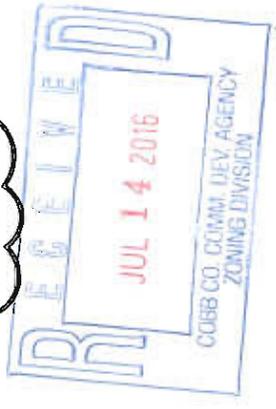
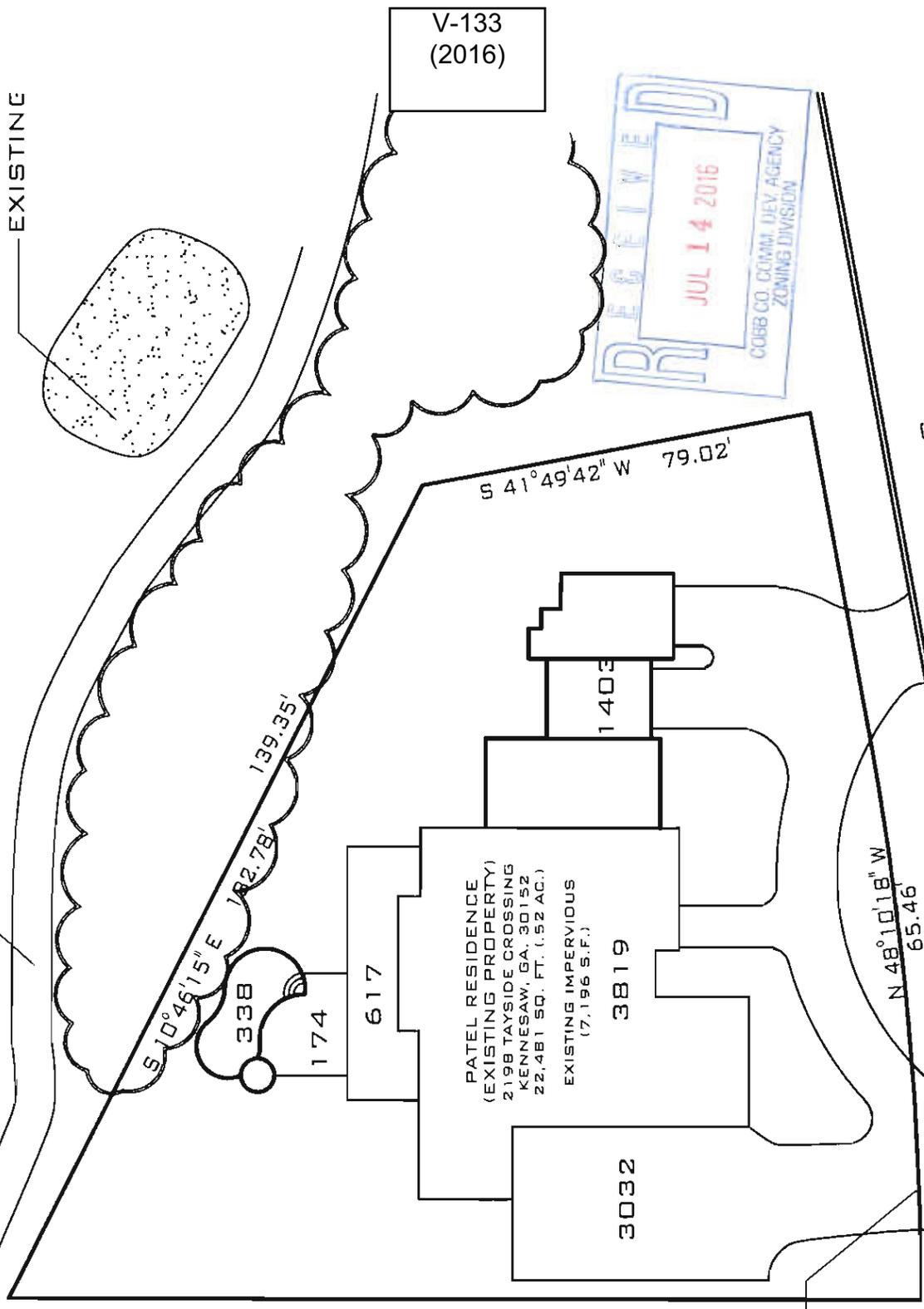
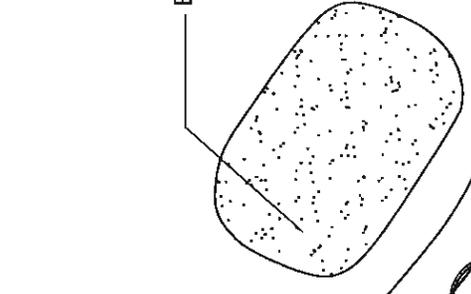


V-133  
(2016)



EXISTING



TAYSIDE CROSSING  
50' R/W

TOTAL AREA=22,475  
TOTAL IMPERVIOUS=9,383  
TOTAL % IMPERVIOUS=41.7%

L=113.65'  
CD=113.49'  
S42°57'44\"E  
R=625'

N 52°19'17\" E 182.79'

**APPLICANT:** Satyem Patel

**PETITION No.:** V-133

**PHONE:** Not Given

**DATE OF HEARING:** 9-14-2016

**REPRESENTATIVE:** J. Kevin Moore

**PRESENT ZONING:** R-20/OSC

**PHONE:** 770-429-1499

**LAND LOT(S):** 242

**TITLEHOLDER:** Satyem Patel and Bindi Shah

**DISTRICT:** 20

**PROPERTY LOCATION:** On the east side of  
Tayside Crossing, northeast of Stilesboro Road  
(2198 Tayside Crossing).

**SIZE OF TRACT:** 0.52 acres

**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** Increase the maximum allowable impervious surface from 35% to 42%.

**OPPOSITION:** No. OPPOSED \_\_\_\_\_ **PETITION No.** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**BOARD OF APPEALS DECISION**

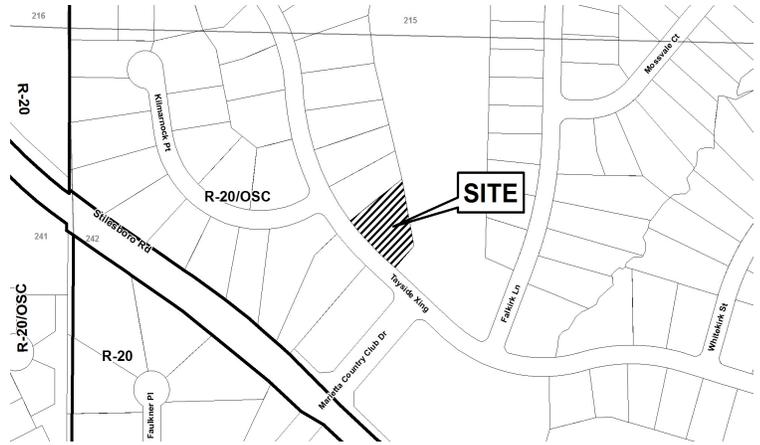
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



**APPLICANT:** Satyem Patel

**PETITION No.:** V-133

\*\*\*\*\*

**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:** The proposed site plan is significantly higher (36%) than both the average house footprint and overall lot impervious coverage for the surrounding residences. If this variance is approved, pervious pavers should be required for the proposed pool deck and all additional paving. Elimination of the circular driveway would also help reduce the increase in impervious coverage. Approval should be subject to installation of dry-well(s) to mitigate the impervious overage with site plan to be approved by Stormwater Management Division prior to permitting.

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

**CEMETERY PRESERVATION:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing located in this, or adjacent land lot.

**WATER:** No conflict

**SEWER:** No conflict

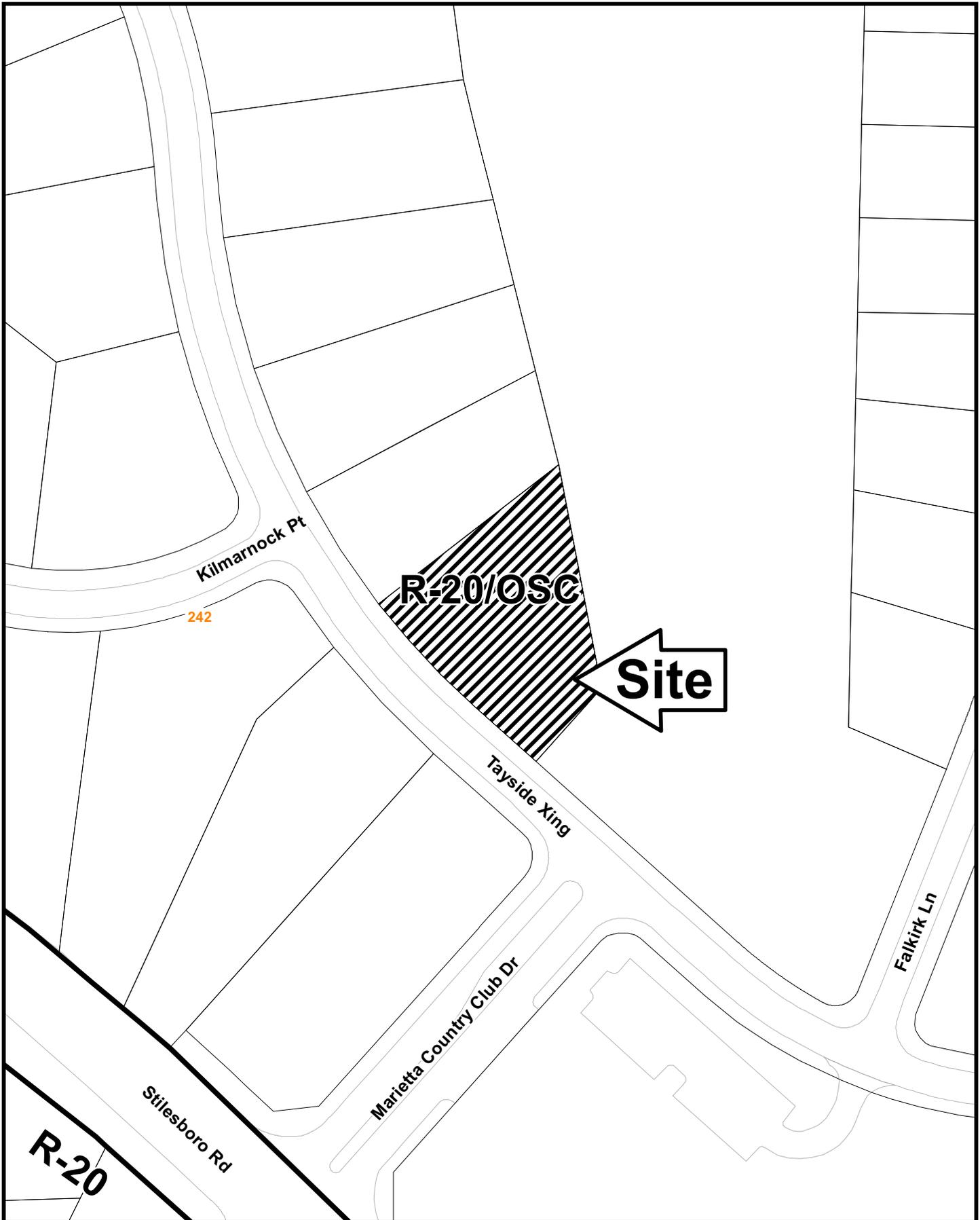
**APPLICANT:** Satyem Patel

**PETITION No.:** V-133

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**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-133-2016 GIS



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-133 (2016)  
Hearing Date: 09/14/2016

Applicant Satyem Patel Phone # \_\_\_\_\_ E-mail sam@mrepropertiesandinvestments.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@mij.s.com  
(representative's signature) Georgia Bar No. 519728

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



My commission expires: January 20, 2019

Titleholder Bindi Shah and Satyem Patel Phone # \_\_\_\_\_ E-mail sam@mrepropertiesandinvestments.com  
Signature See Attached Exhibit "A" Address: 2198 Tayside Crossing, N.W.  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Present Zoning of Property R-20/OSC

Location 2198 Tayside Crossing, N.W.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 242 District 20th Size of Tract 0.52 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

Does the property or this request need a second electrical meter? YES \_\_\_\_\_ NO 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:  
See Exhibit "B" attached hereto and incorporated herein by reference.

List type of variance requested: Increase the maximum impervious surface area from thirty-five (35) percent to forty-two (42) percent. (See § 134-197(11)(f)).

V-133  
(2016)  
Exhibit

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE**

Application No.: V- 133 (2016)  
Hearing Date: September 14, 2016

**Applicant:** Satyem Patel  
**Titleholders:** Bindi Shah and Satyem Patel



BShah  
\_\_\_\_\_  
Bindi Shah

[Signature]  
\_\_\_\_\_  
Satyem Patel

Address: 2198 Tayside Crossing, N.W.  
Kennesaw, Georgia 30152

Telephone No.: ( ) \_\_\_\_\_

Signed, sealed, and delivered  
in the presence of:  
[Signature]  
\_\_\_\_\_  
Notary Public  
Commission Expires: 1/11/20

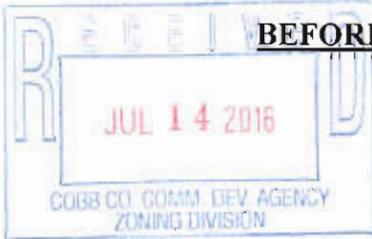
(Notary Seal)



V-133  
(2016)  
Exhibit

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE**

Application No.: V- 133 (2016)  
Hearing Date: September 14, 2016



**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

**Applicant: Satyem Patel**  
**Property Owners: Bindi Shah and Satyem Patel**

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

The property which is the subject of this Application for Variance is located at 2198 Tayside Crossing, N.W., in the development known as The Overlook at Marietta Country Club Land Lot 242, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The Property is located within a development zoned to the R-20/Open Space Community ("R-20/OSC") zoning classification. The Open Space Community district is established, among other things, to encourage preservation of natural resources within a residential development; as well as, to encourage design flexibility, creativity, and development complementary to surrounding and existing neighborhoods.

The rear and side yard of Applicant's Property is located immediately adjacent to the golf course within The Overlook at Marietta Country Club. The overall size and shape of Applicant's lot greatly limit improvements to the Property. Applicant requests a waiver to allow for an increase in the maximum impervious surface area of thirty-five (35) percent to forty-two (42) percent, as more particularly shown and reflected on the site plan submitted with the Application for Variance. The Applicant proposes to make improvements to the Property to construct a garage and circular driveway in the front and side areas of the lot; as well as, an in-ground pool and pool deck in the rear. With these proposed additions, the impervious surface area would increase to 41.7 percent.

In order for Applicant to proceed with the proposed improvements, and for said improvements to be within the architectural designs and standards found within The Overlook at Marietta Country Club development; 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 improvements being smaller in scale and not keeping with the overall values and upgrades of similar homes and lots in The Overlook at Marietta Country Club. As such, application of the subject Ordinance would result in an unnecessary hardship for the Applicant, much more restrictive than other lots and homes in The Overlook at Marietta Country Club.