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# VARIANCE ANALYSIS

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October 1, 2015

Prepared by:  
**COBB COUNTY**  
**PLANNING AND ZONING DIVISIONS**

***COBB COUNTY BOARD OF COMMISSIONERS***

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***Cobb County...Expect the Best!***

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**COBB COUNTY BOARD OF ZONING APPEALS**  
**VARIANCE HEARING AGENDA**  
**October 1, 2015**

**CONTINUED CASES**

**V-82**      **PHILLIP WALLACE** (owner) requesting a variance to: 1) allow an accessory structure (approximately 340 square foot portable carport) to the side of the principal building; 2) allow parking and/or access to parking areas in a residential district on a non-hardened surface; 3) reduce the required amount of public road frontage from 75 feet to 34 feet; and 4) reduce the rear setback for the carport from 35 feet to 18 feet in Land Lot 76 of the 18<sup>th</sup> District. Located on the north side of Francis Circle, west of Garner Road (414 Francis Circle). *(Held by the Board of Zoning Appeals from their May 13, 2015 hearing and continued by the Board of Zoning Appeals from their August 12, 2015 hearing until their December 9, 2015 variance hearing)*

**V-120**      **ROBERT J. SAND** (Atlanta Chinese Christian Church Northwest, Inc., owner) requesting a variance to waive the required 35 foot landscape screening buffer to zero feet adjacent to the southwest corner and to 10 feet adjacent to the enlarged detention pond on the eastern side in Land Lots 762 and 823 of the 16<sup>th</sup> District. Located on the northwest corner of Sewell Mill Road and Bill Murdock Road (1837 Bill Murdock Road). *(Continued by Staff from the September 11, 2015 Board of Zoning Appeals hearing)*

**REGULAR CASES – NEW BUSINESS**

**V-127**      **MICHAEL AQLEH** (Riad Awad, owner) requesting a variance to: 1) waive the minimum lot frontage from the required 75 feet to 28.45 feet for proposed tracts one and two; 2) waive the minimum lot width at the front setback line from the required 75 feet to approximately 20 feet for proposed tracts one and two; 3) waive the front setbacks for proposed tracts one and two from the required 50 feet to 12 feet adjacent to the northern property lines; 4) waive the rear setbacks for proposed tracts one and two from the required 40 feet to 12 feet adjacent to the southern property lines; and 5) allow parking and/or access to parking areas in a residential district on a non-hardened surface in Land Lots 844 and 885 of the 16<sup>th</sup> District. Located on the south side of Allgood Road, west of East Piedmont Road (2112 Allgood Road).

- V-128**      **RANDALL SHAW** (Randall W. Shaw, owner) requesting a variance to: 1) allow an accessory structure (existing approximately 132 square foot shed #1 and existing approximately 592 square foot shed #2) in front of the primary structure; 2) waive the side setback for an accessory structure under 650 square feet (existing shed #2) from the required 12 feet to one foot adjacent to the south property line; 3) waive the front setback for an accessory structure under 650 square feet (existing shed #2) from the required 45 feet to 10 feet; and 4) waive the rear setback (existing residence) from the required 40 feet to approximately 30 feet adjacent to the lake in Land Lot 756 of the 16<sup>th</sup> District. Located on the northeast side of Spring Circle, east of Bishop Lake Road (4448 Spring Circle).
- V-129**      **RAY SUMMEROUR** (Ray D. Summerour, owner) requesting a variance to: 1) waive the front setback from the required 35 feet to 1.6 feet; 2) waive the rear setback from the required 30 feet to 7 feet; and 3) waive the rear setback for an accessory structure under 650 square feet (approximately 160 square foot dog pen) from the required 30 feet to zero feet in Land Lot 948 of the 16<sup>th</sup> District. Located at the northwest corner of Linda Court and Brook Avenue (1093 Brook Avenue).
- V-130**      **LUIS NARANJO** (Dr. Luis A. Naranjo, owner) requesting a variance to increase the maximum allowable sign area from 120 square feet to 150 square feet in Land Lot 804 of the 17<sup>th</sup> District. Located at the north corner of North Park Place and Windy Hill Road (2475 Windy Hill Road).
- V-131**      **CAPTAIN D'S LLC** (CNL APF Partners, LP, owner) requesting a variance to increase the maximum allowable sign area from 65 square feet to 112 square feet in Land Lot 38 of the 17<sup>th</sup> District. Located on the east side of Floyd Road, north of Veterans Memorial Highway (5545 Floyd Road).
- V-132**      **MCDONALD'S REAL ESTATE COMPANY** (McDonald's Real Estate Company of Columbia, Maryland, owner) requesting a variance to: 1) waive the landscape enhancement strip from the required 8 feet to two feet adjacent to Windy Hill Road and to 3.5 feet adjacent to Circle 75 Parkway as shown on submitted site plan in Land Lots 851 and 876 of the 17<sup>th</sup> District. Located at the southeast corner of Circle 75 Parkway and Windy Hill Road, west of Interstate 75 (2700 Windy Hill Road).

- V-133**      **RONALD W. KING** (Ronald W. King and Kristin A. King, owners) requesting a variance to: 1) allow an accessory structure (proposed approximately 768 square foot building) to the side of the primary structure; 2) waive the side setback for an accessory structure over 650 square feet (proposed approximately 768 square foot building) from the required 100 feet to 6.3 feet adjacent to the eastern property line; and 3) allow parking and/or access to parking areas in a residential district on a non-hardened surface in Land Lot 269 of the 20<sup>th</sup> District. Located at the northeast intersection of Hadaway Road and Mars Hill Road (824 Mars Hill Road).
- V-134**      **DONALD AND DONNA BRATTON** (Don Bratton and Donna Lee Bratton, owners) requesting a variance to: 1) waive the front setback from the required 35 feet to 9 feet; 2) allow parking and/or access to parking areas in a residential district on a non-hardened surface; and 3) waive the side setback from the required 10 feet to 4.8 feet for the existing wall foundation in Land Lot 445 of the 16<sup>th</sup> District. Located on the north side of Housley Road, east of Rich Road (977 Housley Road).
- V-135**      **TARA TRUSCOTT** (Tara Brianne Truscott, owner) requesting a variance to waive the rear setback for an accessory structure under 650 square feet (proposed 320 square foot building) from the required 30 feet to 23 feet in Land Lot 98 of the 19<sup>th</sup> District. Located on the south side of Sutton Way, south of Sutton Drive (607 Sutton Way).
- V-136**      **MICHAEL AND LORIANN THIBODEAUX** (Michael E. Thibodeaux and Loriann Thibodeaux, owners) requesting a variance to: 1) waive the lot frontage from the required 75 feet to 50 feet; 2) waive the minimum lot width at the front setback line from the required 75 feet to 50 feet; and 3) waive the front setback from the required 40 feet to 35 feet in Land Lot 279 of the 20<sup>th</sup> District. Located on the east side of Gordon Combs Road, north of Burnt Hickory Road (650 Gordon Combs Road).
- V-137**      **SHEFALI PATEL** (owner) requesting a variance to increase the maximum allowable impervious surface from 35% to 46% in Land Lot 958 of the 16<sup>th</sup> District. Located on the south side of Valla Parc Court, west of Sewell Mill Road and on the north side of Braswell Road (2264 Valla Parc Court).



- V-138**      **MARK H. SMITH** (owner) requesting a variance to: 1) waive the rear setback from the required 35 feet to 29 feet; 2) waive the rear setback for an accessory structure under 144 square feet (137 square foot shed #1) from the required five feet to four feet; 3) waive the rear setback for an accessory structure under 650 square feet (270 square foot shed #2) from the required 35 feet to three feet; and 4) allow parking and/or access to parking areas in a residential district on a non-hardened surface in Land Lot 318 of the 20<sup>th</sup> District. Located on the north side of Rocky Ridge Road, east of Ernest Barrett Parkway (2765 Rocky Ridge Road).
- V-139**      **MICHAEL E. ROBERTS** (owner) requesting a variance to waive the rear setback from the required 30 feet to 27 feet in Land Lot 142 of the 16<sup>th</sup> District. Located at the eastern terminus of Gaillardia Way, east of Astible Circle (444 Gaillardia Way).
- V-140**      **EZ 69 RH WINDY HILL, LLC** (owner) requesting a variance in Land Lots 851 and 852 of the 17<sup>th</sup> District. Located on the north side of Windy Hill Road and on the east side of South Park Place, west of Interstate 75 (2055 South Park Place).    *(Continued by Staff until the November 11, 2015 Board of Zoning Appeals Variance hearing; therefore will not be considered at this hearing)*
- V-141**      **JUDITH SEIFERT TRUSTEE OF THE JUDITH SEIFERT REVOCABLE TRUST DATED DECEMBER 14, 2000** (Judith A. Seifert, as Trustee of the Judith Seifert Revocable Trust dated December 14, 2000, owner) requesting a variance to waive the side setback from the required 10 feet to 8 feet adjacent to the west property line in Land Lot 1008 of the 19<sup>th</sup> District. Located on the south side of Anderson Mill Road, north of McDuffie Road (2237 Anderson Mill Road).
- V-142**      **MICHELE TAYLOR** (Michele K. Sparks, owner) requesting a variance to: 1) waive the exterior rear setback from the required 40 feet to 24 feet (existing); 2) waive the side setback for an accessory structure under 144 square feet (approximately 12 square foot block shed #1) from the required five feet to 0.8 feet adjacent to the west property line; 3) waive the side setback for an accessory structure under 650 square feet (82 square foot block shed #2) from the required five feet to zero feet adjacent to the west property line; 4) waive the front setback for an accessory structure under 650 square feet (82 square foot block shed #2) from the required 20 feet to 8 feet;

- V-142 MICHELE TAYLOR (Continued)**  
and 5) allow an accessory structure (approximately 12 square foot block shed #1 and 82 square foot block shed #2) to the side/in front of the primary structure in Land Lot 868 of the 17<sup>th</sup> District. Located at the northern terminus of Hawk Court, east of Black Bear Drive (2969 Hawk Court).
- V-143 JAY GAPUZAN** (Jay Paul B. Gapuzan and Victoria P. Gapuzan, owners) requesting a variance to waive the rear setback from the required 30 feet to 26 feet in Land Lot 661 of the 16<sup>th</sup> District. Located on the southeast corner of Lessie Maude Drive and Lessie Court (1201 Lessie Court).
- V-144 PROFESSIONAL PERMITS** (Due to numerous titleholders, a complete list is on file in the Zoning Office) requesting a variance to increase the maximum allowable wall sign area from 127.66 square feet to 197.5 square feet in Land Lots 781 and 782 of the 17<sup>th</sup> District. Located on the north side of Windy Hill Road, east of Cobb Parkway (2359 Windy Hill Road).
- V-145 JOHN BERNARD** (Jonathan E. and Julie K. Bernard, owners) requesting a variance to waive the rear setback from the required 25 feet to 20 feet in Land Lot 828 of the 16<sup>th</sup> District. Located at the southern terminus Wingham Place, east of Waterbury Lane (4504 Wingham Place).
- V-146 STEPHANIE LYNN AND GREGORY JOHN CONBOY** (Gregory John Conboy and Stephanie Lynn Conboy, owners) requesting a variance to: 1) waive the front setback from the required 50 feet to 48 feet on lot #1 and to 34 feet on lot #2; and 2) allow parking and/or access to parking areas in a residential district on a non-hardened surface in Land Lot 269 of the 20<sup>th</sup> District. Located on the south side of Due West Road across from Carter Road and Hadaway Road (5661 and 5663 Due West Road).
- V-147 YHDR LLC** (owner) requesting a variance to waive the maximum allowable sign area from 185 square feet to 347.22 square feet in Land Lots 780 and 849 of the 19<sup>th</sup> District. Located on the east side of Austell Road, north of Floyd Road (3565 Austell Road).

**V-148 ELIZABETH AND CHRISTOPHER WYATT** (Elizabeth A. Wyatt and Christopher Alan Wyatt, owners) requesting a variance to: 1) an authorization upon appeal related to the minimum lot size of two acres required to maintain poultry as pets or food source; 2) waive the rear setback for an accessory structure under 650 square feet (existing approximately 192 square foot shed) from the required 35 feet to 13 feet; 3) waive the rear setback for an accessory structure under 144 square feet (existing approximately 51 square foot deck) from the required five feet to one foot; and 4) waive the side setback from the required 10 feet to one foot adjacent to the north property line in Land Lot 456 of the 16<sup>th</sup> District. Located on the east side of Plains Way, north of Plains Court (3290 Plains Way).

### **HELD CASES**

**V-121 LANCE COOPER** (Lance Cooper and Sonja Cooper, owners) requesting a variance to: 1) waive the setback for an accessory structure over 650 square feet (1,344 square foot barn) from the required 100 feet to 11.5 feet from the rear; and 2) allow an accessory structure (1,344 square foot barn) to be located in front of the principal building in Land Lots 280 and 281 of the 19<sup>th</sup> District. Located on the south side of Bullard Road, west of Villa Rica Road (1401 Bullard Road). *(Held by the Board of Zoning Appeals from their September 11, 2015 hearing).*

**V-122 MANZOOR HAQUE** (Sean Enterprise, LLC, owner) requesting a variance to: 1) waive the major side setback from the required 25 feet to zero feet adjacent to Beech Haven Trail for the proposed dumpster enclosure; 2) waive the maximum allowable impervious surface from the required 70% to 76%; 3) waive the front setback from 40 feet to 10 feet adjacent to Brownwood Lane; 4) waive the major side setback from the required 25 feet to 5 feet adjacent to Atlanta Road for the car care center; 5) waive the landscape enhancement strip along areas adjacent to right-of-way and parking areas from the required 8 feet to 3 inches; 6) allow an accessory structure (dumpster enclosure) to be in front of the primary structure; and 7) increase the maximum size of a convenience store with fuel sales from 3,000 square feet to 3,600 square feet in Land Lots 763, 764 and 821 of the 17<sup>th</sup> District. Located on the north side of Brownwood Lane, between Beech Haven Trail and Atlanta Road (4641 South Atlanta Road). *(Held by the Board of Zoning Appeals from their September 11, 2015 hearing).*

## **OTHER BUSINESS**

### **ITEM OB-03**

To consider amending the elevation for variance application V-45 of 2013 (Anna Maria Kuik) for property located on the south side of Orchard Lake Court, north of Brookview Drive in Land Lot 889 of the 17<sup>th</sup> District.

The exact description of the property requiring a variance is on file in the office of the Cobb County Zoning Division of the Community Development Department, 1150 Powder Springs Street, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Cobb County Board of Zoning Appeals at 1:00 p.m. on the prescribed hearing date in the Board of Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia 30090.

Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerk's Office at 770-528-3307 no later than 48 hours before the date of the above meeting.