

APPLICANT: Stan Fitzgerald

PETITION No.:

V-30

PHONE: 770-249-7221

DATE OF HEARING:

05-09-12

REPRESENTATIVE: Stan Fitzgerald

PRESENT ZONING:

R-30

PHONE: 770-249-7221

LAND LOT(S):

152, 153

TITLEHOLDER: Josephine Fitzgerald, Donna Fitzgerald and Stanley Fitzgerald

DISTRICT:

20

PROPERTY LOCATION: At the northwestern corner of Cheatham Road and Cheatham Court

SIZE OF TRACT:

1.6 acres

(2701 Cheatham Court).

COMMISSION DISTRICT:

1

TYPE OF VARIANCE: 1) Waive the front setback for an accessory structure over 650 square feet (existing 1,444 square foot garage) from the required 100 feet to 75 feet; 2) waive the side setback for an accessory structure over 650 square feet from the required 100 feet to 25 feet; 3) waive the side setback for an accessory structure over 650 square feet from the required 100 feet to 95 feet; and 4) allow two accessory structures (garage and shed) to be located closer to the side street right-of-way line than the principal building.

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

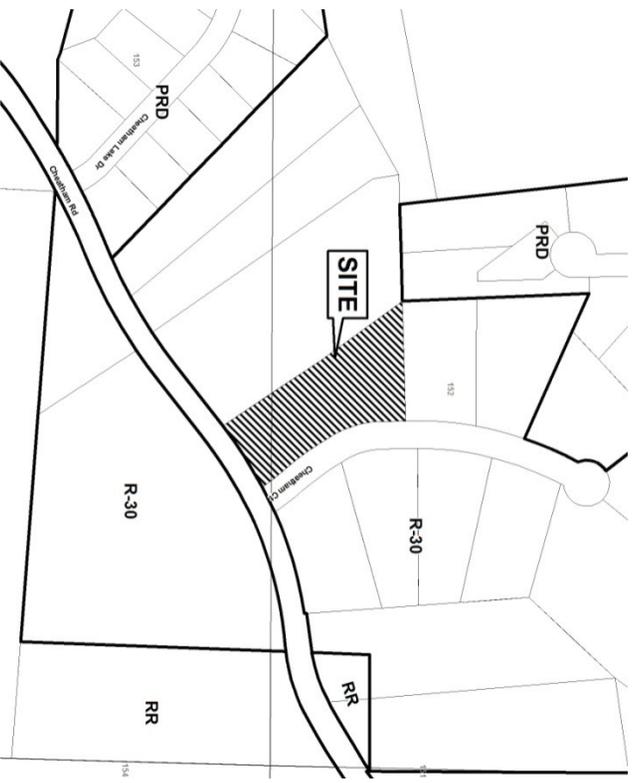
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



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COMMENTS

TRAFFIC: This request will not have an adverse impact on the transportation network.

DEVELOPMENT & INSPECTIONS: Permit for 800 square feet attached garage was obtained in 2007 but was not completed and was later re-permitted in 2008. New permit and inspection will be required for attachment. Shed requires a permit if over 120 square feet.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No adverse stormwater impacts are anticipated for these existing structures. The entire yard drains to the rear to an existing well-defined channel.

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.

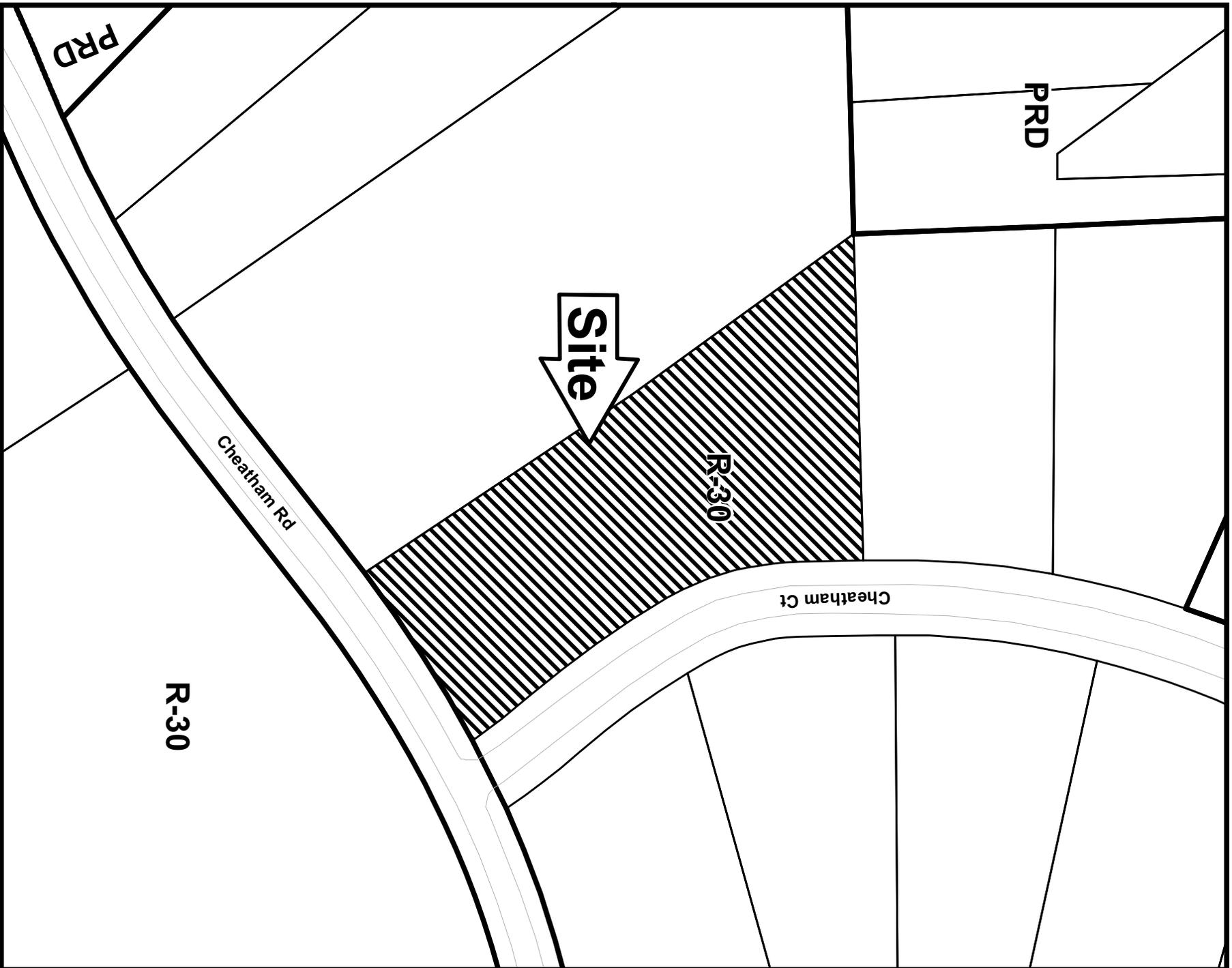
SEWER: No conflict.

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FIRE DEPARTMENT: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-30



PRD

Site

R-30

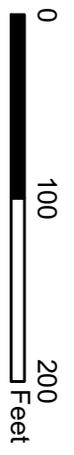
Cheatham Ct

Cheatham Rd

R-30

PRD

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-30
 Hearing Date: 5-9-12

Applicant STAN FITZGERALD Phone # 770 249-7221 E-mail FORGETTHEGOOSE@aol.com

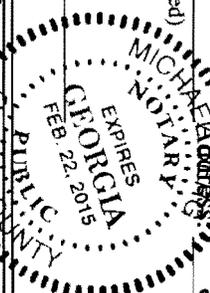
STAN FITZGERALD Address 2701 CHEATHAM CT. NW ACWORTH
(representative's name, printed) 770-249 (street, city, state and zip code)

[Signature] PHOENIX BETTES E-mail FORGETTHEGOOSE@aol.com
(representative's signature)

My commission expires: 2-21-12  Signed, sealed and delivered in presence of:
Stacy Bettes Notary Public

Titleholder STAN FITZGERALD E-mail SAME

Signature [Signature] SAME AS ABOVE
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 2-22-15  Signed, sealed and delivered in presence of:
[Signature] Notary Public

Present Zoning of Property R-30

Location 2701 CHEATHAM COURT
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 152, 153 District 20 Size of Tract 1.6 Acres
(street address, if applicable; nearest intersection, etc.) 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.

FINANCIAL HARDSHIP - A EXISTING STRUCTURES WOULD HAVE TO BE ALTERED. FIRST THE GARAGE WHICH WAS PERMITTED AND PASSED FINAL INSPECTION BY COBB COUNTY WOULD HAVE TO ADD AN EXPENSIVE BRACEWORK WHICH IS UNSURETY AND AND THE SHED ON BLOCKS WHICH CONTAINS MY SICK MOTHER'S BELONGINGS WOULD HAVE TO BE MOVED BACK CAUSING NEAR STRESS AND FINANCIAL BURDEN TO A SENIOR

List type of variance requested: PERMISSION TO HAVE GARAGE AND SHED CLOSER TO THE SIDE STREET THAN MY DRAFTY STRUCTURE (THANK) WITHOUT MAKING NEW ATTACKS

SRE ATTACHED STATEMENT 3 PAGES PLUS PHOTOS + EXHIBITS

THIS

PAGE

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EXHIBIT
"Letter"

To : Zoning Board

RE: Variance Application – 2701 Cheatham CT NW , Acworth

From : Stan Fitzgerald – Homeowner

More Information Regarding Decision

Sir/Mam

Let me start this memo by saying I have no problem with bringing my property up to code and that I never intended to circumvent county policy. My problem is a hardship paying for bringing it up to code. I will represent myself at this point in the process and should I receive the approval of the zoning board to grant my variance request this issue is closed permanently as far as I am concerned.

1) The Neighborhood

Let me paint you a picture of the area before I explain my hardship. This is somewhat still rural unincorporated Acworth. On Cheatham Road in the immediate area you see barns , horses , dirt bike trails , many houses with Garages that are Not attached , many houses with multiple sheds of various sizes many of which are dilapidated , livestock , abandoned rusted out vehicles and probably dozens of issues by todays code would be violations but are probably grandfathered in . This is not a new thriving area where the community is seeking code enforcement to maintain a standard. We are not in a subdivision and my property and buildings in violation face government land across Cheatham Road that will never be built on. Only two houses face the structures that are in violation both of which signed the petition. Note the petition was signed by 100% of the neighborhood. Specifically my neighbor Candice Turner of 2700 Cheatham CT who looks at my structures in violation from her living room window has advised me that she is directly opposed to the county enforcing the code. She has no problem with the view at this time but feels adding a breezeway would look ridiculous and become an eyesore. She stated that she cannot attend a meeting but you can feel free to contact her for a statement or simply accept my report of her statement into the record.

2) The impracticality and eyesore of a breezeway my neighbor reports.

See two attached photos marked P-1 and P-2. Note that the accessory buildings are on significantly lower land and a breezeway would have to be placed in an uphill fashion on an angle which would look ridiculous and serve no purpose other than bringing it to code by enforcing a technicality

3) The Original Permit and Certificate of Occupancy

It is my testimony and recollection that when I pulled permit # (071244) This was for a detached garage , I recall putting my signature on paperwork for a detached garage permit which was granted. I have contacted the builder Charles Bergman who is now out of state and his recollection is the same. The builder stated should this go to the appeals process my attorney can pay for his time to come in from out of state and testify to same , he will also go to his storage and recover the paperwork copies bearing my signature and original permit copy which is for a detached garage. During the work process the permit was pulled and I was told by the county that the garage had to be closer to my home and at that time, was given a new permit # (0802949). Please note that the original permit had the garage so far away from the house, it could not have possibly been for an attached garage. I originally wanted it near Cheatham road, nowhere near our home and that was originally approved. I was given a certificate of occupancy for a detached garage see attached item marked exhibit 1 .

In regards to the shed, which is right next to the garage and not protruding past same garage, I called the county office asking about the code and was told it had to be on blocks, but nothing further was said regarding location. From what I was told on the phone I understood that my shed would in fact be in code as it is today. It is my position that it was the county's responsibility to better explain it to me when I called making sure I would be in code when adding the shed.

4) Financial Hardship

I am retired law enforcement, I was injured in the line of duty and found to be totally and permanently disabled see attached exhibit 2. I receive a pension of \$24k a year which does not include medical coverage of any kind. See attached exhibit 3. I cannot afford to pay for a breezeway to be added or a shed to be moved. The entire purpose of the structures being added was due to the fact that we could not afford to pay storage rentals. We moved from NJ to GA because we could no longer afford to live in NJ.

5) Medical Hardship

I have PTS from various combat situations when I worked in Narcotics enforcement. I have had two heart attacks and bypass surgery, my health is not good. The initial anonymous complaint I laughed off because it was unfounded and I knew it was most likely an unstable neighbor who has a history of fighting with everyone on the block. However the follow up complaint regarding my property and being forced to go through this variance process is causing tremendous stress worrying about the financial aspects involved should I be forced to appeal this variance. As someone with PTS and Heart issues, stress and worry seriously affect my day to day functioning in a negative way and create the risk of bringing on heart complications.

Respectfully Submitted

Stan Fitzgerald



**SEE
ATTACHED EXHIBIT 4
FOR BUSINESS STATEMENT**

P-1

EXHIBIT
"Pictures"



1-2

