



SPITZMILLER & NORRIS

1000 ...  
1000 ...  
1000 ...

CHENEY RESIDENCE

V-99  
(2017)

PRESENT  
 PENDING  
 CONSTRUCTION

1000 ...

1000 ...

1000 ...

1000 ...

1000 ...

1000 ...

1000 ...

1000 ...

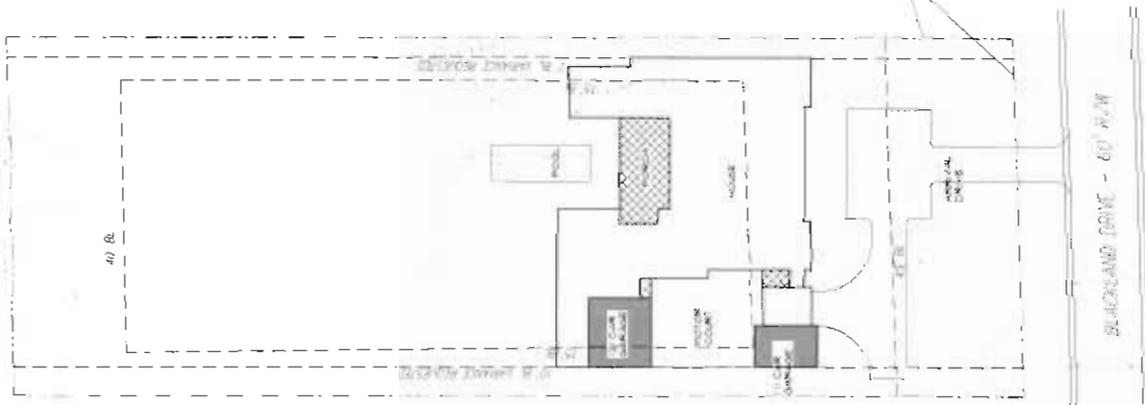
SCHMATIC SITE PLAN

05 JULY 2017

EDN / JMH

015

NOT RELEASED  
FOR CONSTRUCTION



RECEIVED  
JUL 13 2017  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

SCHMATIC SITE PLAN  
SCALE: 1" = 20' 0"

centerline  
SITE ARCHITECTURE  
PLANNING & DESIGN  
1000 ...  
1000 ...  
1000 ...

**APPLICANT:** James G. Cheney and Lori B. Cheney

**PETITION No.:** V-99

**PHONE:** 678-385-1910

**DATE OF HEARING:** 9-13-2017

**REPRESENTATIVE:** John H. Moore

**PRESENT ZONING:** R-40

**PHONE:** 770-429-1499

**LAND LOT(S):** 1189

**TITLEHOLDER:** James G. Cheney and Lori B. Cheney

**DISTRICT:** 16

**PROPERTY LOCATION:** On the south side of Blackland Drive, east of Woodlawn Drive (4428 Blackland Drive).

**SIZE OF TRACT:** 1.02 acres

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** Waive the side setbacks from the required 15 feet to seven (7) feet adjacent to the western property line and to ten feet adjacent to the eastern property line.

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

**BOARD OF APPEALS DECISION**

APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       

STIPULATIONS:       



**APPLICANT:** James G. Cheney and Lori  
B. Cheney

**PETITION No.:** V-99

\*\*\*\*\*

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** No comments.

**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 along with any approved setback reductions, 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:** Subject to site grading plan approval by Stormwater Management Division prior to permitting to assure that all roof runoff is either directed to the street or to the southwest corner of the lot.

**HISTORIC PRESERVATION:** No comments.

**DESIGN GUIDELINES:** No comments.

**CEMETERY PRESERVATION:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

**WATER:** No conflict.

**SEWER:** No conflict.

**APPLICANT:** James G. Cheney and Lori  
B. Cheney

---

**PETITION No.:** V-99

---

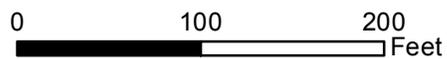
\*\*\*\*\*

**FIRE DEPARTMENT:** No comments.

# V-99 2017-GIS

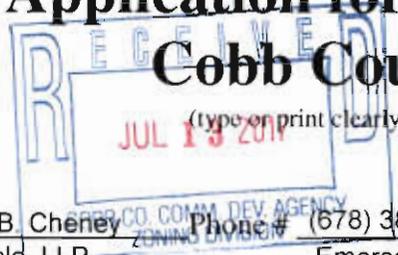


This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

# Application for Variance Cobb County



Application No. V- 99 (2017)  
Hearing Date: 09/13/2017

Applicant James G. and Lori B. Cheney Phone # (678) 385-1910 E-mail jcheney@harbourretailpartners.com  
Moore Ingram Johnson & Steele, LLP Emerson Overlook, Suite 100, 326 Roswell Street  
John H. Moore Address Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jmoore@mijis.com  
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires: January 10, 2019

Titleholder James G. and Lori B. Cheney Phone # (678) 385-1910 E-mail jcheney@harbourretailpartners.com  
Signature See Attached Exhibit "A" Address: 35 Johnson Ferry Road, Marietta, GA 30068  
(attach additional signatures, if needed) (street, city, state and zip code)

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

My commission expires: \_\_\_\_\_

Present Zoning of Property R-40

Location 4428 Blackland Drive  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1189 District 16th Size of Tract 1.018 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 Exhibit "B" attached hereto and incorporated herein by reference.

List type of variance requested: Waiver of required side setback from fifteen (15) feet to ten (10) feet on the easterly boundary; and waiver of the required side setback from fifteen (15) feet to seven (7) feet on the westerly boundary.  
(See Sec. 134-195(4)(d)).

V-99  
(2017)  
Exhibit

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE**



Application No.: V-99 (2017)  
Hearing Date: September 13, 2017

**Applicants/Titleholders: James G. Cheney and Lori B. Cheney**

*James G. Cheney*  
\_\_\_\_\_  
James G. Cheney  
*Lori B. Cheney*  
\_\_\_\_\_  
Lori B. Cheney

Address: 35 Johnson Ferry Road  
Marietta, Georgia 30068

Telephone No.: (678) 385-1910

Signed, sealed, and delivered in the presence of:

*[Signature]*  
\_\_\_\_\_  
Notary Public  
Commission Expires: 4-10-21



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE**

Application No.: V-99 (2017)  
Hearing Date: September 13, 2017

**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

**Applicants/Property Owners: James G. Cheney and Lori B. Cheney**

Please state what hardship would be created by following the normal terms of the ordinance:

Applicants, James G. and Lori B. Cheney (hereinafter collectively "Applicants") recently purchased property located at 4428 Blackland Drive, Land Lot 1189, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property") to construct a residence for their family. The Subject Property is approximately 1.018 acres and is within an R-40 zoning classification. However, the Property is rectangular in shape, being narrow and long, and the proposed residence cannot be located on the Property without Applicants seeking a variance as to certain setback requirements.

Therefore, pursuant to the R-40 zoning classification, Applicants request a waiver of the required minimum side setback from fifteen (15) feet to ten (10) feet on the easterly boundary of the Subject Property, and a waiver to seven (7) feet on the westerly boundary of the Subject Property, as more particularly shown and reflected on the Schematic Site Plan dated July 5, 2017, prepared by Spitz Miller & Norris and submitted with the Application for Variance.

The variance requested herein is not substantial and would allow an otherwise reasonable residential use on the Subject Property; especially, given that, the Property currently has a residence located thereon; as well as, the remaining setbacks for the proposed new residence to be located on the Property and other requirements are unaffected. Additionally, Applicants have obtained consent from adjacent neighbors as set forth on the Consent of Contiguous Occupants or Land Owners submitted with the Application for variance.