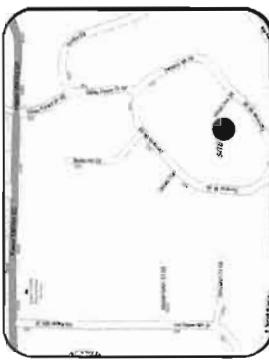


V-67
(2017)

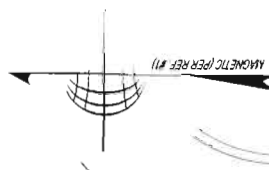
TerraMark
Professional Land Surveying
1308 North Cherry Road
Marietta, Georgia 30067
Phone: 770.427.1552
Fax: 770.427.1552
www.terra-mark.com

PROPERTY SURVEY
FOR
3480 INMAN HILL
LOCATED IN
LAWD LOT 1041, 17TH DISTRICT
COBB COUNTY, GEORGIA

SHEET NO.
1/1



LOCATION MAP
NOT TO SCALE



ZONING

ZONING DISTRICT: R-20
SETBACKS:
FRONT-50 FEET
SIDE-10 FEET
BACK-35 FEET
MAX HEIGHT: 32 FEET

SURVEY NOTES

EQUIPMENT USED:
A TOPCON 323 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS
AND DISTANCE MEASUREMENTS.
CLOSURE STATEMENT:
THIS PLAT IS BASED ON THE FOLLOWING DATA FOR CLOSURE AND IS ACCURATE
WITHIN 1/4 INCH PER 100 FEET.
THE FIELD DATA WHICH THIS PLAT IS BASED ON A CLOSURE OF ONE FOOT
IN 300 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS
ADJUSTED USING THE COMPOUND RULE.
THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A
MAGNETIC BEARING BASED (PER REF. #1).
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND
LOCATION OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS
HEREON, WHICH MAY BE AFFECTED BY THIS SURVEY, IS NOT SHOWN.
IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING.
THIS SURVEY WAS PREPARED BY TERRAMARK, INC. AND THE SURVEYOR HAS
SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN
MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS
SUCCESSIONS, AND HIS HEIRS SHALL BE RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY
OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR
ENTITY(IES) WHOSE NAME(S) IS/ARE SHOWN HEREON. IT IS NOT TO BE USED FOR
ANY OTHER PURPOSES WITHOUT THE EXPRESS WRITTEN CONSENT OF TERRAMARK,
NAMED PERSON, PERSONS OR ENTITY.
TERRAMARK, LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR
NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY
AREA.
FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON APRIL 20, 2010.
ELEVATIONS ARE BASED ON STATE GLOBAL POSITIONING SYSTEMS OBSERVATION
AND ARE RELATIVE TO NAVD 88 DATUM.

TITLE NOTES

ACCORDING TO THE "TRIM" FLOOD INSURANCE RATE MAP OF COBB COUNTY,
PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT
WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN ON THIS SURVEY.
SUBJECT PROPERTY HAS ACCESS TO THE PUBLIC RIGHT OF WAY OF
INMAN HILL.

REFERENCE MATERIAL

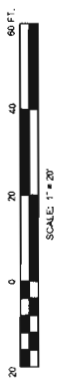
1. FINAL PLAT FOR SIBILLY FOREST (PHASE A+B)
RECORDED IN PLAT BOOK 88 PAGE 06
COBB COUNTY RECORDS

SURVEYORS CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND INFORMATION
AT THE DATE OF THE CERTIFICATION, THE SURVEY WAS MADE IN ACCORDANCE WITH THE
"STANDARD" AND ACCORDANCE WITH THE "STANDARD" DETAIL REQUIREMENTS FOR THE STATE OF
GEORGIA, AND IN EFFECT ON THE DATE OF THE CERTIFICATION.



WILLIAM C. WOHLFORD, JR., RLS
REGISTERED NUMBER: 2577



APPLICANT:	<u>Russell Alion, Jr.</u>	PETITION No.:	<u>V-67</u>
PHONE:	<u>770-780-1812</u>	DATE OF HEARING:	<u>7-12-2017</u>
REPRESENTATIVE:	<u>Russell Alion</u>	PRESENT ZONING:	<u>R-20</u>
PHONE:	<u>770-780-1812</u>	LAND LOT(S):	<u>1041</u>
TITLEHOLDER:	<u>Russell G. Alion, Jr. and Sarah S. Alion</u>	DISTRICT:	<u>17</u>
PROPERTY LOCATION:	<u>On the southern terminus of Inman Hill, west of Denards Mill (3480 Inman Hill).</u>	SIZE OF TRACT:	<u>0.49 acres</u>
		COMMISSION DISTRICT:	<u>2</u>
TYPE OF VARIANCE: <u>Waive the rear setback for an accessory structure under 650 square feet (proposed 216 square foot two-story playhouse) from the required 35 feet to five (5) feet.</u>			

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

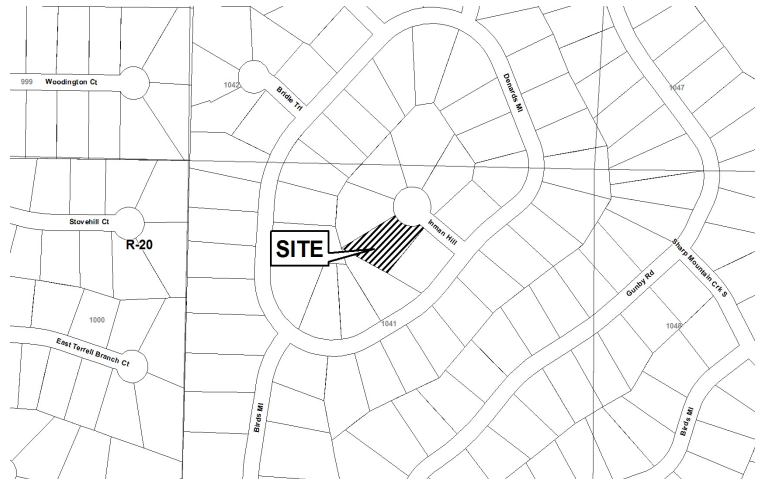
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



APPLICANT: Russell Alion, Jr. **PETITION No.:** V-67

COMMENTS

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

DEVELOPMENT & INSPECTIONS: If approved a permit would be required. If a wall or overhang is within 5 feet of the property line a one hour fire rating will be required.

SITE PLAN REVIEW: No comments.

STORMWATER MANAGEMENT: No adverse stormwater impacts are anticipated.

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 comments.

CEMETERY PRESERVATION: No comments.

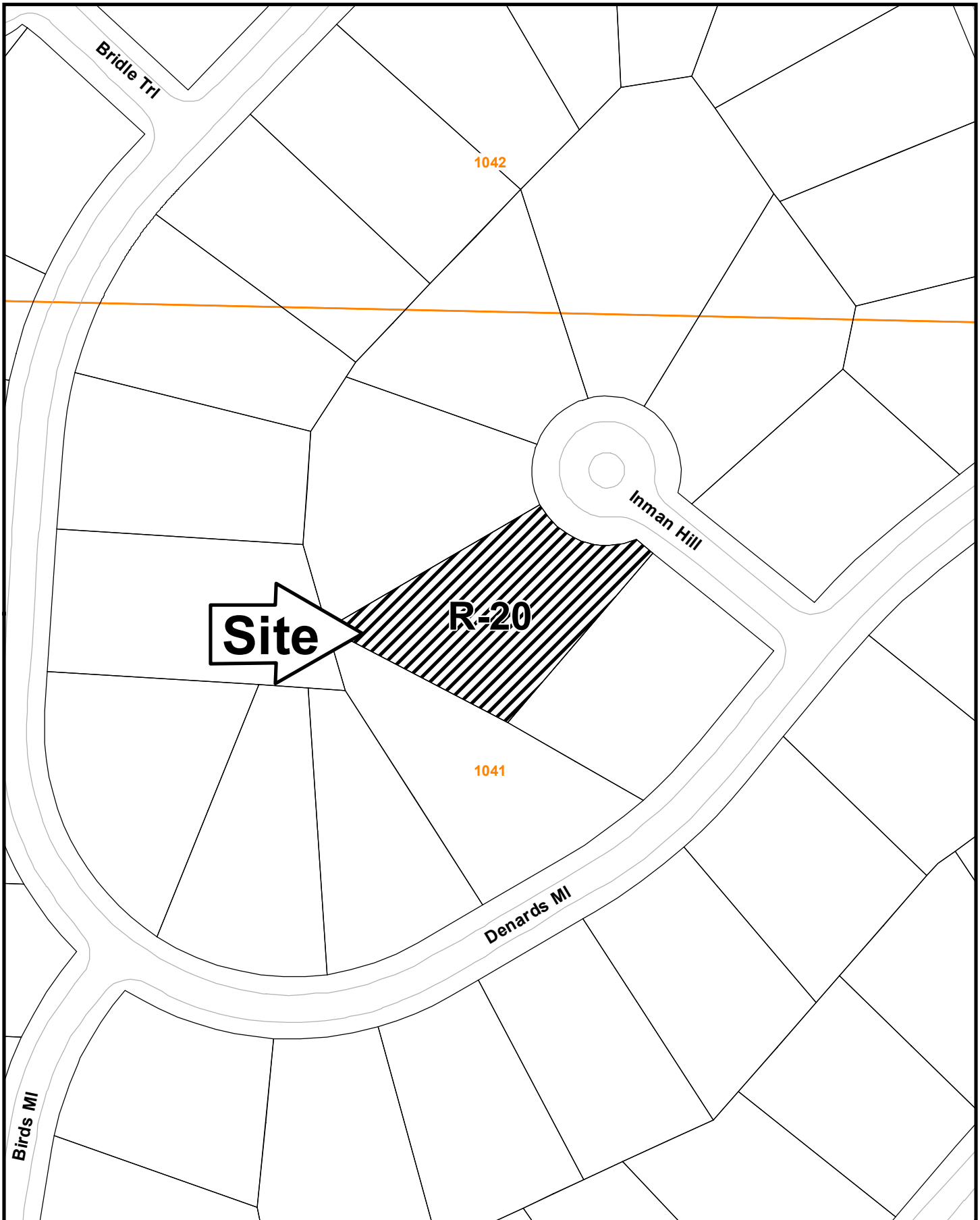
WATER: No conflict.

SEWER: No conflict.

APPLICANT: Russell Alion, Jr. **PETITION No.:** V-67

FIRE DEPARTMENT: No comments..

V-67 2017-GIS



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-67
Hearing Date: 7-12-17

Applicant Russell Alion, Jr. Phone # 770.780.1812 E-mail RussAlion@gmail.com

Russell Alion, Jr. Address 3480 INMAN HILL, Marietta, GA
(representative's name, printed) (street, city, state and zip code) 30067

Russell Alion Phone # 770.780.1812 E-mail RussAlion@gmail.com
(representative's signature)

My commission expires: 6/27/2020



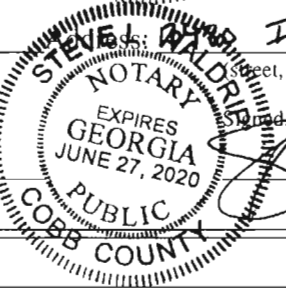
Witnessed, sealed and delivered in presence of:

[Signature]
Notary Public

Titleholder Russell Alion, Jr. Phone # 770.780.1812 E-mail RussAlion@gmail.com

Signature Russell Alion Address 3480 INMAN HILL, Marietta GA
(attach additional signatures, if needed) (street, city, state and zip code) 30067

My commission expires: 6/27/2020



Witnessed, sealed and delivered in presence of:

[Signature]
Notary Public

Present Zoning of Property R-20

Location 3480 INMAN HILL (Intersection of INMAN HILL and DENARDS MILL)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1041 District 17th Size of Tract .4918 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 ☐

Does the property or this request need a second electrical meter? YES ☐ NO ☒

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:

See attached Memorandum in Support of Variance

List type of variance requested: Setbacks for accessory structure (playhouse).
1. Waive the setback for an accessory structure under 650 feet from
the required 35 feet adjacent to the rear property line to 5 feet.

MEMORANDUM IN SUPPORT OF VARIANCE

Background

The Applicant is the owner of 3480 Inman Hill, Marietta, GA 30067 (the "Property"). The Property is located in the subdivision known as Sibley Forest and is in a R-20 Zoning District.

The Applicant is requesting a variance to build a 12 foot x 18 foot two-story playhouse in the rear yard of the Property. The playhouse is an "accessory structure" as defined by Section 134-197(12)(b)(2) of the Zoning Ordinance.

Because the playhouse will be over 144 square feet, but less than 650 square feet, it is limited to the building setbacks of the lot. See Section 134-197(12)(a) of the Zoning Ordinance. Accordingly, the requested variance is as follows:

1. Reduce the required rear yard setback from 35 feet to 5 feet.

The height of the playhouse is 12 feet and 8 ½ inches. A sample image of the playhouse is attached hereto as **Exhibit 1**.

The playhouse is not opposed by any neighboring property owners. See Consent of Contiguous Occupants or Land Owners attached to the Variance Application.

Analysis

I. Extraordinary Circumstances and Conditions Apply Related to the Size and Topography of the Property That Are Not Generally Shared by Other Properties in a R-20 District.

A. Topography of the Property

The topography of the Property prevents an accessory structure to be built in the rear of the Property without the need for a rear yard setback variance.

The topography slopes down from the front of the lot (the top of the driveway at the street), which is 1,014 feet above sea level, to the rear of the Property (the back yard), which is 997 feet above sea level. See Property Survey for 3480 Inman Hill attached to the Variance Application.

Essentially, the topography is a *continuous* slope, resulting in a 17-foot drop from the front of the lot to the rear of the lot. See Exhibit 2, Photo from the top of the driveway of the Property showing a continuous slope to the bottom of the driveway, and Exhibit 3, Photo of the back of the driveway (at the fence) showing a continuous slope through the rear of the Property.

The topography of the Property is a unique physical limitation that is not generally shared by other properties in a R-20 District. For example, the rear yard of the lot directly across the street from Applicant's property is completely flat and level. See Exhibit 4, Photo of the rear yard of 3491 Inman Hill.

Ultimately, Applicant's Property becomes flat at the very rear of the Property. More specifically, the rear southwest corner of the Property.

Accordingly, the playhouse (or any accessory structure) must be placed in the rear southwest corner of the Property since it is the only flat, buildable area on the Property. Because this buildable area is within 35 feet of the rear property line, a variance from the rear yard setback is required (from 35 feet to 5 feet).

B. Size of the rear yard of the Property

The shallow depth of the rear yard prevents an accessory structure to be built in the rear of the Property without the need for a rear yard set back variance.

The Zoning Ordinance mandates that all accessory structures be located in the rear yard of a lot in a R-20 District. See Section 134-197(12)(b)(3) of the Zoning Ordinance. Here, the depth of Applicant's rear yard is significantly shallow, a unique physical limitation that is not generally shared by other properties in a R-20 District. See Exhibits 5 and 6, Photos of the rear yard of Applicant's Property.

For example, the rear yard of the lot directly across the street from Applicant's property is significantly deeper than Applicant's rear yard. See Exhibit 7, Photo of the rear yard of 3491 Inman Hill.

As a further example, the rear yard of the lot directly behind Applicant's Property is significantly deeper than Applicant's rear yard. See Exhibit 8, Photo of the rear yard of 780 Denards Mill.

Because the rear yard of the Property is so shallow, no accessory structure can be built in the rear yard without the need for a rear yard setback variance from the required 35 feet.

In sum, the topography and the depth of the rear yard give the Property a unique physical limitation that is not generally shared by other properties in a R-20 District. As a result, there is no adequate buildable area in the rear of the Property to build an accessory structure, or develop the Property in any way, without the need for a rear yard setback variance.

II. Granting the Variance is Necessary for the Preservation, Use and Enjoyment of the Property and to Prevent an Unnecessary Hardship.

As discussed above, the exceptional lot conditions make it necessary to build the playhouse in the rear southwest corner of the Property, as it is the only level buildable area on the Property. Accordingly, this variance request is due to the unique physical conditions of the Property.

Strict application of the Zoning Ordinance without the variance would cause an unnecessary hardship by preventing the Applicant (1) from the reasonable use and enjoyment of the Property, and (2) from using the Property for a permitted purpose.

Essentially, strict application of the Zoning Ordinance would preclude any accessory structure or use described in Section 134-197(12)(b)(2), which includes a Jacuzzi, tennis court, basketball court, swimming pool, playhouse or playground, from being built and enjoyed on the Property.

In sum, granting the variance is necessary for the preservation and enjoyment of a substantive property right. It also would allow reasonable use and enjoyment of the Property and prevent an unnecessary hardship.

III. Granting the Variance Will Not be Detrimental to Neighboring Owners, the Neighborhood, or to the Public Health, Safety or General Welfare.

The playhouse will not be detrimental to neighboring property owners. Because the playhouse will be located in the rear southwest corner of the Property, it will be buffered on three sides, and effectively "screened," by large, mature trees and dense foliage. See Exhibit 9, Photo of the location on the Property of the proposed playhouse.

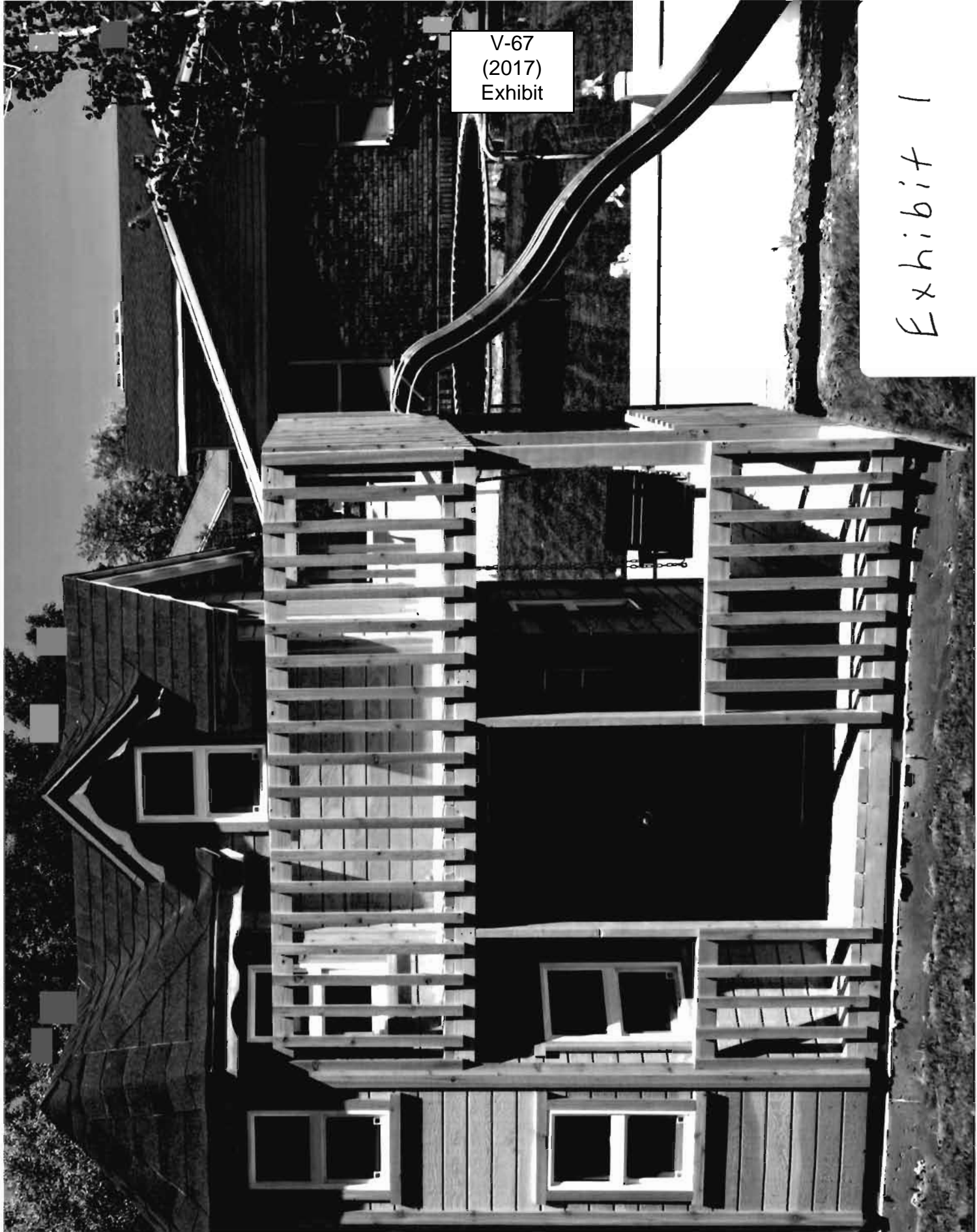
Moreover, the playhouse will not be near or in close proximity to any existing structure or dwelling located on neighboring properties. See Exhibit 10, Photo of the location of the rear yard setback from 35 feet to 5 feet. As a result, no neighboring property owners are opposed to the playhouse.

The playhouse also will not be detrimental to the neighborhood. The playhouse will not be seen from the street (1) due to the surrounding large, mature trees and dense foliage, and (2) because it will be built in a location on the Property that is 17 feet lower than the ground at street level (in essence, at the base of a "valley").

Accordingly, the playhouse will not adversely affect the character or aesthetic appeal of the neighborhood.

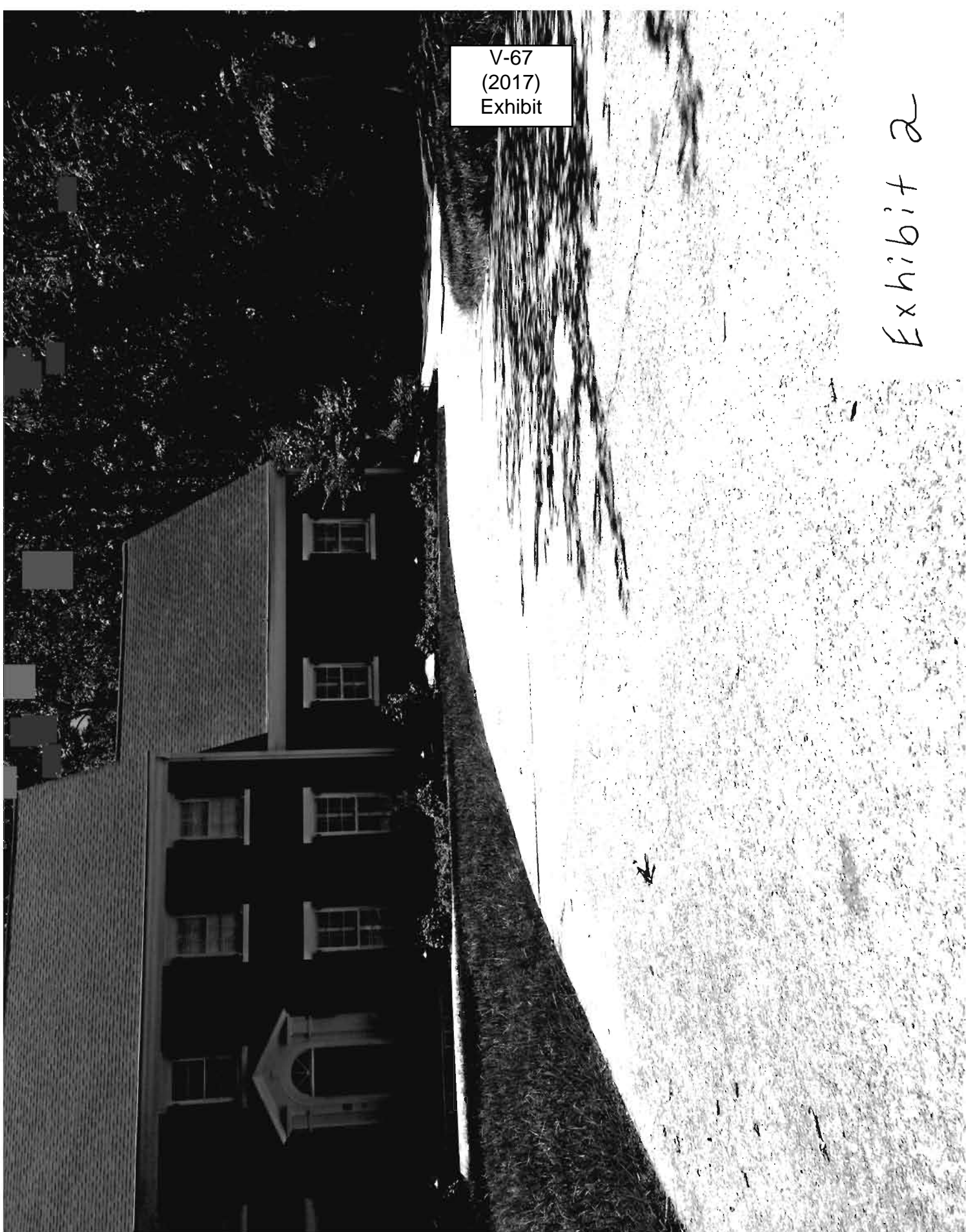
V-67
(2017)
Exhibit

Exhibit 1



V-67
(2017)
Exhibit

Exhibit 2





V-67
(2017)
Exhibit

Exhibit 3

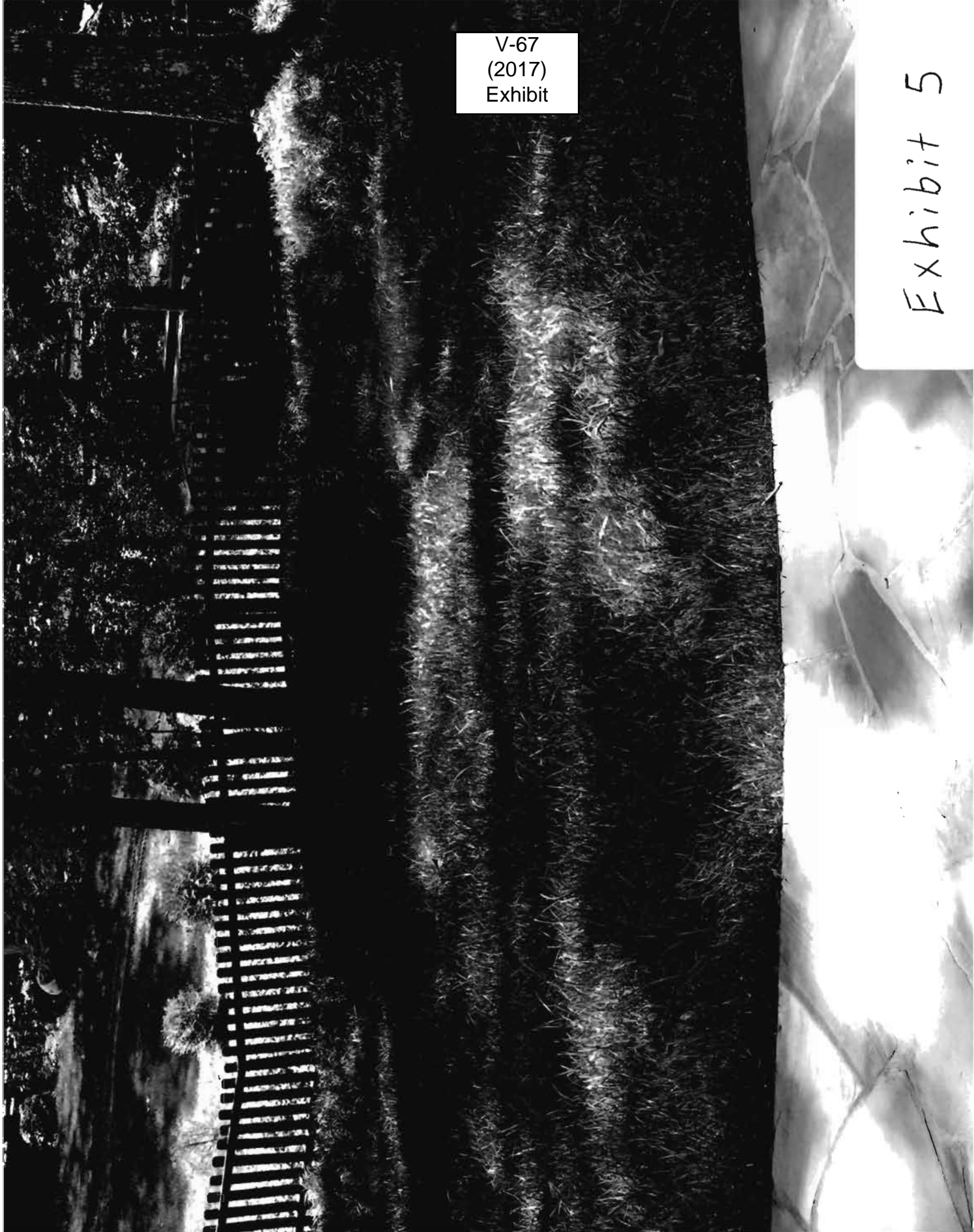
V-67
(2017)
Exhibit

Exhibit 4



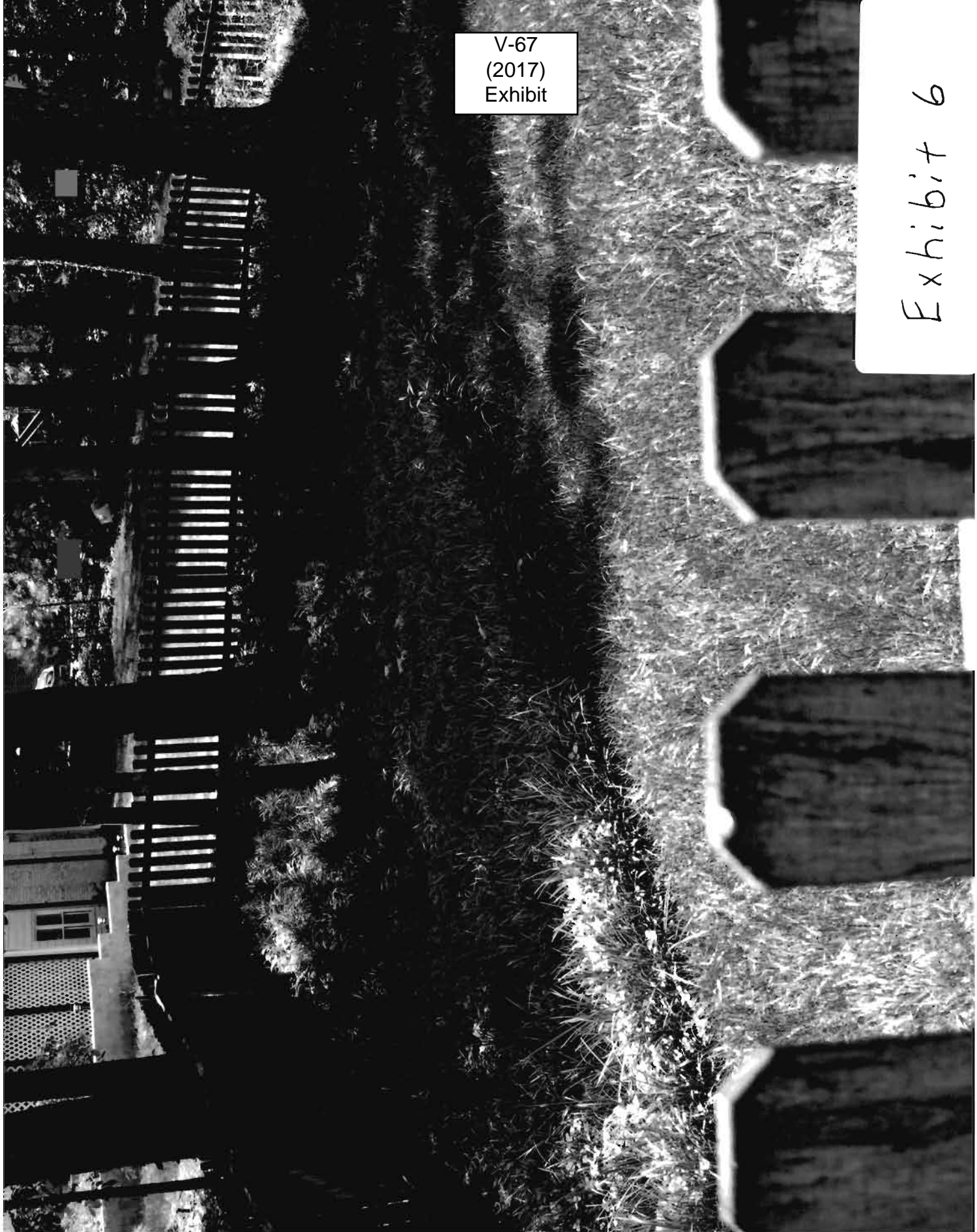
V-67
(2017)
Exhibit

Exhibit 5



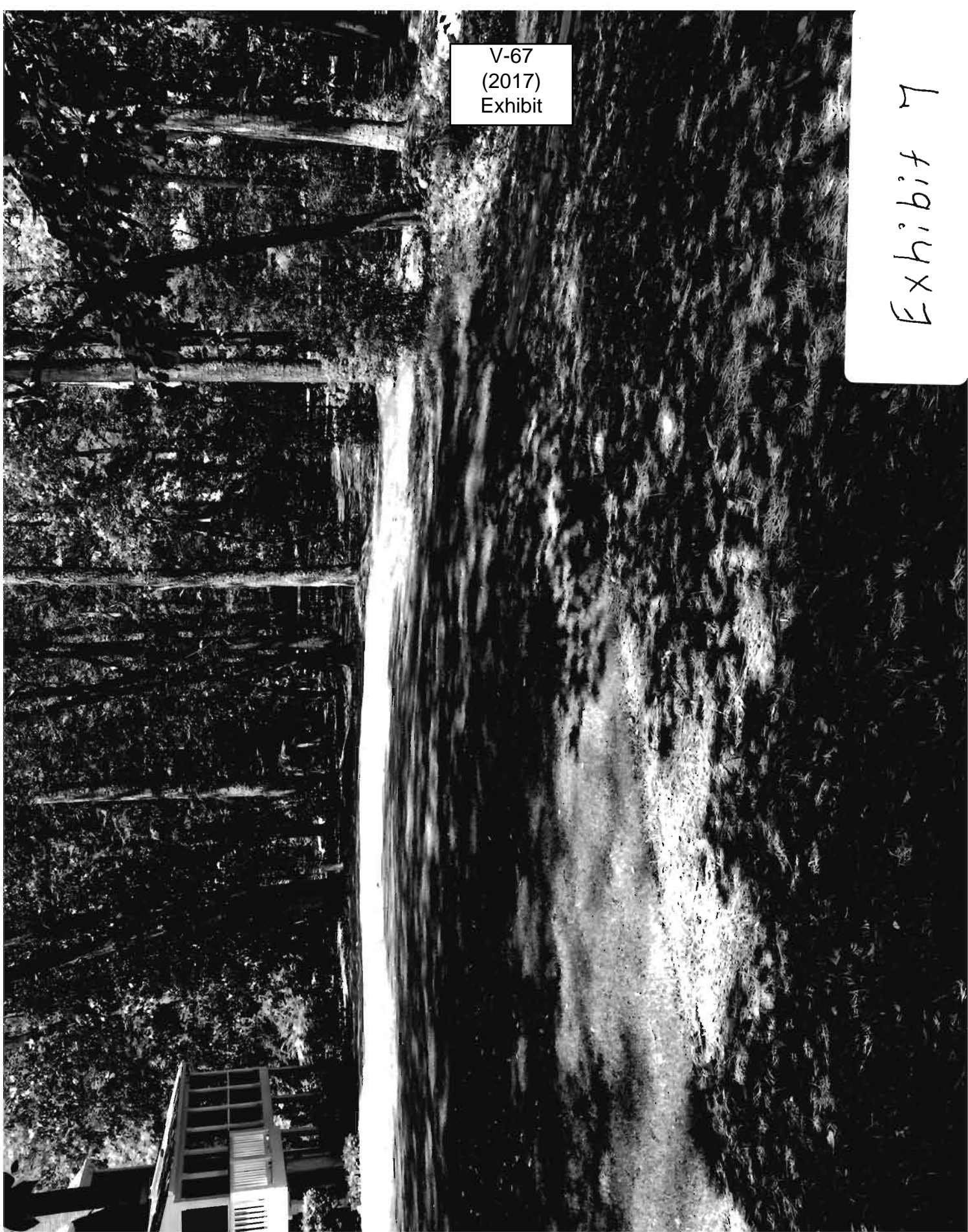
V-67
(2017)
Exhibit

Exhibit 6



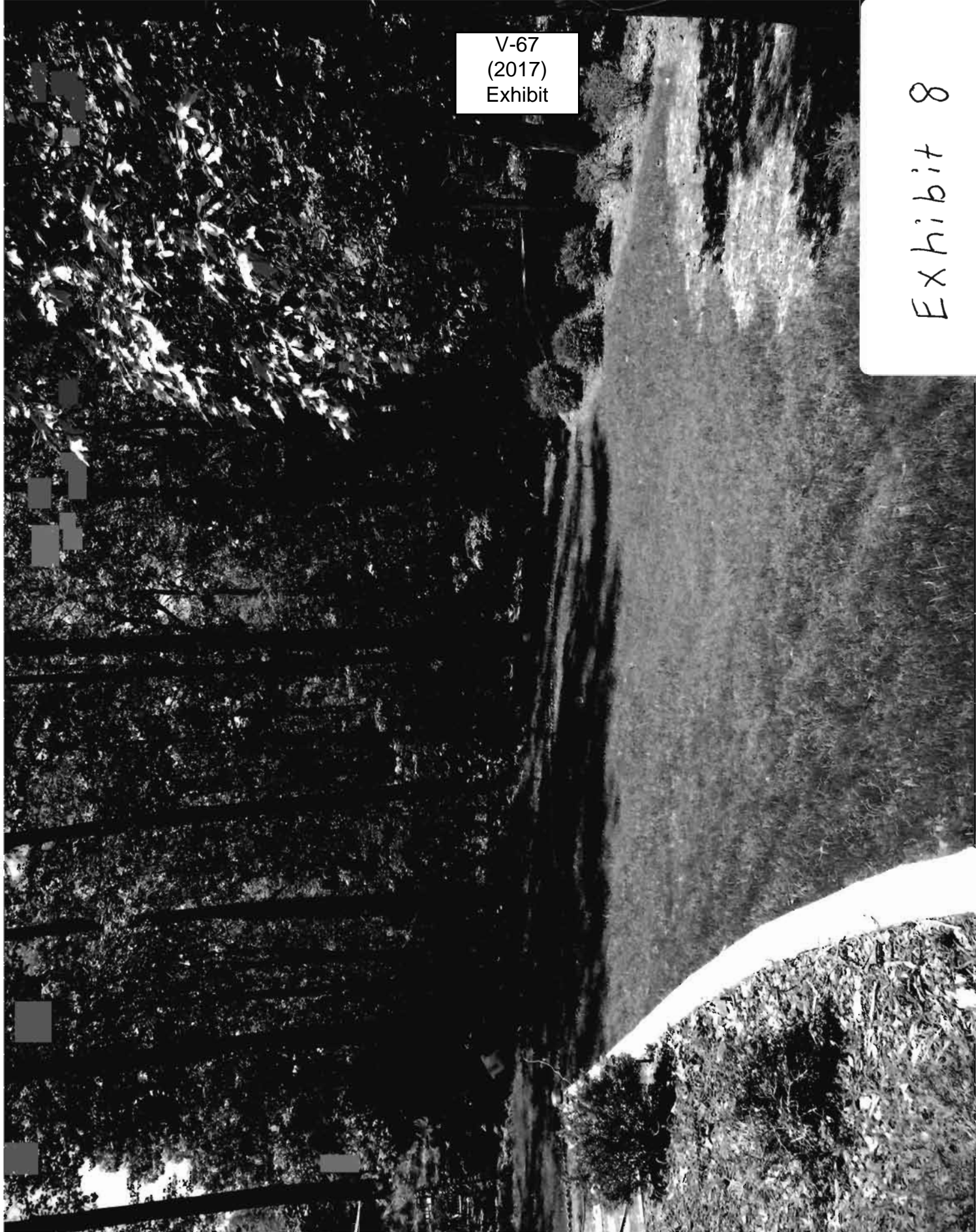
V-67
(2017)
Exhibit

Exhibit 7



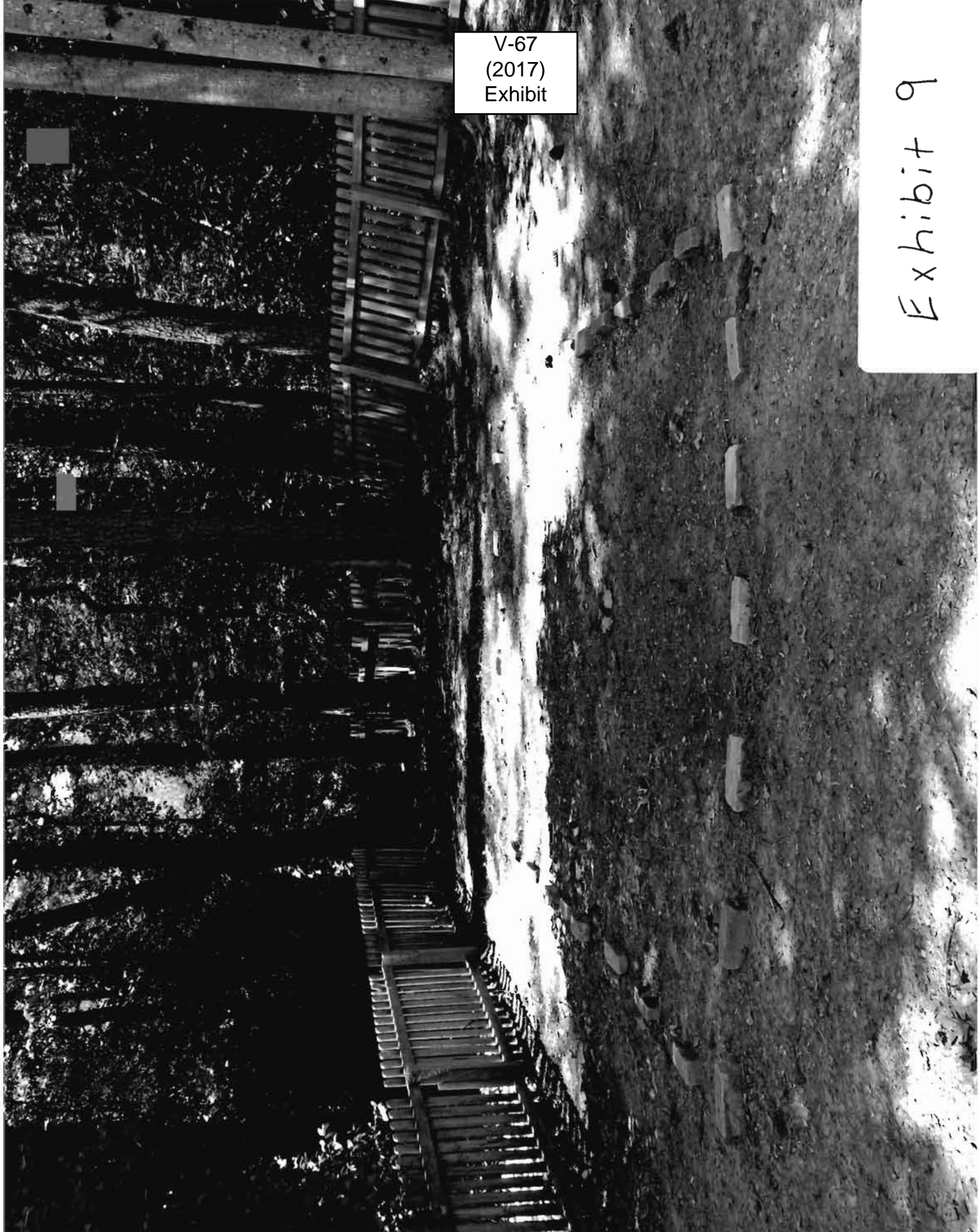
V-67
(2017)
Exhibit

Exhibit 8



V-67
(2017)
Exhibit

Exhibit 9



V-67
(2017)
Exhibit

Exhibit 10

