

**MAY 18, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICTS 3 & 4**

ITEM #2

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their May 12, 2010 Variance Hearing regarding Variance Applications:

- V-33 FRED WAGNER AND RUTH A. WAGNER
- V-40 DARREL MILES MCGOWAN AND KATHLEEN
PEASE MCGOWAN
- V-43 HABITAT FOR HUMANITY OF NORTHWEST
METRO ATLANTA, INC.

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 12, 2000, and amended on July 8, 2003, Section 134-271(8), any use proposed for a parcel or tract of land which does not have the minimum lot size required, approval of a Special Exception by the Board of Commissioners is required after approval by the Board of Zoning Appeals. Attached is the Variance Analysis and recommendation of the Board of Zoning Appeals for the cases that were considered at the May 12, 2010 Variance Hearing that required a Special Exception.

FUNDING

N/A

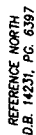
RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for Variance cases V-33 FRED WAGNER AND RUTH A. WAGNER, V-40 Darrel MILES MCGOWAN AND KATHLEEN PEASE MCGOWAN, and V-43 HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC.

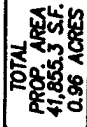
ATTACHMENTS

Variance Analysis
Board of Zoning Appeals Recommendations

**V-33
(2010)**



LOT 46



LEGEND

- | | W/NO | RECORDED DATA |
|---|------|----------------------|
| ① | W/NO | REBAR PN FOUND |
| ② | W/NO | REBAR PN FOUND |
| ③ | W/NO | OPEN TOP PIPE FOUND |
| ④ | W/NO | CRIMP TOP PIPE FOUND |
| ⑤ | W/NO | CONC. WALL FOUND |
| ⑥ | W/NO | CONC. FOUND |
| ⑦ | W/NO | BRASS DISK FOUND |
| ⑧ | W/NO | AXLE FOUND |
| ⑨ | W/NO | REBAR PN SET |
| ⑩ | W/NO | BUILDING LINE |
| ⑪ | W/NO | CENTERLINE |
| ⑫ | W/NO | LAND LOT LINE |
| ⑬ | W/NO | RIGHT-OF-WAY |

NOTES

THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE ABSTRACT & ALL MATTERS OF TITLE ARE EXCEPTED.

EQUIPMENT USED: TOPCON TOTAL STATION
DIRECTLY READING ANGLES TO 5 SECONDS &
DISTANCES TO 0.01".

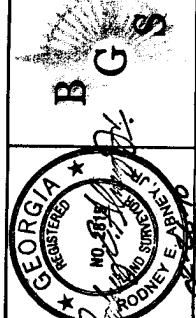
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL CLOSURE PRECISION THAT EXCEEDS 1/10,000, AN ANGLE ERROR OF LESS THAN 1" PER POINT & WAS ADJUSTED USING THE COMPASS RULE. THE PLAT CLOSURE IS CALCULATED AS 1/10,000 BY LATITUDE & DEPARTURE.

UTILITY INFORMATION SHOWN ON THIS SURVEY IS
BASED ON ABOVE GROUND EVIDENCE OBSERVED
AT THE TIME OF FIELD SURVEY

BASED ON FEMA FIRM MAP #13067C0041G
DATED DECEMBER 16, 2008, THIS PROPERTY IS
IN A DESIGNATED FLOOD AREA. ZONE AE.

Bechtler Greenfield Surveying, LLC

1430 West Peachtree St. NW, Suite 225
Atlanta, Georgia 30309
Phone: (770) 422-8181
Fax: (770) 422-8101
Email: info@bgssurveying.com



DRAWING SCALE:	1" = 40 FT.
FIELDWORK DATE:	02-20-10
RELEASE DATE:	02-25-10
FIELDWORK BY:	PCG
DRAWN BY:	RWS
CHECKED BY:	REA
<div style="text-align: center;"> REVISIONS NO. DATE DESCRIPTION </div>	
1	
2	
3	
4	
5	

**BOUNDARY SURVEY FOR:
RUTH A. & FRED WAGNER
1770 HECK RD. KENNESAW, GA. 30144
VALLEY NORTH SUBDIVISION
LAND LOT 224 - 16TH DISTRICT - 2ND SECTION
COBB COUNTY - GEORGIA**

PROJECT NO.
09-119-0

DRAWING FILE:
09-119-0 SURVEY

SHEET NO.
S-1

APPLICANT: Fred Wagner and Ruth A. Wagner **PETITION NO.:** V-33
PHONE: 770-517-6687 **DATE OF HEARING:** 05-12-10
REPRESENTATIVE: Fred Wagner **PRESENT ZONING:** R-15
PHONE: 770-366-5320 **LAND LOT(S):** 224
PROPERTY LOCATION: Located on the east side of **DISTRICT:** 16
Heck Road, east of I-575 **SIZE OF TRACT:** 1 acre
(170 Heck Road). **COMMISSION DISTRICT:** 3

TYPE OF VARIANCE: 1) Waive the required lot size for livestock from the required two acres to one acre; and
2) waive the setback for a building that contains livestock from the required 100 feet to 35 feet adjacent to the southern
property line on lot 46.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comments.

STORMWATER MANAGEMENT: No comment.

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 X **MOTION BY** C. Trombetti

REJECTED **SECONDED** J. Williams

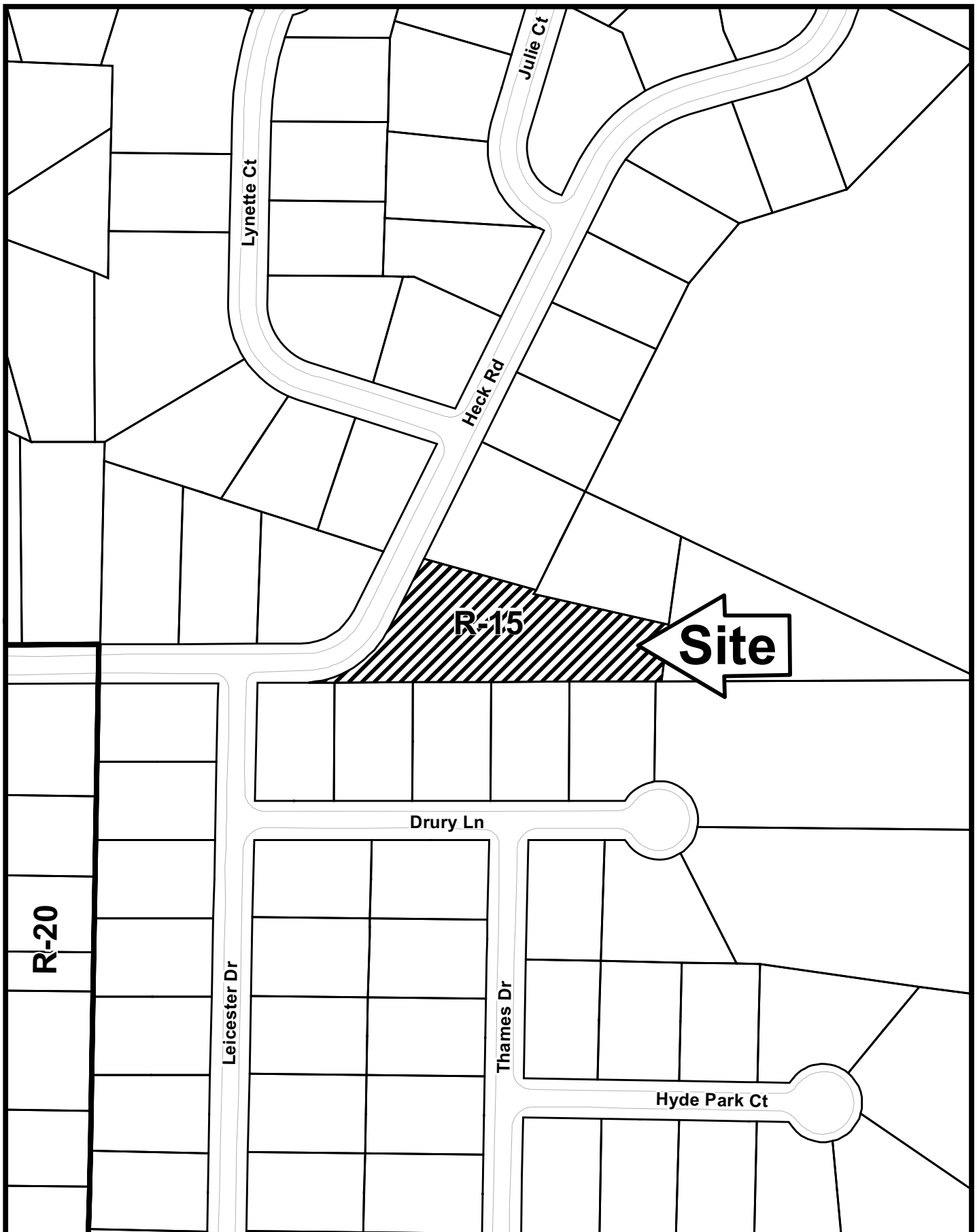
HELD **CARRIED** **5 – 0**

STIPULATIONS: Special Exception granted

with stipulations.



V-33



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. V-33

Hearing Date: 5-12-10

Applicant FRED / RUTH WAGNER Business Phone _____

Home Phone 7705176687

FRED WAGNER
(representative's name, printed)

Address 170 HECK RD KENNESAW GA 30144
(street, city, state and zip code)

[Signature]
(representative's signature)

Business Phone _____

Cell Phone 7703665320

My commission expires: _____

Signed, sealed and delivered in presence of:

Kiran Patel

3/1/2010 Notary Public

Titleholder Ruth Wagner Business Phone _____

Home Phone _____

Signature [Signature]
(attach additional signatures, if needed)

Address: _____

(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property R-15

Location 170 HECK RD KENNESAW GA 30144
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) LT 224 District 16 Size of Tract 1 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 _____ 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.

I AM 70 YRS OLD AND HAVE BEEN INVOLVED IN THE SPORT OF RACING PIGEONS FOR 50 YEARS. I LOOKED AT MANY HOMES BEFORE PURCHASING THIS ONE IN UNFACORPORATED COBB COUNTY. I HAVE INVESTED MUCH MONEY, BOTH IN THE LOFT AND THE PIGEONS. I HAVE ARTHRITIS, AS WELL AS COMPRESSED DISCS. THE BIRDS PROVIDE MY SOURCE OF ENJOYMENT, AS WELL AS EXERCISE. BOTH THE COUNTY AND

List type of variance requested:

PERMISSION TO RETAIN MY PIGEON LOFT
WAIVE THE LOT SIZE FROM
REQUIRED 2 ACRES TO 1.9 TO
ALLOW LIVE STOCK

Revised: December 6, 2005

* THE SELLER REPRESENTED THE PROPERTY AS 1.9 ACRES.

Notary Public, Douglas County, Georgia
My Commission Expires June 22, 2012

[Signature]

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 12, 2010**

V-33 **FRED WAGNER AND RUTH A. WAGNER** (owners) requesting a variance to: 1) waive the required lot size for livestock from the required two acres to one acre; and 2) waive the setback for a building that contains livestock from the required 100 feet to 35 feet adjacent to the southern property line on Lot 46 in Land Lot 224 of the 16th District. Located on the east side of Heck Road, east of I-575 (170 Heck Road).

The public hearing was opened and Mr. Fred Wagner and Ms. Ruth Wagner addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Trombetti, second by Williams, to **approve** variance request **subject to:**

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on May 18, 2010 at 9:00 a.m.**
- **subject to the site plan dated February 25, 2010 (attached and made a part of these minutes)**
- **approval of request no. 2 is for the (pigeon loft/coop) building adjacent to the southern property line *only* (no additional structures allowed for this use)**
- **no expansion of this use and is for purposes of housing pigeons *only* (no other livestock allowed on this site)**
- **no business use (hobby only)**

VOTE: **ADOPTED** unanimously

V-40
(2010)

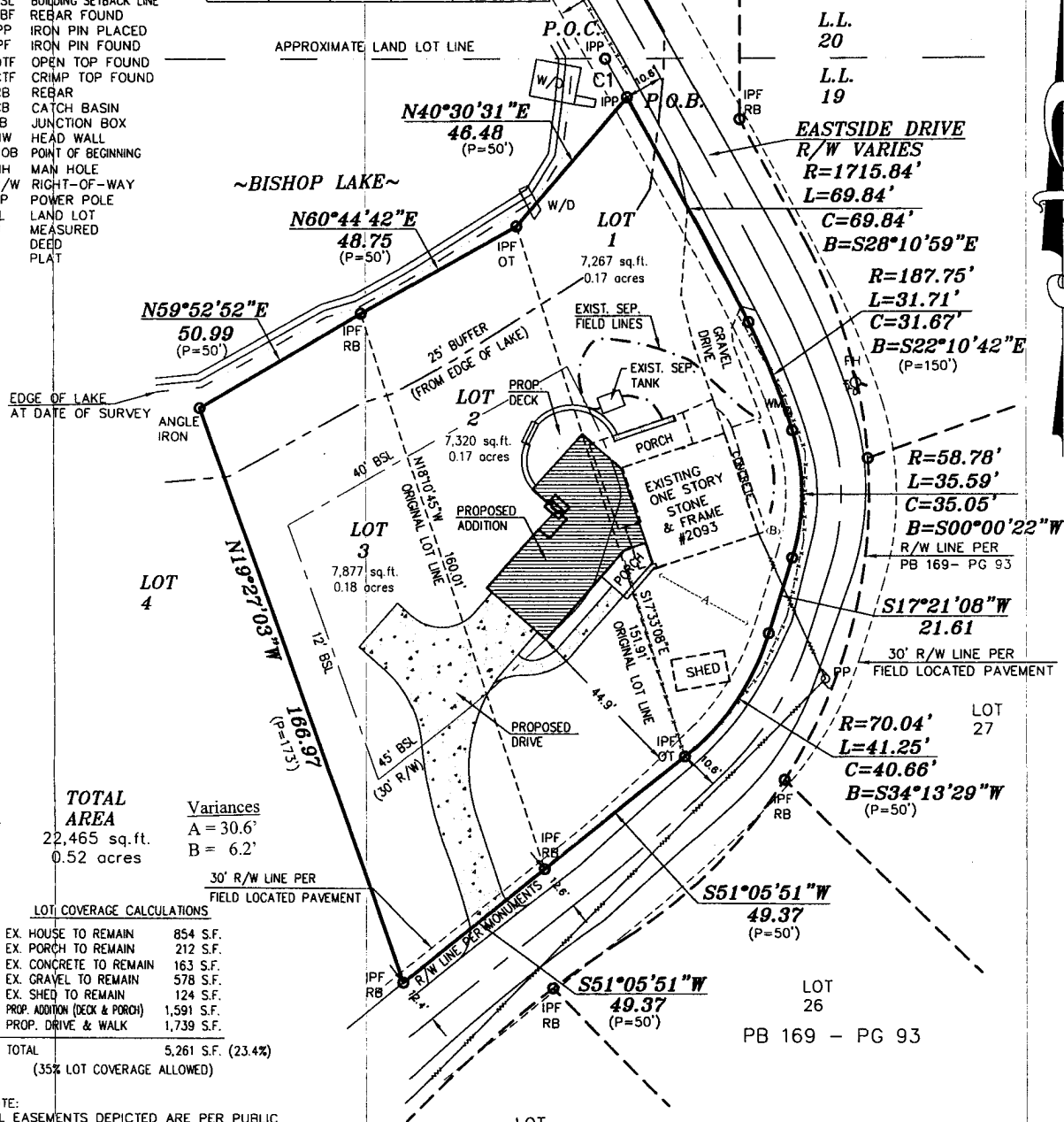
LEGEND

CMP CORRUGATED METAL PIPE
DE DRAINAGE EASEMENT
SSE SANITARY SEWER EASEMENT
BSL BUILDING SETBACK LINE
RBF REBAR FOUND
IPP IRON PIN PLACED
IPF IRON PIN FOUND
OTF OPEN TOP FOUND
CTF CRIMP TOP FOUND
RB REBAR
CB CATCH BASIN
JB JUNCTION BOX
HW HEAD WALL
POB POINT OF BEGINNING
MH MAN HOLE
R/W RIGHT-OF-WAY
PP POWER POLE
LL LAND LOT
M MEASURED
D DEED
P PLAT

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	12.03	1715.84	12.03	S29°33'00"E

APPROXIMATE LAND LOT LINE



TOTAL AREA
22,465 sq. ft.
0.52 acres

Variances
A = 30.6'
B = 6.2'

LOT COVERAGE CALCULATIONS

EX. HOUSE TO REMAIN	854 S.F.
EX. PORCH TO REMAIN	212 S.F.
EX. CONCRETE TO REMAIN	163 S.F.
EX. GRAVEL TO REMAIN	578 S.F.
EX. SHED TO REMAIN	124 S.F.
PROP. ADDITION (DECK & PORCH)	1,591 S.F.
PROP. DRIVE & WALK	1,739 S.F.
TOTAL	5,261 S.F. (23.4%)
	(35% LOT COVERAGE ALLOWED)

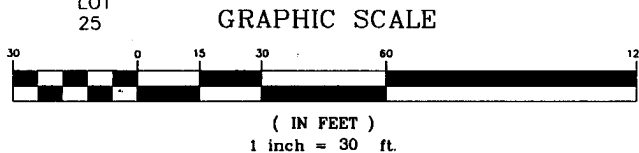
NOTE:
ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

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 THE LAW OF THE STATE OF GEORGIA.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET. AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



JOB NUMBER: 10-00453



ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: CRUICKSHANK, INC.			DATE	02/06/10
OWNER / PURCHASER KATHLEEN PEASE McGOWAN & DARREL MILES McGOWAN			SCALE	1" = 30'
LAND LOT 19	19TH DISTRICT	2ND SECTION	COBB COUNTY, GEORGIA	
LOT 1, 2 & 3	BLOCK "D"	UNIT	AREA OF LOT:	
SUBDIVISION PLAT OF PROPERT OF C. M. BISHOP				
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		SOLAR LAND SURVEYING COMPANY P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770) 794-9052		

PLOTTED BY:

PLAT PREPARED FOR :

PLAT BOOK 6, PAGE 173

APPLICANT: Darrel Miles McGowan and Kathleen
PHONE: Pease McGowan 404-932-6248
REPRESENTATIVE: Garvis L. Sams, Jr.
PHONE: 770-422-7016
PROPERTY LOCATION: Located on the west side of
Eastside Drive, south of Bishop Lake Road
(2093 Eastside Drive).
PETITION NO.: V-40
DATE OF HEARING: 05-12-10
PRESENT ZONING: R-30
LAND LOT(S): 19
DISTRICT: 1
SIZE OF TRACT: .52 acre
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the front setback from the required 45 feet to 6 feet; and 2) waive the lot size from the required 30,000 square feet to 22,465 square feet.

COMMENTS

TRAFFIC: Recommend paved driveway apron for existing and proposed driveway.

DEVELOPMENT & INSPECTIONS: A permit will be required for the addition if the variance is approved. If this variance request is approved, a plat revision must be recorded prior to the issuance of the certificate of occupancy or letter of completion showing all improvements and/or new setback limits. The plat must show in a standard Cobb County plat revision note that states that the new lot plat supersedes the most recently recorded subdivision plat and shows the variance case number and date of approval. The plat must be submitted to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: The proposed new construction is within the building setback except where required to tie onto the existing structure. All proposed additions are outside the stream buffer as well.

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** _____

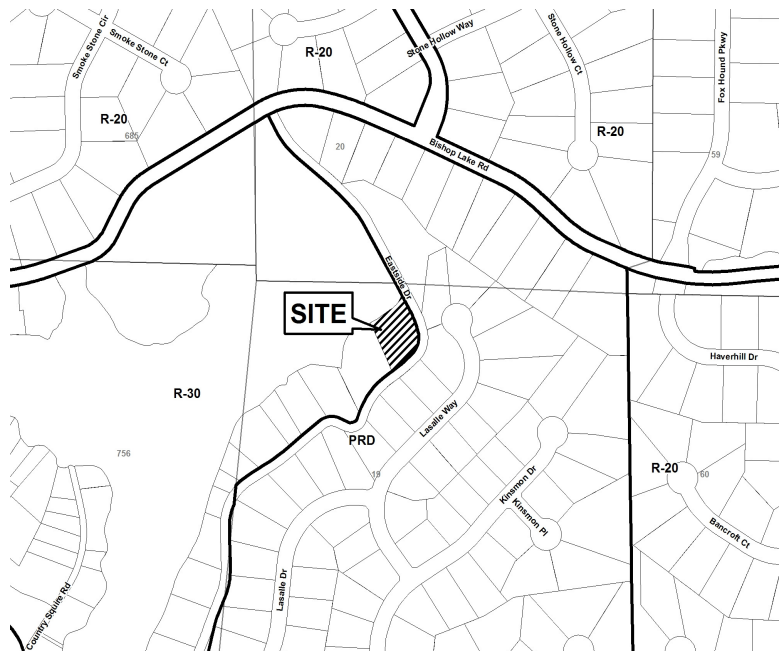
BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** C. Trombetti

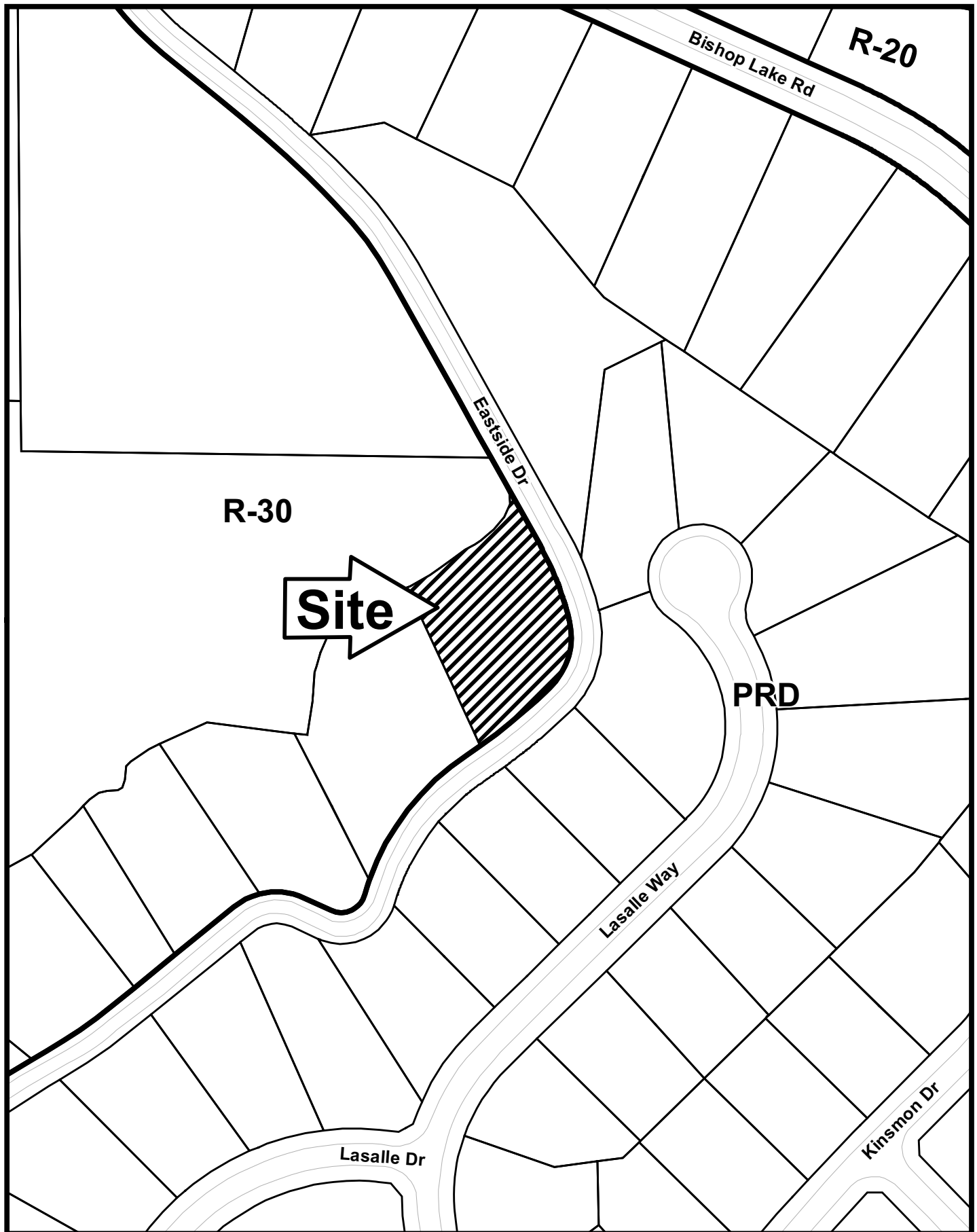
REJECTED _____ **SECONDED** K. Swanson

HELD _____ **CARRIED** 5 - 0

STIPULATIONS: Special Exception granted
with stipulations.



V-40



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

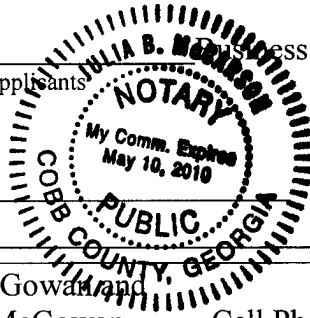
(type or print clearly)

Application No. V- 4/0
Hearing Date: 05/12/10

Darrel Miles McGowan and
Applicant Kathleen Pease McGowan Cell Phone (404) 932-6248 Home Phone _____
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

By: [Signature] Business Phone (770) 422-7016 Fax (770) 426-6583
Garvis L. Sams, Jr., Attorney for Applicants

My commission expires: _____



Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Darrel Miles McGowan and
Titleholder Kathleen Pease McGowan Cell Phone (404) 932-6248 Home Phone _____
Signature SEE ATTACHED Address: 3530 Saxon Way, Marietta, GA 30062
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property R-30

Location 2092 Eastside Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 19 District 1st Size of Tract .52 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 XX Shape of Property XX Topography of Property XX 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.

A literal interpretation or enforcement of Cobb County's Zoning Ordinance provisions does not allow the proposed addition and the existing one (1) story home because of setback constraints. Also, a literal interpretation or enforcement of Ordinance provisions precludes utilization of the subject property (Zoned R-30) which does not possess the requisite square footage for the R-30 district, all of which constitutes legal hardships.

List type of variance requested: Waiver of the following setbacks: Front setbacks from 45' to 30.6' (from the porch) and from 45' to 6.2' (existing house). Additionally, a variance is sought waiving the required square footage under the R-30 District from 30,000 square feet to 22,465 square feet.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 12, 2010**

V-40 DARREL MILES MCGOWAN AND KATHLEEN PEASE MCGOWAN (owners) requesting a variance to: 1) waive the front setback from the required 45 feet to 6 feet; and 2) waive the lot size from the required 30,000 square feet to 22,465 square feet in Land Lot 19 of the 1st District. Located on the west side of Eastside Drive, south of Bishop Lake Road (2093 Eastside Drive).

The public hearing was opened and Mr. Garvis L. Sams, Jr. and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Trombetti, second by Swanson, to **approve** variance request **subject to:**

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on May 18, 2010 at 9:00 a.m.**
- **subject to site plan dated February 8, 2010 (attached and made a part of these minutes)**
- **setbacks for proposed improvements shown on site plan *only***
- **permits for septic system to be obtained from the Health Department prior to issuance of any building permits**
- **variance is contingent upon construction being in substantial conformity to rendering submitted to the Clerk on May 12, 2010 in regards to massing, scale, architecture, materials, and square footage shown on site plan (rendering attached and made a part of these minutes)**
- **Development and Inspections Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

VOTE: **ADOPTED** unanimously

APPLICANT: Habitat for Humanity of Northwest
PHONE: Metro Atlanta, Inc. 770-432-7954
REPRESENTATIVE: J. Kevin Moore
PHONE: 770-429-1499
PROPERTY LOCATION: Located on the south side of
Martin Place, south of Taylor Drive.

PETITION NO.: V-43
DATE OF HEARING: 05-12-10
PRESENT ZONING: R-20
LAND LOT(S): 370, 371
DISTRICT: 17
SIZE OF TRACT: .70 acre
COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Waive the public road frontage from the required 75 feet to 12 feet each for tracts 1 and 2; 2) waive the lot size from the required 20,000 square feet to 15,372 square feet on tract 1; and 3) waive the lot size from the required 20,000 square feet to 15,366 square feet on tract 2.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: If this variance is approved, a plat must be recorded prior to the issuance of any building permits showing any required access easements and referencing the variance case number and date of approval. The plat must be submitted to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: No comment.

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: Applicant should be aware that both tracts 1 and 2 will be < 0.5 acres and therefore will be required to go to public sewer when developed.

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

BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** B. Hovey

REJECTED **SECONDED** K. Swanson

HELD **CARRIED** 5 - 0

STIPULATIONS: Special Exception granted
with stipulations.



Cobb County Fire and Emergency Services

Applicant Name: Habitat for Humanity

Petition Number: V-43

Date: 4/30/2010

Fire Marshal Comments

- Hydrant within 500' of remote structure, minimum 6" main*
(Required Flow: 1000 gpm @ 20 psi)
- Fire Flow Test from closest existing hydrant*
(Required Flow: 1000 gpm @ 20 psi)
- Driveway must have a minimum 12' driving surface width with minimum 25' inside turning radius.
- Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
- Maximum grade shall not exceed 18%.
- Driveway must extend within 150' of the most remote portion of the structure.
- Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
- Driveway must support 25 Tons (50,000 lbs.)
- Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width

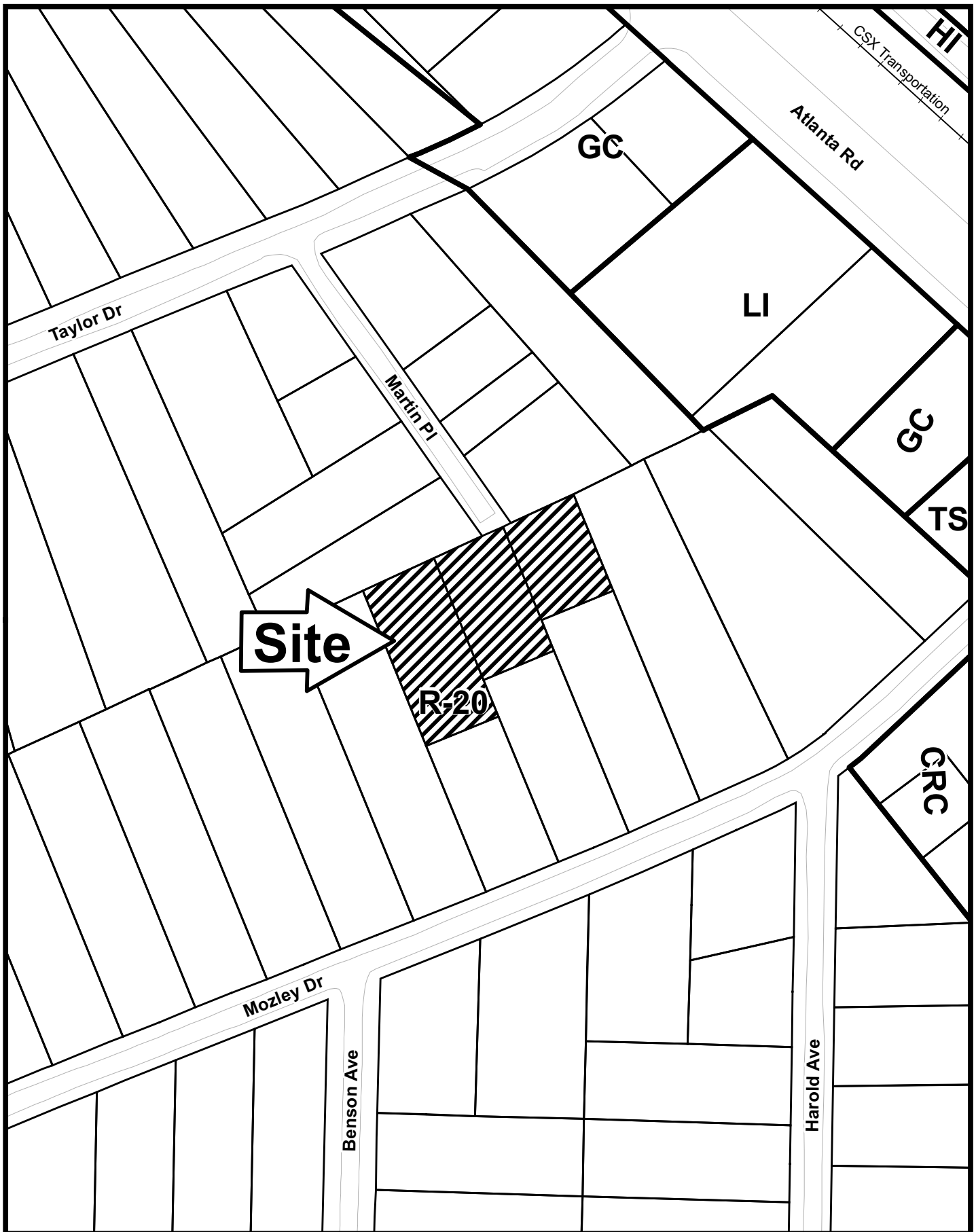
* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) NFPA 13D Sprinkler System
- 2.) Complete structure treated with a Class-A Fire Retardant spray meeting a flame spread of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.

Note

-Dead-end access roads in excess of 1000 feet shall be provided with a turn-around.
Residential cul-de-sac without island: 38-foot outside radius. Hammerhead turn-around: total of 120 feet needed (60 feet from center of drive).

V-43



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. v-43 (2010)
Hearing Date: 05/12/2010

Habitat for Humanity of Northwest

Applicant Metro Atlanta, Inc. Business Phone (770) 432-7954 Home Phone Not Applicable
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore Address 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

Signed, sealed and delivered in presence of:

My commission expires: January 10, 2011

[Signature]
Notary Public

Titleholder Melanie DeFrances Business Phone [Cell Phone] Phone (404) 372-8766

Signature [Signature] Address: 5574 Wilmer Dr. Norcross GA
(attach additional signatures, if needed) (street, city, state and zip code) 30092

Signed, sealed and delivered in presence of:

My commission expires: January 10, 2011

[Signature]
Notary Public

Present Zoning of Property R-20

Location Southeastern terminus of Martin Place
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 370, 371 District 17th Size of Tract 0.70± 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 X Shape of Property X 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 "A" attached hereto and made a part hereof by reference.

List type of variance requested: See Exhibit "A" attached hereto and made a part hereof by reference.

WAIVE THE LOT SIZE + ROAD FRONT.

ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 43 (2010)
Hearing Date: May 12, 2010

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant: Habitat for Humanity of Northwest Metro
Atlanta, Inc.
Owner: Melanie DeFrances

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant requests a waiver of the required minimum 20,000 square foot lot size for lots located within an R-20 zoning classification. This request is necessitated due to the size, shape, and location of the Subject Property. By waiving the required minimum 20,000 square foot lot size, the Applicant will be able to develop the Property for two single-family residential lots of approximately 15,370 square feet each which will better utilize the Subject Property for residential purposes and take into account the location of the Property at the terminus of Martin Place. Because the Property is located on a "dead-end" street, the minimum required public road frontage for a single-family residential lot is not available. Therefore, in order to meet the requirements set forth in the Cobb County Zoning Ordinance, a waiver of the required public road frontage is necessary in order to allow for the development of the Subject Property for two single-family residences. Otherwise, to deny the requested variances would leave the Property virtually land-locked and unusable pursuant to the provisions set forth within the R-20 zoning classification. Moreover, the Subject Property has been platted as three (3) separate lots of record. The variances requested herein are not substantial and would allow an otherwise reasonable use of the Subject Property; especially, given that adjoining properties are zoned to the R-20 zoning category and nearby properties are zoned for commercial and industrial uses, including , Community Retail Commercial ("CRC"); General Commercial ("GC"); and Light Industrial ("LI").

List type of variances requested:

- (1) Waiver of required minimum 20,000 square foot lot size for R-20 zoned property to 15,370 square feet. (See § 134-197);
- (2) Reduction of the required road frontage for a single-family residential lot from seventy-five (75) feet to approximately 27.5 feet. (See § 134-197(4)c).

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 12, 2010**

V-43 HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC. (Melanie DeFrances, owner) requesting a variance to: 1) waive the public road frontage from the required 75 feet to 12 feet for Tracts 1 and 2; 2) waive the lot size from the required 20,000 square feet to 15,372 square feet on Tract 1; and 3) waive the lot size from the required 20,000 square feet to 15,366 square feet on Tract 2 in Land Lots 370 and 371 of the 17th District. Located on the south side of Martin Place, south of Taylor Drive.

MOTION: Motion by Hovey, second by Swanson, as part of the Consent Agenda, to **approve** variance request **subject to:**

- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on May 18, 2010 at 9:00 a.m.**
- **Development and Inspections Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

VOTE: **ADOPTED** unanimously