

# **PRELIMINARY VARIANCE ANALYSIS**

**HEARING DATE: May 13, 2009**

**DUE DATE: April 13, 2009**

Distributed: March 18, 2009



*Cobb County...Expect the Best!*

V-33  
(2009)

CARPORT 0.3' CLEAR  
CARPORT

N89°15'18"E 150.15'

S01°50'18"E 104.69'

N01°49'19"W 92.62'

N89°57'26"W 140.23'

A=16.03;  
R=10.01;  
Lc=14.37;  
N45°53'23"W

HAZELWOOD DR 50' R/W

HAMBY RD. 40' R/W

HAZELWOOD DR

MAGNETIC



26.0'

49.5'

40' BL

10' BL

30' BL E

1-STOREY FR  
#15  
54.3'

25' BL

IPF 3/4" PIPE

4' CHAIN-LINK FENCE

SSCO

3

**SURVEY NOTES:**

1. EQUIPMENT = TOPCON GTS 303 TOTAL STATION
2. DATE OF SURVEY: 2-12-09
3. I HAVE, THIS DATE, EXAMINED THE OFFICIAL FIA FLOOD HAZARD MAP COMMUNITY NUMBER 130052, PANEL 128G, DATED DECEMBER 16, 2008, AND HAVE DETERMINED THAT THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
4. #4 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

CURRENT ZONING: GC  
 MIN. FRONT BL: 40'  
 MIN. SIDE BL: 10'  
 MIN. MAJOR SIDE BL: 25'  
 MIN. REAR BL: 30'

MIN. LOT SIZE: 20,000 SQ. FT.  
 ACTUAL LOT SIZE: 15,542 SQ. FT.

GRAPHIC SCALE 1"=40'



0 40 80 120

REF: PLAT BOOK 9, PAGE 214

**BETTERTON**  
SURVEYING & DESIGN, INC.

LAND SURVEYING,  
LAND PLANNING,  
SUBDIVISION & COMMERCIAL  
SITE DESIGN

1111 SOUTH MARIETTA PARKWAY, SUITE A  
MARIETTA, GEORGIA 30060  
(678) 483-0242



02-13-09

**FINAL SURVEY**

LOT #2 BLOCK B  
HAMBY ACRES

LOCATED IN: LAND LOT 1243  
16TH DISTRICT, 2ND SECTION,  
COBB COUNTY, GEORGIA  
SCALE: 1" = 40FT  
DATE: 2/13/2009  
PREPARED FOR:

**WILLIAM B. BARBEE**

**APPLICANT:** William B. Barbee **PETITION NO.:** V-33  
**PHONE:** 770-386-8738 **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** same **PRESENT ZONING:** GC  
**PHONE:** same **LAND LOT(S):** 1243  
**PROPERTY LOCATION:** Located at the northeast **DISTRICT:** 16  
intersection of Hamby Road and Hazelwood Drive **SIZE OF TRACT:** 356 acre  
(15 Hamby Road). **COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the lot size from the required 20,000 square feet to 15,542 square feet; and 2) waive the side setback from the required 25 feet to 17 feet adjacent to the southern property line.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance Cobb County

(type or print clearly)

Application No. V-33

Hearing Date: 5-13-09

Applicant William B. Barbee

Business Phone 770-380-8738

Home Phone 770-380-6667

William B. Barbee

(representative's name, printed)

Address

Church St. Cartersville, GA 30120

(street, city, state and zip code)

William B. Barbee

(representative's signature)

Business Phone

770-380-8738

Cell Phone 770-655-0391

Signed, sealed and delivered in presence of:

J. Heath

Notary Public

My commission expires: 5/30/09

Titleholder William B. Barbee

Business Phone 770-380-8738

Home Phone 770-380-6667

Signature

William B. Barbee

(attach additional signatures, if needed)

Address

West Church St. Cartersville, GA 30120

(street, city, state and zip code)

Signed, sealed and delivered in presence of:

J. Heath

Notary Public

My commission expires: 5/30/09

Present Zoning of Property

GC

Location

15 Hamby Rd

(street address, if applicable; nearest intersection, etc.)

Land Lot(s)

P19

1243

District

16

Size of Tract

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.

Set Back Variance & Lot Size

We would not be able to open our office

List type of variance requested:

1) WAIVE THE LOT SIZE FROM 20,000 TO 15500 SQFT 2) WAIVE SIDE SIDE FROM 25FT TO 17FT



**APPLICANT:** Faith Lutheran Church **PETITION NO.:** V-34  
**PHONE:** 404-732-7003 **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** Robert C. Bissell **PRESENT ZONING:** R-20  
**PHONE:** 404-732-7003 **LAND LOT(S):** 1244, 1245  
**PROPERTY LOCATION:** Located on the north side of **DISTRICT:** 16  
Lower Roswell Road, west of Holt Road **SIZE OF TRACT:** 4.9 Acres  
(2111 Lower Roswell). **COMMISSION DISTRICT:** 2  
**TYPE OF VARIANCE:** Waive the required 35 foot landscape screening buffer adjacent to the northwest property line.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

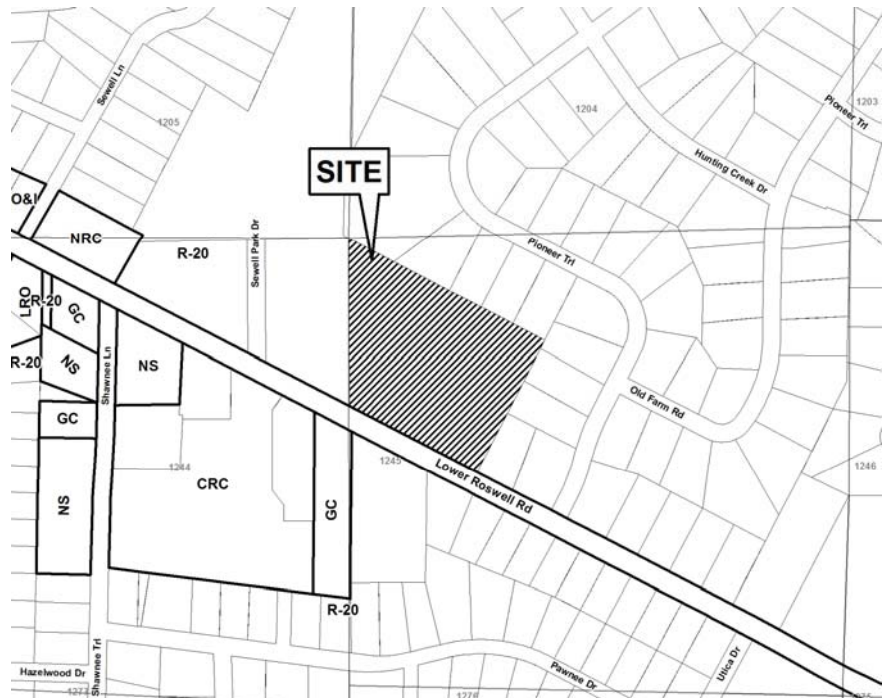
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

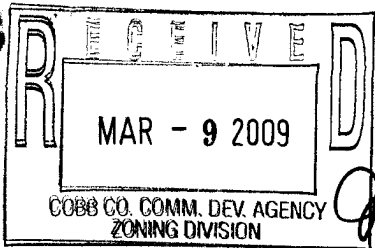
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_





# Application for Variance Cobb County

(type or print clearly)

Application No. V-34  
Hearing Date: 5-13-09

Applicant FAITH Lutheran Church + School  
Robert C. Bissell Business Phone (404) 732-7003 Home Phone (770) 726-7038

Robert C. Bissell Address 335 Millbrook Trace, Marietta GA 30068  
(representative's name, printed) (street, city, state and zip code)

Robert C. Bissell Business Phone 770-726-7038 Cell Phone 404-732-7003  
(representative's signature)

My commission expires: Aug 5, 2012  
Signed, sealed and delivered in presence of: Susan J Glass Notary Public

Titleholder FAITH LUTHERAN Business Phone 770-973-8877 Home Phone 770-794-4402  
Signature [Signature] Address: 2111 LOWER ROSWELL MARIETTA, GA 30068  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: Aug 5, 2012  
Signed, sealed and delivered in presence of: Susan J Glass Notary Public

Present Zoning of Property R-20  
Location 2111 Lower Roswell Road, Marietta, GA 30068  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1244, 1245 District 16 Size of Tract 4.9 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.

Without the variance for the 35' buffer, we will not be able to provide a safe level playing field for the children, who currently play on the parking lot. This variance will allow us to level the ground and provide a safe place for play as well as provide our neighbor with a year round visual and sound barrier of evergreens. we will leave a 12-15' buffer for the trees & shrubs.

List type of variance requested: landscape - level and plant shrubs & trees. Waive the required 35' landscape buffer along the northwest property line as shown on section noted on site plan.





**APPLICANT:** JDH Capital, LLC **PETITION NO.:** V-35  
**PHONE:** 704-357-1220 **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** J. Kevin Moore **PRESENT ZONING:** CRC  
**PHONE:** 704-357--1220 **LAND LOT(S):** 631  
**PROPERTY LOCATION:** Located at the northeast **DISTRICT:** 19  
intersection of Austell Road and Milford Church Road. **SIZE OF TRACT:** 8.99 acres  
**COMMISSION DISTRICT:** 4

**TYPE OF VARIANCE:** 1) Waive the number of parking spaces from the required 275 spaces to 250 spaces; and  
2) waive the landscape screening buffer from the required 35 feet to 10 feet adjacent to the eastern property line.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

**APPROVED**        **MOTION BY**       

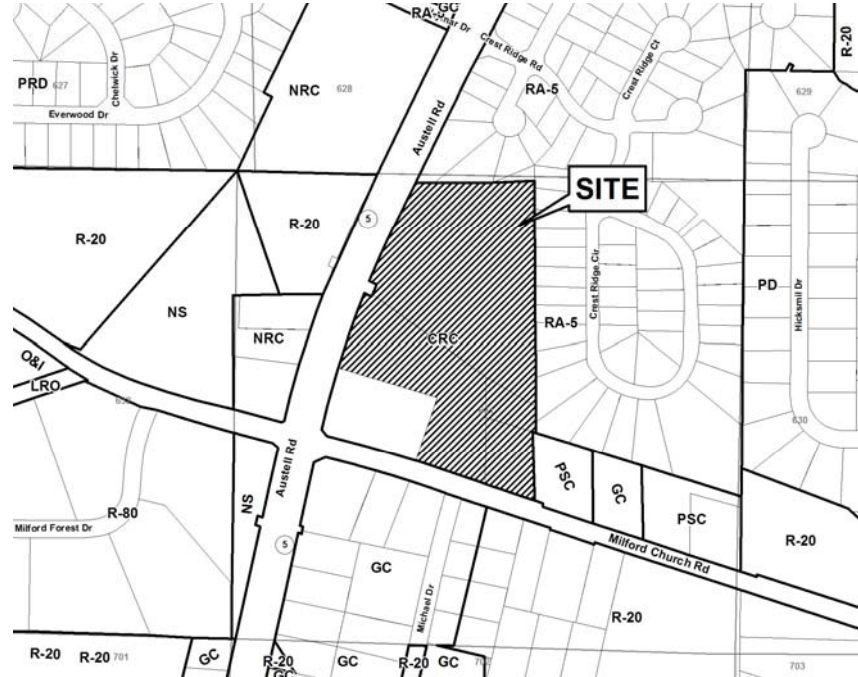
**REJECTED**        **SECONDED**       

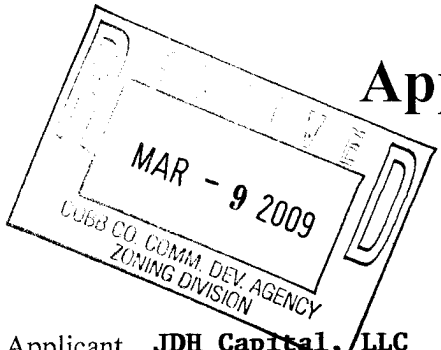
**HELD**        **CARRIED**       

**STIPULATIONS:**       





# Application for Variance Cobb County

(type or print clearly)

Application No. V- 35 (2009)  
Hearing Date: May 13, 2009

Applicant JDH Capital, LLC Business Phone (704) 357-1220 Home Phone Not Applicable  
Moore Ingram Johnson & Steele, LLP Emerson Overlook  
J. Kevin Moore Address 326 Roswell Street, Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Business Phone (770) 429-1499 Cell Phone (678) 516-1609  
(representative's signature) Georgia Bar No. 519728

My commission expires: January 10, 2011

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

Titleholder Robert J. McCamy and Christmas Creek Investment Company, L.P. Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Signature See Attached Exhibit "A" Address: \_\_\_\_\_  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: \_\_\_\_\_  
Notary Public

Present Zoning of Property CRC  
Location Intersection of the easterly side of Austell Road and the northerly side of Milford Church Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 631 District 19th Size of Tract 8.990 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.

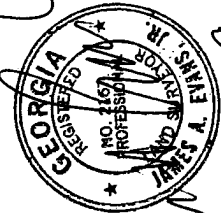
Size of Property \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other X

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**

List type of variance requested: (1) Waiver to allow for the reduction in the required minimum number of parking spaces from five (5) spaces per 1,000 square feet to 4.5 spaces per 1,000 square feet (§ 134-272(5)(d));  
(2) Waiver to allow for the reduction of the required 35 foot landscape buffer along residentially zoned property to 30 foot proposed natural gas easement with a 10 foot landscaped buffer to allow for the relocation of an existing gas line which presently runs through the middle of the Subject Property (§ 134-218(5)(b)).

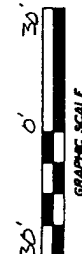
V-36  
(2009)

MAGNETIC



*Handwritten signature and notes*

AREA = 0.4744 AC  
# 2147 KINRIDGE RD



GRAPHIC SCALE

**SURVEY FOR:**  
STEVE MUTH  
DONNA MUTH

LOT 40	BLK. 'A'	UNIT I	REVISIONS
PIEDMONT BEND			
LAND LOT	773		
DISTRICT	167 <sup>TH</sup>	SECTION 2 NP	
	208B	COUNTY, GEORGIA	
PLAT BOOK	68	PAGE 23	
DATE:	3-9-09	SCALE: 1" = 30'	97-09

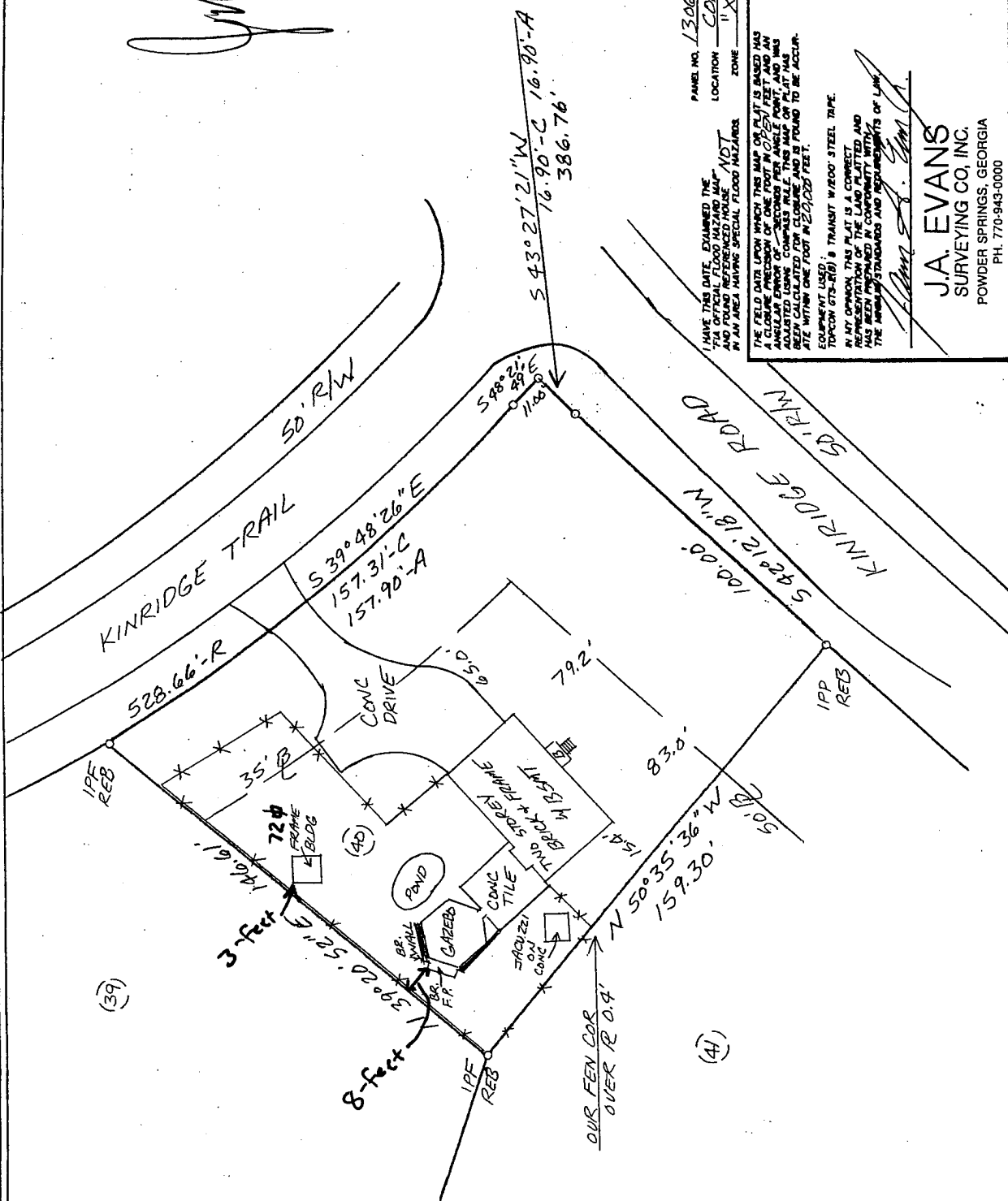
PANEL NO. 13067CD126.G  
LOCATION CDBB  
ZONE "X"

I HAVE THIS DATE EXAMINED THE  
THE OFFICIAL FLOOD HAZARD MAP  
AND FOUND REFERENCED HOUSE  
IN AN AREA HAVING SPECIAL FLOOD HAZARDS

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS  
A CLOSURE ERROR OF ONE FOOT IN 250,000 FEET AND AN  
ANGULAR ERROR OF SECONDS PER ANGLE POINT, AND HAS  
BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE  
WITHIN ONE FOOT IN 250,000 FEET.

EQUIPMENT USED:  
TOPCON GTS-RT8) & TRANSIT W/200' STEEL TAPE.  
IN MY OPINION THIS PLAT IS A CORRECT  
REPRESENTATION OF THE LAND PLATTED AND  
HAS BEEN PREPARED IN CONFORMANCE WITH  
THE APPROPRIATE STANDARDS AND REQUIREMENTS OF LAW.

*Handwritten signature of J.A. Evans*  
**J.A. EVANS**  
SURVEYING CO. INC.  
POWDER SPRINGS, GEORGIA  
PH. 770-943-0000



END.

**APPLICANT:** Donna Muth **PETITION NO.:** V-36  
**PHONE:** 404-233-7281 **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** same **PRESENT ZONING:** R-20  
**PHONE:** same **LAND LOT(S):** 773  
**PROPERTY LOCATION:** Located at the northwest **DISTRICT:** 16  
intersection of Kinridge Trail and Kinridge Road **SIZE OF TRACT:** .5 acre  
(2147 Kinridge Road). **COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** 1) Waive the rear setback on lot 40 for an accessory structure over 144 square-feet from the required 35 feet to 8 feet (for the gazebo); 2) allow an accessory structure (existing 72 square-foot frame building) to be closer to the side street than the principal structure; and 3) Waive the rear setback on lot 40 for an accessory structure under 144 square-feet from the required 5-feet to 3-feet (for the frame building).

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

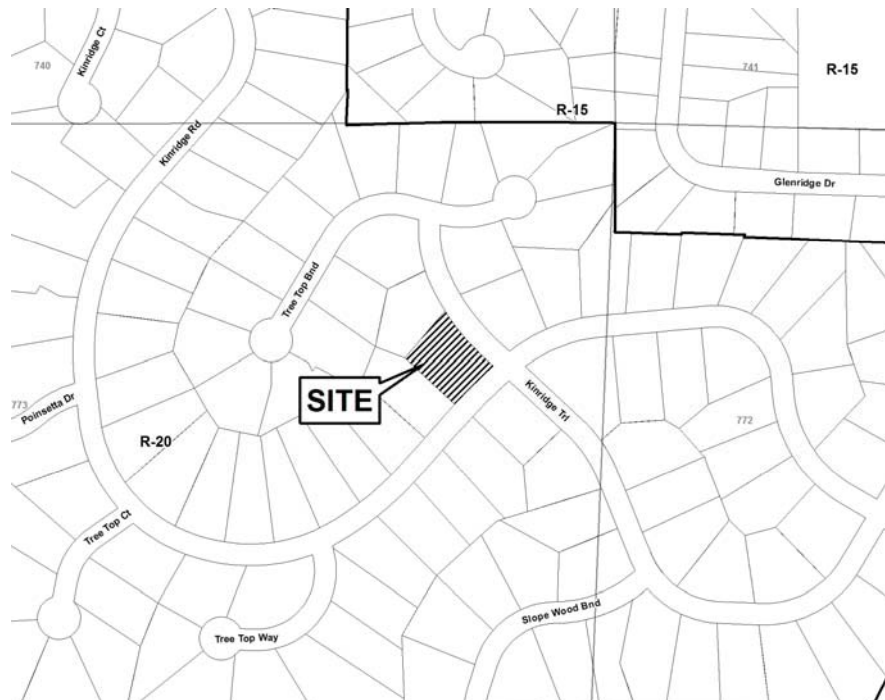
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance

## Cobb County

(type or print clearly)

Application No. V-36  
 Hearing Date: 5-13-09

Applicant Sonna Muth Business Phone 404-1233-7281 Home Phone 770-973-3016  
 Address 2147 Kinridge Rd. Marietta, GA 30062  
(representative's name, printed) (street, city, state and zip code)

+ Sonna L. Muth Business Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_  
(representative's signature)

**LESLIE R. PARTEE**  
**NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA**  
**MY COMMISSION EXPIRES JULY 12, 2011**

Signed, sealed and delivered in presence of:  
+ Leslie R. ParTEE  
 Notary Public

My commission expires: +

Titleholder + Sonna L. Muth Business Phone 404-1233-7281 Home Phone 770-973-3016  
 Signature + [Signature] Address: 2147 Kinridge Rd. Marietta, GA 30062  
(attach additional signatures, if needed) (street, city, state and zip code)

**LESLIE R. PARTEE**  
**NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA**  
**MY COMMISSION EXPIRES JULY 12, 2011**

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

My commission expires: +

Present Zoning of Property R-20  
 Location 2147 KINRIDGE ROAD  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 773 (D) 5 District 16 Size of Tract .5 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.

That having this approval would cause a great hardship for our family. We would not be able to enjoy our back yard at all! We did not know about all the rules/regulations that apply to a person's backyard. Our yard is not very deep in the back & we do not have the space required by the Cobb County Zoning Laws. We feel this adds value to our property. We have some trees for all surrounding neighbors & 2 doghouses there already a 5' from back yard.  
 List type of variance requested: WAIVE THE REAR SETBACK FROM REQUIRED 35FT TO 8FT

**V-37  
(2009)**

LEGEND	
	P.P. - POWER POLE
	L.P. - LIGHT POLE
	F.H. - FIRE HYDRANT
	M.H. - SANITARY SEWER MANHOLE
	W.M. - WATER METER
	G.M. - GAS METER
	RBS - REINFORCING BAR SET
	RBF - REINFORCING BAR FOUND
	CTF - CRIMP TOP PIPE FOUND
	OTF - OPEN TOP PIPE FOUND
	R/W MON. - RIGHT-OF-WAY MONUMENT
	x - TYPE OF FENCE
	== R.C.P. - REINFORCED CONCRETE PIPE
	— OVERHEAD POWER LINES
	PBX POWERBOX

**TRACT TWO PROPERTY LINE DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 250 OF THE 20 DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF GILBERT ROAD (APPARENT 40' R/W) AND THE NORTHEASTERLY RIGHT OF WAY OF NON-EXCLUSIVE INGRESS/EGRESS EASEMENT, SAID POINT BEING 980.5 FEET SOUTHWESTERLY FROM THE CENTERLINE OF OLD MOUNTAIN ROAD;  
 THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF GILBERT ROAD AND FOLLOWING ALONG THE NORTHEASTERLY RIGHT OF WAY OF SAID NON-EXCLUSIVE INGRESS/EGRESS EASEMENT NORTH 46 DEGREES 29 MINUTES 48 SECONDS WEST, 134.65 FEET TO A POINT;  
 THENCE NORTH 04 DEGREES 31 MINUTES 53 SECONDS EAST, 300.00 FEET TO A POINT AT THE TERMINUS OF SAID NON-EXCLUSIVE INGRESS/EGRESS EASEMENT;  
 THENCE LEAVING SAID NORTHEASTERLY RIGHT OF WAY OF SAID NON-EXCLUSIVE INGRESS/EGRESS EASEMENT AND FOLLOWING ALONG SAID TERMINUS NORTH 87 DEGREES 30 MINUTES 29 SECONDS WEST, 10.00 FEET TO A #5 REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING.

THENCE LEAVING SAID NON-EXCLUSIVE INGRESS/EGRESS EASEMENT NORTH 01 DEGREES 53 MINUTES 27 SECONDS EAST, 339.15 FEET TO A 1" OPEN TOP PIPE FOUND;  
 THENCE SOUTH 78 DEGREES 44 MINUTES 23 SECONDS EAST, 15.07 FEET TO A CONCRETE MONUMENT FOUND;  
 THENCE SOUTH 80 DEGREES 25 MINUTES 30 SECONDS EAST, 303.76 FEET TO A #4 REBAR FOUND;  
 THENCE SOUTH 00 DEGREES 50 MINUTES 55 SECONDS WEST, 299.76 FEET TO A #5 REBAR FOUND;  
 THENCE NORTH 87 DEGREES 30 MINUTES 29 SECONDS WEST, 321.41 FEET TO A #5 REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT TWO CONTAINS 2.33 ACRES MORE OR LESS.

**A NON-EXCLUSIVE INGRESS/EGRESS EASEMENT**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 250 & 283 OF THE 20 DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF GILBERT ROAD (APPARENT 40' R/W) AND THE NORTHEASTERLY RIGHT OF WAY OF NON-EXCLUSIVE INGRESS/EGRESS EASEMENT, SAID POINT BEING 980.5 FEET SOUTHWESTERLY FROM THE CENTERLINE OF OLD MOUNTAIN ROAD;

THENCE FOLLOWING ALONG THE NORTHERLY RIGHT OF WAY OF GILBERT ROAD ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 20.45 FEET, SAID CURVE HAVING A RADIUS OF 538.19 FEET AND BEING SUBTENDED BY A CHORD OF 20.45 FEET, AT SOUTH 55 DEGREES 24 MINUTES 16 SECONDS WEST, TO A POINT;  
 THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF GILBERT ROAD AND FOLLOWING ALONG SAID SOUTHWESTERLY RIGHT OF WAY OF NON-EXCLUSIVE INGRESS/EGRESS EASEMENT NORTH 46 DEGREES 29 MINUTES 48 SECONDS WEST, 139.98 FEET TO A POINT;  
 THENCE NORTH 04 DEGREES 31 MINUTES 53 SECONDS EAST, 309.15 FEET TO A POINT AT THE TERMINUS OF SAID NON-EXCLUSIVE INGRESS/EGRESS EASEMENT;  
 THENCE ALONG SAID TERMINUS SOUTH 85 DEGREES 44 MINUTES 45 SECONDS EAST, 10.01 FEET TO A #5 REBAR FOUND;  
 THENCE SOUTH 87 DEGREES 30 MINUTES 29 SECONDS EAST, 10.00 FEET TO A POINT;  
 THENCE LEAVING SAID TERMINUS AND FOLLOWING ALONG SAID NORTHEASTERLY RIGHT OF WAY OF SOUTH 04 DEGREES 31 MINUTES 53 SECONDS WEST, 300.00 FEET TO A POINT;  
 THENCE SOUTH 46 DEGREES 29 MINUTES 48 SECONDS EAST, 134.65 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF GILBERT ROAD, SAID POINT BEING THE POINT OF BEGINNING.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X-1, ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130052, MAP NUMBER # 13087 C 0101 G, DATED DECEMBER 16, 2008.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1" / 41,653. ANGULAR ERROR: 1" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1" / 519,500. MATTERS OF TITLE ARE EXCEPTED.

N ~ F  
HARRY LIVINGSTON  
TRACT #3  
P.B. 70, PG. 118

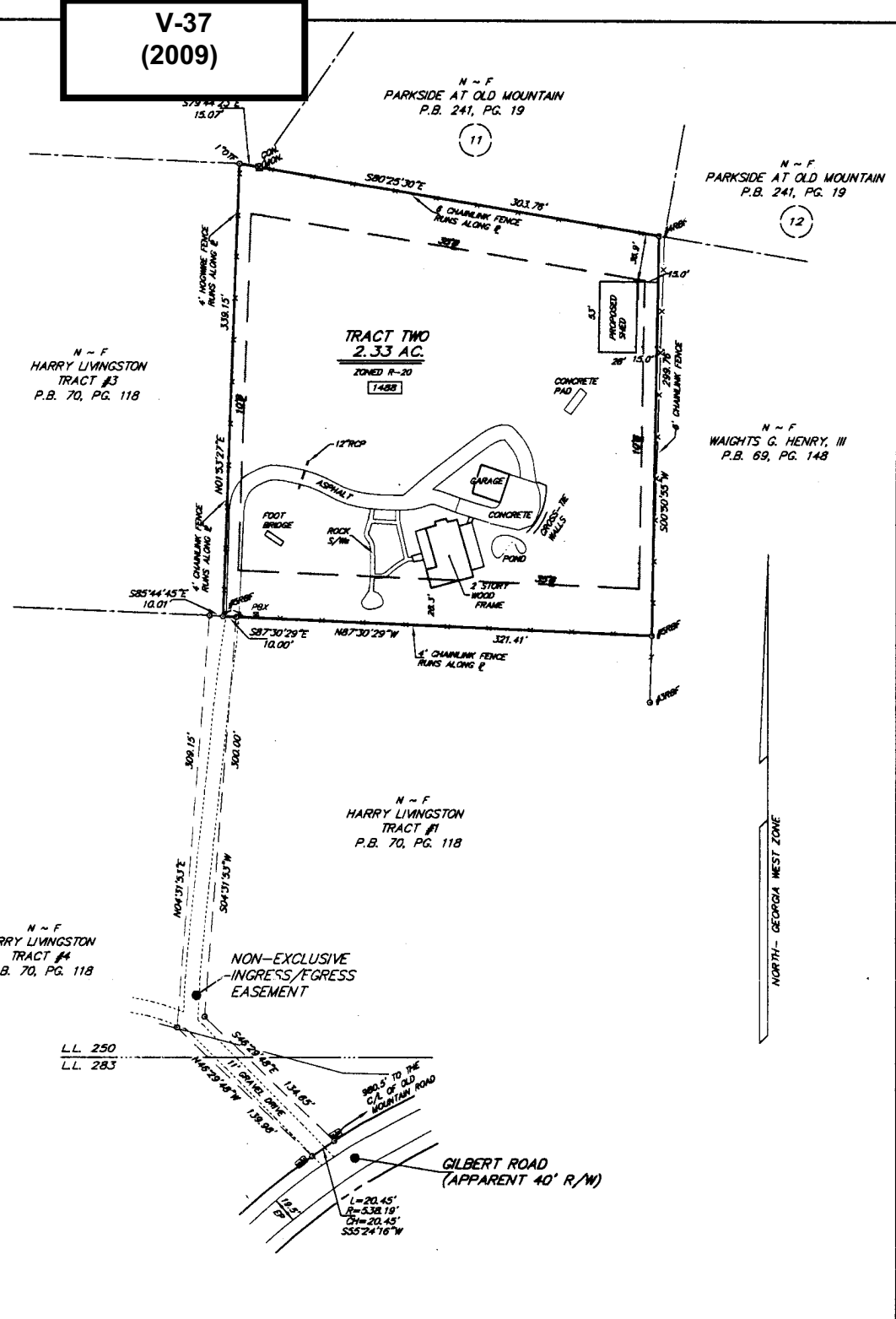
N ~ F  
HARRY LIVINGSTON  
TRACT #4  
P.B. 70, PG. 118

N ~ F  
HARRY LIVINGSTON  
TRACT #1  
P.B. 70, PG. 118

N ~ F  
PARKSIDE AT OLD MOUNTAIN  
P.B. 241, PG. 19

N ~ F  
PARKSIDE AT OLD MOUNTAIN  
P.B. 241, PG. 19

N ~ F  
WAIGHTS G. HENRY, III  
P.B. 69, PG. 148



**ZONING NOTES:**  
 CURRENT ZONING: R-20  
 SETBACKS: FRONT - 35'  
 SIDE - 10'  
 REAR - 35'

**PLAT NOTES:**  
 1.) NO APPARENT CEMETARIES ON PROPERTY.  
 2.) NO APPARENT WETLANDS ON PROPERTY.



DATE	: 3-5-09	REVISIONS
SCALE	: 1" = 60'	
DRAWN BY	: MAN	
CHECKED BY	: CAE	
FIELD BOOK	: 572	

SURVEY FOR:  
**DARYLE & REBECCA HIGGINBOTHAM**  
 HARRY LIVINGSTON  
 TRACT 2

**Gaskins**  
 ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL  
 1366 Powder Springs Rd. Phone: (770) 434-7168  
 Marietta, Georgia 30064 www.gskinsurvey.com Fax: (770) 434-7591

LOCATED IN L.L. 250 & 283  
 20th DISTRICT, 2nd SECTION  
 COBB COUNTY, GA.

**APPLICANT:** Rebecca Higginbotham                      **PETITION NO.:** V-37  
**PHONE:** 770-428-2351    **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** same    **PRESENT ZONING:** R-20  
**PHONE:** same    **LAND LOT(S):** 250, 283  
**PROPERTY LOCATION:** Located off of a private              **DISTRICT:** 20  
easement on the north side of Gilbert Road                      **SIZE OF TRACT:** 2.33 acres  
(1488 Gilbert Road).    **COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1) Waive the setback for an accessory structure over 650 square feet (proposed 1,484 square foot shed) from the required 100 feet to 15 feet adjacent to the eastern property line and 37 feet adjacent to the northern property line; 2) waive the front setback for the house from required 35-feet to 28-feet (existing); and 3) waive the width of an easement for a house located off a private easement from required 25-feet to 20-feet (existing).

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance Cobb County

(type or print clearly)

Application No. V-37

Hearing Date: 5-13-09

Applicant Daryle J. and Rebecca K. Higginbotham Business Phone 770-424-3135 Home Phone 770-428-2351  
(representative's name, printed) Address 1488 Gilbert Road, Kennesaw, GA 30152  
(street, city, state and zip code)

Business Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_  
(representative's signature)

See Attached Signed, sealed and delivered in presence of:

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

Notary Public

Titleholder Daryle J. and Rebecca K. Higginbotham Business Phone 770-424-3135 Home Phone 770-428-2351  
Signature Daryle J. Higginbotham Address: 1488 Gilbert Road, Kennesaw, GA 30152  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

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

**Rene T. Lanier**  
Notary Public Cobb County, Georgia  
My Commission Expires April 29, 2011

Rene T. Lanier  
Notary Public

Present Zoning of Property R-20

Location 1488 Gilbert Road, Kennesaw, GA 30152  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 20-0250-0-006-0 District R-20 Size of Tract 2.30 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.

Without the variance, the structure would have to be placed within flood area. The attached information shows that the variance is required to move the structure outside the flood area.

List type of variance requested: 1. Variance from side setback and rear setback is requested.  
2. Variances requested from Section 134-201 - Street Frontage Requirement. The property is accessed through a twenty foot ingress/egress easement.



APPLICATION FOR VARIANCE REQUEST  
COBB COUNTY BOARD OF APPEALS

#98

V-37 (2009)  
Exhibit "A"  
Previous  
variance

10-14-1977

Date of Application \_\_\_\_\_ Date of Hearing 10-14-1977 2:00 PM  
Name of Titleholder Harry W. Livingston, Jr. /s/ [Signature]  
Address 866 Franklin Road, Marietta, Ga. Phone 427-5366  
Name of Applicant Same /s/ \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

Type of Variance waiver curb and guttering, allow construction of 4 homes without 100 feet public road frontage on private drive

Land Lot 283 District 20th Section 2nd Cobb County

Legal Description Beginning at a point on the north side of Gilbert Road, approx. 750 feet west of Old Mountain Road; thence north 610 feet more or less to the property now or formerly owned by Edward P. Withers; thence in a northwesterly direction along said Withers property 300 feet more or less to a US Gov. Property marker; thence northwesterly 330 feet more or less to US Gov. property Marker; thence southerly along the Gov. property 659 feet more or less to the south line of land lot 250; thence east along said land lot line 218 feet more or less; thence southerly 293.7 feet more or less to a point on the northwest side of Gilbert Road; thence northeasterly along said road 500 feet more or less to the point of Beginning.

Decision of Board of Appeals: 10-14-77, Board of Appeals approved the above request to construction 3 homes on private drive with the stipulation that the road frontage on Gilbert Road be curbed and guttered.

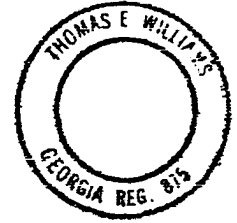
Motion by Nixon, seocnded by Fowler; carried 6-0.

SECRETARY:

[Signature]

Filed in Office  
April 28, 1978  
Jack L. Graham  
Clerk

THIS PLAT PLACED ON RECORD  
Date \_\_\_\_\_ PB \_\_\_\_\_ Page \_\_\_\_\_



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

*Thomas E. Williams*

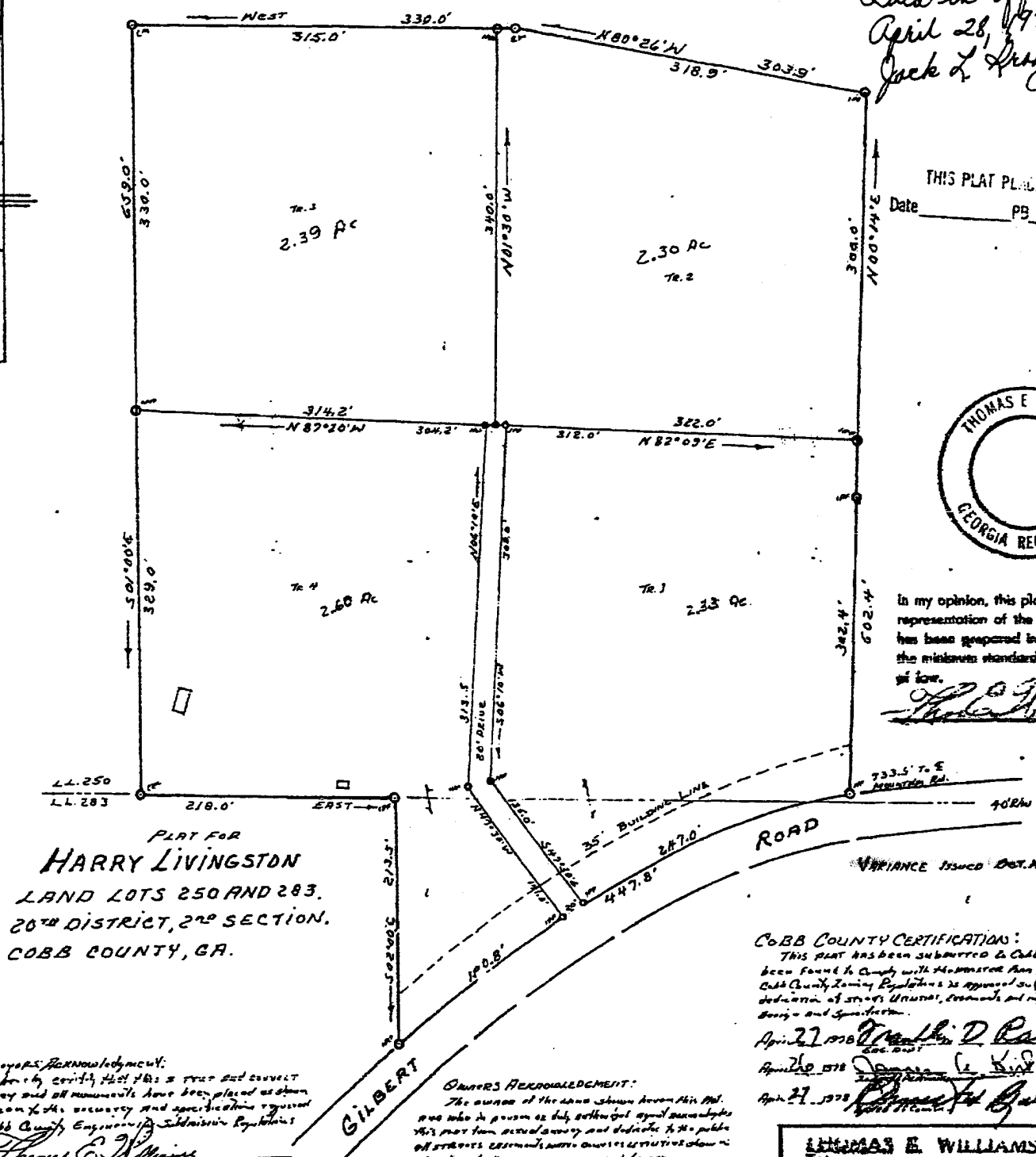
VARIANCE ISSUED OCT. 11, 1977

**COBB COUNTY CERTIFICATION:**

This plat has been submitted to Cobb County, and having been found to comply with the Georgia and Cobb County Land Use Regulations as approved subject to the satisfaction of street, utility, easements and requirements as per the design and specifications.

April 27, 1978 *Thomas D. Ramsey*  
April 20, 1978 *James L. Kirk*  
April 21, 1978 *James H. Garrett*

**THOMAS E. WILLIAMS & ASSOC.**  
134 FRANCES AVE  
MARIETTA, GA.  
Phone: 422-4730



PLAT FOR  
**HARRY LIVINGSTON**  
LAND LOTS 250 AND 283,  
20th DISTRICT, 2nd SECTION,  
COBB COUNTY, GA.

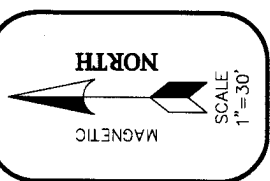
**OWNER'S ACKNOWLEDGMENT:**  
The owner of the same shown herein this Plat, and who is present or duly authorized agent, hereby certifies that this plat is a true and correct copy of the original survey and dedicates to the public all streets, easements, utility lines and other things shown hereon for the purposes expressed hereon.

*Harry Livingston*  
owner

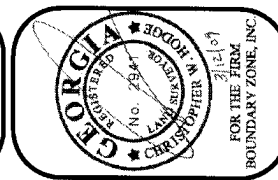
**SURVEYOR'S ACKNOWLEDGMENT:**  
I hereby certify that this is a true and correct survey and all monuments have been placed as shown hereon to the accuracy and specifications required by Cobb County Engineering Submission Regulations.

*Thomas E. Williams*  
Ga. Reg. No. 815

DATE: JAN. 10, 1978 SCALE: 1" = 100'



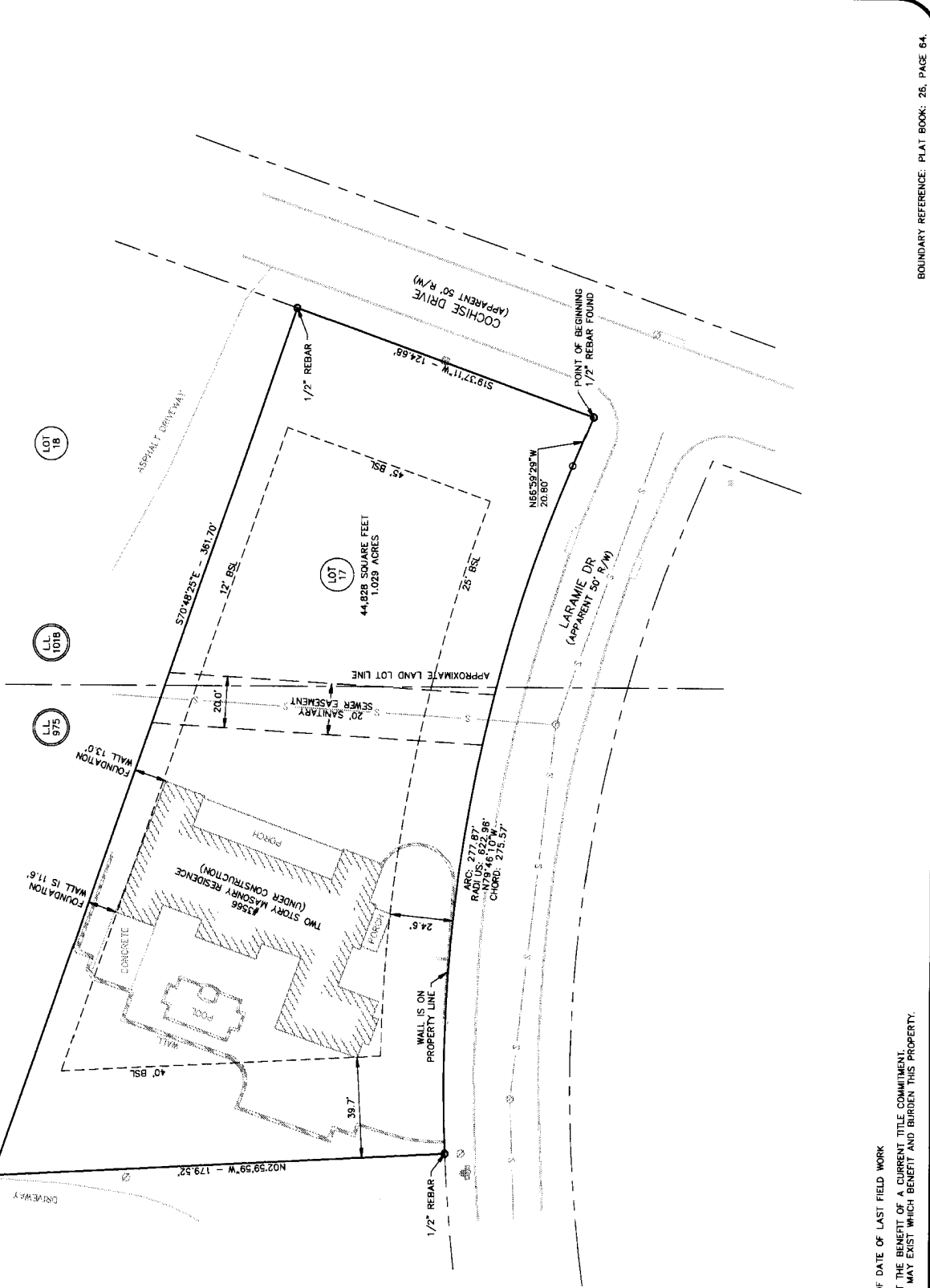
**BOUNDARY SURVEY**  
 PREPARED IN ACCORDANCE WITH THE INSTRUCTIONS OF THE BOARD OF SURVEYORS AND MAPS OF THE STATE OF GEORGIA  
 COBB COUNTY, GEORGIA  
 (6002) V-38  
 COMMENTS: 12/09 CO. COMMENTS



**PROJECT**  
0735703  
**SHRIT**  
1 OF 1

GRAPHIC SCALE - IN FEET  
 15 0 30 60 90

- LEGEND:**
- PROPERTY CORNER FOUND (AS NOTED)
  - CALCULATED PROPERTY CORNER
  - ⊕ FIRE HYDRANT
  - ⊕ WATER METER
  - ⊕ WATER VALVE
  - ⊕ MANHOLE
  - ⊕ CLEAN OUT
  - FENCE LINE
  - - - BSL BUILDING SETBACK LINE
  - ▨ CONCRETE
  - ▨ EDGE OF PAVEMENT
  - LL LAND LOT
  - N/W NOW OR FORMERLY
  - R/W RIGHT-OF-WAY



BOUNDARY REFERENCE: PLAT BOOK: 26, PAGE 64.

**ATLANTA**  
235 PEACHTREE STREET NE, SUITE 400  
ATLANTA, GEORGIA 30303  
**BUFFORD**  
4195 SOUTH LEE STREET, SUITE I  
BUFFORD, GEORGIA 30518  
**BALKEGH**  
7413 SIX FORKS ROAD, #134  
RALEIGH, NORTH CAROLINA 27615

**BOUNDARY ZONE, INC.**  
LAND SURVEYING SERVICES  
ATLANTA METRO: (770) 271-5772 - RALEIGH: (919) 624-5443  
FAX: (770) 271-5753 - WWW.BOUNDARYZONE.COM

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSENESS AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 42,279 FEET.  
 THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5600 ROBOTIC TOTAL STATION.  
 THIS FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSEST APPROXIMATION OF ONE FOOT IN 10,000 FEET, AND ANGULAR ERROR OF 1 SECOND PER ANGULAR POINT, AND WAS ADJUSTED USING COMPASS RULE.  
 FIELDWORK PERFORMED ON 01/09/09.

© COPYRIGHT 2009 - BOUNDARY ZONE, INC.  
 THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.  
 THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS REIDENTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

**NOTE:**  
 SITE UNDER CONSTRUCTION AS OF DATE OF LAST FIELD WORK  
 THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

**APPLICANT:** David Ogram **PETITION NO.:** V-38  
**PHONE:** 404-578-0352 **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** same **PRESENT ZONING:** R-30  
**PHONE:** same **LAND LOT(S):** 975, 1018  
**PROPERTY LOCATION:** Located at the northwest **DISTRICT:** 17  
intersection of Cochise Drive & Laramie Drive **SIZE OF TRACT:** 1.029 acres  
(3275 Laramie Drive). **COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the side setback adjacent to the northern property line from required 12 feet to 11 feet; 2) waive the side setback adjacent to the southern property line from required 25 feet to 24 feet; 3) waive the rear setback from required 40 feet to 39 feet on lot 17.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

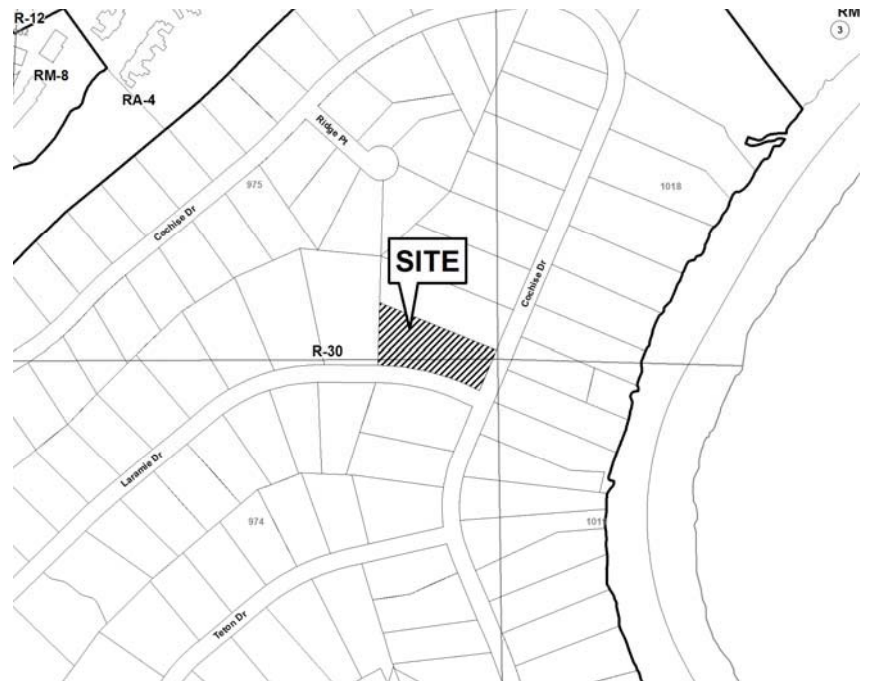
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance Cobb County

(type or print clearly)

Application No. U-38

Hearing Date: 5-13-09

Applicant DAVID OGRAM Business Phone 404.578.0352 Home Phone 404.253.3665

DAVID OGRAM  
(representative's name, printed)

Address 1708 Peachtree St. Suite 325  
(street, city, state and zip code)

David Ogram  
(representative's signature)

Business Phone 404.253.3665 Cell Phone \_\_\_\_\_

Signed, sealed and delivered in presence of:

Trudy C. Sims

My commission expires: 12/26/10

Titleholder JOHN K. WHITE Business Phone 770.431.8502 Home Phone \_\_\_\_\_

Signature John K. White  
(attach additional signatures, if needed)

Address: \_\_\_\_\_  
(street, city, state and zip code)

Signed, sealed and delivered in presence of:

Trudy C. Sims

My commission expires: 12/26/10

Present Zoning of Property R-30

Location 3275 Laramie Drive  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 97541018 District 17TH Size of Tract 1.029 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.

SEE ATTACHED DOCUMENT (EXHIBIT "A")

List type of variance requested: 1) WAIVE THE SIDE SETBACK 2) WAIVE THE REAR SETBACK

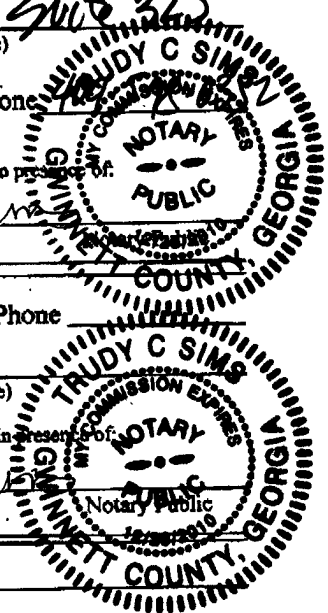


Exhibit "A" V-38/2009

March 11, 2009

3275 Laramie Drive  
Atlanta, Ga 30319

To Whom It May Concern,

We are applying for a variance for 3275 Laramie Drive at the intersection of Laramie Dr and Cochise Dr to make the following changes:

The new house, which has been permitted and is about 75 percent complete with construction, has been found by the Contractor to be off the originally intended corner points and over the setback lines by a few inches. No other variances are requested at this time. We are applying for a variance to reduce the half depth front yard from 25' to 24.6 (5 inches), to allow for an open and covered front porch; to reduce the rear yard from 40 ft. to 39.7 ft (4 inches), where the corner of the garage encroaches; and reduce the 12 ft. side to 11.6 (5 inches).

There are extraordinary and exceptional conditions pertaining to this piece of property due to its size, shape and topography.

The property while large in its overall size, has a rather narrow width requiring the structure to be built at the setback lines on three sides. The west side of the site is steeply sloped with rock outcroppings on that side requiring excavation and tall retaining walls to be built.

The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship.

The new house as built underwent adjustments to the layout due to the complex configuration of the building and the extensive retaining walls on the back side. This process of making it all work resulted in an unfortunate foundation wall placement that encroached on the setback by no more 5 inches making it necessary to apply for a variance.

Such conditions are peculiar to this piece of property.

The new house as built cannot be moved or altered to correct this condition. Redesign, reconstruction and time delays would be cost prohibitive at this stage of the project.

Relief, if granted, would not cause substantial detriment to the good or impair the purpose of the zoning ordinance.

Approval of the variance would not be objectionable and have no adverse effect on the community. The contiguous neighbor to the North is a good distance away and screened by an earth bank and several trees that completely obscure the corner of the house. The contiguous neighbor to the West is behind a retaining wall and rock hill and cannot easily see the new house. Both contiguous neighbors understand this variance and have signed the attached document in support of granting the variance. We believe this variance to be non-objectionable and will have no adverse effect on the community. We respectfully ask for your approval.

V-39  
(2009)

234577

LOT 9  
BLOCK  
UNIT  
SUB. LEMONS RIDGE

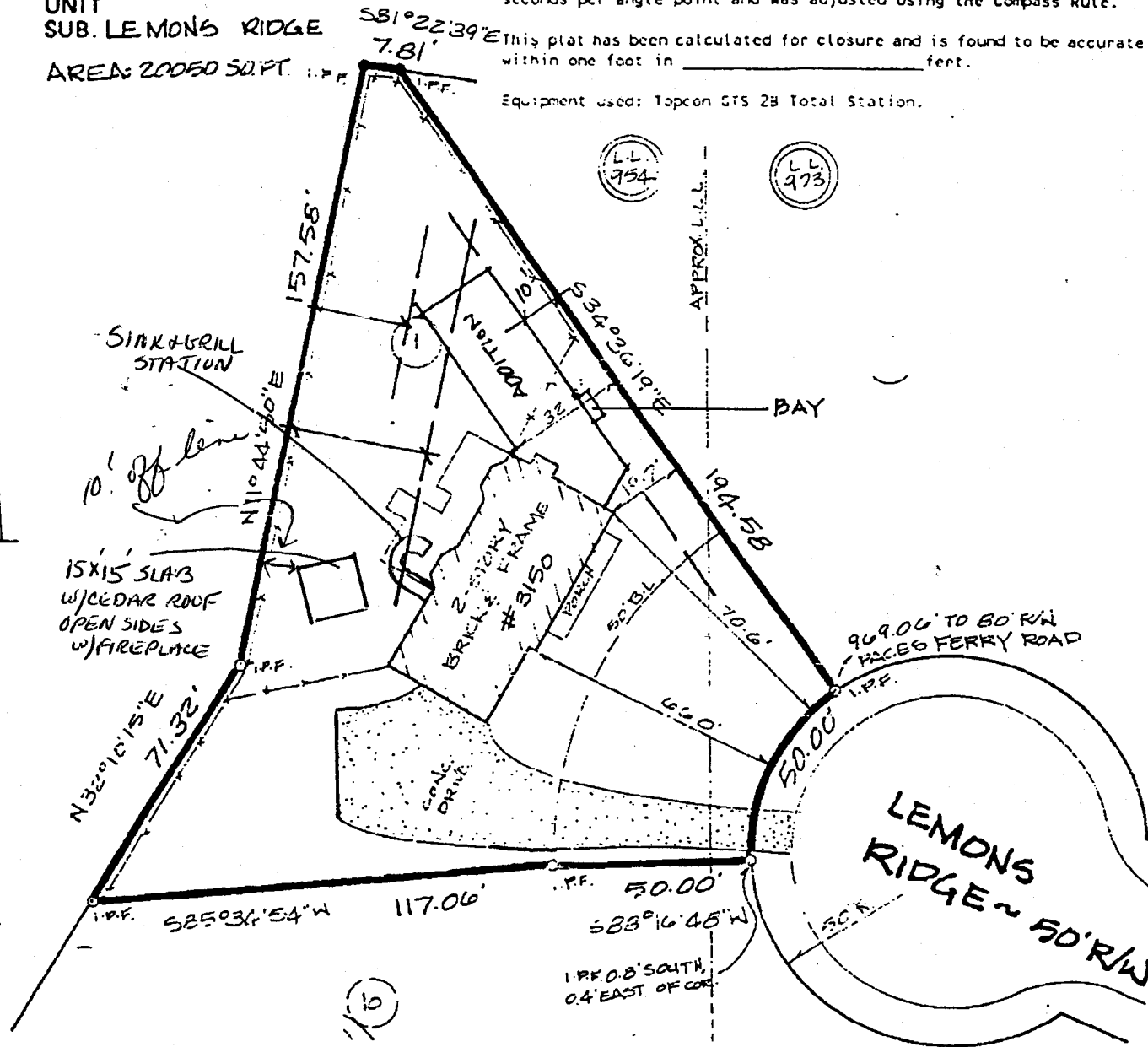
AREA: 20050 SQ. FT. I.P.F.

The field data upon which this plat is based has a closure precision of one foot in \_\_\_\_\_ feet and an angular error of \_\_\_\_\_ seconds per angle point and was adjusted using the Compass Rule.

This plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet.

Equipment used: Topcon GTS 2B Total Station.

MAG NORTH



PROPERTY OF  
LYNN M. RUDDER

LAND LOTS 954 & 973 17th DISTRICT, 2nd SECT.

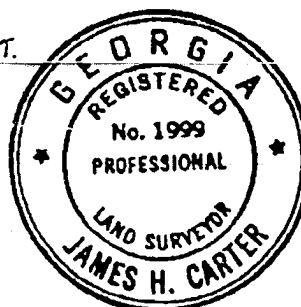
COBB COUNTY, GEORGIA

SCALE 1" = 40' DATE: OCTOBER 4, 1993

REG. LAND SURVEYOR NO. 1999

THE CARTER GROUP, INC.

IN MY OPINION THIS PLAT IS A CORRECT  
REPRESENTATION OF THE LAND PLATTED



This Is To Certify That  
This Property (Is Not)  
In A Special Flood Hazard  
Area As Shown On The  
Applicable "FIA Official  
Flood Hazard Map"

DES'N NO. 93100016

**APPLICANT:** Dean Construction Company      **PETITION NO.:** V-39  
**PHONE:** 770-480-4788      **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** Bill Dean      **PRESENT ZONING:** R-20  
**PHONE:** 770-480-4788      **LAND LOT(S):** 954, 973  
**PROPERTY LOCATION:** Located on the west side of      **DISTRICT:** 17  
Lemons Ridge Drive, west of Paces Ferry Road      **SIZE OF TRACT:** .58 acre  
(3150 Lemons Ridge Drive).      **COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** Waive the rear setback for an accessory structure over 144 square feet on lot 9 from the required 35 feet to 10 feet (proposed 225 square foot pavilion).

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

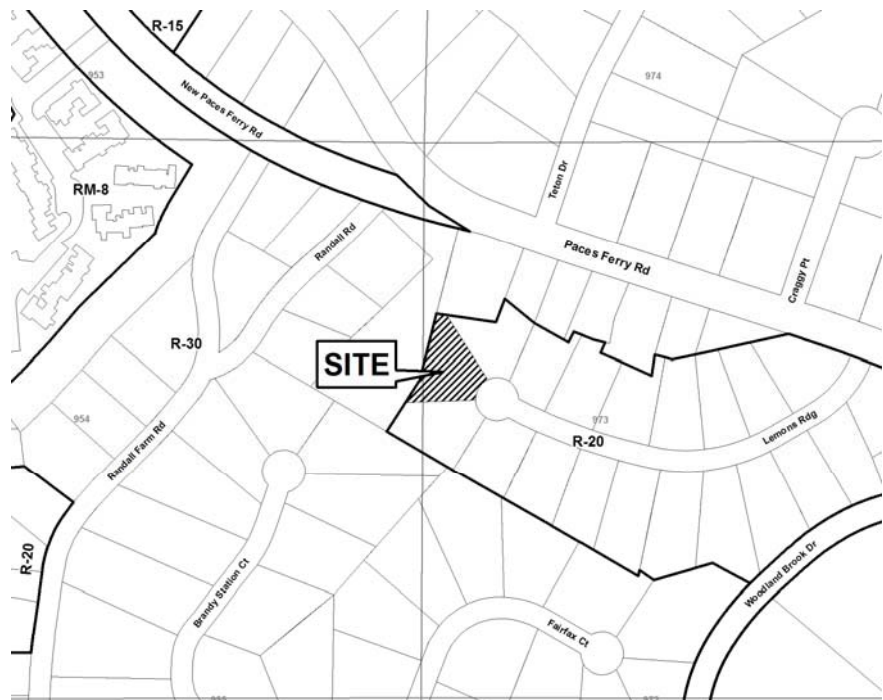
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_







# Application for Variance Cobb County

(type or print clearly)

Application No. V-39  
Hearing Date: 5-13-09

Applicant DEAN CONST. Co. Business Phone 770-480-4788 Home Phone \_\_\_\_\_

BILL DEAN Address 3480 BONDS LAKE RD. COVINGTON GA 30012  
(representative's name, printed) (street, city, state and zip code)

\* [Signature] Business Phone 770-480-4788 Cell Phone \_\_\_\_\_  
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_  
Notary Public Gwinnett County Georgia  
My Commission Expires Dec. 12, 2011

[Signature]  
Notary Public

Titleholder ANGELIA ROBSON Business Phone \_\_\_\_\_ Home Phone 404-663-7198

\* Signature [Signature] Address: 3150 LEMONS RIDGE ATL. 30339  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_  
Notary Public Gwinnett County Georgia  
My Commission Expires Dec. 12, 2011

[Signature]  
Notary Public

Present Zoning of Property R20 17097300420

Location 3150 LEMONS RIDGE DR. ATLANTA GA 30339  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 973 District 17 Lot 9 Size of Tract .58 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 Y

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.

Set back on back side is 35' - would like to add slab 15x15' with roof/now enclosed w/fireplace that will corner out 10' from set back

+ FIREPLACE

List type of variance requested: SLAB/STRUCTURE (OPEN AREA w/ROOF) INSIDE 35' SETBACK @ BACK OF PROPERTY

See Exhibit "A" for the Previous variance

# Application for Variance Cobb County

V-39 (2009)  
Exhibit "A"  
Previous  
variance

(type or print clearly)

Application No. V 170

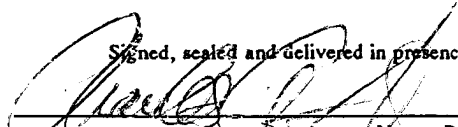
Hearing Date: 11 9

Applicant Lynn M Rudder Day Phone 432-9348 Home Phone 432-9348

Lynn M Rudder Address 3150 Lemons Ridge, N.W., Atlanta, GA 30339  
(representative's name, printed) (street, city, state and zip code)

Lynn M Rudder Day Phone 432-9348  
(representative's signature)

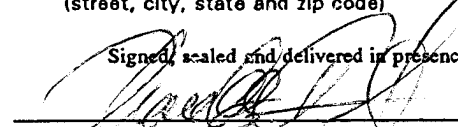
My commission expires: \_\_\_\_\_

Signed, sealed and delivered in presence of:  
  
Notary Public

Titleholder Lynn M Rudder Day Phone 432-9348 Home Phone 432-9348

Signature Lynn M Rudder Address 3150 Lemons Ridge, N.W., Atlanta 30339  
(attach additional signatures, if needed) (street, city, state and zip code)

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

Signed, sealed and delivered in presence of:  
  
Notary Public

Present Zoning of Property R-20

Location 3150 Lemons Ridge  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 954 & 973 District 17 Dis. 2nd Section Size of Tract 20,050 sq. ft. (.4 acre) 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 XX Topography of property \_\_\_\_\_ Other \_\_\_\_\_

The Cobb County Zoning Ordinance Section 3-28-9.12A 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 Attached

List type of variance requested: See Attached Exhibit "A"

Exhibit A  
V-178/1994

Rudder Residence

Possible wording for Variance application:

Type of Variance Requested:

The applicant request a reduction of the side yard setback from 10 minimum to 7 ft and a reduction of the rear yard setback from 35 ft. minimum to 25 ft. These requests are made for the accomodation of an addition to the applicant's residence incorporating both a projected bay window and attendant eave overhangs.

Hardship Statement:

The applicant has need to build additional bedroom space to the existing residence; the only viable building area is in one of the side yards extending into the rear yard. Under the present ordinance, no projected window bays or overhangs are allowed in the sideyard. Given this constraint the buildable area becomes unworkable. Additionally the geometry of the lot is such that the rear lot line is broken in a convex "V" restricting part of the buildable area in excess of the 35 ft setback. The applicant needs to build hard to the 10 ft. setback w/ a variance allowing a projection for a 2 ft. bay window and attendant 1 ft. overhang. The variance need not allow for a continuous reduction to 7 ft. although the eave overhang will project into the sideyard continuously for approximately 16 -24 inches including guttering. Additionally, relief in the rear yard will allow some increase in building area to accomodate a desired expansion of room sizes presently planned at a minimum; this accomodation more fairly allows the applicant access to the rear yard by approximating an average of the 35 ft. setback as the rear line of the proposed addition and the lot line are not parallel lines.

The other side yard is occupied by driveway access to the garage, the front yard and rear yard are not buildable sites. The residence has no expansion possibilities in either attic or basement spaces. The applicant has a large family and earnestly needs additional bedroom and storage space.

PAGE 2 OF 2

APPLICATION NO. V-178

ORIGINAL DATE OF APPLICATION: 11-9-94

APPLICANT'S NAME: LYNN M. RUDDER

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY BOARD OF ZONING APPEALS ON NOVEMBER 9, 1994**

**V-178 LYNN M. RUDDER requests a variance to: (1) waive the side (north) setback from required 10 feet to 7 feet; (2) waive the rear setback from required 35 feet to 25 feet in Land Lots 954 and 973 of the 17th District. 0.45 acre. Located on the west side of Lemons Ridge, 969 feet west of Paces Ferry Road, (3150 Lemons Ridge).**

**BZA DECISION OF 11-9-94: The Board of Zoning Appeals approved request #1 to waive the side (north) setback from required 10 feet to 7 feet, and rejected request #2 to waive the rear yard setback from required 35 feet to 25 feet. Motion by Paetau, second by Dawson, carried 4-0.**

Karen L. Hach  
Karen L. Hach, Deputy Clerk  
Cobb County Board of Zoning Appeals

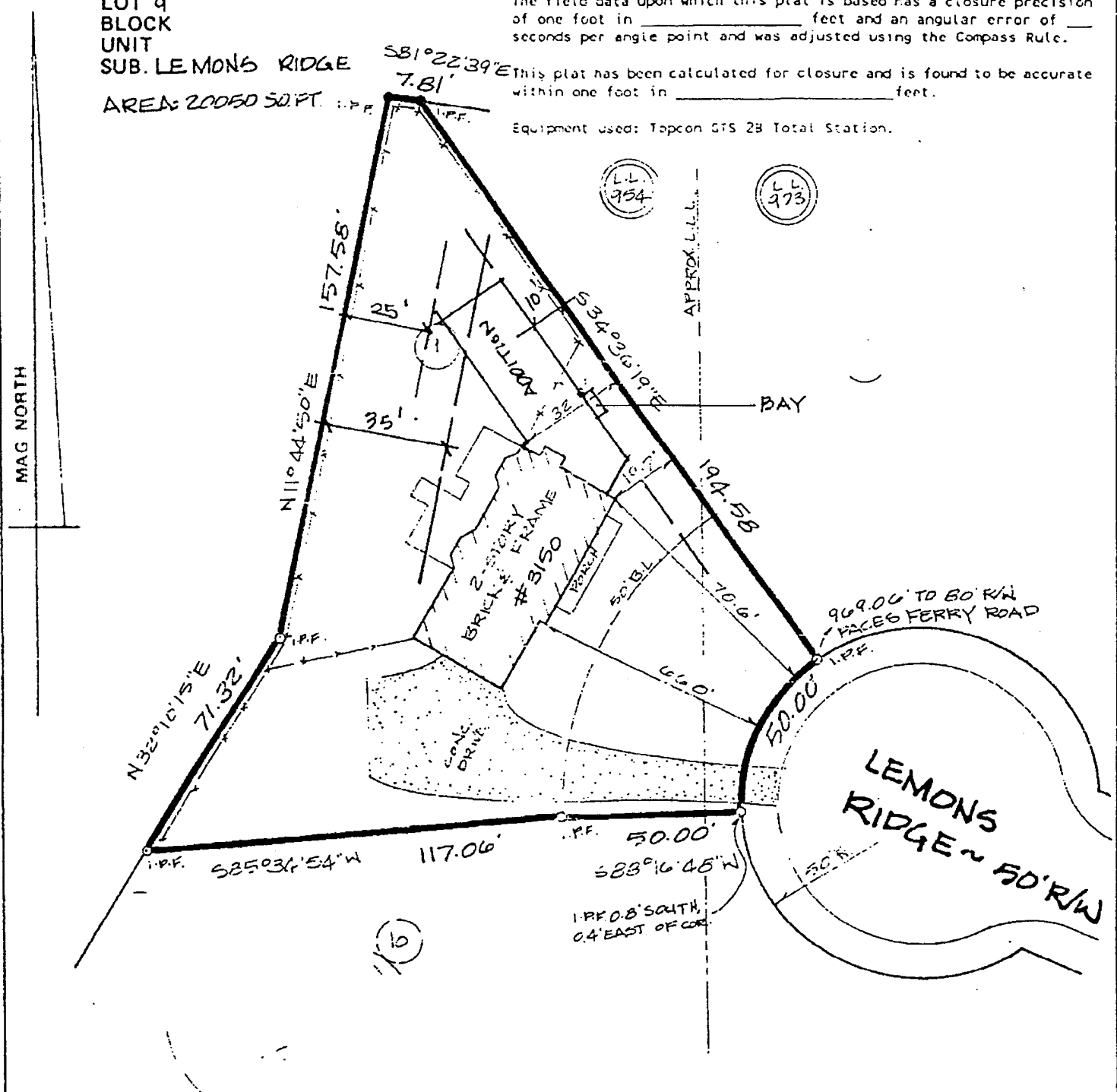
034577

LOT 9  
BLOCK  
UNIT  
SUB. LEMONS RIDGE  
AREA: 20050 SQ. FT.

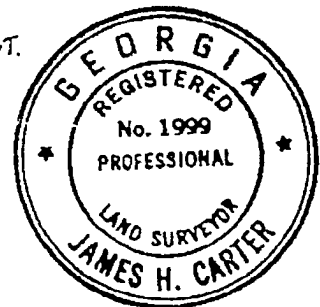
The field data upon which this plat is based has a closure precision of one foot in \_\_\_\_\_ feet and an angular error of \_\_\_\_\_ seconds per angle point and was adjusted using the Compass Rule.

This plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet.

Equipment used: Topcon GIS 2B Total Station.



PROPERTY OF  
LYNN M. RUDDER  
LAND LOTS 954 & 973 17th DISTRICT, 2nd SECT.  
COBB COUNTY, GEORGIA  
SCALE 1" = 40' DATE: OCTOBER 4, 1993  
REG. LAND SURVEYOR NO. 1999  
THE CARTER GROUP, INC.  
IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED



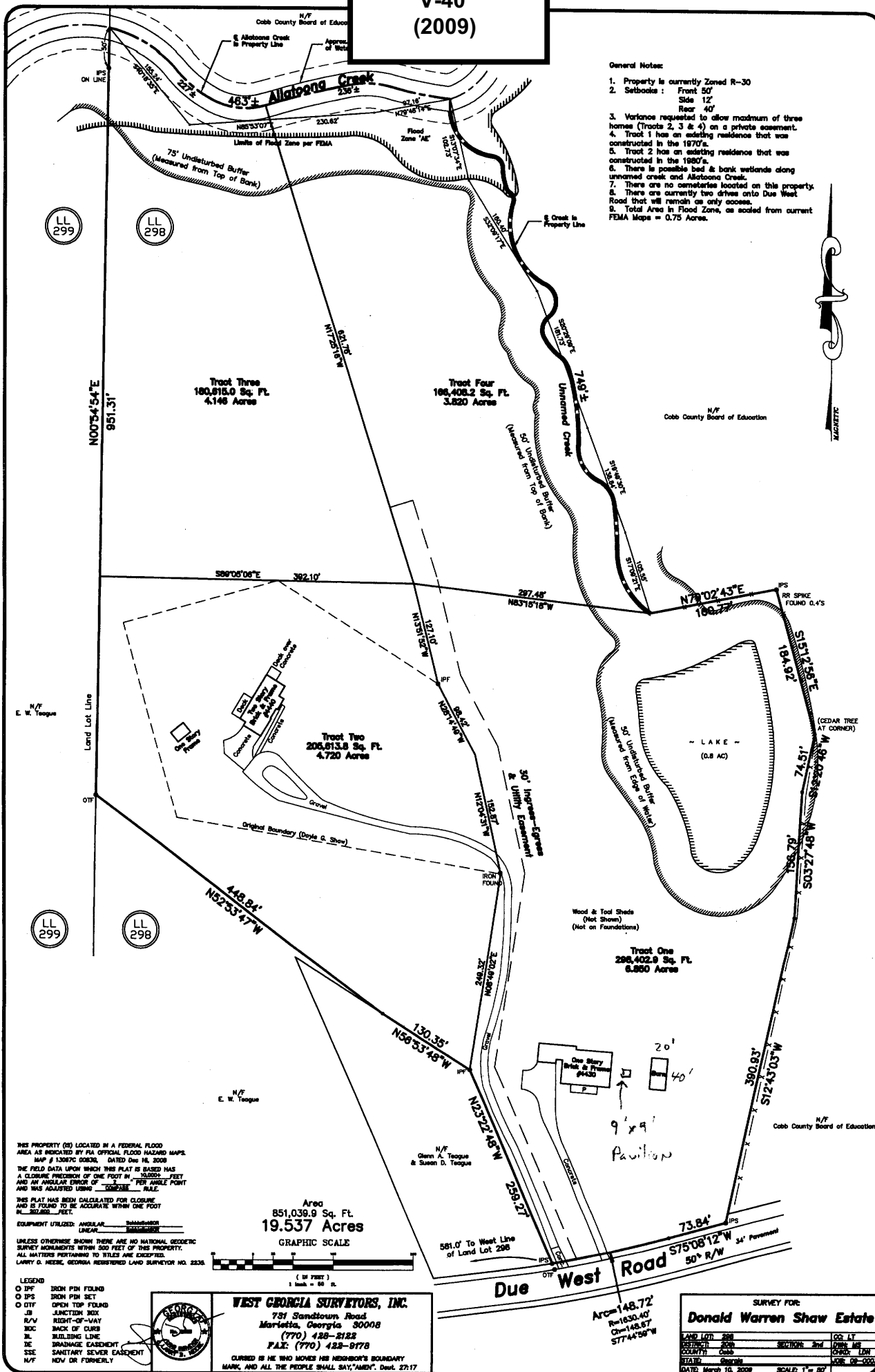
This is To Certify That  
This Property (Is Not)  
In A Special Flood Hazard  
Area As Shown On The  
Applicable "FIA Official  
Flood Hazard Map"

DESIGN NO. 93100016

V-40  
(2009)

General Notes:

1. Property is currently Zoned R-30
2. Setbacks: Front 50'  
Side 12'  
Rear 40'
3. Variance requested to allow maximum of three homes (Tracts 2, 3 & 4) on a private easement.
4. Tract 1 has an existing residence that was constructed in the 1970's.
5. Tract 2 has an existing residence that was constructed in the 1980's.
6. There is possible bed & bank wetlands along unnamed creek and Allatoona Creek.
7. There are no cemeteries located on this property.
8. There are currently two drives onto Due West Road that will remain as only access.
9. Total Area in Flood Zone, as scaled from current FEMA Maps = 0.75 Acres.



THIS PROPERTY (S) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS MAP # 13067C 020306, DATED 04/16/2008. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 100,000 FEET AND AN ANGULAR ERROR OF  $\pm$  PER ANGLE POINT AND HAS ADJUSTED USING CRANDALL RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 30,000 FEET.

EQUIPMENT UTILIZED: ANGULAR: TRANSIT LINEAR: TAPE

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLES ARE EXCEPTED.

LARRY G. HESSE, GEORGIA REGISTERED LAND SURVEYOR NO. 2236

Area  
851,039.9 Sq. Ft.  
19.537 Acres

GRAPHIC SCALE  
( IN FEET )  
1 inch = 50 ft.

**WEST GEORGIA SURVEYORS, INC.**  
731 Sandtown Road  
Marietta, Georgia 30008  
(770) 488-2122  
FAX: (770) 428-9778

CLOSED BY ME WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK AND ALL THE PEOPLE SHALL SAY "AMEN". Deed: 2717

SURVEY FOR:  
**Donald Warren Shaw Estate**

LAND LOT: 298	SECTION: 2nd	CO. AT: 1st
RANGE: 20th	COUNTY: Cobb	STATE: GA
DATE: March 10, 2009	SCALE: 1" = 50'	

- LEGEND
- IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - DTF OPEN TOP FOUND
  - JUNCTION BOX
  - R/W RIGHT-OF-WAY
  - BOC BACK OF CURB
  - BL BUILDING LINE
  - BE BRIDGE EASEMENT
  - SSE SANITARY SEWER EASEMENT
  - N/F NOV DR FORMERLY

**APPLICANT:** West Georgia Surveyors      **PETITION NO.:** V-40  
**PHONE:** 770-428-2122      **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** Larry D. Neese      **PRESENT ZONING:** R-30  
**PHONE:** 770-480-4788      **LAND LOT(S):** 298  
**PROPERTY LOCATION:** Located off of a private easement on the north side of Due West Road.      **DISTRICT:** 20  
**SIZE OF TRACT:** 19.5 acres  
**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1) Waive the public road frontage to allow three homes off of a private easement; and 2) allow two accessory structures to the side of the primary structure on tract one (existing pavilion and barn).

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

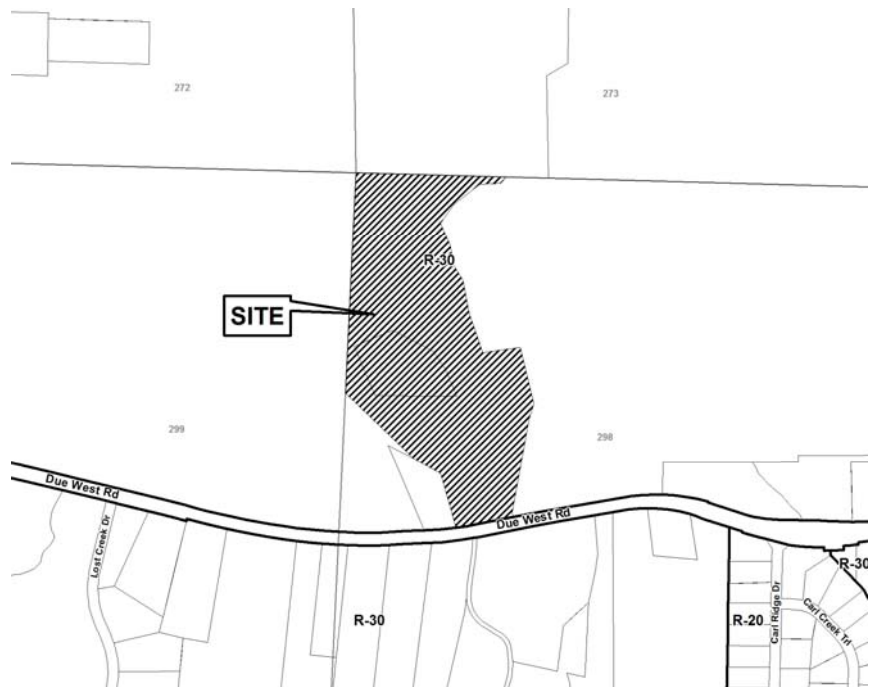
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance Cobb County

(type or print clearly)

Application No. U-410

Hearing Date: 5-13-09

Applicant West Georgia Surveyors Business Phone 770 428 2122 Home Phone 770 630 3770

Larry D. Neese  
(representative's name, printed)

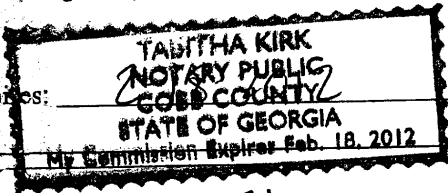
Address 731 Sandtown Road  
(street, city, state and zip code)

[Signature] Business Phone 770 428 2122 Cell Phone 770 630 3770  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] Kirk  
Notary Public

My commission expires:



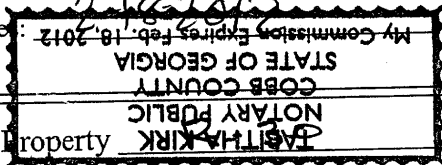
Titleholder Doyle Grant Shaw Business Phone 770-712-7745 Home Phone 770 429 0205  
Cell:

Signature [Signature] Address: 4440 Due West Road  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

[Signature] Kirk  
Notary Public

My commission expires:



Present Zoning of Property R-30

Location 4440 Due West Road, Kennesaw, Georgia 30152  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 298 District 20th Size of Tract 19.5 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.

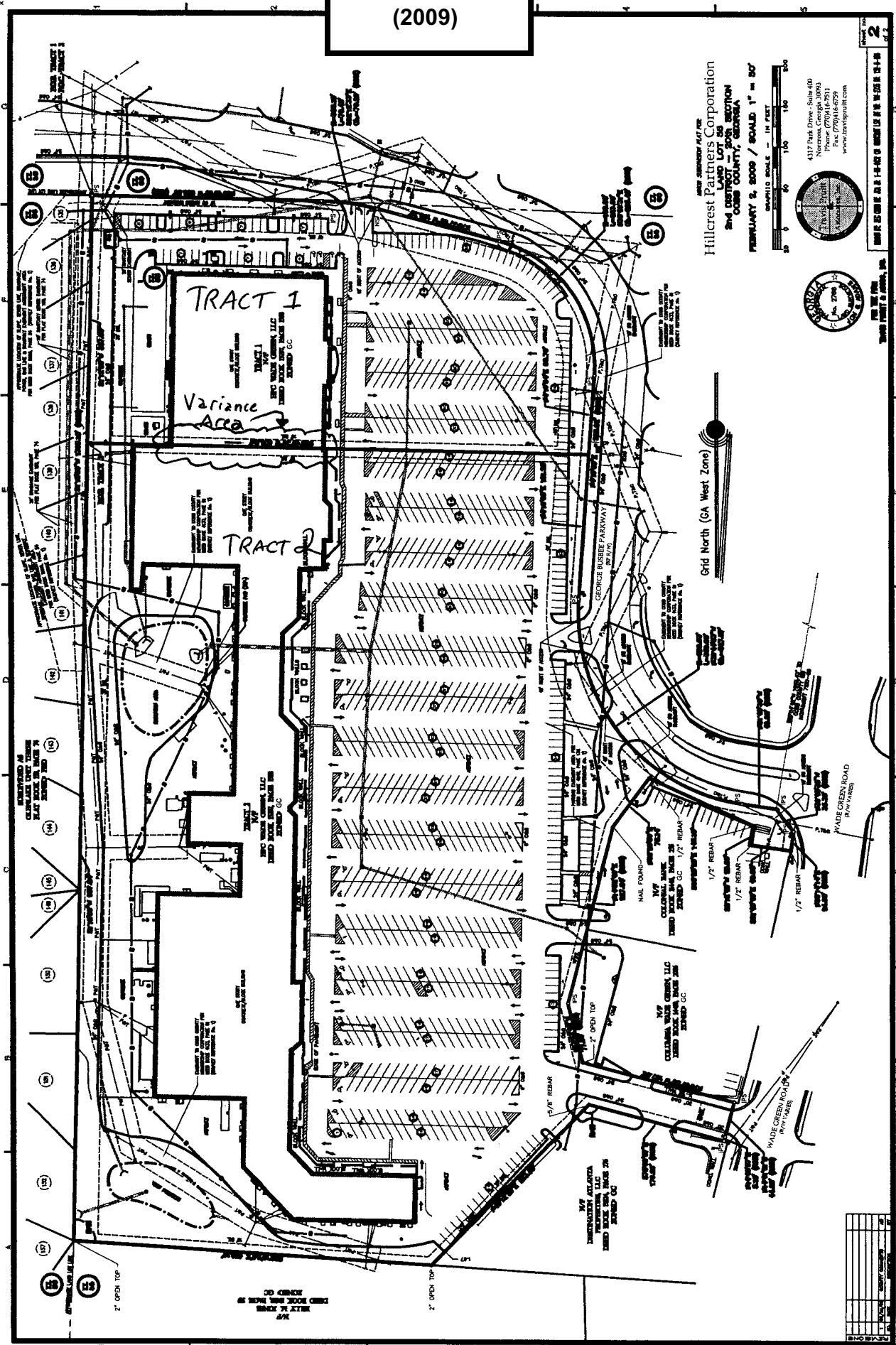
Size of Property  Shape of Property  Topography of Property \_\_\_\_\_ Other \_\_\_\_\_

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.

Variance needed to utilize property to fullest extent.

List type of variance requested: To allow 3 homes on a private easement.





Hillcrest Partners Corporation  
2nd DISTRICT - 20th SECTION  
COBURN COUNTY, GEORGIA  
FEBRUARY 2, 2009 / SCALE: 1" = 50'



4317 Park Drive - Suite 400  
Norcross, Georgia 30093  
Phone: (770) 416-9251  
www.landscapeinc.com

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**APPLICANT:** Hillcrest Partners Corporation      **PETITION NO.:** V-41  
**PHONE:** 214-599-0633      **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** Steve Shellenberger      **PRESENT ZONING:** GC  
**PHONE:** 214-599-0633      **LAND LOT(S):** 55  
**PROPERTY LOCATION:** Located on the north side of      **DISTRICT:** 20  
George Busbee Parkway, east of Wade Green Road      **SIZE OF TRACT:** 19 acres  
(4200 Wade Green Road).      **COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** 1) Waive the side setback adjacent to the northern property on tract 1 from the required 10 feet to zero feet; and 2) waive the side setback adjacent to the southern property line on tract 2 from the required 10 feet to zero feet.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

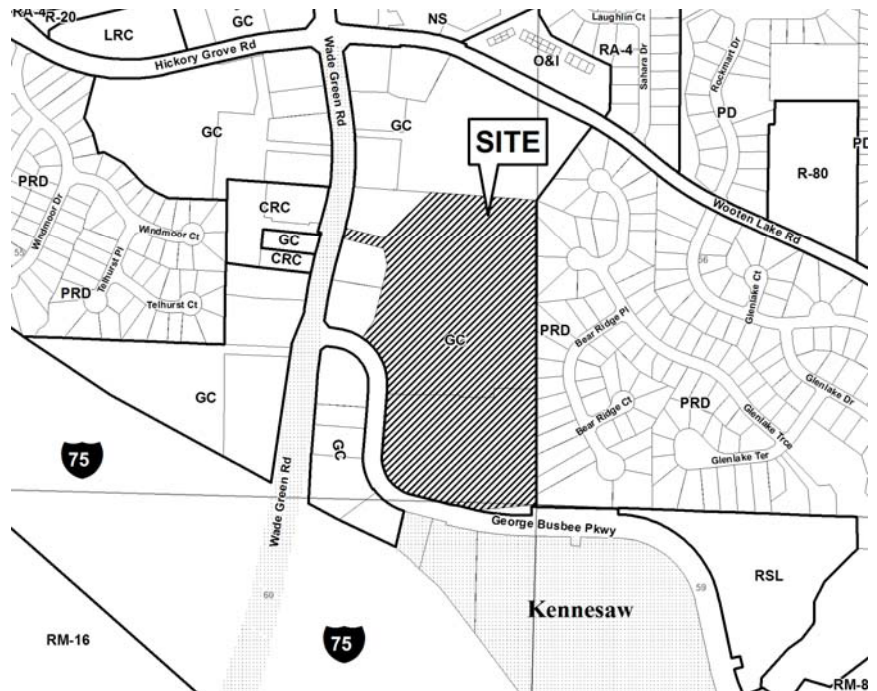
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance Cobb County

(type or print clearly)

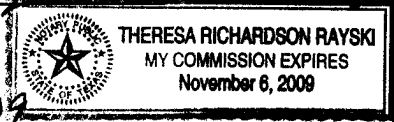
Application No. V-41

Hearing Date: 5-13-09

Applicant Hillcrest Partners Corp. Business Phone (214) 599-0633 Home Phone —

Mr. Steve Shellenberger Address 7557 Rambler Rd. Ste 905 Dallas TX  
(representative's name, printed) (street, city, state and zip code) 75231

Steve Shellenberger Business Phone (214) 599-0633 Cell Phone —  
(representative's signature)



Signed, sealed and delivered in presence of:

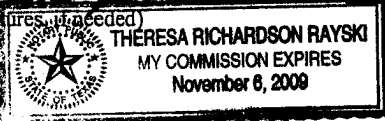
Theresa Rayski

Notary Public

My commission expires: 11-6-09

Titleholder HPC Wade Green LLC Business Phone (214) 599-0633 Home Phone —

Signature Steve Shellenberger Address: 7557 Rambler Rd. Ste 905 Dallas TX  
(attach additional signatures, if needed) (street, city, state and zip code) 75231



Signed, sealed and delivered in presence of:

Theresa Rayski

Notary Public

My commission expires: 11-6-09

Present Zoning of Property GL

Location 4200 Wade Green Rd.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 055 District 20 Size of Tract 19.00 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.

The owner must divide this commercial property with existing commercial buildings, for property management purposes.  
Cobb GIS maps/tax maps currently show this tract as two tax parcels.

List type of variance requested: 1) waive the side setback adjacent to the north property line from required ten (10) feet to zero (0) feet for Tract 1. 2) waive the side setback adjacent to the south property line from required ten (10) feet to zero (0) feet for Tract 2.



**APPLICANT:** Daniel J. Mohan

**PETITION NO.:** V-42

**PHONE:** 404-233-7000

**DATE OF HEARING:** 05-13-09

**REPRESENTATIVE:** same

**PRESENT ZONING:** R-30

**PHONE:** same

**LAND LOT(S):** 82

**PROPERTY LOCATION:** Located on the southwestern side of Hidden Lake Court and on the east side of Johnson Ferry Road, south of Hampton Farms Drive

**DISTRICT:** 1

(277 Hidden Lake Court).

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the side setback adjacent to the northern property line on parcel 32 from the required 12 feet to zero feet; 2) waive the front setback from the required 45 feet 44 feet; and 3) waive the maximum height of a fence from 6 feet to 12 feet along Johnson Ferry Road (existing).

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

**BOARD OF APPEALS DECISION**

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_



# Application for Variance Cobb County

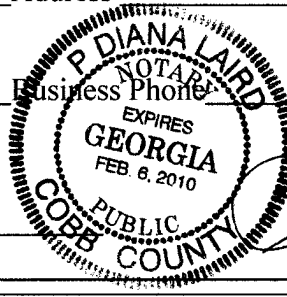
(type or print clearly)

Application No. V-42  
Hearing Date: 5-13-09

Applicant DANIEL J. MOHAN Business Phone 404-233-7000 Home Phone 770-565-8014

N/A Address \_\_\_\_\_  
(representative's name, printed) (street, city, state and zip code)

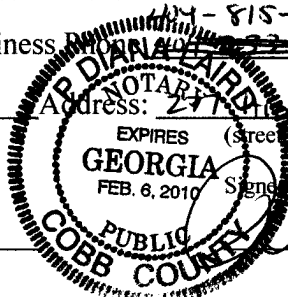
D. Mohan Business Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_  
(representative's signature)



My commission expires: Feb. 6, 2010 Signed, sealed and delivered in presence of: P. Diana Laird  
Notary Public

Titleholder DANIEL J. MOHAN Business Phone 404-815-6500 Home Phone 770-565-8014

Signature D. Mohan Address: 277 HIDDEN LAKE CT, MARIETTA, GA 30068  
(attach additional signatures, if needed) (street, city, state and zip code)



My commission expires: 2/6/2010 Signed, sealed and delivered in presence of: P. Diana Laird  
Notary Public

Present Zoning of Property Residential, single family R-30

Location 277 Hidden Lake Ct., Marietta, GA 30068 (Hampton Farms Subdivision)  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 15 82 (P) 32 District 1st Size of Tract .08 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.

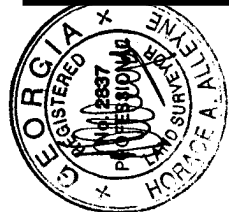
Size of Property \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other

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.

List type of variance requested: ENCROACHMENT INTO SIDE ~~SETBACK~~ <sup>SETBACK</sup> REQUIREMENTS DUE TO 60' WATER AUTHORITY EASEMENT AT BACK OF RESIDENCE. PROPERTY CONTAINS 2 WATER AUTHORITY EASEMENTS THAT WILL NOT ALLOW FOR GARAGE ADDITION TO SIT IN REAR YARD.

HORACE A. ALLEYNE & ASSOCIATES  
PROFESSIONAL LAND SURVEYOR  
3411 Bachelor Street  
Eastpointe  
GEORGIA 30344  
(404) 684-9954  
FAX (404) 684-3824  
email: horace@alleyne.com

PROJECT  
90 GARRISON ROAD  
MARIETTA, GA  
OWNER  
LDVNSTEN MARIAS  
4261 NW 103rd DR.  
CORAL SPRINGS, FL.  
ENGINEER / SURVEYOR



LAND LOTS(S)	219
DISTRICT(S)	17TH
CITY	MARIETTA
COUNTY(S)	COBB
ZONE	R20
REVISIONS	
DATE	01/26/09
JOB NUMBER	012609-11A
SCALE	1" = 20'
DRAWN BY	KL
CHECKED BY	
TITLE	BOUNDARY SURVEY
SHEET OF	1

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- N/F NOW OR FORMERLY
- R/W RIGHT OF WAY
- BSL BUILDING SETBACK LINE
- C.O CLEAN OUT
- EXISTING BUILDING
- UTILITY POLE
- SIGN
- SANITARY SEWER MANHOLE
- WATER METER
- FIRE HYDRANT
- WATER VALVE

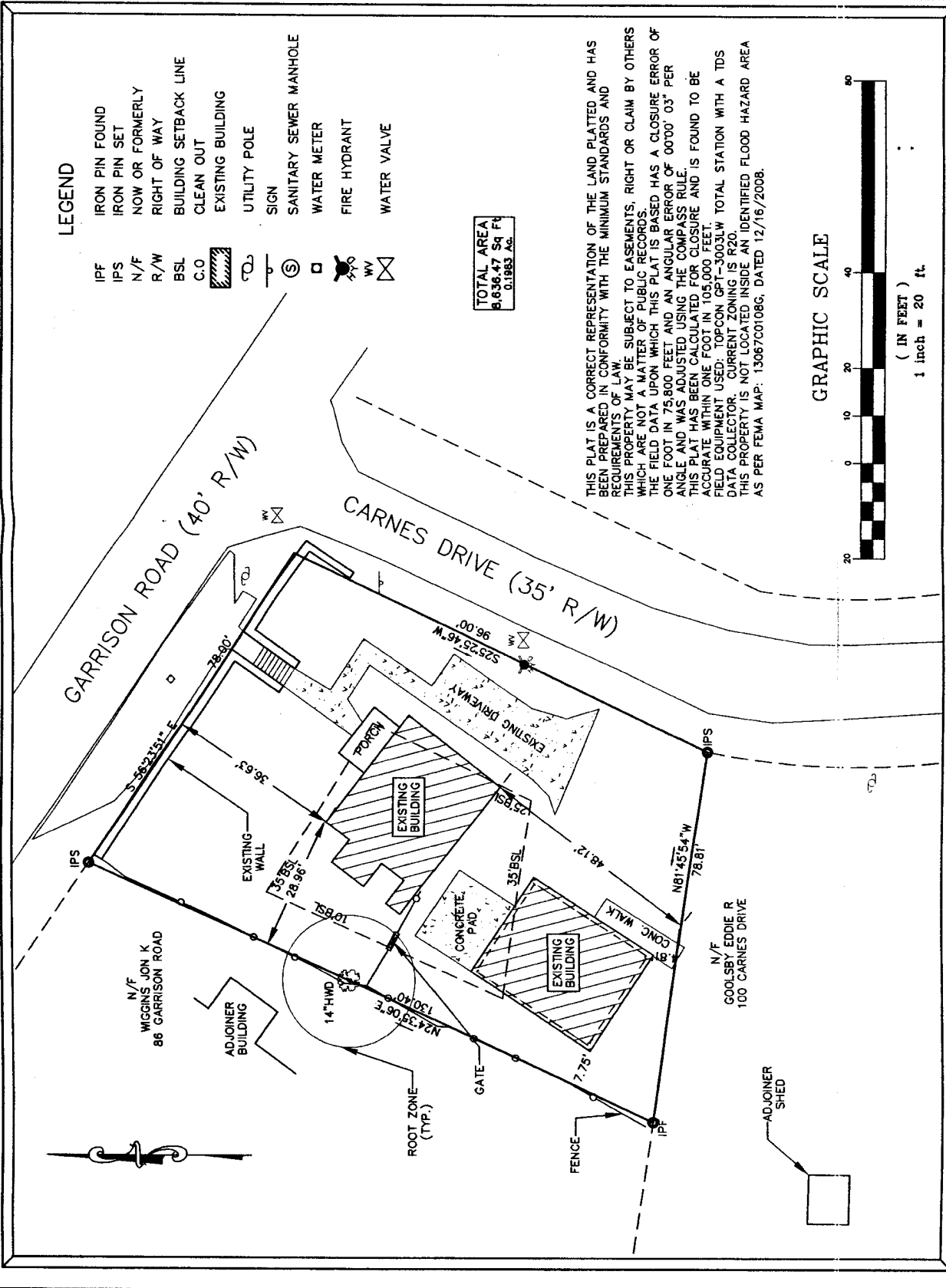
TOTAL AREA  
8,636.47 Sq Ft  
0.1983 AC.

THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT OR CLAIM BY OTHERS WHICH ARE NOT A MATTER OF PUBLIC RECORDS. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE ERROR OF ONE FOOT IN 75,800 FEET AND AN ANGULAR ERROR OF 00'00" 03" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 105,000 FEET. FIELD EQUIPMENT USED: TOPCON GPT-3003LW TOTAL STATION WITH A TDS DATA COLLECTOR. CURRENT ZONING IS R20. THIS PROPERTY IS NOT LOCATED INSIDE AN IDENTIFIED FLOOD HAZARD AREA AS PER FEMA MAP: 13067C01086, DATED 12/16/2008.

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.



**APPLICANT:** John E. Swiney **PETITION NO.:** V-43  
**PHONE:** 404-502-8574 **DATE OF HEARING:** 05-13-09  
**REPRESENTATIVE:** same **PRESENT ZONING:** R-20  
**PHONE:** same **LAND LOT(S):** 219  
**PROPERTY LOCATION:** Located at the southwest **DISTRICT:** 17  
intersection of Garrison Road and Carnes Drive **SIZE OF TRACT:** .1983 acre  
(90 Garrison Road). **COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** 1)Waive the side setback adjacent to the eastern property line from the required 25 feet to 19 feet for the principal structure; 2) waive the front setback from 35-feet to 30-feet; 3) allow an accessory structure over 650 square feet (existing 720 square foot garage) from the required 100 feet to 80 feet adjacent to the northern property line, 39 feet adjacent to the eastern property line, 4 feet adjacent to the southern property line and 7 feet adjacent to the western property line; and 5) waive the maximum allowable impervious surface from 35% to 50%.

**COMMENTS**

**TRAFFIC:**

**DEVELOPMENT & INSPECTIONS:**

**STORMWATER MANAGEMENT:**

**HISTORIC PRESERVATION:**

**CEMETERY PRESERVATION:**

**WATER:**

**SEWER:**

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

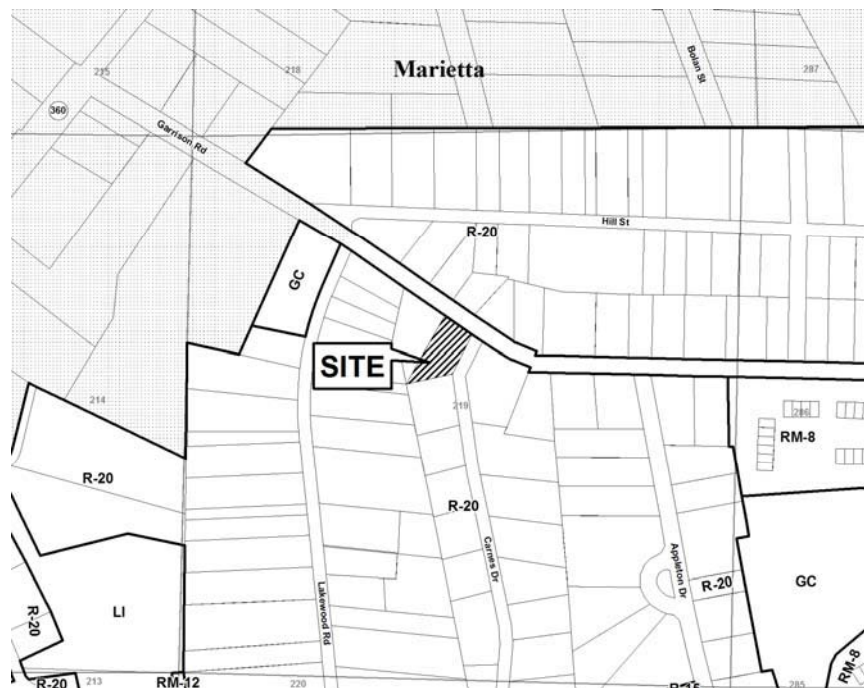
**BOARD OF APPEALS DECISION**

**APPROVED**  **MOTION BY**

**REJECTED**  **SECONDED**

**HELD**  **CARRIED**

**STIPULATIONS:**





# Application for Variance Cobb County

(type or print clearly)

Application No. V-43  
Hearing Date: 5-13-09

Applicant JOHN E. SWINEY Business Phone (4)502-8574 Home Phone (7)306-6436

JOHN E. SWINEY Address 145 THISTLEWOOD LANE  
(representative's name, printed) (street, city, state and zip code)  
FARIBURN GA 30213

[Signature] Business Phone (4)502-8574 Cell Phone (4)502-8574  
(representative's signature)

Signed, sealed and delivered in presence of:  
Tiana Washington  
Notary Public

My commission expires: 03/21/2010

Titleholder MARAS LOWENSTEN Business Phone (954)778-1862 Home Phone (954)822-7237

Signature [Signature] Address: 4261 NW 103rd DR. CORAL SPRINGS, FL 33067  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:  
Tiana Washington  
Notary Public

My commission expires: 03/21/2010

Present Zoning of Property R-20

Location 90 GARRISON RD  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 219 @ 107 District 17th Size of Tract 0.1983 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.

WITH THE R-20 ZONING THE CURRENT SET BACK DO NOT ALLOW FOR THE EXISTING GARAGE ON THE PROPERTY. THIS WOULD CREATE A HARDSHIP ON THE PROPERTY VALUE.

List type of variance requested: TO REDUCE THE REAR YARD SETBACK FROM 35' TO 4' AND THE EAST SIDE YARD SETBACK FROM 10' TO 7.75'

See Exhibit "A"  
for Pictures.

