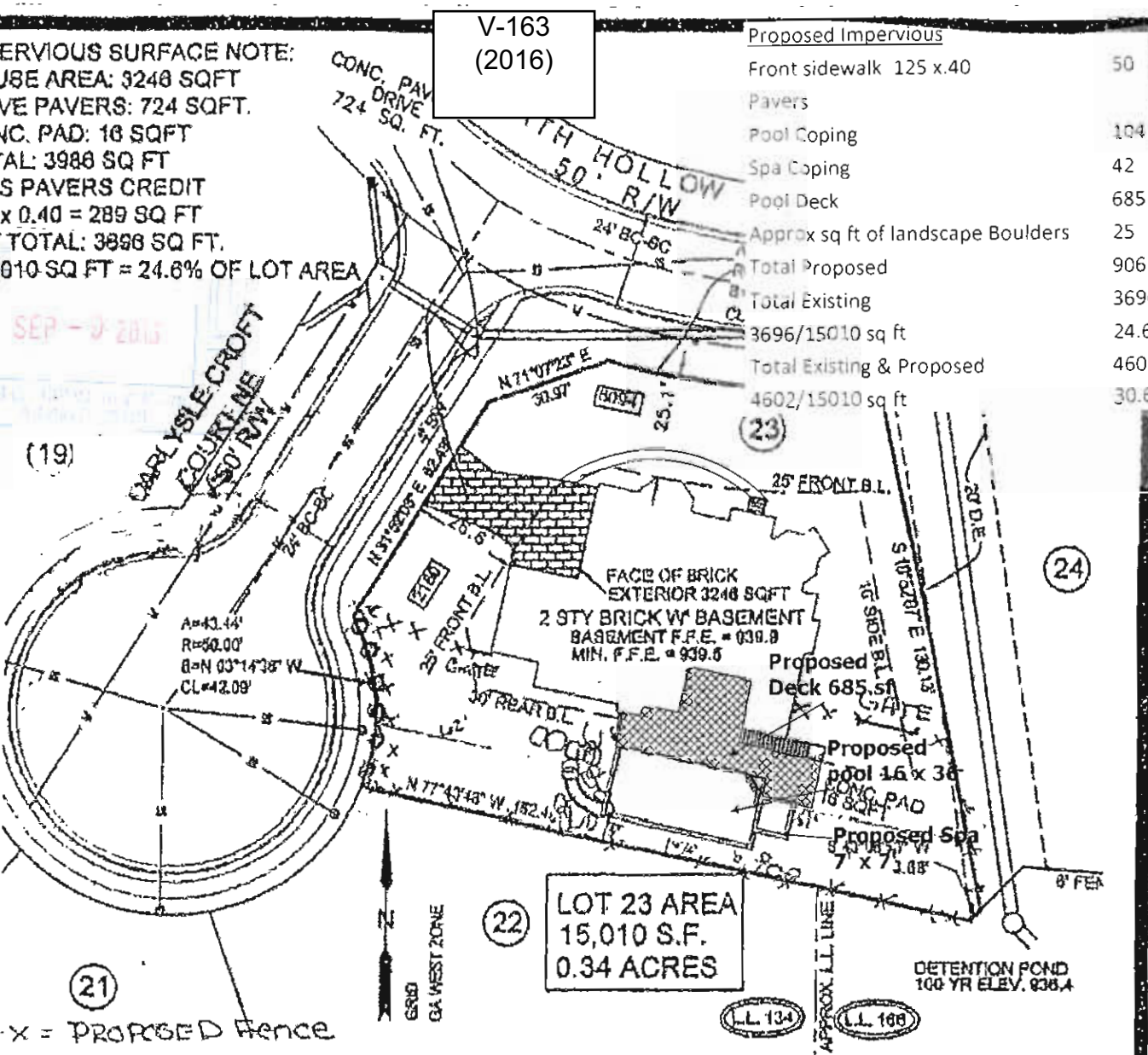


V-163
(2016)

IMPERVIOUS SURFACE NOTE:
 HOUSE AREA: 3248 SQFT
 DRIVE PAVERS: 724 SQFT.
 CONC. PAD: 16 SQFT
 TOTAL: 3988 SQ FT
 LESS PAVERS CREDIT
 724 x 0.40 = 289 SQ FT
 NET TOTAL: 3698 SQ FT.
 / 15,010 SQ FT = 24.6% OF LOT AREA

Proposed Impervious	
Front sidewalk 125 x .40	50
Pavers	
Pool Coping	104
Spa Coping	42
Pool Deck	685
Approx sq ft of landscape Boulders	25
Total Proposed	906
Total Existing	3696
3696/15010 sq ft	24.60%
Total Existing & Proposed	4602
4602/15010 sq ft	30.66%

SEP - 9 2013

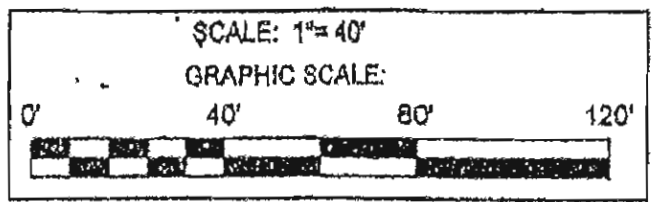


LOT 23 AREA
15,010 S.F.
0.34 ACRES

X x X = PROPOSED FENCE

⊙ ⊙ ⊙ = PROPOSED LEYLAND CYPRESS TREES. For Coverage, approx 6'-8' tall.

THIS DOCUMENT WAS PREPARED BY:
D&S LAND SURVEYING
 313 RED FOX DR., PO BOX 4989, CANTON, GA 30114
 770 720-4443 (Office) 478-284-2201 (FAX)
 DWS@CANTONSURVEYOR.COM



ASBUILT & IMPERVIOUS SURFACE SURVEY FOR:
LOT 23
HEATHERMOOR
 2160 Carlisle Croft Ct. Marietta, Ga 30062
 LOCATED IN LAND LOT 134 & 166, DISTRICT 1, SECTION 2
 COBB COUNTY, GEORGIA
 11/27/2013

SENT ESCANNA 3/29

APPLICANT: Amit Khurana

PETITION No.: V-163

PHONE: 770-517-1117

DATE OF HEARING: 11-9-2016

REPRESENTATIVE: Aqua Design Pools and Spas, LLC

PRESENT ZONING: R-20

PHONE: 770-517-1117

LAND LOT(S): 134, 166

TITLEHOLDER: Amit Khurana and Rameet Khurana

DISTRICT: 1

PROPERTY LOCATION: On the southeast corner of Heath Hollow Lane and Carlisle Croft Court (2160 Carlisle Croft Court).

SIZE OF TRACT: 0.34 acres

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: Waive the maximum impervious coverage from the required 24.6% (previous variance V-62 of 2010) to 31.1%.

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

BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Amit Khurana

PETITION No.: V-163

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 any building permits for this lot. The revised plat must indicate that the impervious restriction on this lot as stipulated on the final plat as per plat book 272, page 66 has been nullified. Any new stipulations must be indicated on the revised plat, along with a statement 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.

If approved, a revised deed must also be filed with the Clerk of the Superior Court. The revised deed must indicate any newly approved impervious restrictions, and nullify the previous deed restriction recorded in deed book 14821, page 1553.

STORMWATER MANAGEMENT: The impervious allowable coverage for this lot was previously restricted by lot owner agreement to allow for additional impervious coverage on Lot 13 at 5105 Heath Hollow Lane per Variance Case V-62 (November 2010). The Stormwater Management Division is not in favor of now removing this restriction. However, if a variance is approved for this parcel it must be subject to revision of the proposed impervious coverage to properly reflect the effective impervious area of the front walk (103 sf) and installation of a dry-well system to mitigate the increased runoff. A revised site plan must be approved by the Stormwater Management Division. The existing deed restriction and subdivision final plat must also be revised and re-recorded as noted in the Site Plan Review comments.

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-147 –V-165.

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

WATER: No conflict

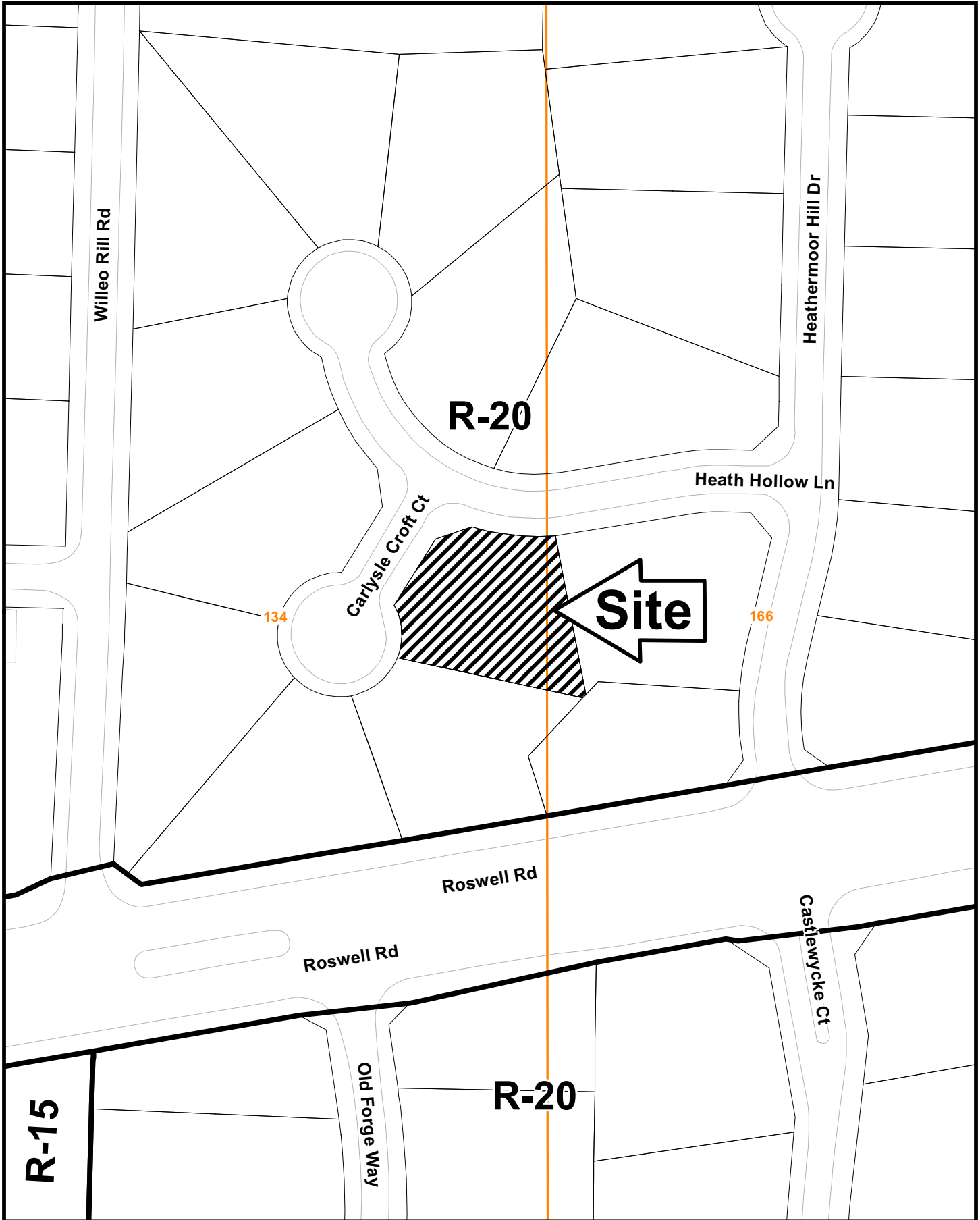
SEWER: No conflict

APPLICANT: Amit Khurana

PETITION No.: V-163

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.

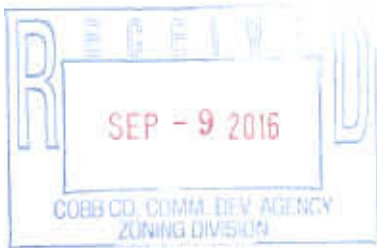
V-163-2016 GIS



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-163
Hearing Date: 11-9-16

Applicant Amit Khurana Phone # _____ E-mail _____

Aqua Design Pools and Spas LLC Address 1120 Pilgrim Road, Cumming, GA 30040
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 770-517-1117 E-mail construction@aquadesignpools.com
(representative's signature)

My commission expires: 1/15/19
Parag P Dave
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires January 16, 2019
Signed, sealed and delivered in presence of: [Signature]
Notary Public

Titleholder Amit Khurana / Raneeet Khurana Phone # 770 4369268 E-mail _____

Signature [Signature] Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 1/15/19
Parag P Dave
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires January 16, 2019
Signed, sealed and delivered in presence of: [Signature]
Notary Public

Present Zoning of Property _____

Location 2160 Carlyle Croft Ct.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 134 & 166 District 1 Size of Tract .34 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 Impervious

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:

Without the variance the terms of the Zoning Ordinance would create an unnecessary hardship by not allowing Mr. Khurana to have a swimming pool or decking at his home. He would not be able to enjoy the peace and tranquility that his neighbors enjoy.

List type of variance requested: To increase the allowed impervious from 24.6% to 31.1% to allow for the swimming pool coping, existing sidewalk, and swimming pool decking.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 10, 2010
PAGE 7**

HELD CASE

V-62 **HOMES OF ELEGANCE, LLC** (owner) requesting a variance to: 1) waive the rear setback from the required 35 feet to 29 feet on Lot 13; and 2) waive the maximum allowable impervious surface from 35% to 49% in Land Lots 134 and 166 of the 1st District. Located at the northwest intersection of Heath Hollow Lane and Heathermoore Hill (5105 Heath Hollow Lane).

The public hearing was opened and Ms. Virginia Wagner (Wagener) addressed the Board. Following presentation and discussion, the following motion was made:

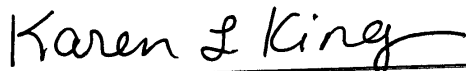
MOTION: Motion by Trombetti, second by Hovey, to **approve** variance request **subject to:**

- letter of conditions signed by John H. Wagener and Virginia Wagener dated October 29, 2010 (attached and made a part of these minutes)
- Development and Inspections Division comments and recommendations, *where not in conflict with conditional letter*
- Stormwater Management Division comments and recommendations, *where not in conflict with conditional letter*

VOTE: **ADOPTED** unanimously

ADJOURNMENT:

This meeting was adjourned at 2:19 p.m.



Karen L. King, Assistant County Clerk
Cobb County Board of Zoning Appeals



V-163
(2016)
Exhibit

Min. Bk. 16 Petition No. V-62
Doc. Type letter of conditions

Meeting Date 11/10/10

HOMES OF ELEGANCE, LLC.

October 29, 2010

To: Cobb County Board of Zoning Appeals
Attn: John Pederson
Manager of Zoning Division
From: John Wagener
Re: V-62 of 2010 Homes of Elegance

To confirm our telephone conversation, Homes of Elegance (H.O.E.) agrees to the following restrictions being placed on Lot 23 in the Heathermoore development.

1. H.O.E. agrees to execute a deed covenant in favor of Cobb County which restricts the impervious surface on Lot 23 (5094 Heath Hollow Dr.) to 24.6%.
2. H.O.E. agrees to the proposed deed covenant to be referenced on the final plat.
3. The deed covenant will be recorded, and final plat will be revised to reflect the deed covenant prior to the issuance of the Certificate of Occupancy for Lot 13.
4. H.O.E. agrees that the county attorney will review and approve the deed covenant prior to recording.
5. The Stormwater Management division will approve all improvements on Lot 23 prior to a construction permit being issued.
6. H.O.E. agrees to all other staff comments for V-62 of 2010.

We believe the above is the understanding reached in the recent meeting at Cobb County Board of Zoning Appeals. If this is not your understanding please advise as is our intent to proceed exactly as agreed in the meeting.

Thanks so much for you help.

Sincerely,

John H. Wagener
President
4225 JVL Industrial Park Dr.
Building 1
Marietta, GA 30066
770-509-2557

Virginia Wagener
Nov. 10, 2010

*A/E
Homes of
Elegance.*

V-163
(2016)
Exhibit

Deed Book 14821 Pg 1553
Filed and Recorded Dec-16-2018 03:09pm
2018-0163348

Jay C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

**COBB COUNTY
DEED RESTRICTION FOR
LIMITING IMPERVIOUS SURFACE
FOR LOT 23, HEATHERMOOR SUBDIVISION**

GEORGIA, COBB COUNTY

This conveyance is made this 16 day of December, 2010, by Homes of Elegance, L.L.C. (herein after referred to as "Grantor") to Cobb County, Georgia, a political subdivision of the State of Georgia, (herein after referred to as "Grantee").

WITNESSETH

THAT WHEREAS, grantor owns real property located in Land Lots 134 and 166 of the 1st District, second section, Cobb County, Georgia located in Heathermoor subdivision, being lots 13 and 23 in Cobb County Georgia, being shown in PLAT BOOK 240 PAGE 9, and incorporated by reference.

THAT WHEREAS, as a stipulation for approval of variance V-62 of 2010 on record with the Cobb County Zoning Division. The Grantor voluntarily agrees to place a limit on the impervious surface for lot 23 (known as 5094 Heath Hollow Drive or 2160 Cartysle Croft Court depending on final house site) to a maximum of 24.6% impervious surface. This limitation on impervious surface shall be all inclusive of the house, sidewalks, driveways, patios, decks, accessory structures, hardscape, and the like. Grantor or future owners of lot 23 shall have the Cobb County Stormwater Management Division approve all improvements prior to construction.

Grantor hereby covenants with grantee that it is lawfully seized and possessed of the real estate previously described herein and that it has good and lawful right to convey the deed restriction covered by this document, or any part thereof, and that the said deed restriction is free from all encumbrances. The deed restriction herein granted shall bind the heirs and assigns of Grantor and shall endure to the benefit of the successors in title of Grantee.

Witness my hand and seal, this 16 day of December, 2010.

Gary Pierce

Witness (printed name)

Virginia Wagener

Homes of Elegance, LLC
Virginia Wagener

[Signature]

Witness (signature)

John H. Wagener

Homes of Elegance, LLC
John H. Wagener

Michelle W Kelly

Notary Public
MICHELLE W KELLY
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES MAY 16, 2014

