

V-91  
(2015)



1434 KINGS PARK DRIVE  
LOT 12 ~ UNIT 1  
THE HERITAGE AT KENNESAW MOUNTAIN  
FINAL PLAT RECORDED PLAT BOOK 272  
PAGE 753, COBB COUNTY RECORDS

SURVEY FOR:

*Christopher D. Countryman  
& Denise Countryman*

DATE: 10/18/13 LAND LOT(S) 245  
20th DISTRICT; 2nd SECTION COBB COUNTY, GEORGIA  
JOB NO. 12010 DWG. FILE: FINAL12 SCALE: 1" = 30'

**MARK VEAL, RLS**  
REGISTERED LAND SURVEYOR  
1397 CLARECASTLE LN.  
BUFORD, GEORGIA 30519  
770-231-0865

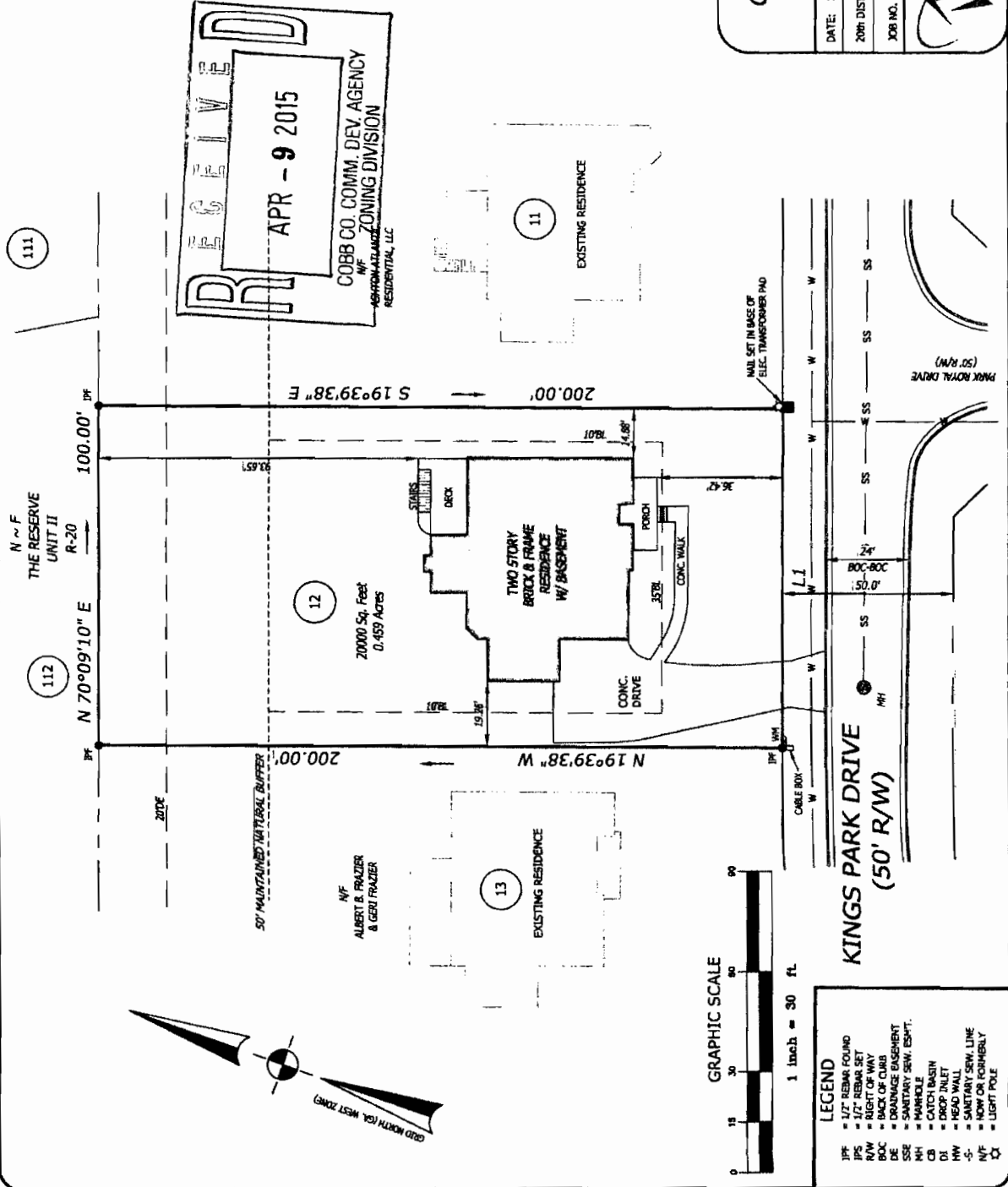
THIS SITE IS NOT LOCATED WITHIN ANY FLOOD HAZARD ZONE AS DEFINED BY F.I.R.M. COMMUNITY PANEL NO. 1367C0030F FOR INCORPORATED COBB COUNTY, GEORGIA, DATED DECEMBER 16, 1992.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN INFINITE FEET AND CONTAINS 0.459 ACRES.

A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS MAP.

THE FIELD DATA UPON WHICH THIS MAP IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN +10,000 FEET AND AN ANGULAR ERROR OF 3.3" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

LINE	BEARING	DISTANCE
11	S 79°09'10" W	100.00'



**RECEIVED**  
APR - 9 2015  
COBB CO. COMM. DEV. AGENCY  
NF  
ASHFORD-ATLANTA ZONING DIVISION  
RESIDENTIAL, LLC

N ~ F  
THE RESERVE  
UNIT II  
R-20

112  
N 70°09'10" E

100.00' DP

S 19°39'38" E 200.00'

20000 Sq. Feet  
0.459 ACRES

N 19°39'38" W 200.00'

NF  
ALBERT B. FRAZIER  
& GERI FRAZIER

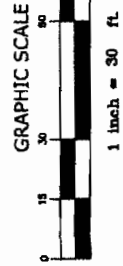
EXISTING RESIDENCE

TWO STORY  
BRICK & FRAME  
RESIDENCE  
W/ BASEMENT

EXISTING RESIDENCE

11

EXISTING RESIDENCE

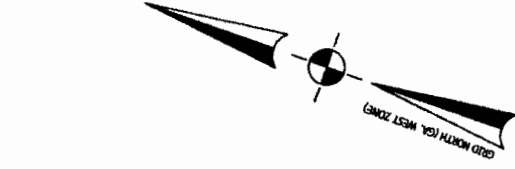


- LEGEND**
- IPF = 1/2" REBAR ROUND
  - IPS = 1/2" REBAR SET
  - R/W = RIGHT OF WAY
  - DE = DRAINAGE BASIN
  - SSE = SANITARY SEW. EXH'T.
  - MH = MANHOLE
  - CB = CATCH BASIN
  - DI = DROP INLET
  - HW = HEAD WALL
  - S- = SANITARY SEW. LINE
  - NF = NOW OR FORMERLY
  - ☆ = LIGHT POLE

**KINGS PARK DRIVE  
(50' R/W)**

MAIL SET IN BASE OF  
ELEC. TRANSFORMER PAD

PARK ROYAL DRIVE  
(50' R/W)



**APPLICANT:** Chris and Denise Countryman

**PETITION No.:** V-91

**PHONE:** 770-380-5137

**DATE OF HEARING:** 06-10-2015

**REPRESENTATIVE:** Chris and Denise Countryman

**PRESENT ZONING:** R-20

**PHONE:** 770-380-5137

**LAND LOT(S):** 245

**TITLEHOLDER:** Denise Countryman and Christopher Countryman

**DISTRICT:** 20

**PROPERTY LOCATION:** On the north side of Kings Park Drive, west of Old 41 Highway (1434 Kings Park Drive).

**SIZE OF TRACT:** 0.46 acre

**COMMISSION DISTRICT:** 1

**TYPE OF VARIANCE:** To allow a wrought iron fence in the rear 50 foot "natural maintained buffer" on lot 12 instituted by previous variance case V-29 of 2010.

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

**BOARD OF APPEALS DECISION**

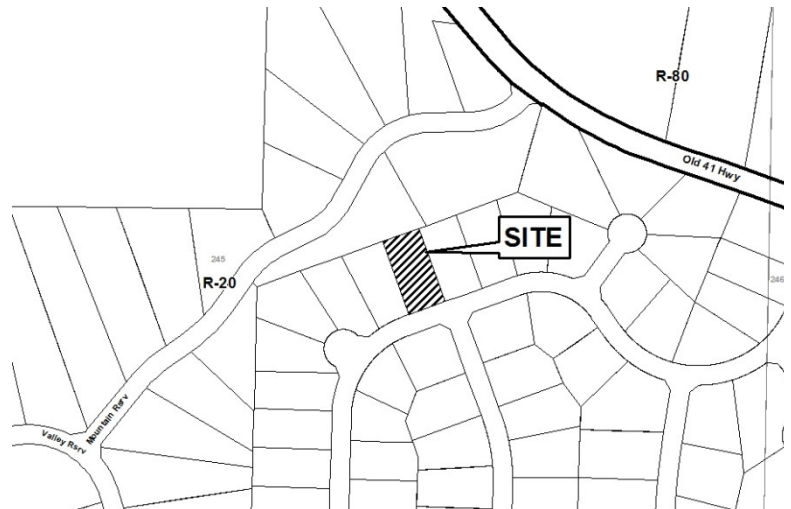
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

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

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

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

\_\_\_\_\_  
\_\_\_\_\_



**APPLICANT:** Chris and Denise  
Countryman

**PETITION No.:** V-91

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**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** No comments.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** No comment.

**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:** Chris and Denise  
Countryman

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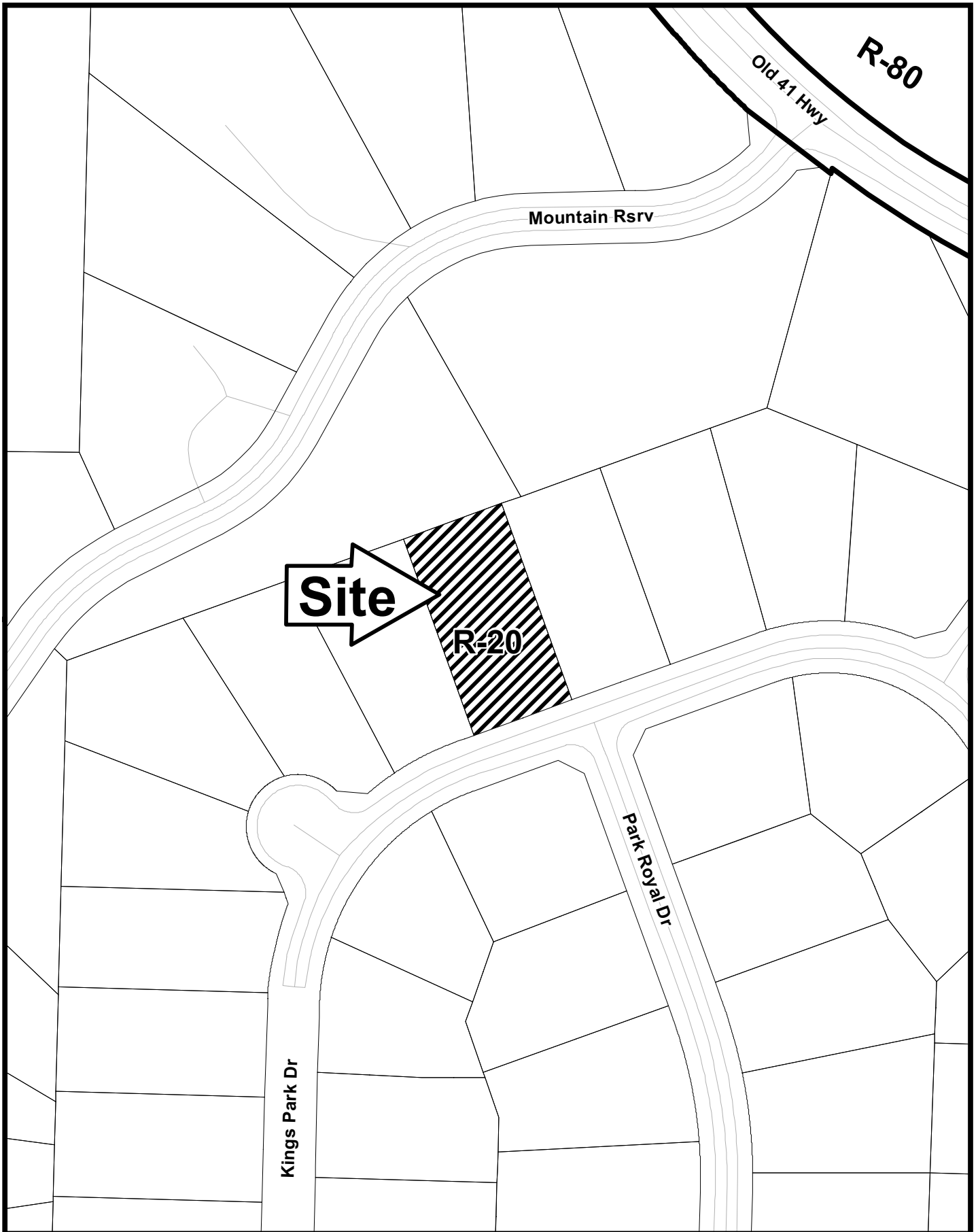
**PETITION No.:** V-91

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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-91

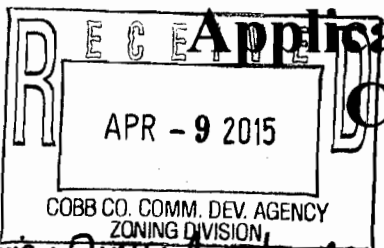


This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet



City Boundary  
Zoning Boundary



# Application for Variance Cobb County

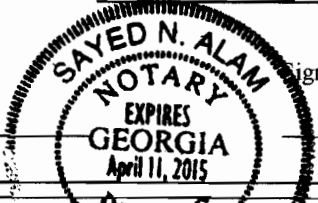
(type or print clearly)

Application No. V-91  
Hearing Date: 6-10-15

Applicant Chris + Denise Countryman Phone # 770-380-5137 E-mail countryman26@comcast.net  
Chris + Denise Countryman Address 1434 Kings Park Drive Kennesaw, GA 30152  
(representative's name, printed) (street, city, state and zip code)

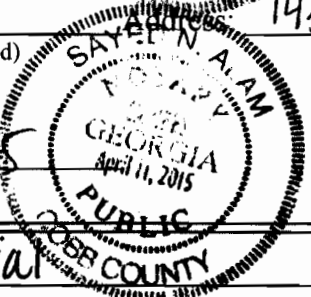
Chris Countryman Phone # 770-380-5137 E-mail countryman26@comcast.net  
(representative's signature)

My commission expires: 4-11-15 Signed, sealed and delivered in presence of: [Signature]  
Notary Public



Titleholder Denise Countryman Phone # 770-380-5137 E-mail countryman26@comcast.net  
Signature [Signature] Address 1434 Kings Park Drive Kennesaw, GA 30152  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 4-11-15 Signed, sealed and delivered in presence of: [Signature]  
Notary Public



Present Zoning of Property Residential  
Location 1434 Kings Park Drive Kennesaw, GA 30152  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 245 District 20th Size of Tract 0.46 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 (If applying for Backyard Chickens pursuant to Sec. 134-94(4), then leave this part blank).

Our current property has a 50' natural maintained buffer. The buffer is almost half of our backyard space. Our family is unable to use and appreciate the area of our yard. We believe the 50' buffer for our lot is excessive.

List type of variance requested: We want to extend our wrought iron fence into the natural maintained buffer. We do not want to disturb or clear any of the existing trees or plants within the buffer. We want to contribute to, invest in, and continue to maintain the current buffer.

V-91  
(2015)  
Exhibit  
**Application for Variance**  
**Cobb County**

(type or print clearly)

Application No. V-29  
 Hearing Date: 4-14-10

Applicant ACR ENGINEERING Business Phone 678-291-0000 Home Phone 770-622-5969

ABBAS HEIDARI Address 3040 HOLCOM BRIDGE RD., SUITE G-2  
(representative's name, printed) (street, city, state and zip code)  
NORCROSS, GA. 30071

A. Heidari Business Phone 678-291-0000 Home Phone 770-234-7415  
(representative's signature) (street, city, state and zip code)



Signed, sealed and delivered in presence of \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

My commission expires: Oct. 2, 2012

Titleholder QUEENS GATE, LLC Business Phone 770-391-1233 Home Phone 404-409-5007

Signature Moshe Manohah Address: 4828 ASHFORD DUNWOODY ROAD  
(attach additional signatures, if needed) (street, city, state and zip code)  
ATLANTA, GA 30338



Signed, sealed and delivered in presence of \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

My commission expires: Oct 2, 2012

Present Zoning of Property R-20

Location OLD HWY. 41  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 245 & 244 District 20 Size of Tract 64.3 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.

We are requesting this variance topographical limitations, in particular a creek, will cause under difficulty for this project. we also believe it will be in everyone's interest, including the citizen of Cobb County, to ensure this project becomes a successful portion of the community.

- List type of variance requested:
1. REDUCTION FROM 20,000 SQ.FT. TO 15,000 SQFT FOR LOTS 17-29, 53, 57-64, 70-72 & 72B.
  2. REDUCTION OF LOT WIDTH FROM 100' TO 75' FOR LOTS 17-29 & 53-724.
  3. REDUCTION OF FRONT BUILDING SET BACK FROM 35' TO 25' FOR LOTS 17-29 & 53-724.

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Exhibit

ORIGINAL DATE OF APPLICATION: 04-14-10

APPLICANT'S NAME: ACR ENGINEERING

**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 APRIL 14, 2010**

ACR ENGINEERING (Queen's Gates, LLC, owner) requesting a variance to: 1) waive the lot size of Lots 17 through 29, 53, 57 through 64, 70 through 72 and 72b from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for Lots 17 through 29 and 53 through 72g, in Land Lots 245 and 246 of the 20<sup>th</sup> District. Located on the south side of Old Highway 41, east of Barrett Parkway.

The Applicant's representative, Mr. Lane Frostbaum, addressed the Board to request a continuance. The opposition was agreeable to this request. Thereafter, the following motion was made:

MOTION: Motion by Hovey, second by Williams, to continue variance request V-29 until the May 12, 2010 Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** unanimously



ORIGINAL DATE OF APPLICATION: 04-14-10

APPLICANT'S NAME: ACR ENGINEERING

**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 MAY 12, 2010**

**ACR ENGINEERING** (Queen's Gates, LLC, owner) requesting a variance to: 1) waive the lot size of Lots 17 through 29, 53, 57 through 64, 70 through 72 and 72b from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for Lots 17 through 29 and 53 through 72g in Land Lots 245 and 246 of the 20<sup>th</sup> District. Located on the south side of Old Highway 41, east of Barrett Parkway.

The Applicant's representative, Mr. Lane Frostbaum, addressed the Board to request a continuance. The opposition was agreeable to this request. Thereafter, the following motion was made:

**MOTION:** Motion by Hovey, second by Williams, to continue variance request V-29 until the June 9, 2010 Board of Zoning Appeals Variance hearing.

**VOTE:** **ADOPTED** unanimously

V-91  
(2015)  
Exhibit

ORIGINAL DATE OF APPLICATION: 04-14-10

APPLICANT'S NAME: ACR ENGINEERING

**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 JUNE 9, 2010**

**ACR ENGINEERING** (Queen's Gates, LLC, owner) requesting a variance to: 1) waive the lot size of lots 17 through 29, 53, 57 through 64, 70 through 72 and 72b from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for lots 17 through 29 and 53 through 72g in Land Lots 245 and 246 of the 20<sup>th</sup> District. Located on the south side of Old Highway 41, east of Barrett Parkway. *(Continued by the Board of Zoning Appeals from their April 14, 2010 and May 12, 2010 hearings and continued by Staff from the June 9, 2010 Variance hearing; therefore was not considered at this hearing)*

ORIGINAL DATE OF APPLICATION: 04-14-10APPLICANT'S NAME: ACR ENGINEERING

**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 JULY 14, 2010**

ACR ENGINEERING (Queen's Gates, LLC, owner) requesting a variance to: 1) waive the lot size of lot ~~23 through 30~~ 23, lot 23A, and lots 24 through 30 from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for lots 17 through 30 and 53 through 72g in Land Lots 245 and 246 of the 20<sup>th</sup> District. Located on the south side of Old Highway 41, east of Barrett Parkway and at the eastern end of Valley Reserve Court.

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

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

- *revised site plan received by the Zoning Division June 3, 2010 with the District Commissioner to approve minor modifications (attached and made a part of these minutes)*
- *letter of agreeable conditions from Mr. Lane R. Frostbaum dated June 16, 2010 (attached and made a part of these minutes) with the following change:*
  - *Item No. 1 revised to read – “A minimum 50’ “Natural Maintained Buffer” as defined in the Cobb County Code will be created along all Queens Gates Subdivision lots bordering The Reserve and along all lots bordering those residents of Button Hill Road contiguous to the subject property. Additionally, the same “Natural Maintained Buffer” with KMNP will be created, except to the extent that it shall be a 35’ “Natural Maintained Buffer” as opposed to a 50’ “Natural Maintained Buffer.”*
- **District Commissioner to approve minor modifications**
- **Development and Inspections Division comments and recommendations**
- **Sewer Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on July 20, 2010 at 9:00 a.m.**

VOTE: **ADOPTED 4-0**



LANE R V-91  
(2015)  
Exhibit M, P.C.  
Attorney at Law  
Two Ravinia Drive, Suite 700  
Atlanta, GA 30346  
Phone: 770-709-0055  
Fax: 770-804-0900

June 16, 2010

JUN 18 2010

12:30 pm

Via email and U.S. Mail  
John P. Pederson, Manager  
Cobb County Zoning Division  
P.O. Box 649  
Marietta, Georgia 30061

App. Bk. 16 Petition No. V-29  
Doc. Type letter of agree-  
able conditions  
Recording Date 7/14/10

Re: Variance Application No. V-29 – Queens Gates Subdivision

Dear John:

As you are aware, I represent the applicant and Queens Gates, LLC (“Queens Gates”), the owner of the Queens Gates subdivision, regarding the above application which has been rescheduled to July, 2010. After consultation with your division and listening to suggestions by the Board of Zoning Appeals (“BZA”), the applicant and Queens Gates negotiated and reached a compromise with The Reserve Subdivision, Button Hill homeowners, and the National Park Service at Kennesaw Mountain National Battlefield Park (“KMNBP”). This letter serves as the applicant and Queens Gates’ agreement to the following stipulations, which, upon the approval of V-29, shall become conditions of the approval of the variance and binding upon the subject property:

1. A minimum 50’ undisturbed “Maintained Natural Buffer” (“MNB”) as defined in the Cobb County Code will be created along all Queens Gates Subdivision lots bordering The Reserve and along all lots bordering those residents of Button Hill Road contiguous to the subject property. Additionally, the same undisturbed buffer with KMNBP will be created, except to the extent that it shall be a 35’ MNB as opposed to a 50’ MNB.
2. Queens Gates will install a low visibility fence (ex. Black, chain link, or wood privacy fence) approximately 4’-5’ in height with a gate only at a specific location agreed to by KMNBP in writing along the property boundary between Queens Gates Subdivision and KMNBP; except that no fence shall be installed within the 50’ stream bank buffers to allow for proper stream flow and passage of natural debris during periods of high storm water runoff. Queens Gates agrees to retain a surveyor prior to fence installation to confirm that the fence is placed on Queens Gates’ property as close as practical to the KMNBP boundary and to minimize the removal of or impact to existing trees and other vegetation within the KMNBP.

John P. Pederson, Manager  
Cobb County Zoning Division  
June 16, 2010  
Page 2

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Application No. V-29  
Meeting Date 7/14/10  
Continued

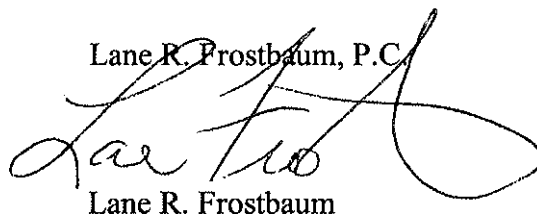
PAGE 2 OF 2

3. No road connection will be constructed between Queens Gate and Valley Reserve Court or other roads within The Reserve or the Button Hill Road homes. The only ingress and egress from the Queens Gates Subdivision will be through the access shown on the plans onto Old Highway 41.
4. All homes constructed in the Queens Gates Subdivision will comply with a minimum 3,000 square feet home size.
5. Queens Gates will install brick and stone on the exterior of the retainer basin walls that are visible from Old Highway 41.
6. Screening materials will be planted to conceal concrete walls facing Button Road.

Accompanying for your convenience I enclose a copy of the most recent subdivision plan which identifies the subdivision's MNBs and that there aren't any road connections between Queens Gate and the adjoining landowners. Should you, any member of your staff or the BZA Members seek additional information or have any questions, please do not hesitate to contact me.

Very truly yours,

Lane R. Frostbaum, P.C.



Lane R. Frostbaum

cc: Queens Gates, LLC  
Abbas Heidari  
Doug Kindred on behalf of The Reserve (via email)  
Jim Martin individually and on behalf of the Button Hill Road homeowners (via email)  
Scott Turner (via email)  
Stanley C. Bond, Ph.D., Superintendent KMNBP (via email)

ORIGINAL DATE OF APPLICATION: 04-14-10

APPLICANTS NAME: ACR ENGINEERING

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**

**BOC DECISION OF 07-20-10 ZONING HEARING:**

**OTHER BUSINESS ITEM #5 – TO CONSIDER GRANTING SPECIAL EXCEPTIONS  
FOR REDUCING THE REQUIRED LOT SIZE AS RECOMMENDED BY THE BOARD  
OF ZONING APPEALS FROM THEIR JULY 14, 2010 VARIANCE HEARING**

To consider granting Special Exceptions for reducing the required lot size as recommended by the Board of Zoning Appeals from their July 14, 2010 Variance Hearing regarding Variance Applications V-29 and V-45.

**V-29**            **ACR ENGINEERING** (Queen's Gates, LLC, owner) requesting a variance to:  
1) waive the lot size of lot ~~23 through 30~~ 23, lot 23A, and lots 24 through 30 from the required 20,000 square feet to 15,000 square feet; and 2) waive the front setback from the required 35 feet to 25 feet for lots 17 through 30 and 53 through 72g in Land Lots 245 and 246 of the 20<sup>th</sup> District. Located on the south side of Old Highway 41, east of Barrett Parkway and at the eastern end of Valley Reserve Court.

Mr. John Pederson, Zoning Division Manager, provided information regarding V-29 (ACR Engineering). Following presentation and discussion, the following motion was made:

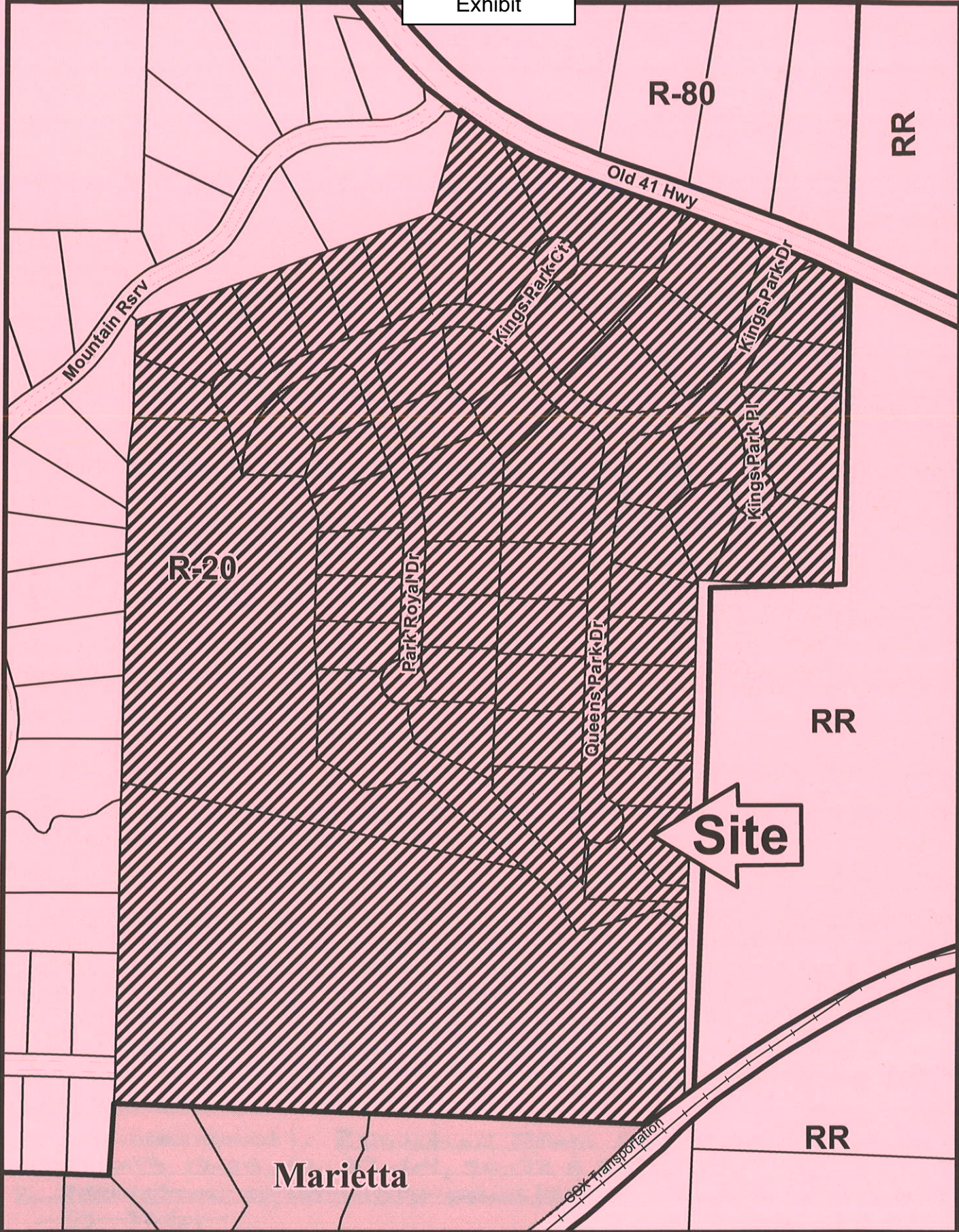
**MOTION:**     Motion by Goreham, second by Ott, to **approve** a Special Exception pursuant to Zoning Ordinance Amendment adopted September 12, 2000 and amended July 8, 2003, Section 134-271(8) for V-29 of 2010 (ACR Engineering) to waive the minimum lot size on lot 23A, and lots 24 through 30 from the required 20,000 square feet to 15,000 square feet.

**VOTE:**            **ADOPTED 4-0**





V-91  
(2015)  
Exhibit



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