No.: V- 83 (2016)
Hearing Date: June 15, 2016

Applicant: Rodney R. McColloch
Titleholders: Amy Christine Moore McColloch and
Rodney Rex McColloch



Amy Christine Moore McColloch

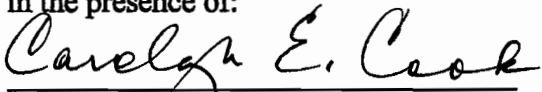


Rodney Rex McColloch

Address: 2102 Rocky Falls Court, N.W.
Kennesaw, Georgia 30152

Telephone No.: (770) 429-1499

Signed, sealed, and delivered
in the presence of:



Notary Public
Commission Expires: January 10, 2019

(Notary Seal)

