

Variance Request

Burke Lake Enclave

Cobb County, Georgia Land Lot(s) 276, 20th District, 2nd Section

prepared for:

Mr. Franklin D. Byrd and Tony C. Byrd

DGM
LAND PLANNING
CONSULTANTS



975 Oak Ridge
Kennesaw, GA 30144
770 311-9000
FX 311-9001

February 10, 2015

*Variance Request:

1. Reduction of public road frontage requirement for proposed lot #5 from 75' to 10'.
2. Reduction in setback for accessory structure (detached garage) from 100' to 14'.
3. Reduction of front setback from 45' to 30'.
4. Allowance of accessory structure (detached garage) to be located in front of primary structure's rear plane

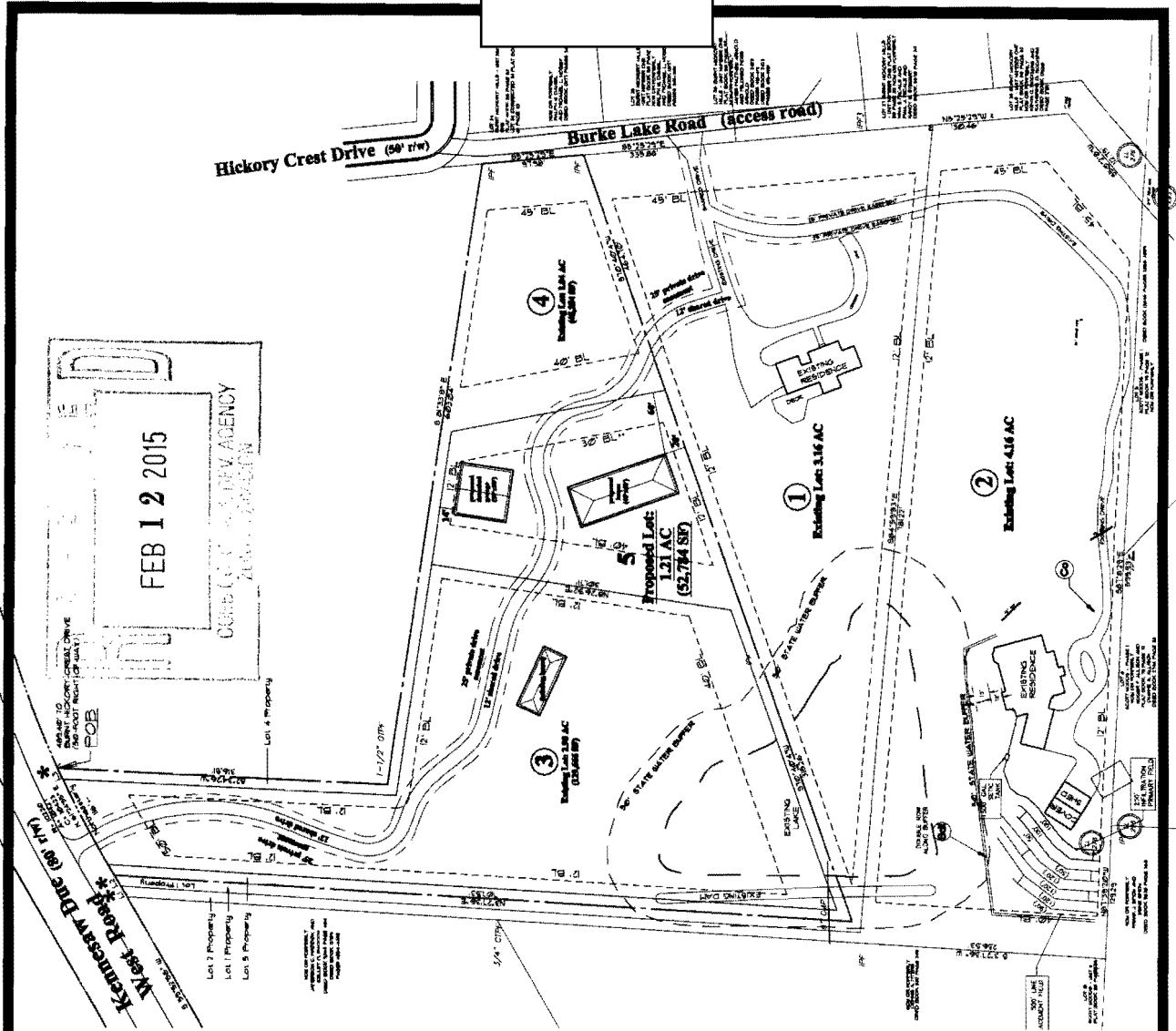
Site Data

Subdivision Site Area: 12.5 AC
Subject Area: 5.23 AC
Total Lots Shown: 5
Net Density: .4 UN/AC
Present Zoning: R-30
Minimum Lot Size: 30,000 SF
Building Setbacks:

front: 50' major
45' local
rear: 40'
side: 12'

Notes:

1. Boundary survey provided by Braswell Engineering, Inc. and topographic information provided by Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) #1306T00045 F, August 18, 1992, no portion of this site lies within the 100 year intermediate flood plain.
3. No cemeteries are known to exist on site.
4. Stream and wetland classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



APPLICANT:	<u>Franklin E. Byrd</u>	PETITION No.:	<u>V-54</u>
PHONE:	<u>770-426-6558</u>	DATE OF HEARING:	<u>04-01-2015</u>
REPRESENTATIVE:	<u>David Meyer</u>	PRESENT ZONING:	<u>R-30</u>
PHONE:	<u>770-514-9006</u>	LAND LOT(S):	<u>276</u>
TITLEHOLDER:	<u>Franklin E. Byrd and Martha Jo Byrd and Tony Carol Byrd and Donna Getgood Byrd</u>	DISTRICT:	<u>20</u>
PROPERTY LOCATION:	<u>On the south side of Kennesaw Due West Road, west of Burke Lake Road (738 Kennesaw Due West Road).</u>	SIZE OF TRACT:	<u>5.23 acres</u>
		COMMISSION DISTRICT:	<u>1</u>

TYPE OF VARIANCE: 1) Waive the public road frontage on lot 5 from the required 75 feet to 10 feet; 2) waive the minimum lot width at the front setback for lot 5 from the required 75 feet to 10 feet; 3) waive the front setback on lot 5 from the required 45 feet to 12 feet; 4) waive the rear setback on lot 5 from the required 40 feet to 12 feet; 5) waive the setback for an accessory structure over 650 square feet (proposed 2,500 square foot detached garage) on lot 5 from the required 100 feet to 14 feet adjacent to the northern property line; and 6) allow aforesaid structure to the side of the proposed primary structure on lot 5.

OPPOSITION: No. OPPOSED PETITION No. SPOKESMAN

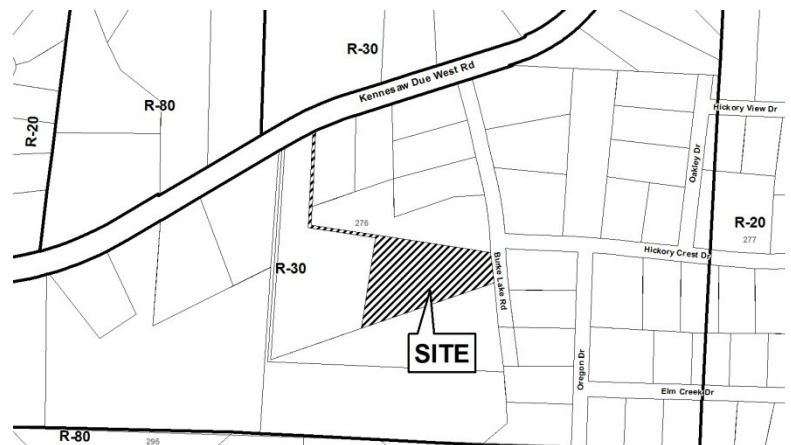
BOARD OF APPEALS DECISION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

STIPULATIONS:



APPLICANT: Franklin E. Byrd **PETITION No.:** V-54

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

STORMWATER MANAGEMENT: If approved, a stipulation must be put in place such that any further lot splits within the Burke Lake Enclave Subdivision will require stormwater management by provided for the overall development.

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.

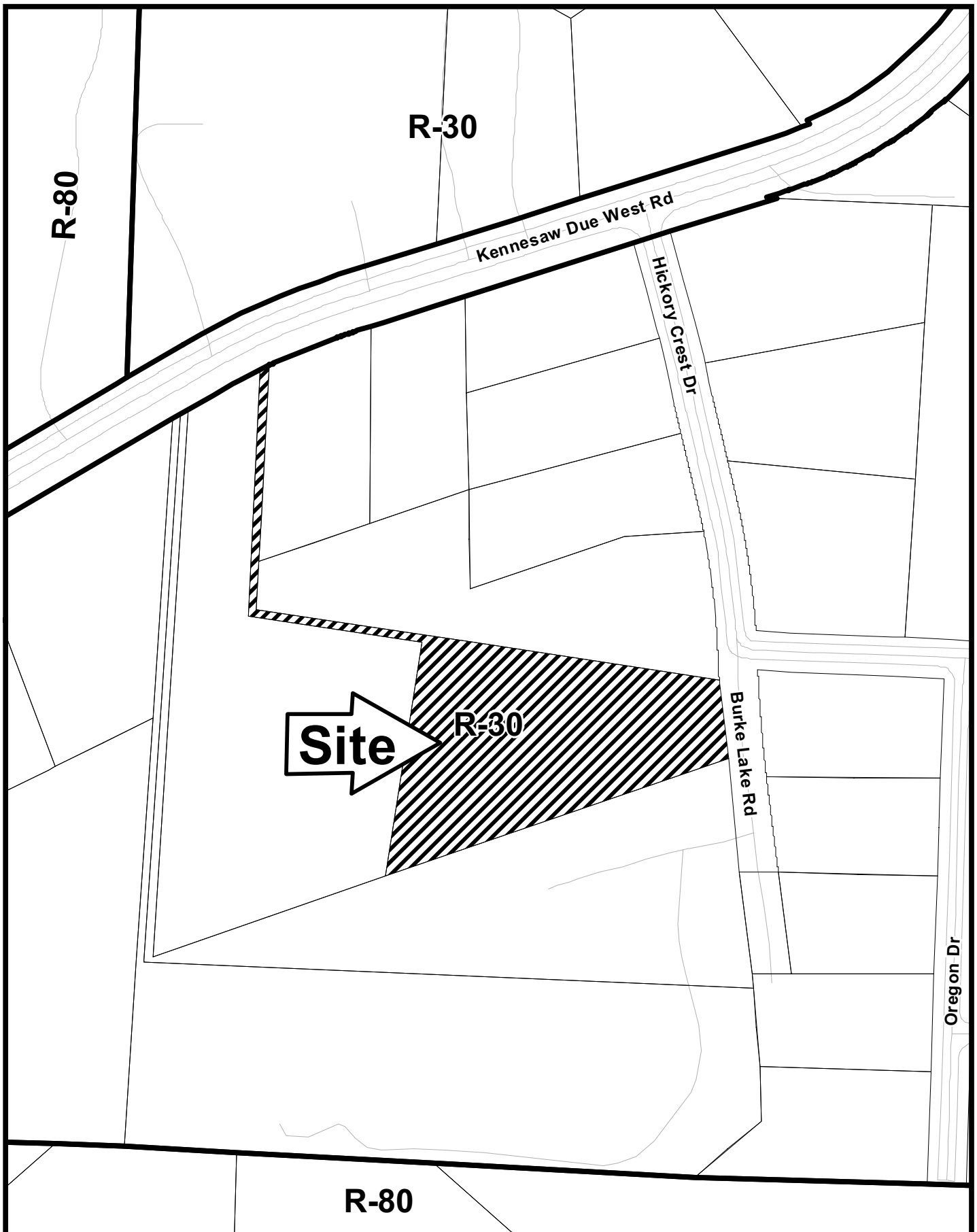
APPLICANT: Franklin E. Byrd

PETITION No.: V-54

FIRE DEPARTMENT:

- 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
- 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)

V-54

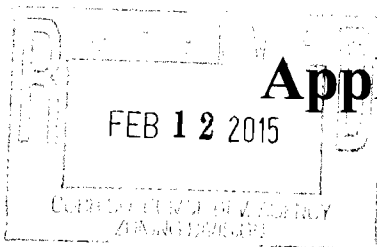


This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet



City Boundary
Zoning Boundary



Application for Variance Cobb County

(type or print clearly)

Application No. V-54
Hearing Date: 4-1-15

Applicant Franklin E. Byrd Phone # 770-426-6558 E-mail FrankByrd@bellsouth.net
David Meyer Address DBM-1635 Old Hwy 41, Suite 112-314 Kennesaw GA
(representative's name, printed) (street, city, state and zip code) 30152

[Signature] Phone # 770-514-9006 E-mail dmeyer@dgm1pc.com
(representative's signature)

My commission expires: _____

Signed, sealed and delivered in presence of:

Karen E. Edwards
Notary Public

Titleholder Byrd, Franklin Phone # 770-426-6558 E-mail FrankByrd@bellsouth.net

Signature [Signature] Address: 605 Burke Lake Road, Marietta GA 30064
(attach additional signatures, if necessary) (street, city, state and zip code)

My commission expires: _____

Signed, sealed and delivered in presence of:

Karen E. Edwards
Notary Public

Present Zoning of Property R-10

Location ~~605 Burke~~ 238 Kennesaw Pkwest Rd Kennesaw, GA 30152
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 276 District 20 Size of Tract 5.23 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 X 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

Reduction of Road Frontage required for Proposed Lot 5 and
reduction in setback for detached garage.

List type of variance requested:

Reduction of Road frontage requirement for Lot #5 from 75' to 10'
Reduction in Set Back for accessory structure (detached garage) from 100' to
18'.

Application for Variance

V-54
(2015)
Exhibit

(type or print clearly)

Application No. V-14
Hearing Date: 2-11-09

Applicant Eric Hammett Business Phone 770-426-4122 Home Phone 770-792-0636
Signature [Signature] Address 101 Burke Lake Rd. Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

Signature [Signature] Business Phone _____ Cell Phone 770-232-6540
(representative's signature)

My commission expires: _____

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Titleholder Eric Hammett Business Phone 770-426-4122 Home Phone 770-792-0636
Signature [Signature] Address 101 Burke Lake Rd. Marietta, GA 30064
(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-5

Location Burke Lake Rd. near Kennon Ave. & Hickory Crest
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 276 District 20th Size of Tract 12.5 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 12.5 Shape of Property L Topography of Property _____ Other 51st

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.

Without variance, lot 26 would not have any public frontage without constructing public road

List type of variance requested: to create lot 26 with no public road frontage (25' access easement already in place)

ORIGINAL DATE OF APPLICATION: 02-11-09

APPLICANT'S NAME: D. ERIC HAMMETT

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY
BOARD OF ZONING APPEALS ON FEBRUARY 11, 2009**

D. ERIC HAMMETT (owner) requesting a variance to: 1) waive the public road frontage to allow one home off of a private easement for Lot 2b 2) waive the front setback on Lot 2b from 45 feet to 12 feet; and 3) waive the rear setback on Lot 2b from 40 feet to 12 feet in Land Lot 276 of the 20th District. Located off of a private easement on the south side of Kennesaw Due West Road.

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

- **Fire Marshall comments and recommendations**
- **Water and Sewer Division comments and recommendations**

VOTE: **ADOPTED** unanimously

Preliminary Plan - Variance Request

Burke Lake Enclave

Cobb County, Georgia Land Lot(s) 276, 20th District, 2nd Section

prepared for:

Mr. Marcus Head

DGM

Landmark Engineering

7766 Roswell Road

Atlanta, Georgia 30343

770-514-4661

Fax 770-514-4661



December 09, 2008

Revisions:

No.	Description	Date
1	Initial Survey	12/09/08
2	Final Survey	12/09/08

Site Data

Total Site Area: 12.5 AC
 Total Lots Shown: 4
 Net Density: .32 UN/AC
 Present Zoning: R-30
 Minimum Lot Size: 30,000 SF
 Building Setbacks:

front: 50' major
 rear: 45' local
 side: 40'
 12'

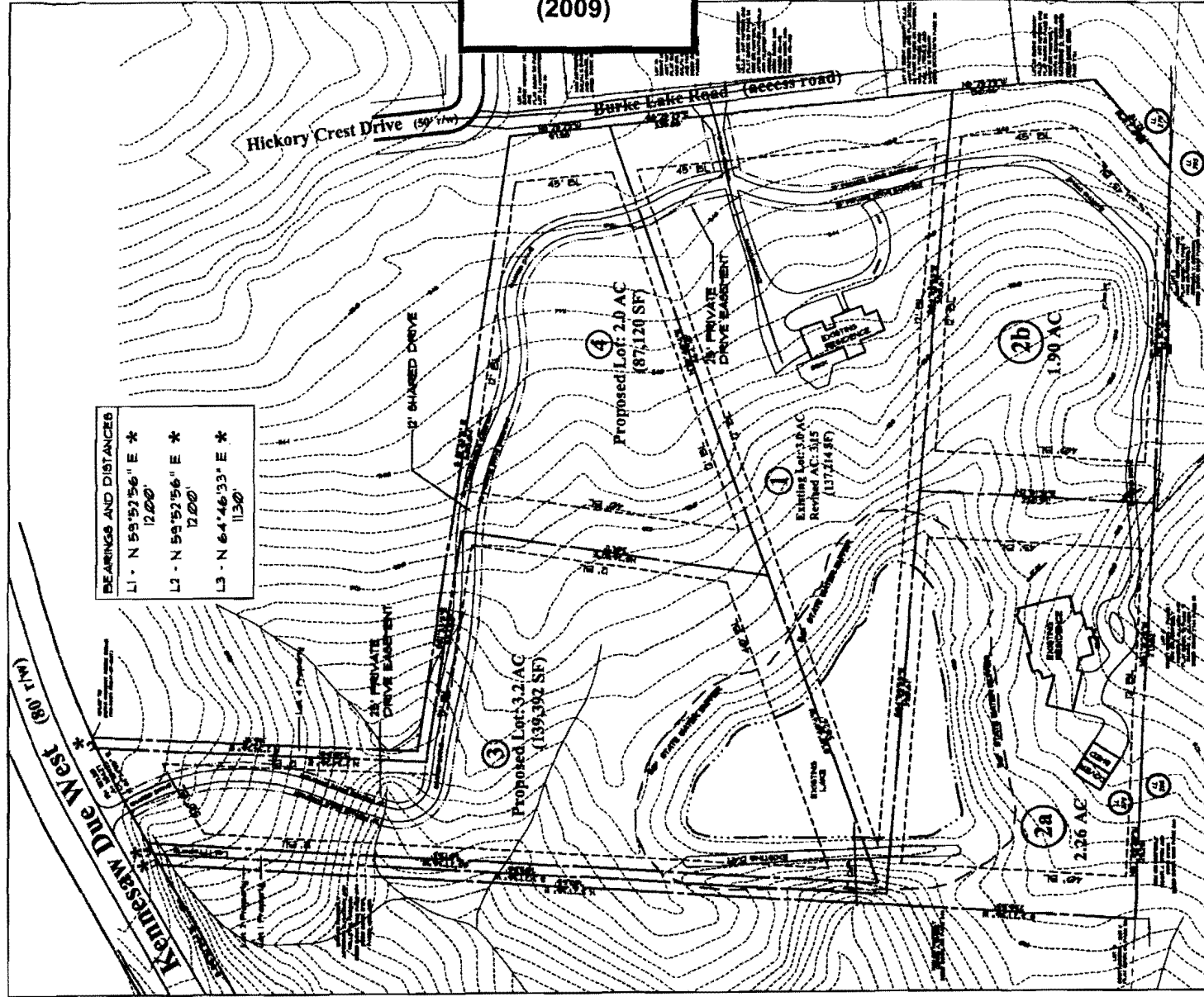
*Variance Request:

1. To create lot 2b with no public road frontage. (25' access easement already in place)

Notes:

1. Boundary survey provided by Braswell Engineering, Inc. and topographic information provided by Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) #13061C0045 F, August 18, 1992, no portion of this site lies within the 100 year intermediate flood plain.
3. No cemeteries are known to exist on site.
4. Stream and wetland classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

V-14
(2009)



APPLICANT: D. Eric Hammett **PETITION NO.:** V-14
PHONE: 770-426-4122 **DATE OF HEARING:** 02-11-09
REPRESENTATIVE: Deborah Paige Hammett **PRESENT ZONING:** R-30
PHONE: 678-232-6540 **LAND LOT(S):** 276
PROPERTY LOCATION: Located off of a private easement on the south side of Kennesaw Due West Road. **DISTRICT:** 20
SIZE OF TRACT: 1.9 acres
COMMISSION DISTRICT: 1

TYPE OF VARIANCE: 1) Waive the public road frontage to allow one home off of a private easement for lot 2b; 2) waive the front setback on lot 2b from 45 feet to 12 feet; and 3) waive the rear setback on lot 2b from 40 feet to 12 feet.

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

STORMWATER MANAGEMENT: These estate sized lots are greater than 80,000 square feet and are therefore exempt from any specific stormwater management requirements.

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: Available on Kennesaw Due West Road and on Hickory Crest Drive. Meter must be set on public right-of-way.

SEWER: Sewer not available to property. Health Department approval required for septic system. Tract size meets health regulations minimum size of ½ acre.

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

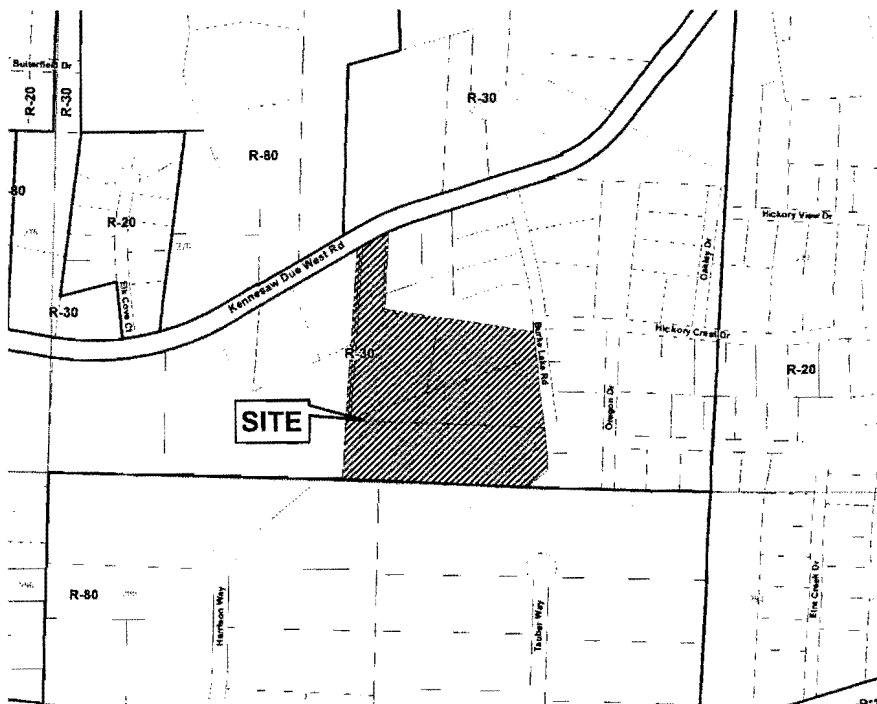
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



Cobb County Fire and Emergency Services

Applicant Name: D. Eric Hammett

Petition Number: V-14

Date: December 16, 2008

Fire Marshal Comments

Fire Apparatus Access Road

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

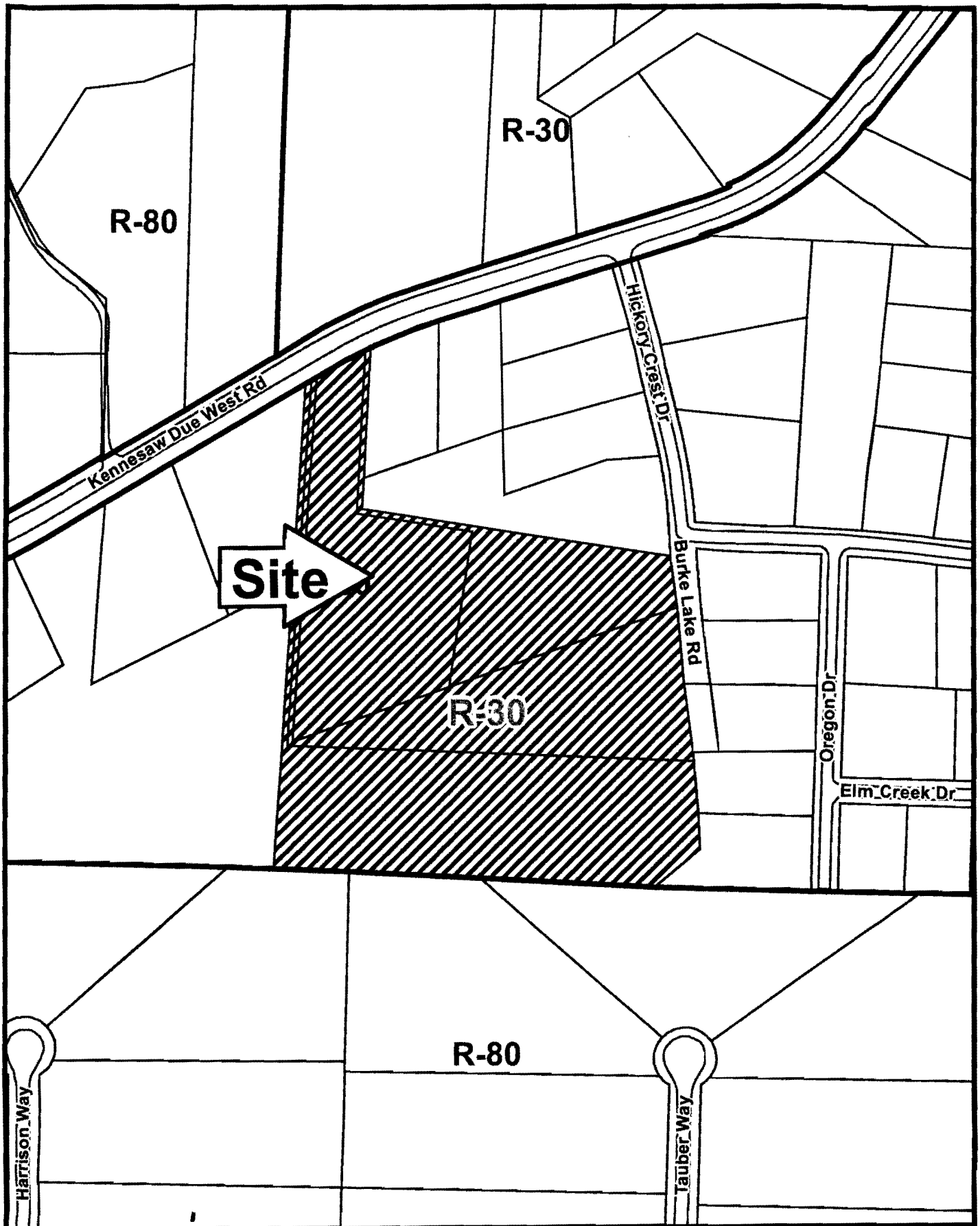
Driveway access to a single family home must be 10 feet wide. A hammer head turnaround or cul-de-sac is required when a driveway exceeds 1000 feet. (See requirements for dimensions under residential subdivision).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

Fire Hydrant

Residential: Fire hydrant within 500 feet of structure.

V-14



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

200 0 200 Feet

[City Boundary
Zoning Boundary

Application for Variance

Cobb County

(type or print clearly)

Application No. V-14
Hearing Date: 2-11-09

Applicant D. Eric Hammett Business Phone 770-426-4122 Home Phone 770-921-0636
Address 101 Burke Lake Rd. Marietta, GA 30064
(street, city, state and zip code)

(representative's name, printed)

(representative's signature)

Business Phone _____ Cell Phone 678-232-1840

My commission expires: _____

Signed, sealed and delivered in presence of:

Vicki Owens
Notary Public

Titleholder D. Eric Hammett Business Phone 770-426-4122 Home Phone 770-921-0636
Signature D. Eric Hammett Address: 101 Burke Lake Rd. Marietta, GA 30064
(attach additional signatures and addresses)

(attach additional signatures and addresses)

Signed, sealed and delivered in presence of:

Vicki Owens
Notary Public

Present Zoning of Property R-30

Location Burke Lake Rd. near Kennon Rd. & Hickory Crest
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 26 District 20th Size of Tract 12.5 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 12.5 Shape of Property L Topography of Property _____ Other 5105

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.

Without variance, lot 26 would not have any public frontage without constructing public road

List type of variance requested: to create lot 26 with no public road frontage (25' access easement already in place)

ORIGINAL DATE OF APPLICATION: 03-14-07

APPLICANT'S NAME: MARCUS HEAD, FRANKLIN E. BYRD,
MARTHA JO BYRD AND D. ERIC HAMMETT

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY BOARD
OF ZONING APPEALS ON MARCH 14, 2007:**

MARCUS HEAD, FRANKLIN E. BYRD, MARTHA JO BYRD AND D. ERIC HAMMETT (owners) requesting a variance to: 1) waive the public road frontage on Lots 1, 2 and 4 from the required 75 feet to 10 feet; 2) waive the minimum lot width at the front setback for Lots 1, 2 and 4 from the required 75 feet to 10 feet; 3) waive the front setback on Lots 1, 2, 3 and 4 from the required 45 feet to 12 feet; 4) waive the rear setback on Lots 1, 2 and 4 from the required 40 feet to 12 feet; 5) waive the setback for an accessory structure over 800 square feet on Lot 2 (approximately 1,140 square foot covered shed) from the required 100 feet to 18 feet adjacent to the southern property line; and 6) allow aforesaid structure to the side of the primary structure in Land Lot 276 of the 20th District. Located on the south side of Kennesaw Due West Road, west of Burke Lake Road.

The public hearing was opened and Mr. David Meyer addressed the Board. Following presentation and discussion, the following motion was made:

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

- **site plan submitted is for *reference only* (copy attached and made a part of these minutes). Revised site plan reflecting below listed stipulations to be approved by the Zoning Division Manager before recording**
- **public road frontage as shown on the submitted plan, with access to Lots numbered 3 and 4 to be from Kennesaw-Due West Road and access to Lots numbered 1 and 2 from Burke Lake Road**
- **request Number 2 is approved as submitted**
- **request Number 3 is approved for 12 foot front setbacks on Lots 1, 2 and 4, with Lot 3 remaining at 45 feet (for clarification that is the north side), with replacement 45 foot side setback on those same three lots that would be pulled from the eastern boundary of Lots 1, 2 and 4**

Page 5 of 6

APPLICATION NO.: V-31

ORIGINAL DATE OF APPLICATION: 03-14-07

APPLICANT'S NAME: MARCUS HEAD, FRANKLIN E. BYRD,
MARTHA JO BYRD AND D. ERIC HAMMETT

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY BOARD
OF ZONING APPEALS ON MARCH 14, 2007:**

- request Number 4 approved for rear setbacks of 12 feet on Lots numbers 1, 2 and 4, with replacement 40 foot side setback which would be pulled from the western boundary of Lots 1, 2 and 4
- requests Numbered 5 and 6 are approved as submitted
- previous variance stipulations regarding Lots 1 and 2 (reference V-115 of 2005 -- Paige Hammett), *not otherwise in conflict*
- Fire Marshall's comments and recommendations
- Development and Inspections Division comments and recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** unanimously

Preliminary Plan - Variance Request

Burke Lake Enclave

Cobb County, Georgia Land Lot(s) 276, 20th District, 2nd Section

prepared for:

Mr. Marcus Head

DGM
Land Planning
CONSULTANTS



3755 Glen Road
Kennesaw, GA 30144
770 514-0008
Fax 514-9401



Scale: 1" = 50'

January 11, 2007

Revisions:

No.	Description	Date



Min. Bk. 11 Petition No. V-31
Doc. Type Site plan - for
reference only
Meeting Date march 14, 2007

Site Data

Total Site Area: 12.5 AC
Total Lots Shown: 4
Net Density: .32 UN/AC
Present Zoning: R-30
Minimum Lot Size: 30,000 SF
Building Setbacks:

front: 30' major
45' local
rear: 40'
side: 12'

*Variance Request:

1. Reduction of public road frontage requirement for lots 1, 2, and 4 from 75' to 10'.

Notes:

1. Boundary survey provided by Braswell Engineering, Inc. and topographic information provided by Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) 13067C0045 F, August 10, 1993 no portion of this site lies within the 100 year immediate flood plain.
3. No covenants are known to exist on site.
4. Stream and wetland classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

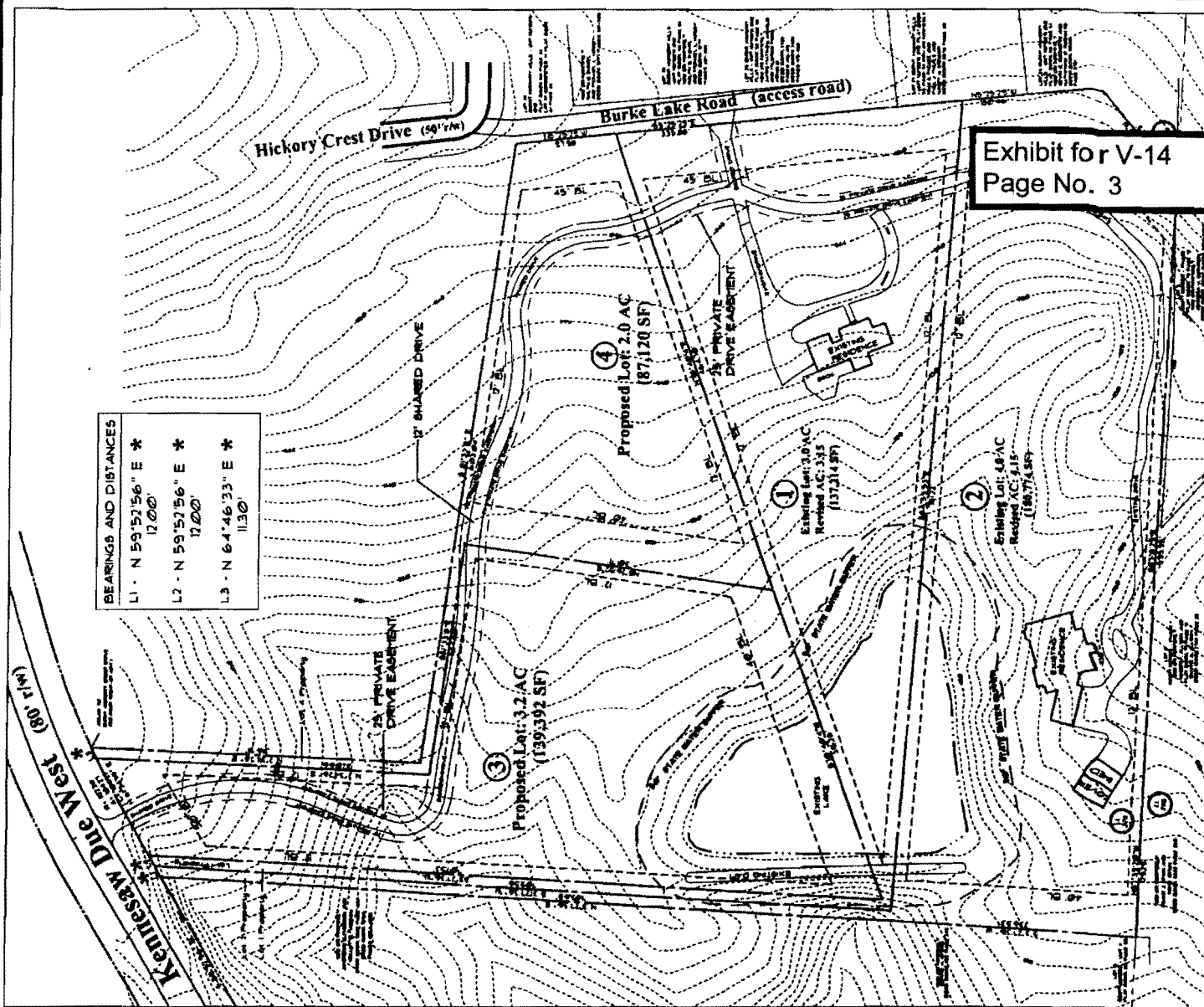


Exhibit for V-14
Page No. 3