

Code 2017-05973

TRIMLINE  
FEB 20 2018  
ZONING DIVISION

**LEGEND**

- #4RBF 1/2" REBAR FOUND
- #4RBS 1/2" REBAR SET
- 3/4" CTF 3/4" CRIMP TOP PIPE FOUND
- 3/4" OTF 3/4" OPEN TOP PIPE FOUND
- FIRE HYDRANT
- POWER POLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- GUY WIRE
- WATER METER
- POWER BOX
- CABLE TV PEDESTAL
- TELEPHONE PEDESTAL
- OVERHEAD POWER
- FENCE

**AREA**

9279.42 Sq. Feet  
0.213 Acres

ZONING  
RA-6

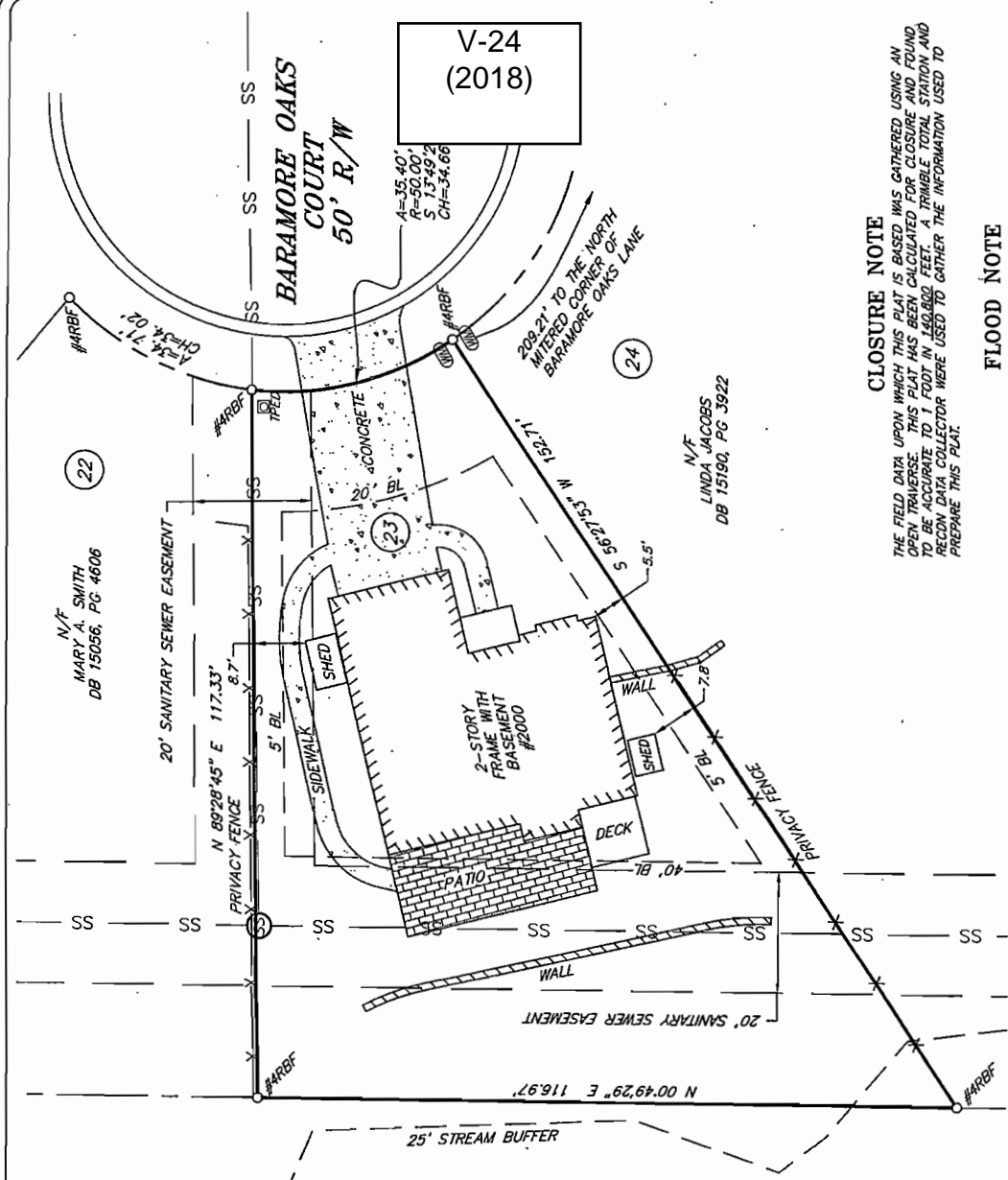
FRONT SETBACK - 20 FEET  
REAR SETBACK - 40 FEET  
SIDE SETBACK - 5 FEET

\*\* ALL ZONING INFORMATION TO BE VERIFIED WITH THE CITY OR COUNTY \*\*



THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR THE RECORDATION OF SURVEYS AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-6-1.

JEREMY SHIREY, GA TRS #3156  
DATE 1/10/18



**CLOSURE NOTE**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED USING AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. A TRIMBLE TOTAL STATION AND RECORD DATA COLLECTOR WERE USED TO GATHER THE INFORMATION USED TO PREPARE THIS PLAT.

**FLOOD NOTE**

I HAVE EXAMINED THE FIRM OFFICIAL FLOOD HAZARD MAP\* AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT ELEVATION CERTIFICATE, SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO FLOODING. REVISION DATE: 11/02/12  
MAP NUMBER: 15067C0065H



BOUNDARY SURVEY FOR:  
2000 BARMORE OAKS COURT  
**MELISSA DURHAM**  
LOT 23, MYNORFT SUBDIVISION  
DB 15099, PG 306; PB 190, PG 59



52 CURETON LANE  
MORELAND, GA 30259  
678-633-5685  
WWW.WIDEOPENLANDSURVEYING.COM  
JOB #1972

FIELD DATE:	1/9/18
PLAT DATE:	1/10/18
SCALE:	1"=20'
COUNTY:	COBB
DISTRICT:	16th
LAND LOT:	597
SECTION:	2nd

V-24  
(2018)

A=35.40'  
R=50.00'  
S=13.49' 2  
CH=34.66'

BARMORE OAKS COURT  
50' R/W

N/F MARY A. SMITH  
DB 15056, PG 4606

N/F LINDA JACOBS  
DB 15190, PG 3922

N/F MEN HOLDINGS LLC

**APPLICANT:** Melissa F. Durham

**PETITION No.:** V-24

**PHONE:** 678-595-4335

**DATE OF HEARING:** 05-09-2018

**REPRESENTATIVE:** Melissa F. Durham

**PRESENT ZONING:** RA-6

**PHONE:** 678-595-4335

**LAND LOT(S):** 597

**TITLEHOLDER:** Sharon E. Toothman and Melissa Durham

**DISTRICT:** 16

**PROPERTY LOCATION:** At the western terminus of Baramore Oaks Court, west of Baramore Oaks Lane (2000 Baramore Oaks Court).

**SIZE OF TRACT:** 0.21 acres

**COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** Allow two separate accessory structures to the side of the principal structure (shed #1 on the north side of the house and shed #2 on the south side of the house).

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

**BOARD OF APPEALS DECISION**

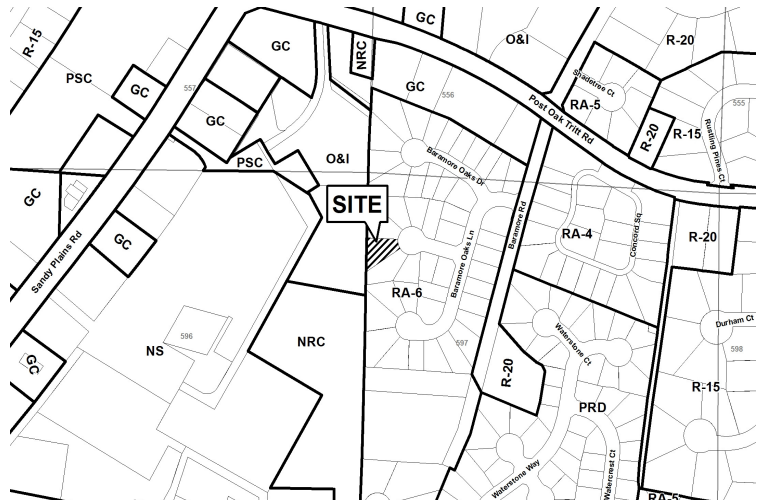
APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       

STIPULATIONS:       



**APPLICANT:** Melissa F. Durham

**PETITION No.:** V-24

\*\*\*\*\*

**COMMENTS**

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

**DEVELOPMENT & INSPECTIONS:** This property has an expired basement finish permit 2013-007937 issued on 9-23-2013. They will need to clear up this permit. Also have an expired HVC replacement permit 2009-005060 issued on 07-15-2009. This one will need to be cleared up also. An inquiry 2017-00556 was made on 08-29-2017 at this time the structure was not attached to the home and was not required to have a permit because it was less than 200 square feet.

**SITE PLAN REVIEW:** No comments.

**STORMWATER MANAGEMENT:** No adverse stormwater management impacts are anticipated.

**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 lot.

**WATER:** No comments.

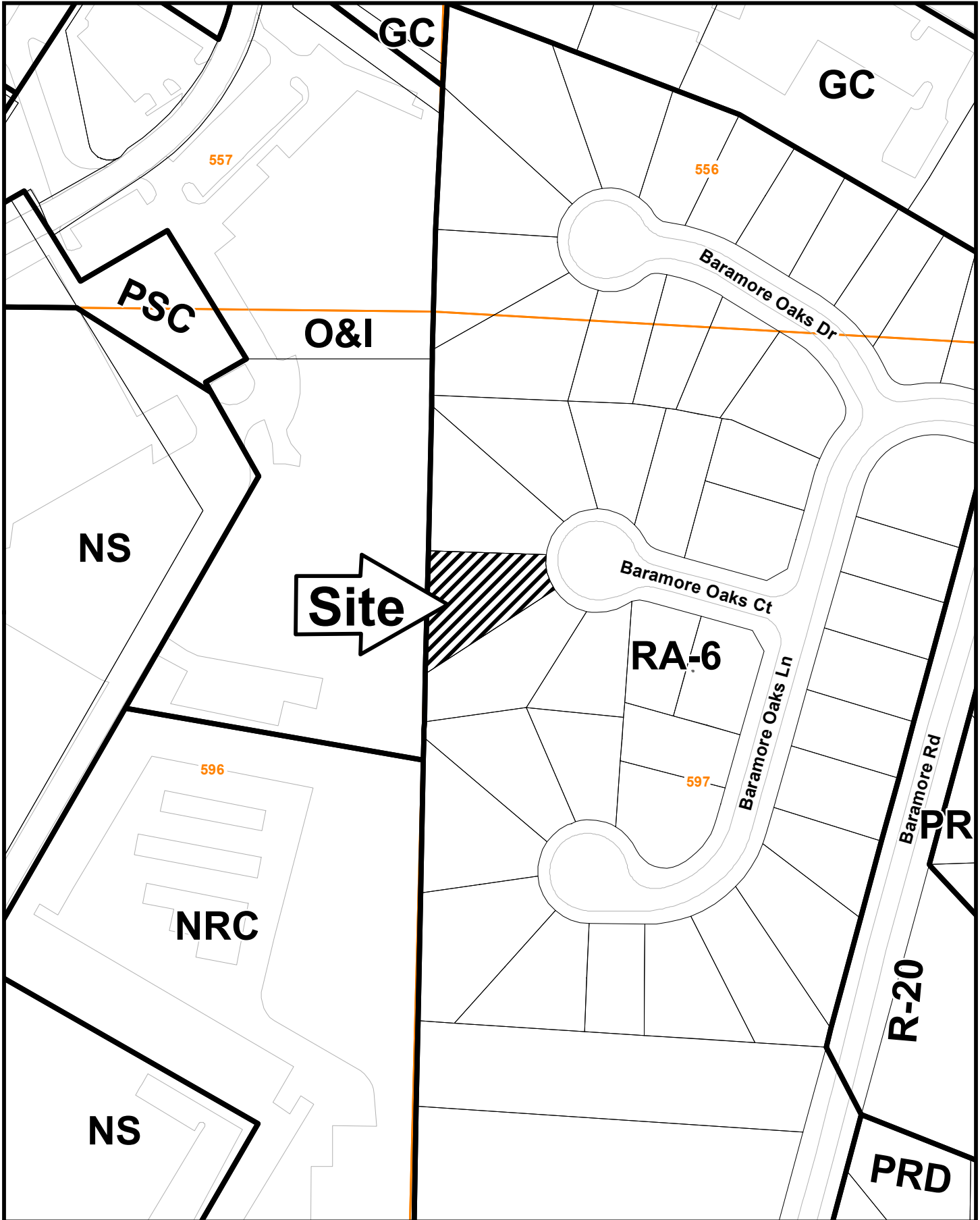
**SEWER:** Shed #1, the patio and rear wall are inside the sewer easement, in violation of County Code 122-123. The house is within the 10' rear easement setback, in violation of County Code 122-123.

**APPLICANT:**     Melissa F. Durham          **PETITION No.:**     V-24    

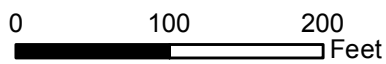
\*\*\*\*\*



**FIRE DEPARTMENT:** No comments.

# V-24 2018-GIS



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



-  Land Lot
-  City Boundary

RECEIVED  
FEB 20 2018

# Application for Variance Cobb County

(type or print clearly)

Application No. V-24  
Hearing Date: 5-9-2018

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

Applicant Melissa F. Durham Phone # 678.595.4335 E-mail VineyardImaging@aol.com

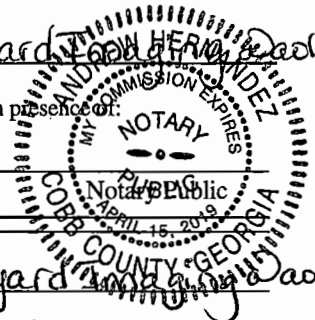
Melissa E. Durham Address 2000 Baramore Oaks Ct. Marietta, GA 30062  
(representative's name, printed) (street, city, state and zip code)

Melissa E. Durham Phone # 678.595.4335 E-mail VineyardImaging@aol.com  
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: 4/15/2019

*[Signature]*

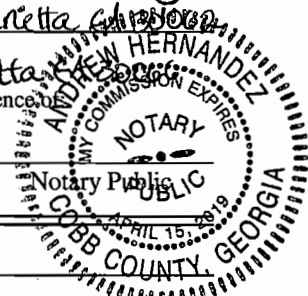
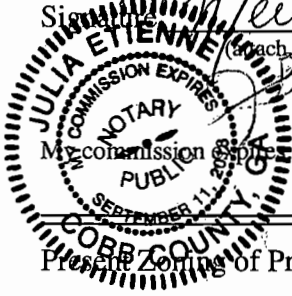


Titleholder Melissa F. Durham Phone # 678.595.4335 E-mail VineyardImaging@aol.com

Signature Melissa E. Durham Address: 2000 Baramore Oaks Ct Marietta, GA 30062  
(each additional signatures, if needed) (street, city, state and zip code)

Sharon Toothman 2920 Carbow Trail Marietta, GA 30062  
(each additional signatures, if needed) (street, city, state and zip code)

Subscribed and sworn before me on 4/15/2018 State of Georgia County of Cobb  
(Date)



Present Zoning of Property RA-6 *[Signature]*  
(Notary Signature)

Location 2000 Baramore Oaks Ct. Marietta, GA 30062  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) #23 0597 District 16 Size of Tract 0.213 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 0.213 <sup>Acre</sup> 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:

Please see our typed Explanation of Hardship/Challenges (2 Pages Typed)  
Primarily, my son's Diagnosis with Autism & the need to have close proximity to his equipment, his testing & symptoms of low coordination & motor skills make the extreme hill to our backyard difficult. We also have 3 Handicap Parents who cannot help/watch if in rear location.

List type of variance requested: Several Safety concerns noted - Please Refer to Police Reports & Kids-R-Kids Accessory Structure - too small for Permit letter.

We would like to request to be able to keep our small, lean-to-shed in its current location. It was tastefully built & is concealed by a Tree 10 1/2 Months. We did receive HOA Approval May 2017.

Revised: 03-23-2016 \*If an Amendment is needed, we can agree to move lean-to-shed if we Sell the home.

V-24  
(2018)  
Exhibit



DURHAM <sup>SHED</sup>  
Code: 2017-05973

2000  
Baranore Oaks Ct  
Marietta, GA 30062

Full Visibility From  
Sidewalk Only. Nicely  
Landscaped.



V-24  
(2018)  
Exhibit

Front Driveway  
View:

Photo as you →  
Approach our  
Home

View from  
Back L & R of  
Driveway



View From Back  
Left of Driveway



Back Right  
of Driveway  
close to Property  
Line.



V-24  
(2018)  
Exhibit

# Application for Variance to the Cobb County

Sec. 134-94

Melissa E. Durham & Sharon E. Toothman

2000 Baramore Oaks Court Marietta, GA 30062

RECEIVED  
FEB 20 2018  
DEV. AGENCY  
ZONING DIVISION

***Thank you for your time & consideration regarding application for variance, & our request to keep our small existing lean-to shed in its current location. I am not only a Cobb County Resident, but I was born at Cobb Hospital, & graduated with honors from Osborne High School in 1996. I am proud of this city, & the rules we hold in order to maintain order & keep us all safe. My parents are also retired Cobb County Educators. My mother, Sharon, & I own this property together.***

We have included paperwork showing that we submitted an ARC form to our HOA Board in May 2017 & received approval for 2 proposed sheds. Once approved, we moved forward with choosing a company & building (on site) a small half shed on the side of our home. You can see with pictures that it is placed behind an existing tree that is in full bloom 80%+ of the year. It also conceals our trashcans. In addition, we used Hardie Siding, the same color paint as our home, & Matching Architectural Shingles.

## **DRAINAGE:**

Our property backs up to a Natural Water Easement. Although the second shed was approved by my HOA, we have placed this on hold, as our backyard floods due to the County Water easement that overflows into the majority of our yard. (I have included photos). We have worked year after year to clean the woods behind our home, to keep the yard tidy, to blow leaves away from the easement, etc. However, it is clogged before our property & namely behind our neighbor Alice Smith (2001 Baramore Oaks Court). She is unable to see the easement from her home through the woods & down the hill. The water does pour to our property from that direction, & may actually be a request for Cobb County to clean the area, as it does not belong to the homeowners.

Due to the water & location, there is not a truly secure place to place a shed until the water issues have been addressed.

## **SAFETY: See Photos**

In addition to the drainage issues, we do not feel the backyard is a safe place for a shed at this time. Due to safety reasons, I do not want personal belongings or my children's play equipment that can be accessed so close to a commercial property that has had notable concerns.

Our property backs up directly to Kids-R-Kids/Sprayberry Academy (2110 Post Oak Tritt Rd, Marietta, GA 30062, 770.977.0877). It is a GIANT Metal building in our backyard. This is a part of the neglected Sprayberry Crossing Center that has been in court & Zoning for years. We are also directly behind the Public Storage Facility at (2514 E Piedmont Rd, Marietta, GA 30062, 678.273.2853). Another Business Directly within walking Distance into my backyard is my Favorite Thrift Store, Liberty Thrift. We are there weekly, but I do know they employ convicted felons to do community service loading & unloading in the back of the store, again, within walking to my home. You can access our yard from the woods of that center. Cobb County Police records will show the number of teens, people, and homeless who have been caught or removed from that area.

The staff at Kids-R-Kids are extremely nice & we stay in touch regularly when I see activity after hours on their property. I have called police several times when people have trespassed to the fenced & non-fenced area beside the building. I have sat on my back porch in the dark while men have climbed their fence to smoke or play basketball. Public Storage AND Kids-R-Kids have had multiple Homeless men removed by police from the woods, feet from my backyard. My son, has seen them during the day at times.

Now, you may notice we have a playground, trampoline & other outdoor items in the back of our home. These are not easily removed, & they are not hiding places for a trespasser. They are also not available housing or items that might entice someone to pose safety concern for my children. Storing regularly used play equipment would be much safer where we have Sidewalk & Street lighting, easier access, and closer to the home.

***\*Please see some of the attached Alarm Records, as well as letters from the neighboring businesses.***

**APPEARANCE:**

In review of Cobb Zoning Article IV Sec. 134-202 RA-6, "...are to be Complimentary to the Primary Structure." If you review our photos, we took great concern with this. We have made this appear as close in resemblance to our home as possible. We added Hardie Siding Painted with matching Sherwin Williams Paint & Trim, along with Black Matching Architectural Shingles. It is tastefully, done.

I have stood at the driveway of every neighbor, as well as 3 points on the main road driving toward my home & it cannot be seen. There is only one neighbor who, when standing in her driveway & looking over her fence, would find it noticeable. If it is expressed the small shed is "unsightly" please note that we live behind a monstrous metal commercial building, which is far less appealing. This would have been a consideration for a homeowner when buying the home in this location. (Photo included - of materials used & appearance.)

Office Hepler even stated: "If I did not know any better, I would have thought it was part of your home. It blends in so well." *\*I understand he has to site according to the law, so his quote is simply meant as an opinion. Not fact.*

**HARDSHIPS:**

I do not like to use my son's condition as an excuse. You will rarely hear me use his diagnosis as a reason, but it does become quite important in this instance. My son, Tyler, was diagnosed with Autism in 2015. He is now 10 years old & in over 30 tests, he has proven to have difficulty with decision making, impulsiveness, low-motor skills & coordination. Some of these simple tasks like tying shoes, turning off lights, & closing/locking doors, are a struggle for him. He also has very little sense of danger in many situations. He is an extremely bright student, but these are real struggles. He is a 4th grade Student at Mountain View Elementary with Full Time IEP, Co-Taught inclusion class setting.

This is important to point out because this small lean-to shed was meant to give him equipment needed to work on some of those things & therapy: Riding bikes, scooters, skateboard, sidewalk chalk, chairs, etc. These are all in the small shed to the right side of our home. We have a sidewalk that walks along the side, & allows for easy access to his equipment. In my opinion, it is well-placed & non-obtrusive.

Because we live in one of only 4 basement homes in the neighborhood, we are among the few on an extreme hill. The other 40+ homes are on level lots as a 2 story home on a slab. To access the backyard, you must go around the home, down a steep hill, and further down the lot toward the easement to access play or lawn equipment (that would be placed in a shed). This is a problem for a child with low skills. Let us then refer back to the fact that this is in a flooded area when it rains, & there is really not a place to put it.

In addition, we are caretakers for 3 Handicapped Parents. 3 out of 4 of our parents cannot walk well without assistance. As with most grandparents, they love to visit & watch our children play. It is extremely dangerous to expect them to be able to supervise my 2 children down a large hill & to watch or even talk them through putting items back. I can provide diagnosis information for the parents if needed.

Since we were given warning about this shed, we have actually lost one of those parents to a battle with Stage IV Cancer. This was heavy & ongoing through the holidays and New Year. My mother in law, also a Marietta resident, who loved to be outside & watch the children play, passed away Monday January 8, 2018.

Lastly, regarding my son's autism. I chose to place this equipment outside in it's location because of some of the challenges he has. He is able to easily get to his bikes to help with some independence. He is not frustrated or bothered by a hill or a challenging location. It is easier for therapists & parents to watch him do so in a closer location. More importantly, since he has not yet mastered locking doors, & similar tasks, I would much rather have the door to a shed left open, than the door or garage to my home. He has not proven to be able to make this happen. I would rather the contents of a shed be emptied out, than those of my home.

In it's location we have sensor lights & newly installed bright street lights to help us at dusk.

WE ARE RULE FOLLOWERS & WE WOULD NOT HAVE HAD THIS BUILT ON SITE IN THIS LOCATION HAD WE NOT RECEIVED APPROVAL, FOR WHAT WE THOUGHT WAS AN HOA/COUNTY APPROVED REQUEST. BUT WITH THE COST OF RELOCATION, & THE NEED WE HAVE FOR MY SON, WE WOULD LOVE TO KEEP IT IN IT'S CURRENT LOCATION. IF WE NEED TO ADD A CLAUSE THAT STATES WE WILL TAKE IT IF WE EVER SELL THE HOME, I WOULD BE HAPPY TO ADD THAT AMENDMENT, UPON APPROVAL.

Thank you so much!

