

APPLICANT: Christopher Fair and Maria Fair **PETITION NO.:** V-8
PHONE: 678-477-3061 **DATE OF HEARING:** 01-14-09
REPRESENTATIVE: same **PRESENT ZONING:** R-20
PHONE: same **LAND LOT(S):** 1043
PROPERTY LOCATION: Located on the west side of **DISTRICT:** 17
Westbury Park Trace, north of Paper Mill Road **SIZE OF TRACT:** .6921 acre
(460 Westbury Park Trace). **COMMISSION DISTRICT:** 2

TYPE OF VARIANCE: Waive the rear setback for an accessory structure (proposed 640 square foot pool cabana) on lot 4 from the required 40 feet to 18 feet.

COMMENTS

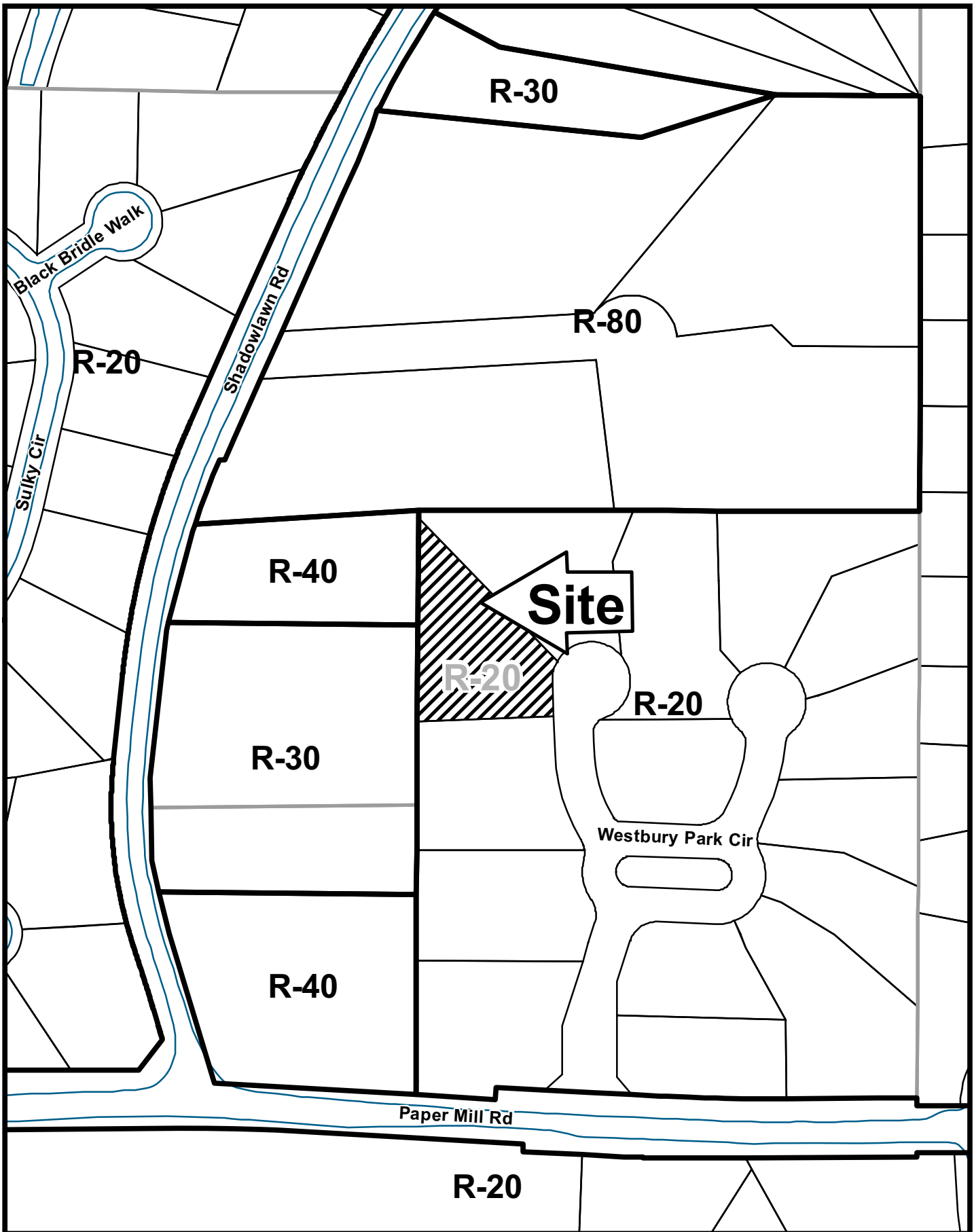
TRAFFIC: This request will not have an adverse impact on traffic.
DEVELOPMENT & INSPECTIONS: Some of the proposed project will be in a drainage easement. If the Cobb County Stormwater Management Division approves the encroachment and the variance is granted, a plat revision must be recorded reflecting the conditions of the variance. The surveyor must submit the revised subdivision plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.
STORMWATER MANAGEMENT: The proposed improvements just meet the impervious coverage limit. However, the pool and cabana are proposed within a 20 foot recorded drainage easement. Relocation of this drainage easement is limited due to the 10 foot landscape buffer required along the rear property line. The site plan must be revised to provide for at least a 10 foot drainage easement to accommodate offsite flow and convey it to the existing drop inlet.
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
CEMETERY PRESERVATION: No comment.
WATER: No conflict.
SEWER: No permanent structures shall be constructed within 10 feet of the edge of a permanent water or sewer easement on front and rear setbacks, or within 2 feet on side setbacks, per Code 122- 123. Sewer is along and within south property line.

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

BOARD OF APPEALS DECISION
APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____
STIPULATIONS: _____





V-8



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

100 0 100 Feet



 City Boundary
 Zoning Boundary

Application for Variance Cobb County

(type or print clearly)

Application No. U-8
Hearing Date: 7-14-09

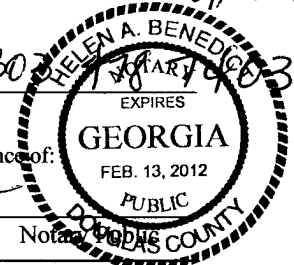
Applicant CHRIS & Maria Fair Business Phone 678 477 3061 Home Phone 770-952-4033

~~CHRIS FAIR~~ Maria Fair Address 460 Westbury Park Trace Marietta, GA 30067
(representative's name, printed) (street, city, state and zip code)

[Signature] Business Phone 678 477 3061 Cell Phone 303 778 1963
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]



My commission expires: 2/13/12

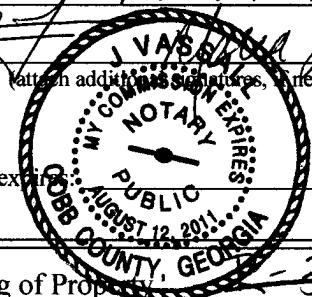
Titleholder ^{CHRIS FAIR} Maria Fair Business Phone 678 477 3061 Home Phone 770 952 4033

Signature [Signature] Address: 460 Westbury Park Trace Marietta, GA 30067
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

[Signature]

Notary Public



My commission expires: _____

Present Zoning of Property P-30 R-20

Location 460 Westbury Park Trace
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1043 District P52 District 17 Size of Tract .0921 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 _____

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.

In the event of non approval, we feel that we would not be able to construct an appropriate safety barrier for unintended usage of the pool. The intended structure will also assist in the reduction of "noise" to neighboring homes. Without this variance, we believe some neighbors might be inconvenienced. This is due to our restrictive site limitations.

List type of variance requested:
Encroachment upon rear setback for open area structure. WAIVE THE REAR SETBACK FROM REQUIRED 40 FT TO 10 FT.

See Exhibit "A" for cabana rendering.

