

APPLICANT: Larry Joel Epstein and Bonnie Irlyn
Epstein

PETITION No.: V-1

PHONE: 770-565-4955

DATE OF HEARING: 01-09-13

REPRESENTATIVE: Larry and Bonnie Epstein

PRESENT ZONING: R-20, R-15

PHONE: 770-565-4955

LAND LOT(S): 687, 754

TITLEHOLDER: Larry Joel Epstein and Bonnie Irlyn
Epstein

DISTRICT: 16

PROPERTY LOCATION: On the northern end of

SIZE OF TRACT: 0.7379 acre

Wellington Lane, east of Johnson Ferry Road

COMMISSION DISTRICT: 2

(1963 Wellington Lane).

TYPE OF VARIANCE: To permit poultry (ducks) on a lot containing less than two acres.

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

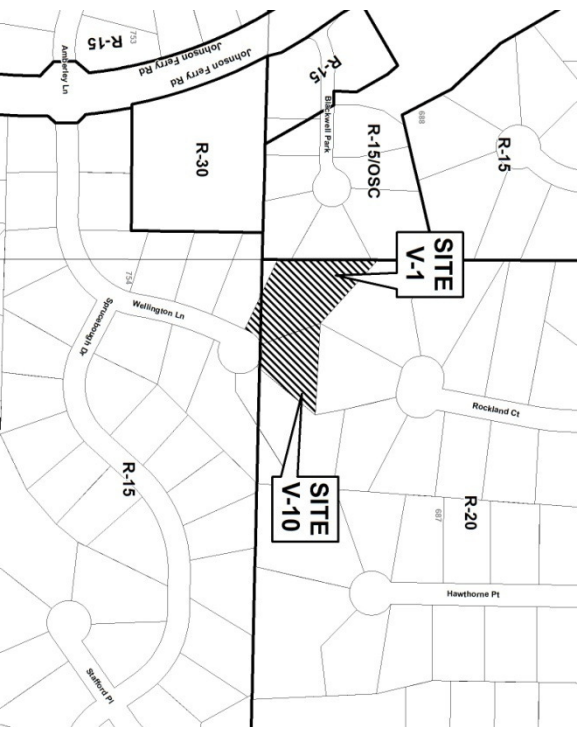
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Larry and Bonnie Epstein

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COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: If approved, applicant must demonstrate how runoff from duck habitat is treated for water quality.

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.

DESIGN GUIDELINES: No comment.

CEMETERY PRESERVATION: No comment.

WATER: No conflict

SEWER: No conflict

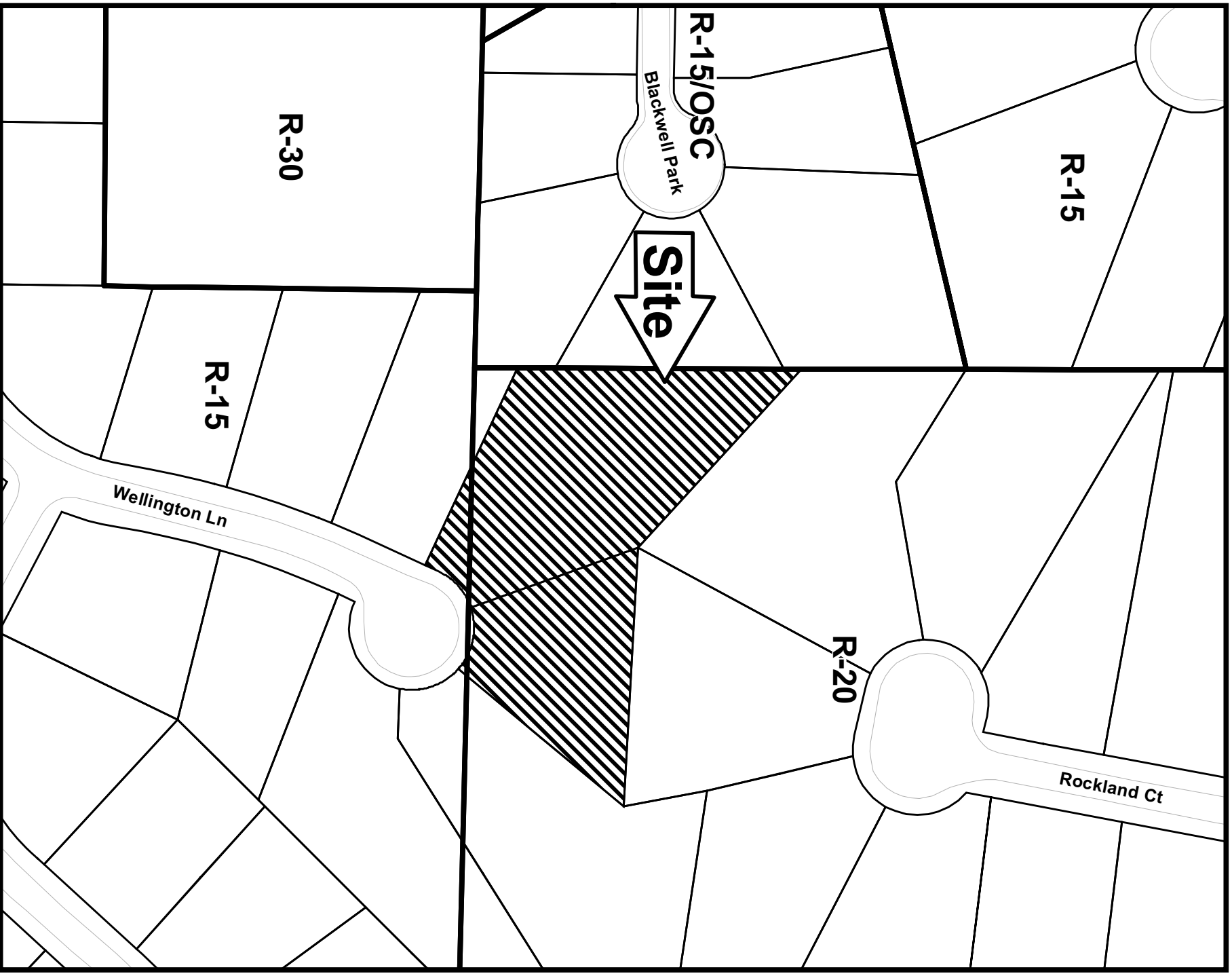
APPLICANT: Larry and Bonnie Epstein

PETITION No.:

V-1

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-1



R-15

R-20

R-15/OSC

R-30

R-15

Site

Blackwell Park

Wellington Ln

Rockland Ct

0

100

200

Feet

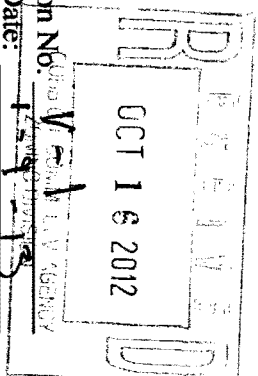


City Boundary

Zoning Boundary

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

Application for Variance Cobb County



(type or print clearly)

Application No. V-11
Hearing Date: 12-19-12

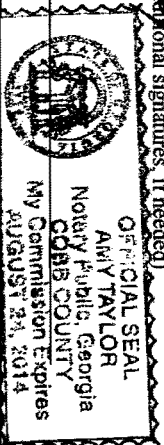
Applicant Larry Epstein Bonnie Epstein Phone # 770 565 4955 E-mail larry0409@bellsouth.net
 (representative's name, printed) Address 1963 Wellington Lane Marietta Ga 30062
 (street, city, state and zip code)

Phone # _____ E-mail _____
 (representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____ Notary Public

Titleholder Larry Epstein Phone # 770 565 4955 E-mail larry0409@bellsouth.net
 Signature [Signature] Address: 1963 Wellington Lane Marietta Ga 30062
 (attach additional signatures, if needed) (street, city, state and zip code)



Signed, sealed and delivered in presence of: [Signature] Notary Public

Present Zoning of Property R-2D
 Location 1963 Wellington Lane Marietta, Ga. 30062
 (street address, if applicable; nearest intersection, etc.)
 Land Lot(s) 0681 District 16 Size of Tract 3/4 Acre(s) 0.7379
 (see back)

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 1/4 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 following the normal terms of the ordinance.

We moved here in 1985 and have had ducks ever since we moved here. Never a complaint. These ducks have been raised by Larry and will not survive in the wild. Ever since Larry's car accident (almost 15 yrs ago) - he is now disabled - he gets up every day to take care of his pets. (see back)

List type of variance requested: lot size - (hardship)
I have lot size from 2 acres to 3/4 acre for farm animals - Ducks - domesticated - they are not livestock - not used for food or sale - used only as pets and therapy for disabled owner.

15 Ducks since 1985.

RECEIVED

This shows our wooded lot and buffer zone around total property

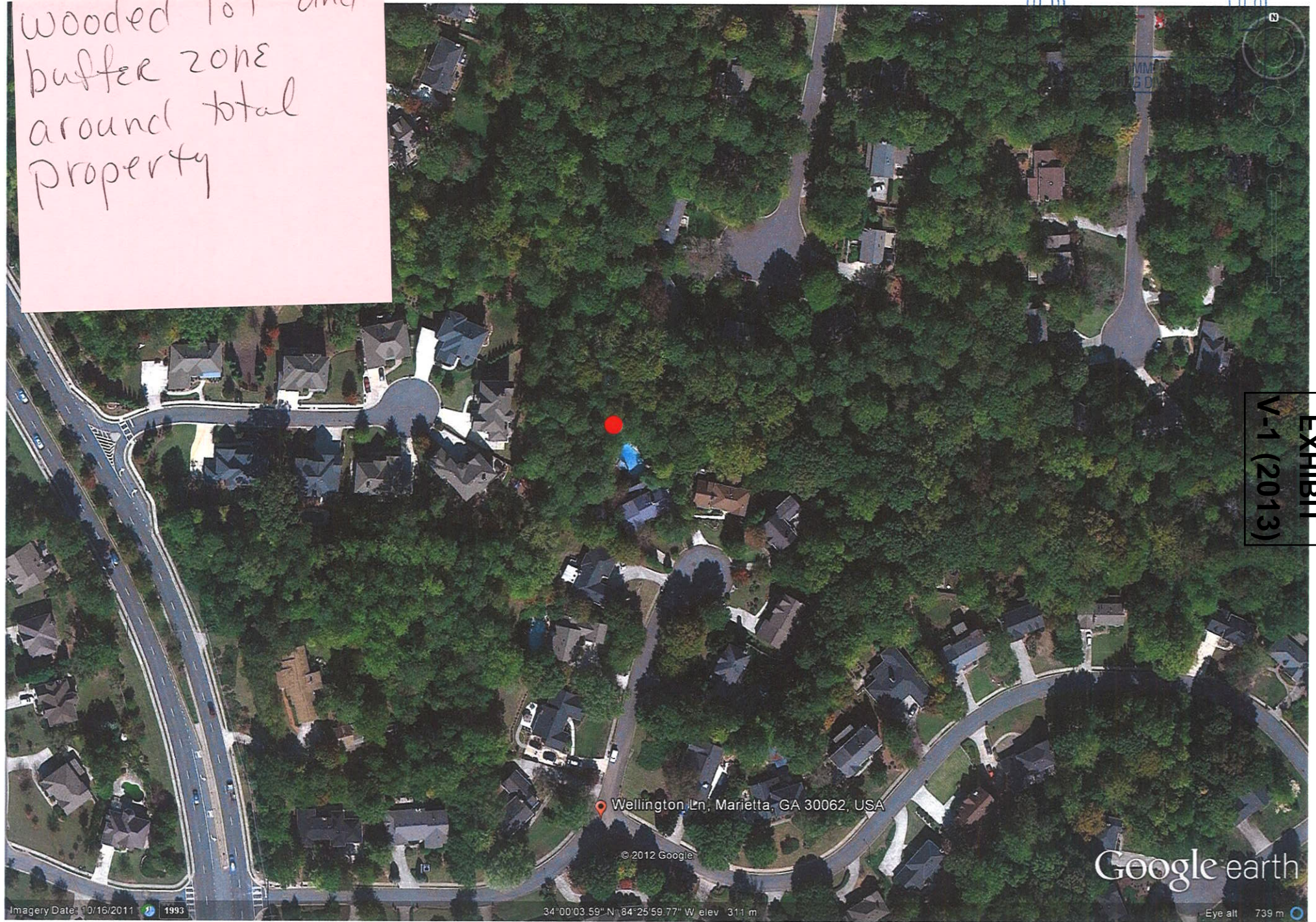


EXHIBIT
V-1 (2013)

Wellington Ln, Marietta, GA 30062, USA

© 2012 Google

Google earth

Imagery Date: 10/16/2011 1993

34° 00' 03.59" N 84° 25' 59.77" W elev 311 m

Eye alt 739 m

● SUBJECT

10/16/2011
1993 2011

N

1963 Wellington Ln, Marietta, GA 30062, USA

© 2012 Google

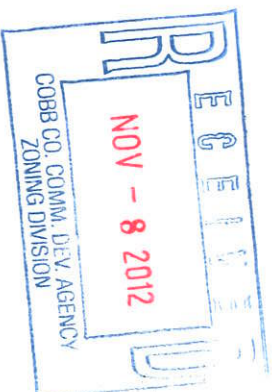
Google earth

Imagery Date: 10/16/2011 1993

34°00'02.89" N 84°25'57.88" W elev 311 m

Eye alt 494 m

EMORY HEALTHCARE
EMORY HEART & VASCULAR CENTER



November 5, 2012

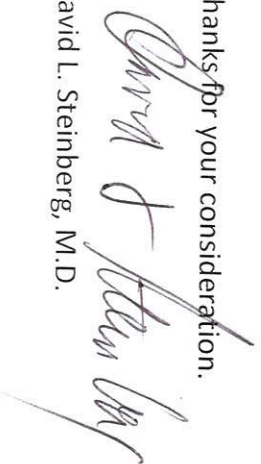
To Whom It May Concern:

Mr. Larry Epstein has been a patient of mine for the last twenty-five years. During that time he has had significant medical problems, including left testicular cancer and chronic severe back pain resulting from an automobile accident in 1998. The automobile accident necessitated several back surgeries. In spite of the surgeries he has had intractable severe chronic back pain, and has needed significant analgesic treatment in an attempt to control the pain. Having to live with this pain has been a persistent negative, both mentally and physically, in his daily existence.

Over the past fourteen years, he has been able to get some relief by spending time with his pets, which happen to be thirty-one ducks (for which he is the caregiver), which have lived on the back of his property for the past twenty-five years. These creatures have been a great source of pleasure to him. He knows them all by name, and they spend time with him, even sitting on his lap.

I am not familiar with the Cobb County laws governing pets, but I truly believe removing these ducks from Mr. Epstein's life would have a very negative effect on his health, as they are indeed very therapeutic for him.

Thanks for your consideration.


David L. Steinberg, M.D.

Over the years we have had many ducks - but as stated in our letter - we throw away the eggs so as the older ducks have died the number of ducks keep decreasing.

ROBERT A CUNNINGHAM
1977 Stafford Place
Marietta, GA 30066

November 6, 2012.

To whom it may concern,



This is to confirm that we have been neighbors and personal friends of Larry and Bonnie Epstein since December 1986.

In all those years Larry has always had pets, dogs and ducks. Our children who grew up with the Epstein children would go over a visit with the "pets".

Several years ago Mr. Epstein suffered debilitating injuries resulting from a car accident but throughout his convalescence his pets have been part of his therapy.

In all the 26 years that we have known them, there has never, to our knowledge, been any complaints about any of their pets. Since the animals have been his constant companions over the years, hopefully they will not be removed at this time when they are, often, the reason

2

Mr. Epstein gets motivated to get up and about, to take care of them.

If you need any further information or help in this matter, please call either of us at (770) 578-0765.

Yours sincerely,

Robert E. Cynthia Padgett.

November 7, 2012

To whom it may concern:

This letter is written regarding
to the Danane name for
Mr. & Mrs. Lang Epstein. We have
known the Epstein's for 28 years.
Mr. Epstein was in a major accident
13 years ago and has been unable to
partake in activities. The doctors are
his therapy and very impatient to him.
It would be a mistake to take this
away from his well being that he
receives everyday from the aminals.
Glenn and John DNY
Howard and Lynette Gustoffs



Larry and Bonnie Epstein

1963 Wellington Lane

Marietta, Ga. 30062

770-565-4955



We are applying for a variance on our property to continue to have pet ducks.

We have lived here since 1985 and have had pet ducks ever since we moved here. Never once has there been a complaint.

A neighbor up the street has put in this complaint. He also has lived here since 1985. He was in an altercation with another neighbor which my husband witnessed for 10 seconds. My husband did not see what had started the fight and when questioned by the police, that is what he told them. This neighbor wanted Larry to state he saw the other neighbor hit first. Larry would not.

All the other neighbors on our street have signed the variance application form.

The ducks are my husband's pets. 13 years ago he was in an automobile accident (stopped for school bus and was hit from behind) and became disabled. He has had 4 back surgeries. These ducks—his pets—are his therapy. We do not eat them and we throw away the eggs. Therefore, as the ducks get older (die from old age) , they will not be replaced. The habitat that was built is a fenced in area (even fencing on top). The ducks do not fly or make noise. There is no odor from this area. It is cleaned on a daily basis. They eat out of his hands. There is also a play area (also fenced) that has a bench that my husband goes to every day. He is under dr. care monthly pain management . These hours during the day gives him the best therapy we could ask for.

The ducks are very well taken care of. They would not survive in the wild.

Thank you for your consid



Eric & Monica Haydock
1960 Wellington Lane
Marietta, GA 30062

November 6 2012

To whom it may Concern,



Please find attached a copy of a police report dated 9-19-2012. On this occasion while my wife and I were walking our dog and Mr. Lawrence and Mrs. Lawrence were walking their dog, Mr. Lawrence and I had a heated verbal altercation. Mr. Lawrence tried to punch me in the face (took a swing at me). I am much smaller than Mr. Lawrence and avoided it, I retaliated and pushed Mr. Lawrence and he fell backwards. My wife and I then left and went home.

A short time later (10-15 minutes) a police officer knocked on my door and asked me what happened, I explained as per above. The police officer left and returned to inform me that one of the neighbors had verified what I had said and the officer then left.

The next I heard of the incident was later that evening, while walking to pick up the mail, I saw and heard Mr. Lawrence shouting very loudly at the front door of Mr. Epstein, who is our neighbor across the street. The next day, my wife, from our front lawn, saw Mr. Lawrence again banging very loudly at the neighbors door and then she heard more shouting from Mr. Lawrence. I do not know Mr. Epstein very well, but I called him to ask if everything was OK, he said yes.

The next I heard of the incident, mid-October when Mrs. Epstein, the wife of the neighbor across the street asked my wife and I if we knew that they had ducks as pets, we did not. Mrs. Epstein asked if we objected to their ducks and we said we did not and thus we were happy to sign the form she had stating same. Mrs. Epstein explained that Mr. Lawrence had threatened Mr. Epstein, as a result of the incident between me and Mr. Lawrence in September, and that he had also complained to the authorities about various things. Mr. Lawrence and Mr. Epstein were friends, so he knew of Mr. Epstein's pets as Mr. Epstein had previously told him.

I have never seen nor heard any noise whatsoever; from Mr. Epstein's pets in the time we have lived here. If I had not been informed by Mrs. Epstein we would not have known they existed.

We have lived in this house since for 22 years; both Mr. Lawrence and Mr. Epstein lived in their respective houses when we arrived in the subdivision.


Eric Alan Haydock

Date: Nov 6 - 2012


Monica White Haydock

Date: Nov. 6, 2012

INCIDENT/INVESTIGATION REPORT

By: SKELLM, 6447

09/21/2012 16:08

Cobb County Police

Page 3

Case# 12-102293

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D					
R					
U					
G					
S					

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

On 09/18/2012 I responded to 1959 Wellington Ln in reference to an altercation that had already occurred. I met with the victim John Lawrence. He stated that he was out walking with his wife when a neighbor, Eric Haydock, attacked him over their dogs fighting. Lawrence did have a few bruises from the incident that took place. I conducted an investigation and spoke to all the involved parties. Also found an independent witness that gave a testimony similar to Haydock. Given the statements there was not an arrest made and I advised both parties on warrant procedures.

Nothing further.

Incident Report Suspect List

Cobb County Police

OCA: 12-102293

1										
Name (Last, First, Middle) <i>Haydock, Eric Alan</i>					Also Known As					
Business Address										
Home Address <i>1960 WELINGTON LN MARIETTA, GA 30062 404-977-2193</i>										
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State
<i>05/07/1954</i>	<i>58</i>	<i>W</i>	<i>M</i>		<i>510</i>	<i>165</i>	<i>BRO</i>	<i>HAZ</i>		<i>012317585 GA</i>
Scars, Marks, Tattoos, or other distinguishing features										
<i>Reported Suspect Detail</i>										
Weapon, Type		Feature	Make	Race	Sex	Eth	Height	Weight	SSN	
Veh Yr/Make/Model		Dis	Style	Model	Color	Color	Lic/SI	Caliber	Dir of Travel	Mode of Travel
Physical Char										
Notes										