
VARIANCE ANALYSIS

October 1, 2014

Prepared by:
COBB COUNTY
PLANNING AND ZONING DIVISIONS

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Cobb County... Expect the Best!

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**COBB COUNTY BOARD OF ZONING APPEALS
VARIANCE HEARING AGENDA
OCTOBER 1, 2014**

CONTINUED CASE

- V-77** **JUSTIN LANE** (Justin Price Lane and Marianna Lane, owners) requesting a variance to: 1) waive the minimum public road frontage from the required 75 feet to zero feet for proposed tract 2, and allow the lot to access off a private easement; and 2) reduce the lot size for a lot off a private easement from 80,000 square feet to 43,500 square feet in Land Lot 336 of the 20th District. Located on the west side of Trail Road, west of Midway Road (35 Trail Road). *(Previously continued by Staff)*

REGULAR CASES – NEW BUSINESS

- V-83** **CARL AND KATHY SHEPHARD** (Carl G. Shephard and Kathy A. Shephard, owners) requesting a variance to waive the side setback from the required 10 feet to 6.9 feet adjacent to the west property line in Land Lot 305 of the 20th District. Located on the northwest corner of Pritchett Drive and Pritchett Lane (51 Pritchett Lane).
- V-84** **CAROL SMITH** (Carol C. Johnson, owner) requesting a variance: 1) for an authorization upon appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source; and 2) to allow an accessory structure (approximately 600 square foot garage) to the side of the principle building in Land Lot 162 of the 1st District. Located on the east side of Little Willeo Road, across from Odin's Way (1658 Little Willeo Road).
- V-85** **HERBERT W. LYLE** (Herbert W. Lyle and Nancy E. Lyle, owners) requesting a variance to: 1) allow a fence in front of or to the side of the house in a residential district to exceed 6 feet in height (8 feet); and 2) waive the side setback for an accessory structure under 144 square feet (approximately 100 square foot shed) from the required 5 feet to zero feet in Land Lot 555 of the 16th District. Located on the north side of Salem Drive, west of Calico Court (2301 Salem Drive).

- V-86** **ROBERT F. LEECH** (Robert F. Leech and Nita F. Leech, owners) requesting a variance to: 1) waive the rear setback from the required 10 feet to 5 feet, and 2) increase the maximum allowed impervious surface from 35% to 60% in Land Lot 1100 of the 17th District. Located on the west side of Chattahoochee Way, south of Chattahoochee Plantation Drive (4504 Chattahoochee Way).
- V-87** **STEVEN G. AERTKER** (owner) requesting a variance to waive the rear setback from the required 35 feet to 10.4 feet in Land Lot 1048 of the 16th District. Located at the northwest intersection of Indian Hills Parkway and Summit Drive (4021 Summit Drive).
- V-88** **DOUGLAS WILBUR** (Douglas A. Wilbur as Executor of the Estate of Muriel E. Wilbur, and Anita W. Brown and Danny W. Brown, owners) requesting a variance to: 1) allow an accessory structure (approximately 1,584 square foot barn) to be located in front of the principle building on existing lots 1 and 2; 2) waive the side setback for an accessory structure (approximately 1,584 square foot barn) from the required 100 feet to 41.9 feet adjacent to the southern property line on lots 1 and 2; 3) waive the front setback for an accessory structure (approximately 1,600 square foot 1 story frame structure) from the required 50 feet to 13 feet adjacent to the western property line on lot 4; 4) waive the rear setback for an accessory structure (approximately 1,600 square foot 1 story frame structure) from the required 100 feet to 39.8 feet adjacent to the eastern property line on lot 4; and 5) waive the rear setback for an accessory structure (approximately 360 square foot shed) from the required 40 feet to 22.4 feet adjacent to the eastern property line and 14.2 feet adjacent to the southern property line on lot 4 in Land Lots 183 and 184 of the 20th District. Located on the east side of Acworth Due West Road, across from Old Stilesboro Road (2200, 2212 and 2232 Acworth Due West Road).
- V-89** **POLLO TROPICAL** (Sun Life Assurance Company of Canada, owner) requesting a variance to: 1) waive the landscape enhancement strip adjacent to the public street from the required 8 feet to 2 feet along Johnson Ferry Road; and 2) increase the maximum allowable impervious surface from 70% to 86% in Land Lot 85 of the 1st District. Located on the east side of Johnson Ferry Road, south of Lower Roswell Road (680 Johnson Ferry Road).

- V-90** **JOHN WAYNE THOMASON, JR.** (owner) requesting a variance to: 1) waive the front setback from the required 35 feet to 34 feet adjacent to the northern property line; 2) waive the rear setback from the required 35 feet to 11 feet adjacent to the southern property line and 3) increase the maximum allowable impervious surface from 35% to 43.55% in Land Lot 140 of the 16th District. Located at the southeast corner of Shallowford Road and Bells Ferry Road (4526 Bells Ferry Road).
- V-91** **JULIE'S PLAZA, LLC** (owner) requesting a variance to: 1) increase the maximum allowable impervious surface from 70% to 95%; 2) waive the side setback from the required 15 feet to 12 feet adjacent to the southern property line; 3) reduce the depth of a 90 degree parking stall from the required 19 feet to 18 feet (with increase in width from the required 8.5 feet to 9 feet); 4) waive the setback for a sign from the required 52 feet from the center of a major collector road right-of-way to 30 feet; and 5) increase the maximum allowable sign area from 120 square feet to 128 square feet in Land Lot 902 of the 16th District. Located on the east side of East Cobb Drive, north of Johnson Ferry Road (1344 East Cobb Drive).
- V-92** **KENNETH HESTER** (Kenneth J. Hester, Betty Hester and Robin Hester, owners) requesting a variance to: 1) allow an accessory structure (approximately 720 square foot home office/storage) to the side of the primary building; and 2) waive the side setback for an accessory structure over 650 square feet (approximately 720 square foot home office/storage) from the required 100 feet to 32 feet adjacent to the northern property line in Land Lot 683 of the 19th District. Located on the west side of Old Villa Rica Road, across from Bagley Forest Drive (3060 Old Villa Rica Road).
- V-93** **DAVID KEMP AND CHAD ROUSSEL** (David Kemp and Chad J. Roussel, owners) requesting a variance to: 1) waive the front setback from the required 35 feet to 33 feet; 2) increase the maximum allowable impervious surface from 35% to 39.99%; and 3) waive the minimum lot size from the required 20,000 square feet to 18,476 square feet in Land Lot 835 of the 17th District. Located on the east side of Paradise Shoals Road, south of Heavenly Trail (4549 Paradise Shoals Road).

- V-94** **AQUA DESIGN POOLS & SPAS, LLC** (Brian Brooking and Tamara L. Brooking, owners) requesting a variance to increase the maximum allowable impervious surface from 35% to 38% in Land Lot 484 of the 16th District. Located on the south side of Bryant Pointe Drive, west of Bryant Lane (2171 Bryant Pointe Drive).
- V-95** **CHRISTIE B. CRUTCHER** (owner) requesting a variance to waive the minimum lot size from the required 15,000 square feet to 14,075.6 square feet for proposed tract 1 and to 12,877.4 square feet for proposed tract 2 in Land Lot 718 of the 17th District. Located on the east side of Oriole Lane, south of Powers Ferry Road, and on the northern side of I-75 (1051 Oriole Lane).
- V-96** **TIMOTHY W. MATTHEWS** (Timothy W. Matthews and Karyn M. Matthews, owners) requesting a variance to: 1) waive the side setback from the required 10 feet to 5 feet adjacent to the western property line; 2) waive the setback for an accessory structure over 144 square feet (approximately 216 square foot shed) from the required 35 feet to 18.1 feet adjacent to the northern property line and from 10 feet to 7.9 feet adjacent to the east property line in Land Lot 968 of the 16th District. Located on the north side of Clubland Court, north of Clubland Drive (1052 Clubland Court).
- V-97** **LARRY CAWTHON** (Larry E. Cawthon, owner) requesting a variance to waive the rear setback from the required 35 feet to 27.4 feet in Land Lot 453 of the 16th District. Located at the northern terminus of Bryant Place Court, west of Bryant Lane, and at the southern terminus of Corral Drive (2209 Bryant Place Court).
- V-98** **CROY ENGINEERING, LLC** (James K. Warren, owner) requesting a variance to: 1) allow an accessory structure (approximately 1,720 square foot proposed garage) to the front of the primary structure; and 2) allow an accessory structure (approximately 400 square foot existing one story stucco building) to the front of the primary structure in Land Lots 956, 957, 970 and 971 of the 17th District. Located on the south side of Woodland Brook Drive, north of Farmington Drive (4135 Woodland Brook Drive).

- V-99** **ADOLFO DIAZ** (Nor-D, LLC, owner) requesting a variance to waive the setbacks from the required 20 feet to 19.5 feet from the front property line, from the required 20 feet to 9.5 feet from the major side property line, and from 30 feet to 28 feet adjacent to the north property line in Land Lot 868 of the 17th District. Located on the northeast corner of Black Bear Drive and Hawk Court (2979 Black Bear Drive).
- V-100** **PNC BANK** (SNK Holdings, owner) requesting a variance to: 1) allow an accessory structure (proposed ATM) to be located to the side and front of the principle building; 2) waive the front setback for the proposed ATM from the required 50 feet to 30 feet; and 3) waive the setbacks from the required 50 feet on the front to 38 feet and from the required 30 feet in the rear to 10 feet in Land Lot 1060 of the 16th District. Located on the east side of Roswell Road, south of Robinson Road (2100 Roswell Road).
- V-101** **PNC BANK** (Sprayberry Improvements, LLC, owner) requesting a variance to allow an accessory structure (proposed ATM) to be located in front of the principle building in Land Lots 595, 629 and 630 of the 16th District. Located on the south side of East Piedmont Road, east of Sandy Plains Road (2550 Sandy Plains Road).
- V-102** **DAVID W. SCOTT** (David W. Scott and Jean S. Scott, owners) requesting a variance to increase the maximum allowable impervious surface from 45% to 51.6% in Land Lot 746 of the 17th District. Located on the south side of Murren Drive, west of Basque Circle (2104 Murren Drive).
- V-103** **MARTIN THOMAS** (Martin E. Thomas and Sherry L. Thomas, owners) requesting a variance to allow an accessory structure (proposed 480 square foot carport) to the front of the principle building in Land Lot 222 of the 20th District. Located on the east side of Allatoona Lane, south of Creekwood Circle (1774 Allatoona Lane).
- V-104** **ALBA ALICIA PEREZ** (Jose R. Mejia-Rivas and Alba Alicia Perez, owners) requesting a variance to waive the setbacks from the required 35 feet from the front property line to 33 feet and from the required 35 feet from the rear property line to 1.7 feet in Land Lot 300 of the 18th District. Located on the south side of Britt Road, west of Factory Shoals Road (683 Britt Road).

- V-105** **JONES SIGN, LLC** (Cumberland Mall, LLC, owner) requesting a variance to: 1) increase the allowable message portion permitted for an electronic sign from 377.5 square feet (per V-101 of 2012) to approximately 1,041.08 square feet; 2) increase the height permitted for a freestanding sign located within 660 feet of an interstate from 80 feet (per V-162 of 1995) to 90 feet; 3) continue to allow a pole-mounted sign within 660 feet of I-285, an interstate highway; and 4) increase the copy/display area for all the freestanding signs from 1,540.14 square feet (per V-101 of 2012) to 1,799.72 square feet in Land Lots 880, 881, 882, 912, 913, 914, 948 and 949 of the 17th District. Bounded by Cobb Parkway, Akers Mill Road, Cumberland Boulevard, and Interstate 285.
- V-106** **CIS MARIETTA, LLC** (owner) requesting a variance to: 1) waive the maximum height of a freestanding sign from 35 feet to 54 feet; 2) increase the maximum allowable sign area from 120 square feet to 132 square feet; and 3) allow a pole sign when the original and final grade have a topographical difference of 10 feet below road grade in Land Lot 851 of the 17th District. Located on the east side of Corporate Plaza, south of Windy Hill Road (2221 Corporate Plaza Parkway).
- V-107** **DAVID PEARSON** (Julie S. Grasso, owner) requesting a variance to waive the side setback from the required 25 feet to 10 feet adjacent to the western property line and the rear setback from the required 50 feet to 37.5 feet in Land Lot 1260 of the 16th District. Located on the south side of Paper Mill Road, east of Woodlawn Drive (4382 Paper Mill Road).
- V-108** **JOHN ROBERT CLARK** (owner) requesting a variance to: 1) waive the rear setback from the required 30 feet to 14 feet; 2) allow an accessory structure (approximately 140 square foot existing shed) to the side of the primary structure; and 3) waive the setbacks for an accessory structure (approximately 140 square foot existing shed) from the required 5 feet to 1 foot from the eastern property line and from the required 30 feet to 14 feet from the rear property line in Land Lot 936 of the 17th District. Located at the southern terminus of Della Street, south of Terrell Mill Road (1062 Della Street).

- V-109** **LORAINÉ CARTER** (Edger V. Carter IV and Loraine Carter, owners) requesting a variance to: 1) waive the side setback from the required 12 feet to 7.6 feet adjacent to the southern property line and to 5.2 feet adjacent to the northern property line; and 2) waive the side setback for an accessory structure under 144 square feet (approximately 64 square foot frame play house) from the required 5 feet to 2 feet in Land Lot 1076 of the 17th District. Located on the south side of Lamplighter Lane, east of Horseshoe Circle (352 Lamplighter Lane).

HELD CASE

- V-82** **EAST LAKE RESIDENTIAL, LLC** (Judy Humphreys, owner) requesting a variance to: 1) waive the minimum public road frontage from the required 75 feet to 41.5 feet for each of proposed lots 7 and 8; and 2) waive the minimum lot width at the front setback line from the required 75 feet to 65 feet in Land Lot 911 of the 16th District. Located on the north side of Octavia Circle, north of Vester Drive (2996 Octavia Circle). *(Previously held by the Board of Zoning Appeals from their September 10, 2014 hearing)*