

**AUGUST 21, 2018 ZONING HEARING**  
**“OTHER BUSINESS”**  
**COMMISSION DISTRICT 3**

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**ITEM OB-039**

**PURPOSE**

To consider amending the zoning stipulations regarding impervious surface for lot 52 (from 35% to 39% maximum impervious surface) for Kimberly and James Gaster for property located on the south side of Lulworth Lane, south of Barnhill Drive, in Land Lot 601 of the 16<sup>th</sup> District (2563 Lulworth Lane).

**BACKGROUND**

The property was rezoned in 2011 for a residential subdivision subject to many stipulations. One of the zoning stipulations called for the impervious surface limitation of 35% not to be exceeded. The applicant owns a lot and would like to increase the impervious surface limits to 39% so they can install a swimming pool and correct a drainage problem. A site plan of the pool and photos of the drainage problem are attached for review. If approved, all previous stipulations would remain in effect.

**STAFF COMMENTS**

**Stormwater Management:** The proposed improvements will exceed the allowable impervious coverage limit by 637 square feet. Approval should be subject to installation of dry-well(s) to mitigate the impervious overage with a site plan to be approved by Stormwater Management Division prior to permitting.

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

**ATTACHMENT**

Other Business application.

# Application for "Other Business"

## Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

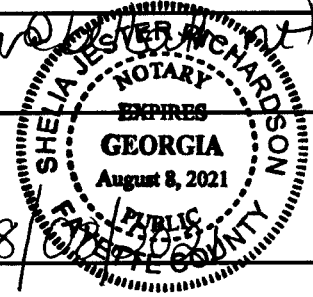
BOC Hearing Date Requested: 8/21/18

Applicant: Kimberly + James Gaster Phone #: 678-378-5377  
(applicant's name printed)

Address: 2503 Lulworth Lane E-Mail: jpgaster@bellsouth.net  
James P Gaster Address: \_\_\_\_\_

(representative's name, printed)

Jim P. Gaster Phone # 678-378-5377 E-Mail: jpgaster@bellsouth.net  
(representative's signature)



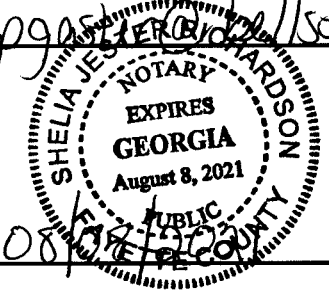
Signed, sealed and delivered in presence of:

Shelia Jester Richardson My commission expires: 08/08/21  
Notary Public

Titleholder(s): James P Gaster Phone #: 678-378-5377  
(property owner's name printed)

Address: 2503 Lulworth Lane Marietta 30062 E-Mail: jpgaster@bellsouth.net

Jim P. Gaster  
(Property owner's signature)



Signed, sealed and delivered in presence of:

Shelia Jester Richardson My commission expires: 08/08/21  
Notary Public

Commission District: 3 Zoning Case: 2-43

Size of property in acres: .345 Original Date of Hearing: 2-21-12

Location: 2503 Lulworth Lane Marietta GA 30062  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 001 District(s): 110

State specifically the need or reason(s) for Other Business: When our home was built in 2014, the builder did not inform us of zoning limits re: impervious surface. Our home as built slightly exceeded the 35% limit. We were told we could install a pool on the lot. We now wish to improve our property by installing a pool surrounded by pavers. We also plan to improve our drainage  
(List or attach additional information if needed)

(please see attached)

# Application for "Other Business"

## Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

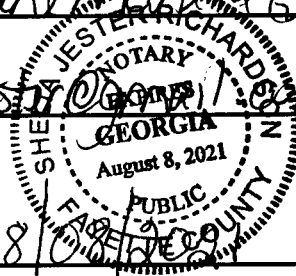
BOC Hearing Date Requested: 8/21/18

Applicant: Kimberly + James Gaster Phone #: 678-378-5377  
(applicant's name printed)

Address: 2503 Lulworth Lane Marietta GA 30062 E-Mail: jgaster@bellsouth.net

Kimberly W Gaster Address: 2503 Lulworth Lane Marietta GA 30062  
(representative's name, printed)

Kimberly W Gaster Phone #: 404-803-1413 E-Mail: kwgaster@gmail.com  
(representative's signature)



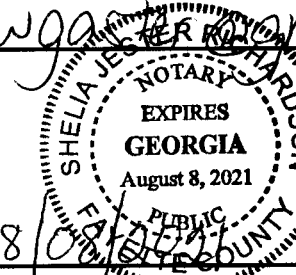
Signed, sealed and delivered in presence of:

Shelia Jester Richardson My commission expires: 08/08/2021  
Notary Public

Titleholder(s): Kimberly W Gaster Phone #: 4048031413  
(property owner's name printed)

Address: 2503 Lulworth Lane Marietta GA 30062 E-Mail: kwgaster@gmail.com

Kimberly W Gaster  
(Property owner's signature)



Signed, sealed and delivered in presence of:

Shelia Jester Richardson My commission expires: 08/08/2021  
Notary Public

Commission District: \_\_\_\_\_ Zoning Case: \_\_\_\_\_

Size of property in acres: .345 Original Date of Hearing: \_\_\_\_\_

Location: 2503 Lulworth Lane Marietta GA 30062  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 001 District(s): 10

State specifically the need or reason(s) for Other Business: \_\_\_\_\_

Please see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

July 2, 2018

Kimberly and James Gaster  
2563 Lulworth Lane  
Marietta, GA 30062

To: Cobb County Board of Commissioners

Re: Request for Variance Approval to Make Property Improvements

The Gasters, long time Cobb County residents and tax payers, built a new home in 2014 in Mabry Manor Subdivision on Holly Springs Road, Marietta. During the building process, we selected our lot partially because we were told there would be room to put in a pool if we wanted to install one later. The model home had a pool and we thought our family would enjoy one as well.

This year, like some other homes in our neighborhood, we decided to go forward with our pool plans. We learned that we would need a special variance from Cobb County. We have learned that our home builder – Edward Andrews Homes - used slightly over the limit of impervious surface on our lot to build our house in 2014. The zoning for our subdivision only allows for 35%. We were not made aware of impervious surface limitations when we purchased the home and didn't know about this zoning requirement until we began investigating installing an inground pool in June 2018.

We respectfully request approval for the following:

We are seeking permitting bring the impervious surface in our yard to approximately 39% to build an in-ground pool at our home. The pool will be surrounded by pavers (semi-pervious). We also plan to correct water drainage issues by installing proper drainage systems and a dry creek in our yard

Reasons for request

- There are other homes in our subdivision with similar size homes and lots with pools and hardscaped backyards. Putting a pool in our yard will help us maintain competitive property values with our neighbors.
- The pool is designed to be 35x16 sqft and would be surrounded by pavers.
  - Please see attached survey, plans and renderings.
- Our backyard is sloped away from our house and all water runs to a culvert in an easement directly beside our yard. The culvert drains to a large detention pond behind our neighbor's house. All excess water drains to this pond currently and would continue to do so if a pool were installed.
- Currently, following rain, a large amount of debris and silt also washes from our yard to the culvert and pond. We intend to correct this drainage problem by installing landscaping, a proper drainage system under the pool and adding a dry creek and properly sloping.
  - Please see attached photos and renderings.

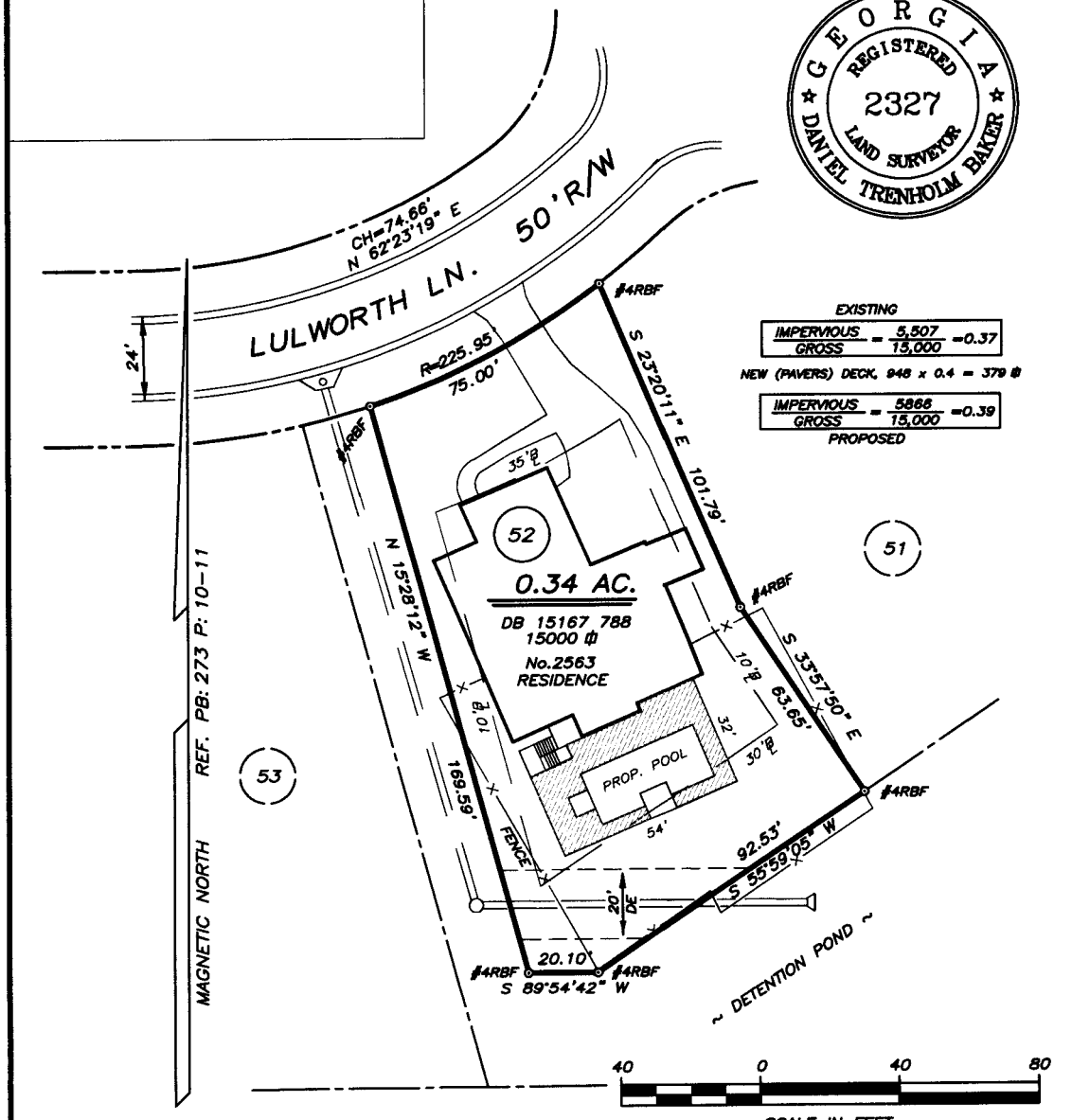
Thank you for your consideration.

Respectfully,  
Kim and Jim Gaster

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created that parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned Land Surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors as set forth in O.C.G.A. Section 15-6-17.

*Daniel Baker*  
 Georgia Land Surveyor Registration No. 2327

2018-05-31  
 Date



THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; MAKING REDUNDANT LINEAR MEASUREMENTS TO ACHIEVE A RELATIVE POSITIONAL TOLERANCE OF: 0.05'. THE TRAVERSE WAS NOT ADJUSTED. LINEAR PRECISION OF THIS PLAT: 1/ 85,178. MATTERS OF TITLE ARE EXCEPTED.

DATE	: 05-31-18
SCALE	: 1"=40'
DRAWN BY	: DTB 07-06-18
CHECKED BY	: DTB 07-02-18
018\mabrymanor\mm52\pool	06-05-18

BOUNDARY RETRACEMENT SURVEY FOR:

**JIM GASTER**

LOT 52  
 MABRY MANOR

LOCATED IN L.L. 601  
 16th DIST., 2nd SECT.,  
 COBB COUNTY, GA.

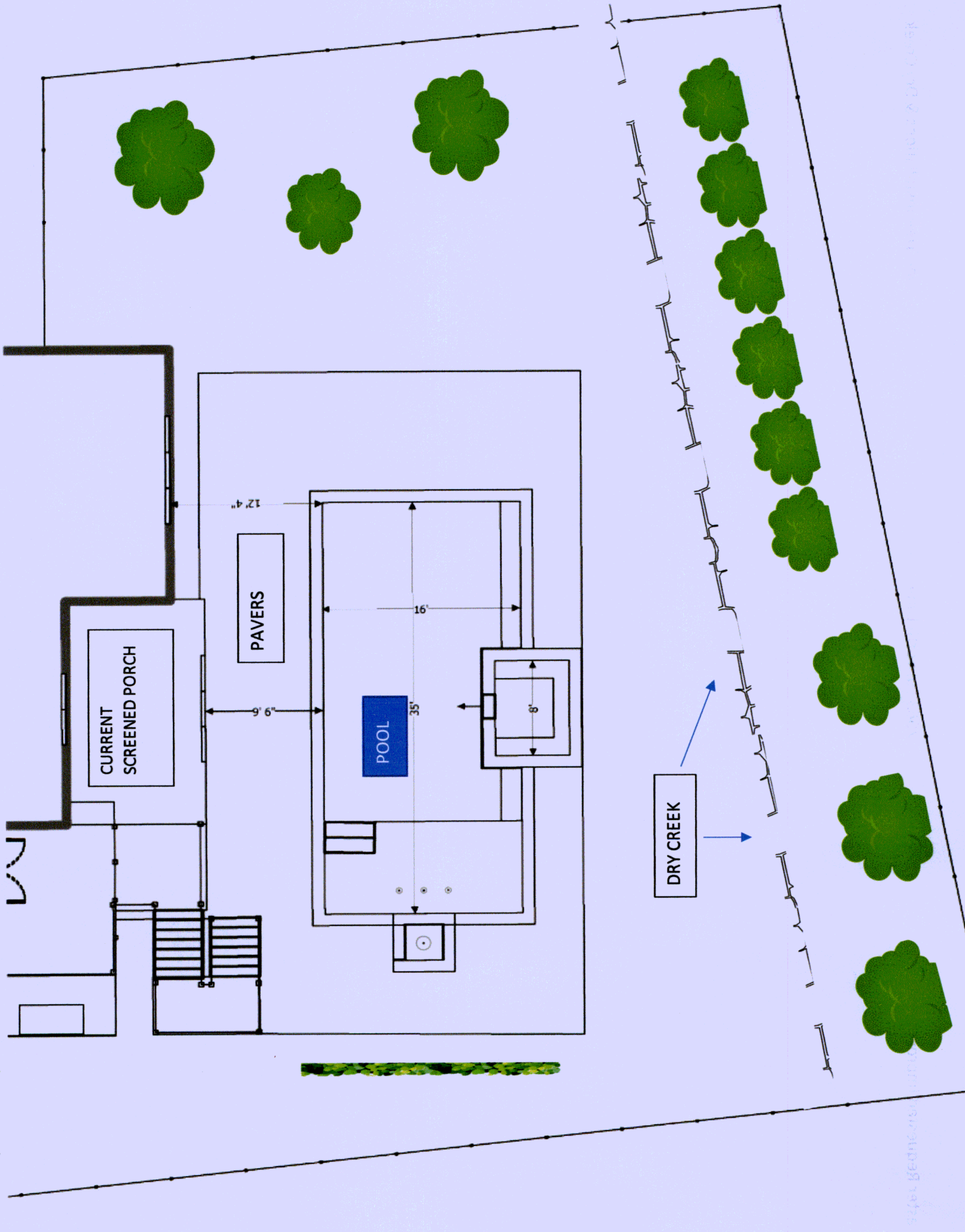
**DANIEL BAKER, PC**  
**LAND SURVEYORS**

Post Office Box 2047  
 CARTERSVILLE, GEORGIA 30120  
 (770) 382-5969

Gaster Requested Improvements

2563 Lulworth Lane

Pool, Tree Installations & Dry Creek





2563 Lulworth Lane

Marietta, GA 30062

Gaster Backyard





2563 Lulworth Lane

Marietta, GA 30062

Gaster Backyard Culvert & Detention Pond

Showing access to drainage and neighborhood detention pond. Maintaining low impact on County systems.





2563 Lulworth Lane

Marietta, GA 30062

### Gaster Backyard Water Flow Issue



There is a continued water flow issue. Silt and woodchips are often swept toward and into the culvert. This will be resolved with the Dry Creek proposed and outlined.



As can be seen in the picture to the left, there has been a considerable amount of clay and silt lost to water flow from rain.

Printed: 6/7/2018



### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer  
 SHELLPOINT MORTGAGE SERVICES

**GASTER JAMES P & KIMBERLY W**

**Payment Date: 10/6/2017**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	16060100610	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$8,506.09	\$0.00



Scan this code with your  
 mobile phone to view this  
 bill!

ORIGINAL DATE OF APPLICATION: 12-13-11APPLICANTS NAME: EAH INVESTMENTS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERSMabry  
Minor**BOC DECISION OF 02-21-12 ZONING HEARING:**

EAH INVESTMENTS, LLC (Beatrice Mabry, and Alan Wallace Mabry and Malinda J. Mabry Bradley as Trustees under the Beatrice Brown Mabry's Children's Trust dated December 26, 1996, owners) requesting Rezoning from R-20 to R-15 and RA-5 for the purpose of Residential Communities in Land Lot 601 of the 16<sup>th</sup> District. Located on the east side of Holly Springs Road; and on the north side of Post Oak Tritt Road.


The public hearing was opened and Mr. Garvis L. Sams, Jr., Mr. Paul Corely, Ms. Trish Steiner, Mr. Don Gerz, Ms. Rosemary Withrow, and Mr. Chris Peters addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Birrell, second by Thompson, to delete Rezoning to the R-15 (1.90 units per acre) site plan specific zoning district subject to:

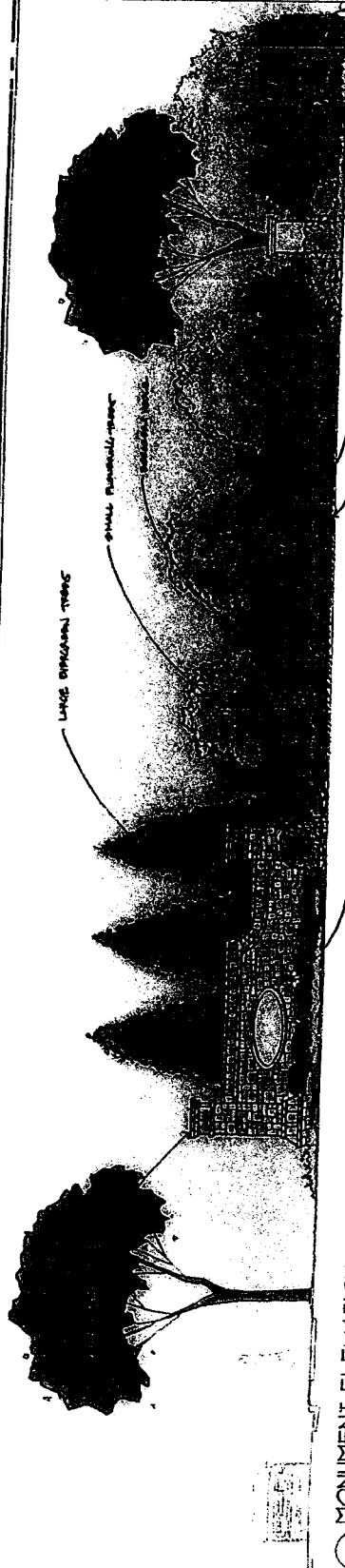
- District Commissioner to approve final site plan
- landscape plan dated November 29, 2011 (attached and made a part of these minutes)
- letters of agreeable conditions dated January 26, 2012, February 2, 2012 *with attached elevations*, and February 17, 2012, *not otherwise in conflict*, (attached and made a part of these minutes) *and with the following change to the February 2, 2012 letter:*
  - Item No. 10d – Replace text now to read: *“Although warrant studies by Cobb DOT staff and EAH’s Traffic Engineer reflect that the installation of a traffic signal is not presently warranted, EAH agrees to contribute 50% of final cost when installation is warranted related to the subject property and on-site improvements at such time as they may be warranted.”*
- all R-15 standards and setbacks to be met; however, setbacks can be shifted as long as overall building area does not change
- minimum 15 feet between houses to be maintained
- R-15 impervious surface limitations not to be exceeded
- committee to be formed consisting of neighbors, homeowners groups, and appropriate county staff to develop a wildlife assessment and preservation plan; Community Development Director to have final authority
- if Land Disturbance Permit is not issued within 12 months, then property to revert back to original zoning (R-20)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED 3-1 (Lee opposed)

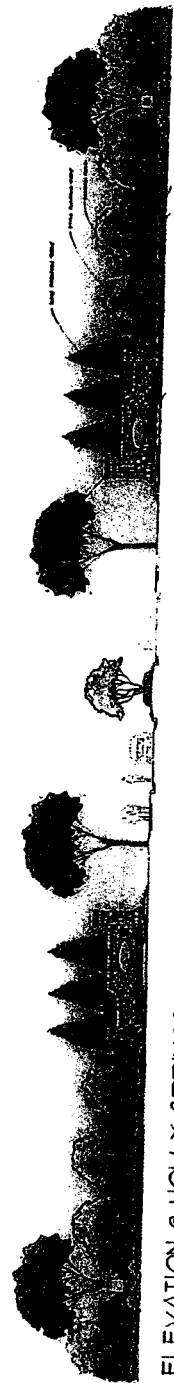


		LANDSCAPE ARCHITECTURE, DESIGN AND PLANNING EDWARD ANDREWS 159 POWERS FERRY ROAD, BLDG. 4, SUITE 300, MARETTA, GA, 30057	
POST OAK TRAIL SUBDIVISION DISTRICT 2ND SECTION, COBB COUNTY, GEORGIA LAND LOT 101, 16TH DISTRICT		LANDSCAPE - ZONING PLANS ENTRANCE PLANS LS1	

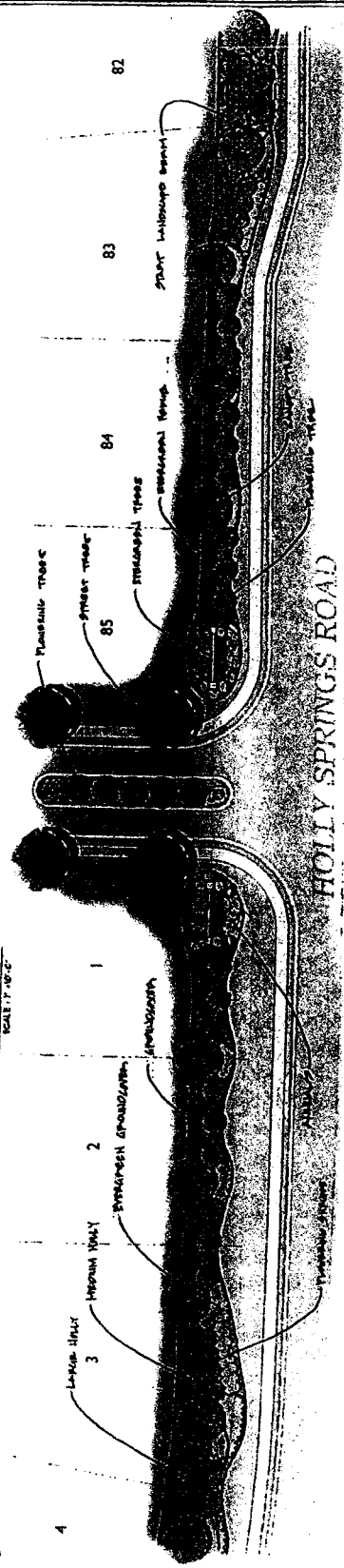
Min. Pl. 105 Petition No. 2-43 of 11  
 Doc. Type landscape plan  
 Meeting Date 2/21/12



MONUMENT ELEVATION @ HOLLY SPRINGS ROAD  
SCALE: 1" = 20'-0"



ENTRY ELEVATION @ HOLLY SPRINGS ROAD  
SCALE: 1" = 20'-0"



ENTRY PLAN @ HOLLY SPRINGS ROAD  
SCALE: 1" = 20'-0"

edward andrews  
 TOWERS

Min. Bk. 45 Petition No. 2-430  
Doc. Type letter of agreement  
conditions  
Meeting Date 2/21/12

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

MELISSA P. HAISTEN  
JUSTIN H. MEEKS

January 26, 2012

SAMSLARKINHUFF.COM

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of EAH Investments, LLC to Rezone a 33.52 Acre Tract  
from R-20 to R-15 (No. Z-43)

Dear John:

As you know, this firm represents EAH Investments, LLC ("EAH")<sup>1</sup> regarding the above-captioned Application for Rezoning. The Application was previously heard, considered and unanimously recommended for approval by the Planning Commission on December 5, 2011. Thereafter, the Application was continued by the Board of Commissioners and is now scheduled to be heard by the Board on February 21, 2012.

You will recall that we previously submitted letters of agreeable stipulations/conditions, dated November 7, 2011 and December 1, 2011, respectively. This letter will serve to incorporate those stipulations/conditions and the stipulations/conditions which were a part of the Planning Commission's recommendation for approval.

Since the Application was continued by the Board, we have continued our dialogue with the County's professional staff, representatives of the East Cobb Civic Association ("ECCA"), the Northeast Cobb Homeowners Group ("NECHG") and adjacent area residents. Additionally, the District Commissioner has been a part of that dialogue as well. In that regard, this letter will serve as EAH's expression of agreement with the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

<sup>1</sup> For additional information regarding EAH, please visit the website at [www.edwardandrewshomes.com](http://www.edwardandrewshomes.com).

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-43 of 11  
Meeting Date 2/21/12  
Continued

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
January 26, 2012  
Page 2

1. The revised stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The subject property shall be developed in substantial conformity to that certain revised site plan prepared by Planners and Engineers Collaborative which is being submitted concurrently herewith.<sup>2</sup>
3. The construction of a maximum number of seventy-two (72) single-family detached homes at a maximum density of 2.15 units per acre.<sup>3</sup>
4. The minimum house size within the proposed residential community shall be 2,200 sq. ft. and shall range up to 4,200 sq. ft. and beyond. Each of the homes shall have, at a minimum, an attached two-car garage which shall be used for the parking and storage of vehicles.
5. The architectural style and composition of the homes shall consist of a combination of either brick, stacked stone, cedar and/or hardi-plank shake and hardi-plank siding on all four (4) sides consistent with the architectural renderings being resubmitted concurrently herewith.
6. The creation of a Mandatory Homeowners Association and the submission of Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls.

<sup>2</sup> The residential community will include a swimming pool and associated clubhouse on the area set aside and designated as an amenity area.

<sup>3</sup> The subject property is located in an area under the Future Land Use Map which recommends residential densities up to 2.5 units per acre with the current proposal representing a significant reduction from the originally proposed eighty-eight (88) lots at 2.62 units per acre.



SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

Petition No. 243 of 11  
Meeting Date 2/21/12  
Continued

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
January 26, 2012  
Page 3

7. Subdivision entrance signage, which shall be located on Holly Springs Road, shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be in substantial conformity to the Landscape Plan being resubmitted concurrently herewith which reflects trees, shrubs and other forms of landscaping and berms and a combination of stone entrance monuments with decorative fencing and irrigation.
  
8. In addition to the foregoing landscape plan which focuses upon the subject property's entrance, a Landscape Plan for the entirety of the subdivision shall be submitted during the Plan Review process, subject to the Arborist's review and approval, which shall include the following:
  - a. The installation of vegetative screening around the detention ponds.
  - b. Landscaped screening buffers around the perimeter of the subject property as shown on the revised site plan may be disturbed during the development of the subject property but shall be re-vegetated to Cobb County Buffer Standards.
  - c. An agreement to facilitate a Georgia Native Plant Society "rescue" to be accomplished on those portions of the subject property which will be disturbed.
  - d. The formulation of a committee to review a Wildlife Assessment Plan with said committee consisting of representatives from ECCA, NECHG, EAH and the County's Community Development Agency Director who shall act as a final arbiter with respect to any issues which can not be otherwise resolved.
  - e. Although the Department of Natural Resources does not have a wildlife relocation plan in place, EAH agrees to assist area residents, ECCA and NECHG with efforts which they may undertake to assist the relocation of the deer population which periodically traverses the subject property.
  - f. EAH will undertake whatever steps are necessary in order to assist conservatory representatives to ensure that the Eastern Box Turtles (an endangered species) will be relocated from those areas of the subject property which will be disturbed.

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-43 of 111  
Meeting Date 2-21-12  
Continued

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
January 26, 2012  
Page 4

- 9. Subject to recommendations from the Cobb County Stormwater Management Division concerning hydrological issues, including the following:
  - a. Compliance with recommendations concerning the ultimate location and configuration of on-site detention and/or stormwater management and water quality components.
  - b. Stormwater shall be directed from the gutters of the homes to the street system and ultimately to established points of detention and water quality.
  - c. Exercising heightened sensitivity with respect to existing stormwater issues located both upstream and downstream from the subject property.
  - d. Compliance with the County's requirements regarding maximum impervious surface coverage for R-15 lots at thirty-five percent (35%).
  - e. In accordance with the recommendation from the Planning Commission, EAH shall have the latitude to shift setbacks from side to side or from front to back in commensurate fashion as long as there is a minimum of fifteen feet (15') between homes and so long as the overall building area does not change.
  - f. During the Plan Review process, the configuration, shape or size of lots within the proposed community may be modified (as approved by staff) so long as the maximum number of lots (72) is not increased.
  - g. All stormwater issues shall be monitored by a qualified hydrological engineer during the construction process. Site inspections shall be completed following substantial area storm events and a monthly summary shall be provided to the Cobb County Stormwater Management Division.
  
- 10. Subject to recommendations from the Cobb County Department of Transportation, including the following:
  - a. The construction of sidewalks, curb and gutter along the subject property's respective frontages on Holly Springs Road and Post Oak Tritt Road.

Petition No. 2-43 of 11  
Meeting Date 2/21/12  
Continued

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
January 26, 2012  
Page 5

- b. Sidewalks shall be constructed on at least one (1) side of the interior streets within the subdivision.
- c. The revised site plan reflects that the subject property's entrance on Holly Springs Road, at the request of staff and the District Commissioner, has been relocated further north in a position which is off-set from Alberta Drive and which satisfies sight distance requirements.
- d. Although warrant studies by DOT staff and EAH's traffic engineer reflect that the installation of a traffic signal is not presently warranted, EAH remains amenable to participating concerning the installation of traffic signalization at such time as same may be warranted.
- e. The voluntary donation and conveyance of right-of-way on the east side of Holly Springs Road a minimum of fifty feet (50') from the roadway centerline.
- f. The voluntary donation and conveyance of right-of-way on the north side of Post Oak Tritt Road a minimum of fifty feet (50') from the roadway centerline.
- g. The construction of a one-hundred fifty foot (150') deceleration lane with a fifty foot (50') taper on Holly Springs Road at the community's entrance thereon.
- h. Compliance with sight distance requirements or the implementation of remedial measures in which to mitigate same.
- i. No access to Post Oak Tritt Road and providing a ten foot (10') no access easement along the subject property's frontages on both Holly Springs Road and Post Oak Tritt Road except, of course, with respect to the community's entrance located on Holly Springs Road.
- j. During the construction and build-out of the proposed community, there shall be no parking or stacking of trucks and/or construction vehicles on Holly Springs Road and/or Post Oak Tritt Road.



Petition No. 2-43 of 11  
Meeting Date 2/21/12  
Continued

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
January 26, 2012  
Page 6

11. Construction hours during the build-out and development of the subdivision shall be from 7:00 a.m. until 7:00 p.m. Monday through Friday and from 9:00 a.m. until 6:00 p.m. on Saturdays. There will be on-site construction on Sundays.
12. Compliance with recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer for the site. Said recommendations will include bringing sewer availability to contiguous tracts and establishing a dual water fees.
13. Compliance with recommendations from the Cobb County Fire Department.
14. The District Commissioner shall have the authority to review and approve minor modifications to these stipulations as well as the Final Site Plan, Landscape Plan, Wildlife Assessment Plan, and architectural style and composition of the homes as the development proposal proceeds through the Plan Review process and thereafter.

The proposed development constitutes a significant departure from the original proposal and is one which is consistent with dictates of Cobb County's Future Land Use Map and Comprehensive Land Use Plan and is appropriate in all respects from a land use planning perspective.

Please do not hesitate to contact me should you or the staff require further information or documentation prior to the Application being heard and considered for final action by the Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj  
Attachments/Enclosures

Petition No. 2-43 of '11  
 Meeting Date 2/21/12  
 Continued

**SAMS, LARKIN & HUFF**  
 A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
 Cobb County Community Development Agency  
 Zoning Division  
 January 26, 2012  
 Page 7

cc: Members, Cobb County Board of Commissioners – VIA E-Mail w/attachments and  
 Hand Delivery w/enclosures  
 Mr. Robert L. Hosack, Jr., AICP, Director, Community Development Agency  
 – VIA E-Mail w/attachments  
 Mr. Dana Johnson, AICP, Planning Manager – VIA E-Mail w/attachments  
 Mr. Jason Campbell, Planner III – VIA E-Mail w/attachments  
 Ms. Jane Stricklin, P.E. – VIA E-Mail w/attachments  
 Mr. Dave Breaden, P. E. – VIA E-Mail w/attachments  
 Ms. Karen King, Assistant County Clerk – VIA E-Mail w/attachments and  
 Hand Delivery w/enclosures  
 Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail w/attachments and  
 Hand Delivery w/enclosures  
 Ms. Jill Flamm, President, ECCA – VIA E-Mail w/attachments  
 Ms. Trish Steiner, ECCA – VIA E-Mail w/attachments and First Class Mail w/enclosures  
 Ms. Jane Petrillo – VIA E-Mail with attachments  
 Mr. & Mrs. Frederick C. Allen – VIA First Class Mail with enclosures  
 Mr. Norm DeWalt, NECHG – VIA E-Mail w/attachments  
 Mr. Kenneth J. Wood, P.E., LEED AP, Planners and Engineers Collaborative, Inc.–  
 VIA E-Mail w/attachments  
 Mr. Paul Corley – VIA E-Mail w/attachments

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

MELISSA P. HAISTEN  
JUSTIN H. MEEKS

February 2, 2012

PAGE 15 OF       
770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

SAMSLARKINHUFF.COM

VIA E-MAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of EAH Investments, LLC to Rezone a 33.52 Acre Tract  
from R-20 to R-15 (No. Z-43)

Dear John:

On behalf of EAH Investments, LLC, I submitted a revised letter of agreeable stipulations/conditions on January 26, 2012. Since then, I have noticed a few issues which need to be clarified or corrected as typographical errors.

The following changes in bold italics should be noted and treated as a supplement to the January 26, 2012 letter, as follows:

- "9b. *Wherever possible from a topographical/hydrological perspective*, stormwater shall be directed from the gutters of the homes to the street system and ultimately to established points of detention and water quality."
- "10d. Although warrant studies by DOT staff and EAH's Traffic Engineer reflect that the installation of a traffic signal is not presently warranted, EAH remains amenable to participating concerning the installation of traffic signalization *related to the subject property and on-site improvements* at such time as the same may be warranted."
- "11. Construction hours during the build-out and development of the subdivision shall be from 7:00 a.m. until 7:00 p.m. Monday through Friday and from 9:00 a.m. until 6:00 p.m. on Saturdays. There will be *no* on-site construction on Sundays."

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL

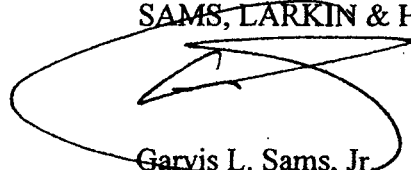
Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
February 2, 2012  
Page 2

“12. Compliance with recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer for the site. Said recommendations will include bringing sewer availability to contiguous tracts and establishing a dual water *feeds.*”

Please let me know if you need any additional information or documentation concerning this Application prior to the proposal being heard and considered by the Board of Commissioners on February 21, 2012. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



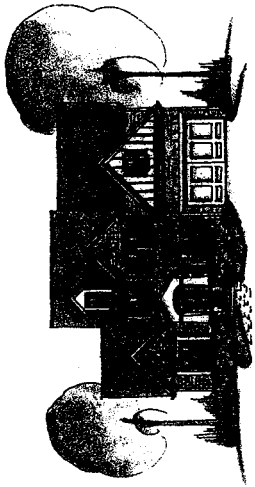
Garvis L. Sams, Jr.

[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

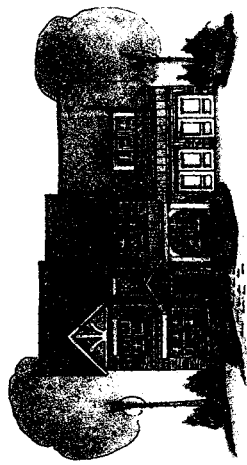
GLS, Jr./dsj

cc: Commissioner JoAnn Birrell (via email)  
Mr. Kenneth J. Wood, P.E., LEED AP  
Planners and Engineers Collaborative, Inc. (via email)  
Mr. Paul Corley (via email)

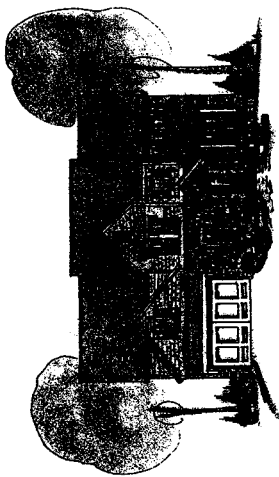
Petition No. 2-43 of '11  
Meeting Date 2-21-12  
Continued



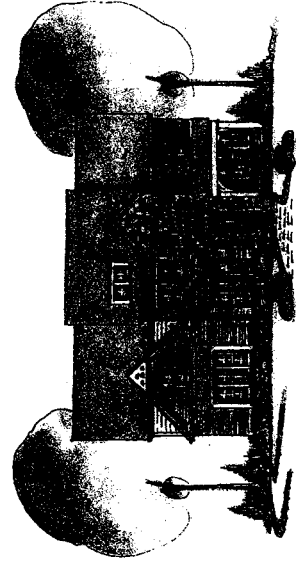
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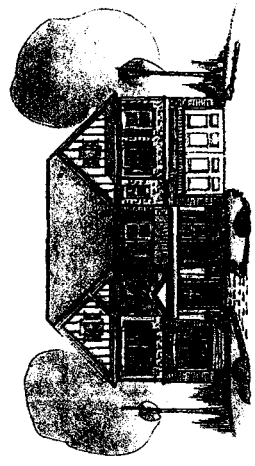
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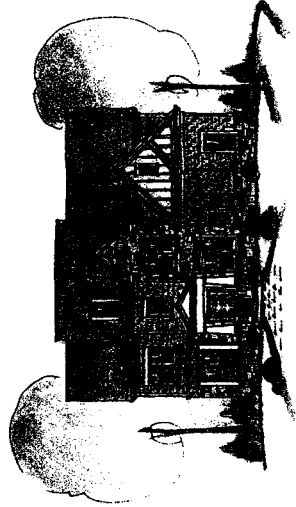
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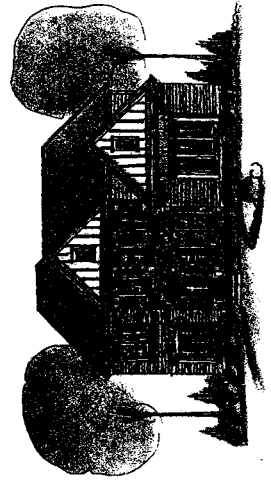
BURTON



SINCLAIR



CAMELLIA

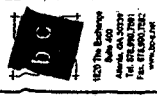


CRABAPPLE



edward andrews  
HOMES





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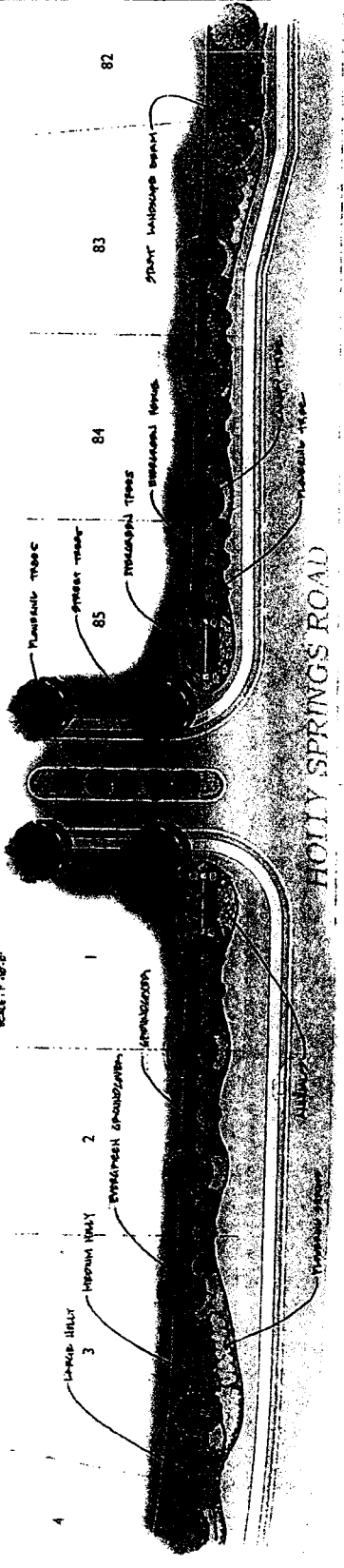
LANDSCAPE - ZONING PLANS  
POST OAK TRITT SUBDIVISION  
16TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA  
Prepared for: EDWARD ANDREWS HOMES  
127 WILSONS FERRY ROAD, BLDG. 4, SUITE 300, LAWYETTA, GA 30057



MONUMENT ELEVATION @ HOLLY SPRINGS ROAD  
SCALE: 1/4" = 1'-0"



ENTRY ELEVATION @ HOLLY SPRINGS ROAD  
SCALE: 1/4" = 1'-0"



ENTRY PLAN @ HOLLY SPRINGS ROAD  
SCALE: 1/4" = 1'-0"

edward andrews  
LANDSCAPE ARCHITECTS

Case No. 65 Petition No. Z-43 of 11  
Doc. Type Letter of agreeable  
conditions  
Meeting Date 2/21/12

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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JUSTIN H. MEEKS

February 17, 2012

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VIA E-MAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of EAH Investments, LLC to Rezone a 33.52 Acre Tract  
from R-20 to R-15 (No. Z-43)

Dear John:

As you know, this firm represents EAH Investments, LLC ("EAH") concerning the above-captioned Application for Rezoning which is scheduled to be heard and considered by the Cobb County Board of Commissioners next week on February 21, 2012. In that regard and as a result of our meeting earlier this week with the District Commissioner, a representative of the East Cobb Civic Association ("ECCA") and the County's professional staff from the Zoning Division, Department of Transportation and Stormwater Management, this letter will serve as a supplement to EAH's letters of agreeable stipulations/conditions which were submitted on January 26, 2012 and February 2, 2012, respectively (copies of both letters being attached hereto).

With respect to the foregoing, EAH is amenable to the following supplemental stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

1. The twenty-five foot (25') and ten foot (10') landscape strips around the perimeter of the subject property as shown on the revised site plan shall remain undisturbed during the construction and build-out of the proposed subdivision except to the extent that same may be disturbed and revegetated for purposes of the installation of utilities.
2. EAH shall install a four foot (4') decorative fence behind the twenty-five foot (25') landscape strip parallel to Holly Springs Road. The subdivision's entrance which shall be landscaped, fenced and walled as shown on that certain landscape plan which was submitted under separate cover on January 26, 2012.

VIA E-MAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
February 17, 2012  
Page 2

3. In addition to the submission of same to the Cobb County Stormwater Management Division, monthly summaries of site inspections which are completed following substantial area storm events shall also be provided to the Site Inspections Division of the Community Development Agency.
4. EAH shall plant indigenous vegetation and landscaping and aviary wildlife habitats within and around the stormwater management and water quality ponds and within the Amenity Area.
5. EAH shall plant four inch (4") Caliper Hardwood Trees on the frontage of each lot and ensure that each tree is planted in such a manner so that its growth is not impeded by the presence of sidewalks, driveways or hardscape.
6. The minimum house size within the proposed residential community shall be 2,600 sq. ft. and shall range up to 4,200 sq. ft. and beyond. Each of the homes shall have, at a minimum, an attached 2-car garage which shall be used for the parking and storage of vehicles.

Please do not hesitate to contact me should you or the staff require further information or documentation prior to the Application being heard and considered next week by the Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj  
Attachments

VIA E-MAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
February 17, 2012  
Page 3

- cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Mr. Robert L. Hosack, Jr., AICP, Director, Community Development Agency (via email w/attachments)  
Mr. Dana Johnson, AICP, Planning Manager (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Ms. Jane Stricklin, P.E. (via email w/attachments)  
Mr. Dave Breden, P. E. (via email w/attachments)  
Ms. Karen King, Assistant County Clerk (via email w/attachments)  
Ms. Lori Presnell, Deputy County Clerk (via email w/attachments)  
Ms. Jill Flamm, President, ECCA (via email w/attachments)  
Ms. Trish Steiner, ECCA (via email w/attachments)  
Ms. Jane Petrillo (via email w/attachments)  
Mr. & Mrs. Frederick C. Allen (via first class mail)  
Mr. Norm DeWalt, NECHG (via email w/attachments)  
Mr. Kenneth J. Wood, P.E., LEED AP, Planners and Engineers Collaborative, Inc. (via email w/attachments)  
Mr. Paul Corley (via email w/attachments)





