

**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:

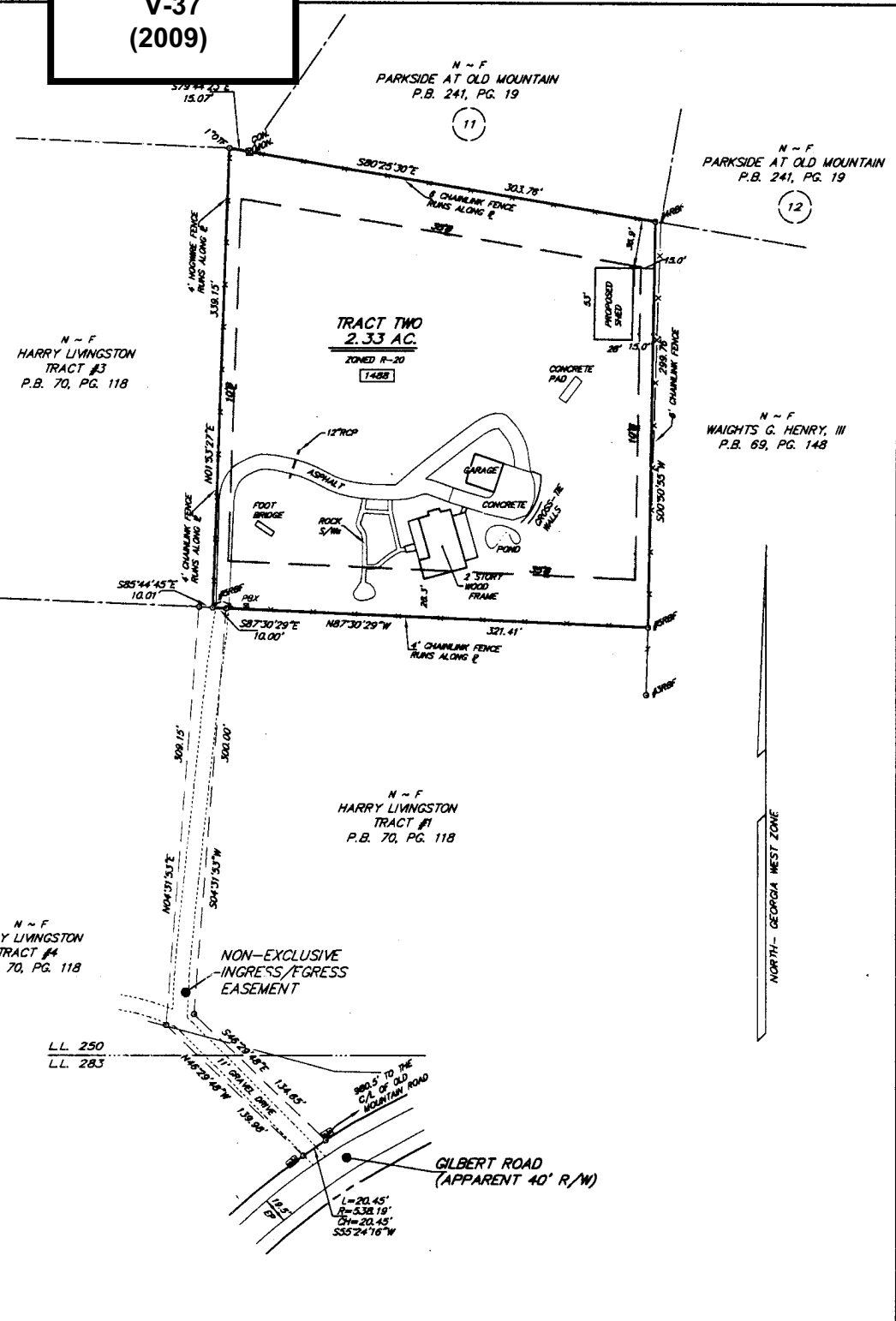
BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF GILBERT ROAD (APPARENT 40' R/W) AND THE NORTHEASTERLY RIGHT OF WAY OF NON-EXCLUSIVE INGRESS/EGRESS EASEMENT, SAID POINT BEING 980.5 FEET SOUTHWESTERLY FROM THE CENTERLINE OF OLD MOUNTAIN ROAD;

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.A. (F.I.A.) COMMUNITY NUMBER # 130052, MAP NUMBER # 13067 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: 1/519,900. MATTERS OF TITLE ARE EXCEPTED.



**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	

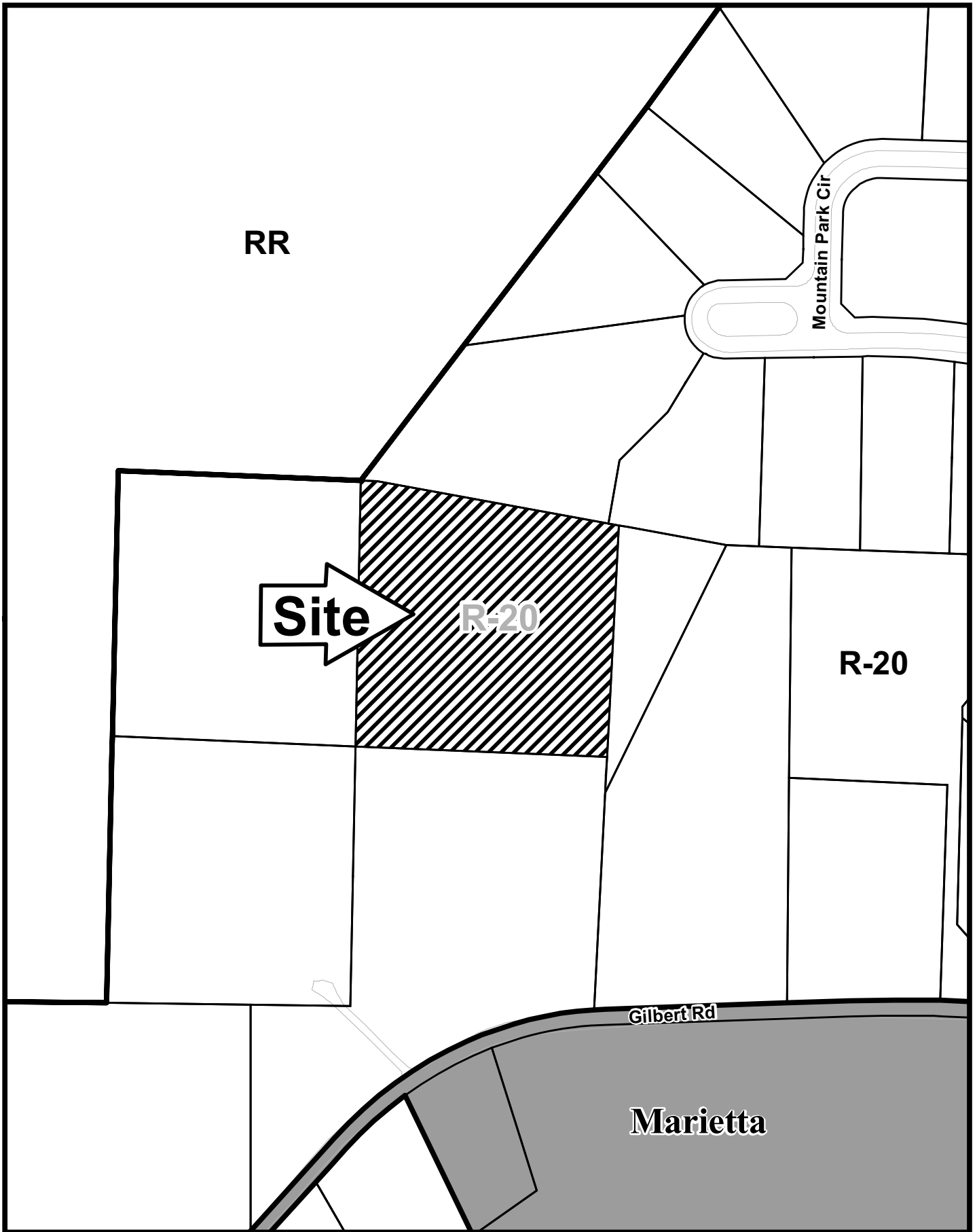
**SURVEY FOR:**  
**DARYLE & REBECCA HIGGINBOTHAM**  
HARRY LIVINGSTON TRACT 2

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

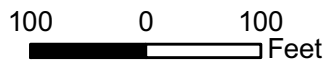
LOCATED IN L.L. 250 & 283  
20th DISTRICT, 2nd SECTION  
COBB COUNTY, GA.





# V-37



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



-  City Boundary
-  Zoning Boundary

# 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.

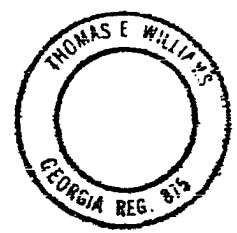
Decision of Board of Appeals: 10-14-77, Board of Appeals approved the above request to construction 3 homes on private drive with the stipulation that the road frontage on Gilbert Road be curbed and guttered.  
Motion by Nixon, seocnded by Fowler; carried 6-0.

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*

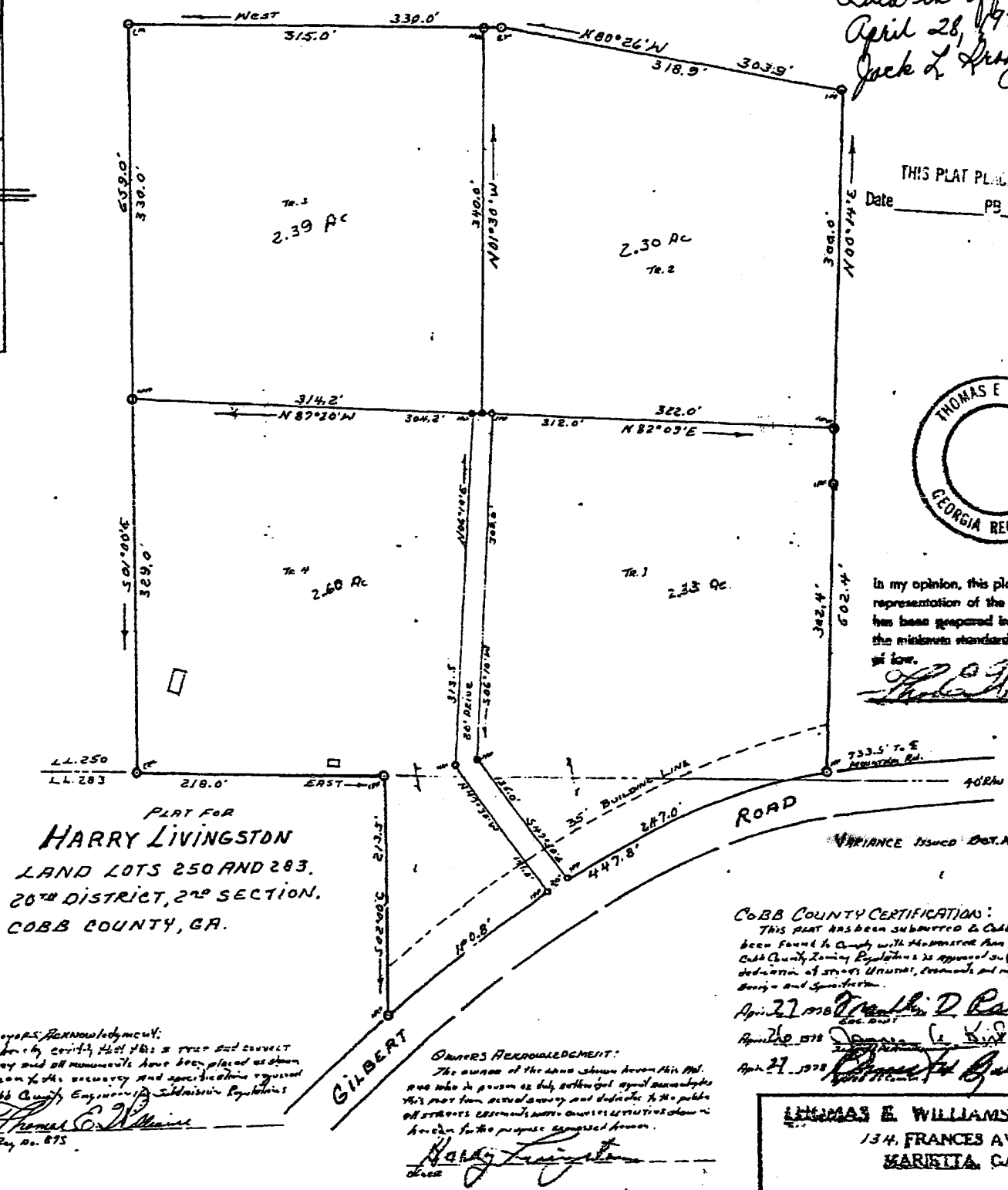
VARIANCE ISSUED OCT. 11, 1977

**COBB COUNTY CERTIFICATION:**

This plat has been submitted to Cobb County, and having been found to comply with the various laws, regulations and Cobb County zoning regulations is approved subject to the usual deduction of street, utility, easement and improvements as per state laws and specifications.

April 27, 1978 *William 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 above shown herein plat, and who is present or duly authorized agent, hereby certifies that the plat is a true and correct copy of the original survey and defines the public of streets, easements, utility lines and improvements shown hereon for the purpose 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'