



**APPLICANT:** Homes of Elegance, LLC      **PETITION NO.:** V-62  
**PHONE:** 770-509-2557      **DATE OF HEARING:** 08-11-10  
**REPRESENTATIVE:** Virginia Wagner      **PRESENT ZONING:** R-20  
**PHONE:** 404-545-9694      **LAND LOT(S):** 134, 166  
**PROPERTY LOCATION:** Located at the northwest intersection of Heath Hollow Lane and Heathermoore Hill (5105 Heath Hollow Lane).      **DISTRICT:** 1  
**SIZE OF TRACT:** 0.4591 acre  
**COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** 1) Waive the rear setback from the required 35 feet to 29 feet on lot 13; and 2) waive the maximum allowable impervious surface from 35% to 49%.

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** On 5/25/10, an encroachment was noted by the inspector of a covered porch and a Hold was placed on the permit. Permit will need to be revised if variance is approved. If this variance request is approved, a plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements and/or new setback limits. The plat must show 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 builder of this lot has purposefully built this house to the maximum extent of the building line with no regard for impervious coverage limitations. The current impervious coverage is 9,805 square feet (49%). This is more than 2,800 square feet over the 35% maximum allowed under the R-20 code. Even if all 2,645 square feet of driveway were converted to pervious pavement, the credit allowed by the County Code would only reduce the coverage percentage to 43.7%, which is still significantly more than the allowable.

**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:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

**WATER:** No conflict.

**SEWER:** No conflict.

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

**BOARD OF APPEALS DECISION**

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

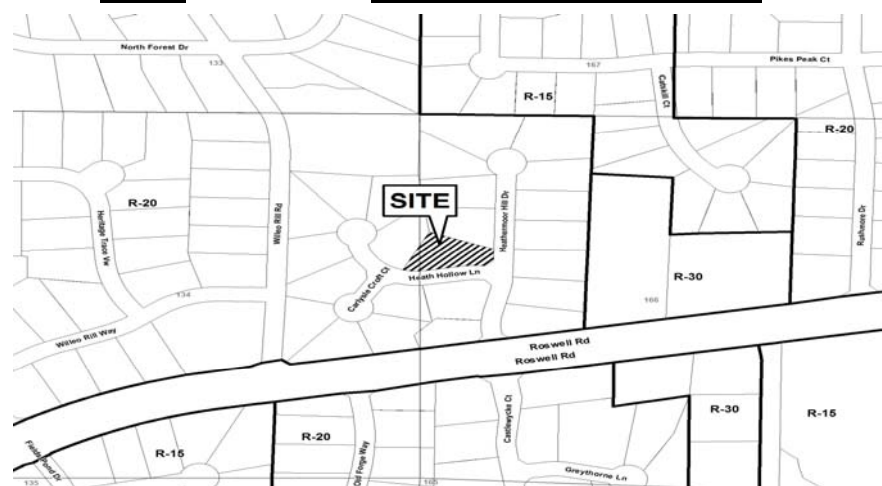
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

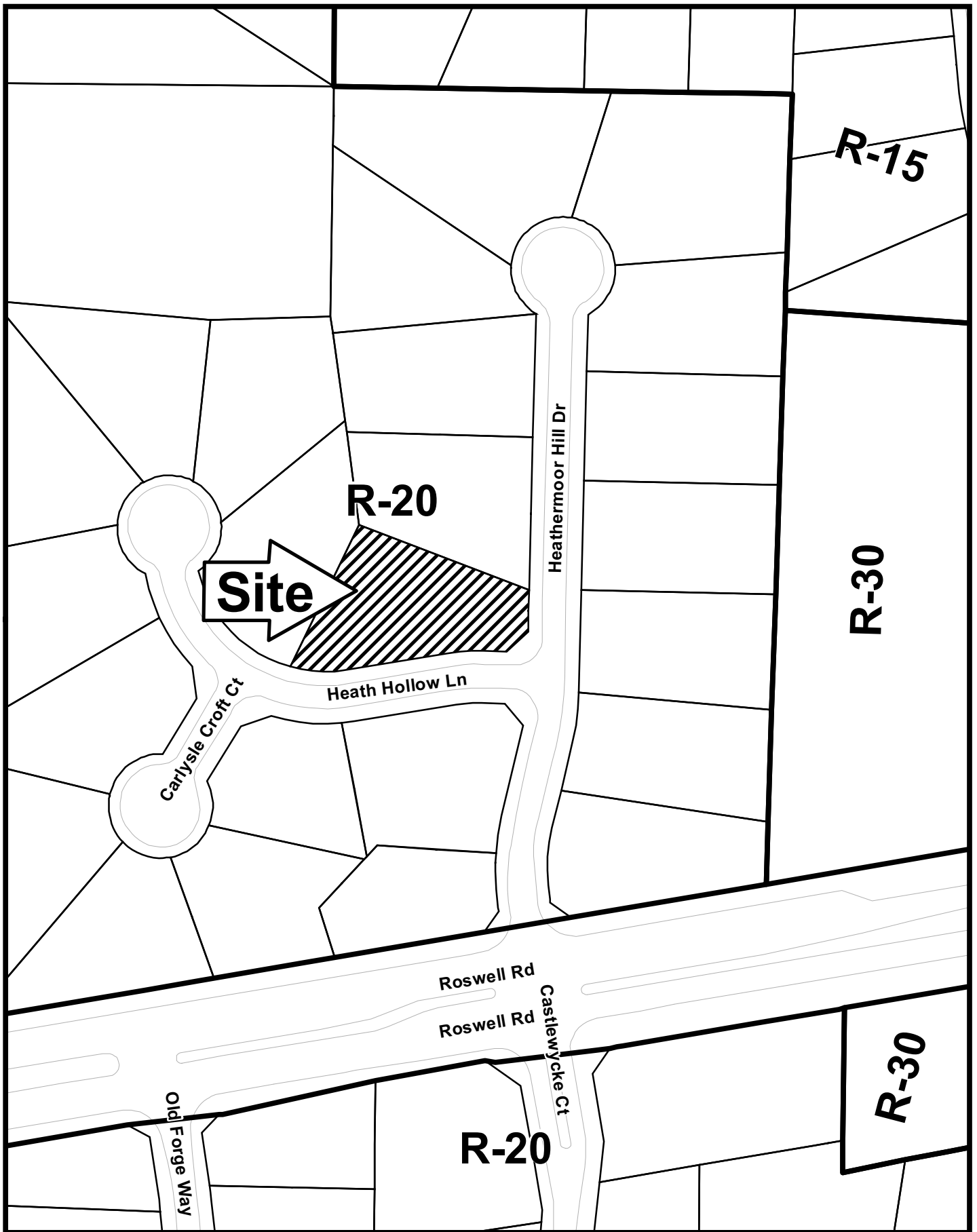
**STIPULATIONS:** \_\_\_\_\_

\_\_\_\_\_

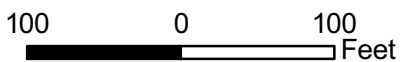
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# V-62



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-62  
 Hearing Date: 8-11-10  
 Cell 404-545-9694  
 Home Phone \_\_\_\_\_

Applicant Homes of Elegance

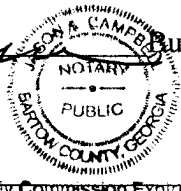
Business Phone 770-509-2557 Home Phone \_\_\_\_\_

Virginia Wagner  
 (representative's name, printed)

Address 4225 JVL Industrial Pkwy Bld 1  
 (street, city, state and zip code) Marietta GA 30066

Virginia Wagner  
 (representative's signature)

Business Phone 7-509-2557 Cell Phone 404-545-9694



Signed, sealed and delivered in presence of:  
Jacob D. Campbell  
 Notary Public

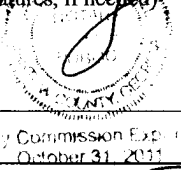
My commission expires: +  
 My Commission Expires October 31, 2011

Titleholder Virginia Wagner

Business Phone 770-509-2557 Home Phone 404-545-9694

Signature Virginia Wagner  
 (attach additional signatures, if needed)

Address: 4225 JVL Industrial Pkwy Bld 1  
 (street, city, state and zip code) Marietta GA 30068



Signed, sealed and delivered in presence of:  
Jacob D. Campbell  
 Notary Public

My commission expires: L  
 My Commission Expires October 31, 2011

Present Zoning of Property R-20

Location 5105 HEATH HOLLOW LANE  
 (street address, if applicable; nearest intersection, etc.)

Land Lot(s) 134, 166 District 1<sup>ST</sup> 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.

This property can not be sold until this problem is solved. It is causing bankruptcy. Please Help!

List type of variance requested:  
WAVE THE REAR SETBACK FROM REQUIRED 35 FT TO 29 FT