

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: This request will not have an adverse impact on traffic.

DEVELOPMENT & INSPECTIONS: The existing building was built without a permit and went to court on three separate occasions. New owners of property are trying to resolve the existng variance. If this variance request is approved, a plat revision (Carnes Subdivision) 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: This parcel is located in an older subdivision with limited stormwater infrastructure. Although no obvious stormwater runoff issues were observed in the area, this parcel significantly exceeds the allowable impervious coverage limit by approximately 1,300 square feet. If this variance is approved, some type of stormwater measure(s) must be required to mitigate the increased runoff from this site.

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.

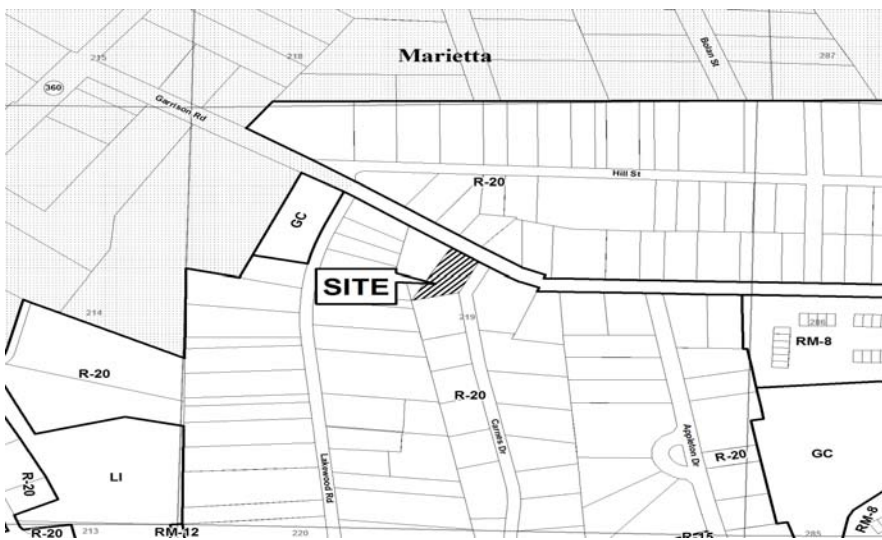
CEMETERY PRESERVATION: No comment.

WATER: No conflict.

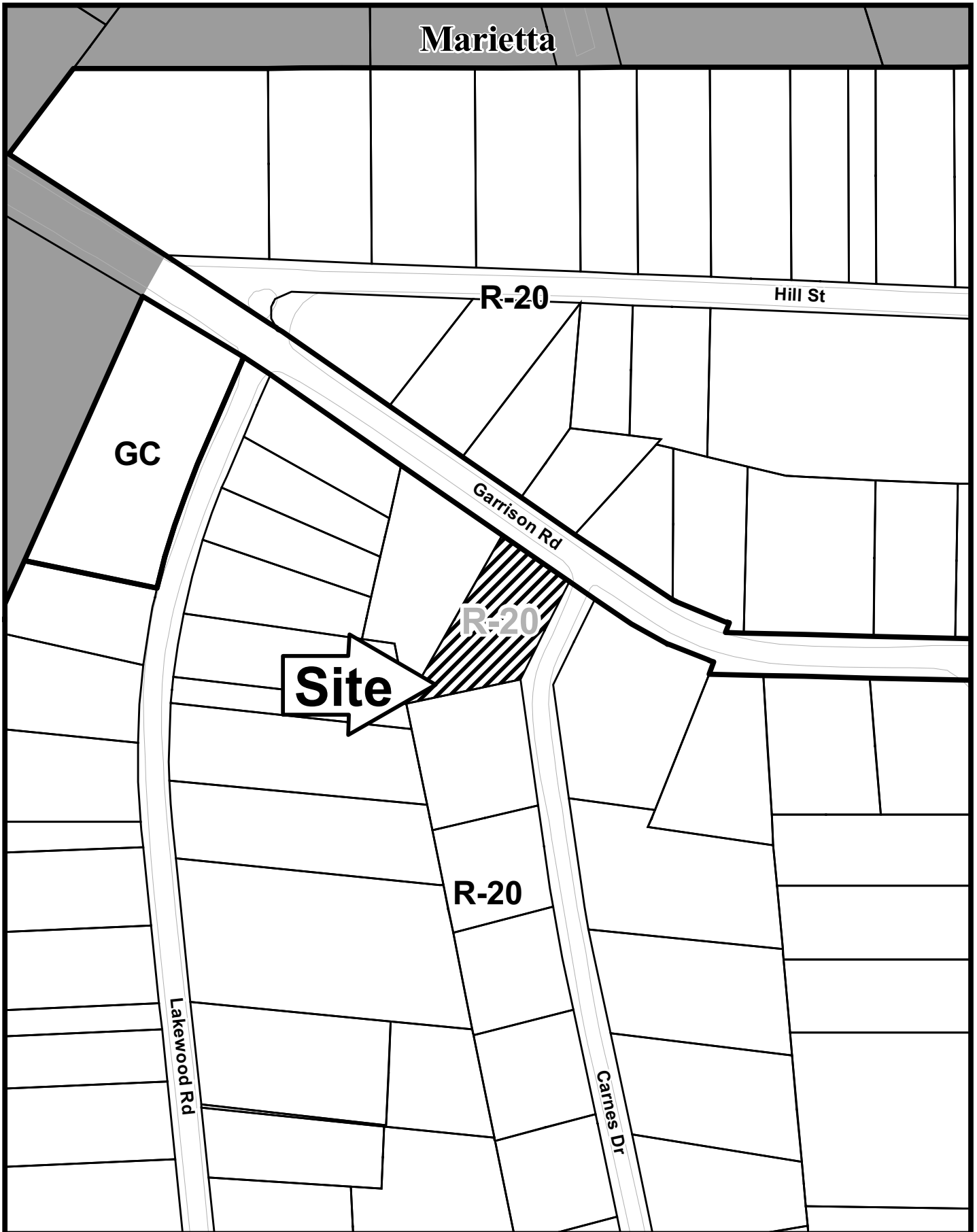
SEWER: No conflict.

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

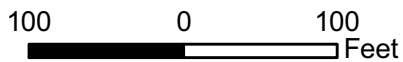
BOARD OF APPEALS DECISION
APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____
STIPULATIONS: _____



V-43



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-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.

