



**CITY OF MABLETON, GEORGIA**  
5656 Mableton Parkway , Mableton , GA 30126  
February 12, 2026 at 6:00 PM

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Conrad A. Woods - Board of Zoning Appeals Member - District 1  
Gerri Aldridge - Board of zoning Appeals Member - District 2  
Helen Butler-Simmons - Board of Zoning Appeals Member - District 3  
Christopher S. Semler - Board of Zoning Appeals Member - District 4  
Wendy Brown-Sanders - Board of Zoning Appeals Member - District 5  
Chijioke Ebbis - Board of Zoning Appeals Member - Mayor Appointment

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**BOARD OF ZONING APPEALS**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
- 4. UNFINISHED BUSINESS**
- 5. NEW BUSINESS**
  - a. VAR25-010 (185 Wilhelmina Drive / 18050900960) - Stream buffer request to encroach into the 75-foot non-impervious buffer for the construction of a single-family home and deck.**
- 6. ADJOURNMENT**

Persons with special needs relating to handicapped accessibility, disability, or foreign language may contact the City Clerk at (404) 927-9502 or [susan.hiott@mableton.gov](mailto:susan.hiott@mableton.gov) at least three days prior to the meeting. The clerk can be located at the City of Mableton Offices, Riverside EpiCenter, 135 Riverside Pkwy, Austell, Georgia 30168 during regular office hours.

ATTACHMENT A

# Application for Variance Mableton, Georgia

**RECEIVED**  
NOV 12 2025  
BY: *Richard*

(type or print clearly)

Application No. VAR 25-010

Hearing Date: 11/15/26

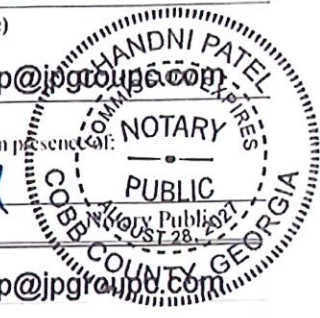
Applicant Leo Chuahy Phone # 678-287-6499 E-mail jpgroup@jpgroupc.com  
Leo Chuahy Address 880 Marietta Hwy, Suite 630-103, Roswell, GA 30075  
(representative's name, printed) (street, city, state and zip code)

*LRCL* Phone # 678-287-6499 E-mail jpgroup@jpgroupc.com  
(representative's signature)

My commission expires: 8/28/27

Signed, sealed and delivered in presence of:

*Chandni Patel*

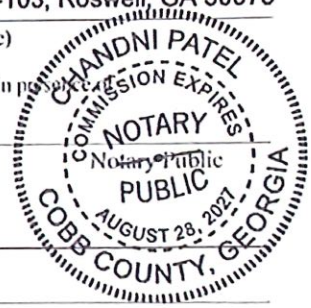


Titleholder Leo Chuahy Phone # 678-287-6499 E-mail jpgroup@jpgroupc.com  
Signature *LRCL* Address: 880 Marietta Hwy, Suite 630-103, Roswell, GA 30075  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 8/28/27

Signed, sealed and delivered in presence of:

*Chandni Patel*



Present Zoning of Property R-15 (Single Family Residential District)

Location 185 Wilhelmina Drive, Austell, GA 30168  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 509 District 18th Size of Tract 0.36 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

How many stories is the proposed building? \_\_\_\_\_ How many square feet? \_\_\_\_\_

The City of Mableton Zoning Ordinance Section \_\_\_\_\_ states that the City of Mableton 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.

The property contains an existing stream that imposes a 75-foot non-impervious setback from the top of its bank. This environmental constraint significantly limits the available buildable area for the construction of a proposed single-family home. Due to the stream's location and the configuration of the lot, strict enforcement of the setback would prevent reasonable use of the property for residential development consistent with the surrounding neighborhood.

List type of variance requested:

The applicant requests a variance to allow a portion of the proposed single-family residence (309 square feet) and a deck (87 square feet) to encroach within the 75-foot non-impervious setback area (total affected area: 2,713 square feet).



2024102106 Deed Book 16250 Page  
Filed and Recorded: 12/11/2024 9:21:25  
Real Estate Transfer Tax: \$6  
Connie T  
Clerk of Superior C  
Cobb County, Gea  
Participant IDs: 2051679177, 706792

Return to:  
The Law Offices of Jackson E. Oliver, LLC  
333 Sandy Springs Circle  
Suite 131  
Atlanta, GA 30328  
File No. 2024-1508

Tax Parcel ID No. Property 1:  
18-0509-0-097-0  
Property 2:  
18-0509-0-096-0

**LIMITED WARRANTY DEED**

STATE OF <sup>Florida</sup> ~~GEORGIA~~, COUNTY OF <sup>FULTON</sup> ~~FULTON~~ <sup>BROWARD</sup>.

THIS INDENTURE, Made the 9th day of December, 2024 between Rudolph Wright, a single person, of the State of Florida, as party of the first part, hereinafter called Grantor and LEORE Investments LLC, a Georgia Limited Liability Company, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as 181 Wilhelmina Drive, Austell, GA 30168 and 185 Wilhelmina Drive, Austell, GA 30168

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantee forever in FEE SIMPLE

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

PROPERTY/FINANCIAL DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

(A separate form must be completed by each applicant\* - please see definition below)

Does any member of the Mayor and Council or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?

No

If so, describe the nature and extent of such interest:

N/A

Does any member of the Mayor and Council or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? No

If so, describe the nature and extent of such interest:

N/A

Does any member of the Mayor and Council or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above?

No

If so, describe the relationship and the nature and extent of such interest:

N/A

I certify that the foregoing information is true and correct, this 7<sup>th</sup> day of November 2025

  
Applicant's Signature

<sup>1</sup>If the answer to any question is "Yes," then the Mayor or the member of the Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

<sup>2</sup>Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action

ATTACHMENT C2

CAMPAIGN DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

*(A separate form must be completed by each applicant\* - please see definition below)*

Has the applicant<sup>2</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

NO

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of Mableton within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

N/A

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

N/A

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

N/A

I certify that the foregoing information is true and correct, this 7<sup>th</sup> day of November, 2025.

  
\_\_\_\_\_  
Applicant's Signature

<sup>1</sup>If the answer to any question is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

<sup>2</sup>Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action

2024102106 Deed Book 16250 pg.  
Connie Ta  
Clerk of Superior Ct  
Cobb County, Gee

**EXHIBIT "A"**  
LEGAL DESCRIPTION

Property 1:

All that tract or parcel of land lying and being in Land Lot 509, 18th District, 2nd Section, Cobb County, Georgia and being Lot 11, Wilhelmina Hills Subdivision (f.k.a. Kings Lake), as shown on plat recorded in Plat Book 248, Page 85, Cobb County records, as last revised in Plat Book 260, Page 77, aforesaid records.

Property 2:

All that tract or parcel of land lying and being in Land Lot 509, 18th District, 2nd Section, Cobb County, Georgia and being Lot 10, Wilhelmina Hills Subdivision (f.k.a. Kings Lake), as shown on plat recorded in Plat Book 248, Page 85, Cobb County records, as last revised in Plat Book 260, Page 77, aforesaid records.



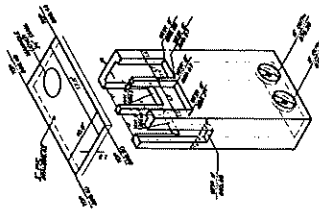
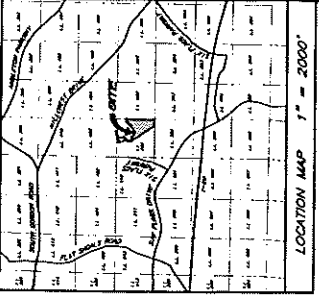
**REVISIONS**

4-24-07	SEC. REVISION #1
5-2-07	COUNTY COMMENTS

FIELD WORK DATE: \_\_\_\_\_  
 DRAFTING DATE: 02-06-06  
 SCALE: 1"=100'  
 DRAWN BY: KAS  
 CHECKED BY: GAV  
 PROJECT NO.: 2004412-00

KINGS-P.L.18-16

FINAL PLAN FOR :

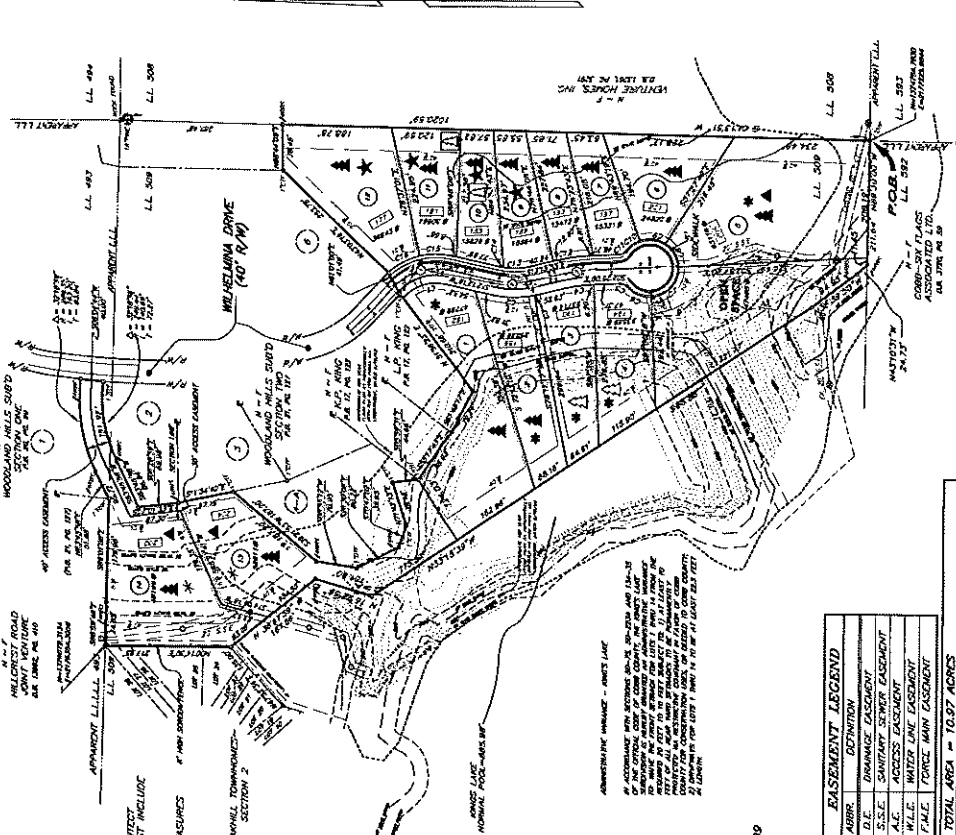
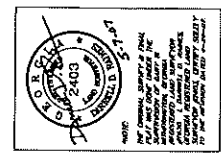


**SECTION 1**  
THE PLAT HEREIN IS THE FINAL PLAN FOR THE WILHELMINA HILLS SUBDIVISION (P.K.A. KINGS LAKES) LOCATED IN LAND LOTS 508 & 509, 18TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA. THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENTS DATED AND RECORDED IN COBB COUNTY DEED BOOK 10000, PAGE 18, WHICH HEREBY BECOME A PART OF THIS PLAT. RECORDS IN DEED BOOK 10000, PAGE 18, COBB COUNTY DEED RECORDS AND SIGNED BY THE OWNER.

**SECTION 2**  
THE PLAT HEREIN IS THE FINAL PLAN FOR THE WILHELMINA HILLS SUBDIVISION (P.K.A. KINGS LAKES) LOCATED IN LAND LOTS 508 & 509, 18TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA. THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENTS DATED AND RECORDED IN COBB COUNTY DEED BOOK 10000, PAGE 18, WHICH HEREBY BECOME A PART OF THIS PLAT. RECORDS IN DEED BOOK 10000, PAGE 18, COBB COUNTY DEED RECORDS AND SIGNED BY THE OWNER.

**SECTION 3**  
THE PLAT HEREIN IS THE FINAL PLAN FOR THE WILHELMINA HILLS SUBDIVISION (P.K.A. KINGS LAKES) LOCATED IN LAND LOTS 508 & 509, 18TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA. THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENTS DATED AND RECORDED IN COBB COUNTY DEED BOOK 10000, PAGE 18, WHICH HEREBY BECOME A PART OF THIS PLAT. RECORDS IN DEED BOOK 10000, PAGE 18, COBB COUNTY DEED RECORDS AND SIGNED BY THE OWNER.

DATE	BY	DESCRIPTION
02-06-06	KAS	PRELIMINARY PLAN
04-24-07	GAV	SEC. REVISION #1
05-02-07	GAV	COUNTY COMMENTS



**TABLE OF DEDICATION**

STREET NAME	LT.
WILHELMINA DRIVE	463

**10.977 ACRES**

TYPE	AREA (AC)
TOTAL	10.977
WATER	0.000
WOODLAND	0.000
ROAD	0.000
UTILITIES	0.000
OTHER	0.000

**GENERAL NOTES**

- THE BOUNDARY LINE BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE WEST SHALL BE THE CENTERLINE OF THE ROAD AS SHOWN ON THE PLAT.
- ALL UTILITIES SHALL BE LOCATED WITHIN THE 10' SETBACK FROM THE BOUNDARY LINE BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE WEST.
- ALL UTILITIES SHALL BE LOCATED WITHIN THE 10' SETBACK FROM THE BOUNDARY LINE BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE WEST.
- ALL UTILITIES SHALL BE LOCATED WITHIN THE 10' SETBACK FROM THE BOUNDARY LINE BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE WEST.

**NO CEMETERIES, ARCHAEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON SITE.**

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**EASEMENT LEGEND**

ABBREV.	DEFINITION
D.E.	DRAINAGE EASEMENT
S.E.C.	SEWER EASEMENT
A.E.	ACCESS EASEMENT
W.E.	WATER LINE EASEMENT
F.E.	FORCE MAIN EASEMENT

**C/L CURVE DATA**

NO.	DATA
1	100.000' RADIUS
2	100.000' RADIUS
3	100.000' RADIUS

**LEGEND**

1	100.000' RADIUS
2	100.000' RADIUS
3	100.000' RADIUS



Printed: 11/5/2025

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
Leonardo Chuahy

**LEORE INVESTMENTS LLC**

**Payment Date: 10/14/2025**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2025	18050900960	10/15/2025	Pay:	N/A	or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$723.12	\$0.00



Scan this code with your mobile phone to view this bill!

## Nov 6, 2025 | [Virtual Pre-Application Meeting for 185 Wilhelmina Dr](#)

Attendees: [Christopher Wheeler](#) [Latemia Richards](#) [Larry Genn](#) [management@jpgroupc.com](#)  
[Matthew Wilson](#) [Sunday Odudu](#) [Tina Garver](#)

Attached files: [Notes by Gemini](#)

### **Summary:**

The variance application for 185 Wilhelmina Dr was discussed, focusing on the request to encroach on the 75-foot impervious setback due to the presence of a stream. Larry Genn and Matthew Wilson detailed the specifics of the request, which includes a total encroachment of 396 square feet for a house and deck. The conversation highlighted the need to demonstrate minimal impact on the creek and compliance with zoning codes, referencing Cobb County's model ordinance. Various mitigation strategies, such as additional plantings, were considered, and the importance of reviewing the original land disturbance permit was emphasized.

Further discussions included the new zoning designation for the property, confirmed as commercial, with plans to convert the existing house into office space and add an auxiliary building. Christopher Wheeler outlined the zoning process, emphasizing the need for community engagement and the public notification process. Genn and Wheeler also discussed updating the project plan to include necessary buffers and addressing fencing heights early in the rezoning process.

Additionally, the site plan was reviewed, focusing on green space requirements and stormwater regulations, with Genn stressing the importance of fire access compliance. Sunday Odudu offered assistance with the application process and invited further questions.

### **Discussion on Variance Application for 185 Wilhelmina Dr:**

Larry Genn and Matthew Wilson presented a variance application for a property at 185 Wilhelmina Dr, currently zoned R15. They are requesting a variance on the 75-foot impervious setback due to a stream affecting the property layout. The proposed encroachment includes 309 square feet for the house and an additional 87 square feet for a deck.

### **Stream Buffer Variance Discussion**

In a discussion led by Larry Genn and Tina Garver, the group focused on the stream buffer variance requirements and the necessity of adhering to Cobb County's model ordinance. Tina highlighted the different criteria for stream buffer variances compared to typical hardship variances, stressing the importance of including this in the application process. They also explored potential mitigation strategies for the creek area to minimize negative impacts.

- Zoning and Development Plans for 185 Wilhelmina Dr
- Sunday Odudu asked about the zoning changes for 185 Wilhelmina Dr, which Latemia Richards confirmed is now designated for commercial use. Matthew Wilson explained

the intention to convert the existing house into an office and add an auxiliary building. He also mentioned the necessity of tax payments for the project to proceed.

**Zoning Process Overview:**

Christopher Wheeler outlined the zoning process, detailing the sequence of three meetings: a community meeting, a planning commission meeting, and a city council meeting. He noted that the community meeting should occur at least two weeks before the planning commission meeting to allow for resident input. Wheeler also explained the public hearing format for the planning commission and city council meetings, including presentation time and the process for addressing community concerns.

**Discussion on Zoning and Application Process:**

Larry Genn and Christopher Wheeler reviewed the updates needed for the project plan, specifically regarding buffers and planting strips. They emphasized the importance of addressing fencing heights during the rezoning process to ensure compliance with local ordinances. Genn inquired about application deadlines, and Wheeler confirmed that submissions are due electronically by the last Friday of each month.

Larry Genn questioned the site plan's compliance with property line regulations and the necessity for green space. Tina Garver highlighted that the project would undergo a full stormwater review, given its size, and expressed the need for proper planning to avoid common pitfalls. Genn also mentioned the challenges architects face in adhering to fire access regulations, which have become stricter over time.

**Action Items:**

- Matthew Wilson will ensure the client signs and notarizes the application before submission.
- Tina Garver will provide a copy of the model ordinance for stream buffers to ensure compliance during the application review.
- Larry Genn will contact Cobb County to inquire about the original permitting related to the subdivision.
- Christopher Wheeler will assist in securing a conference room for the community meeting at the South Cobb Regional Library.
- Matthew Wilson will gather the information for the 100-foot radius to start sending out notification letters.





City of Mableton  
 Community Development | Planning and Zoning Division  
 6116 Mableton Parkway, Suite 444  
 Mableton, GA 30126  
 (470) 417-4220  
 www.mableton.gov

## BOARD OF ZONING APPEAL STAFF REPORT

### GENERAL INFORMATION

**CASE NUMBER:** VAR2025-010

**APPLICANT:** Leo Chuahy c/o Matthew Wilson Boundary Zone, Inc

**REQUEST:** To encroach into the Mableton Stream Buffer, for a total of 500 square feet

**PROPERTY LOCATION:** 185 Wilhelmina Drive, Mableton, Georgia

**PARCEL ID:** 18050900960

**ACREAGE:** 0.36

**HEARING DATE:** February 12<sup>th</sup> 2026

**DISTRICT:** 2 Councilmen McNeely

### ZONING MAP

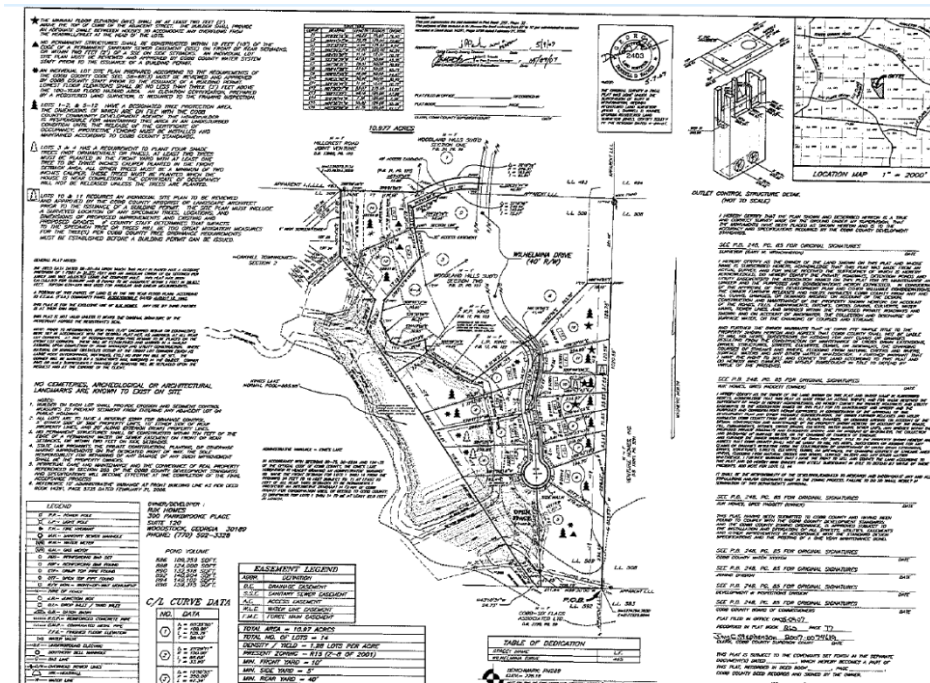


### I. Purpose of Request/Background

The applicant has submitted a request for a variance to reduce the required 75-foot impervious surface setback from a state waters stream in order to permit construction of a detached single-family dwelling. The proposed encroachment would result in approximately 500 square feet of disturbance within the established no-impervious buffer area.

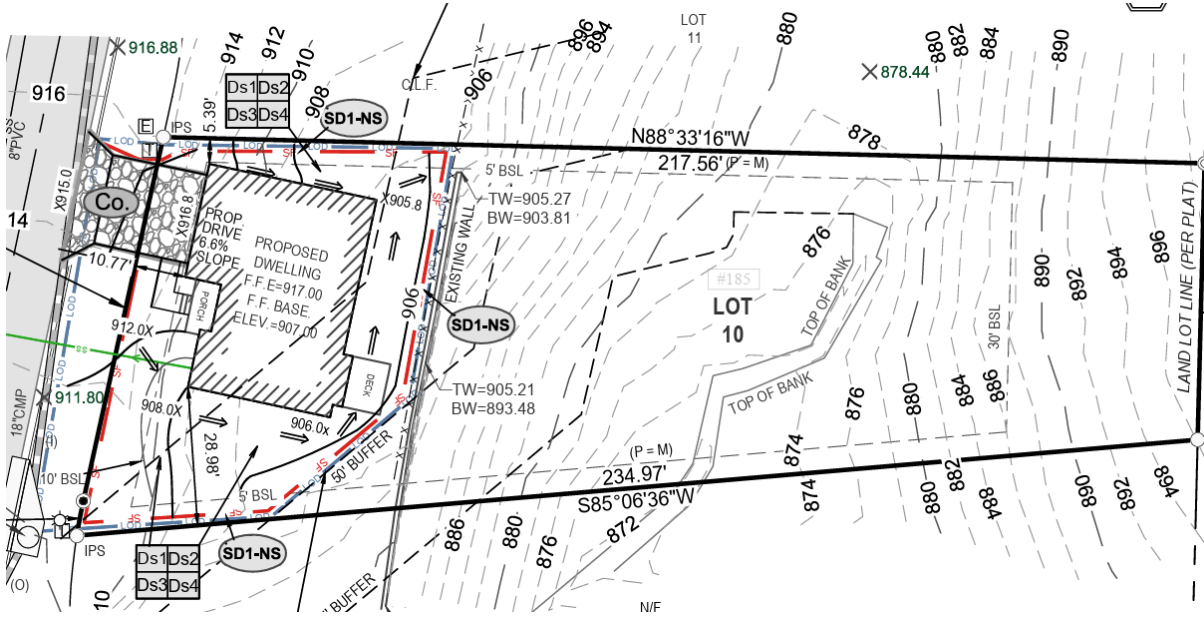
The subject parcel is located within a residential subdivision that was platted in 2006. Prior to final plat approval, the overall development was governed by the Settlement of Litigation associated with zoning case Z-8-01. The approved concept plan for the referenced zoning case did not depict or identify any stream buffers within the boundaries of the subject property. The final plat reflected the state 25' undisturbed buffer. However, after review of Cobb County records it appears that the land disturbance permit issued for this subdivision was issued prior to Cobb County's adoption of the stream buffer ordinance.

### Platted Subdivision

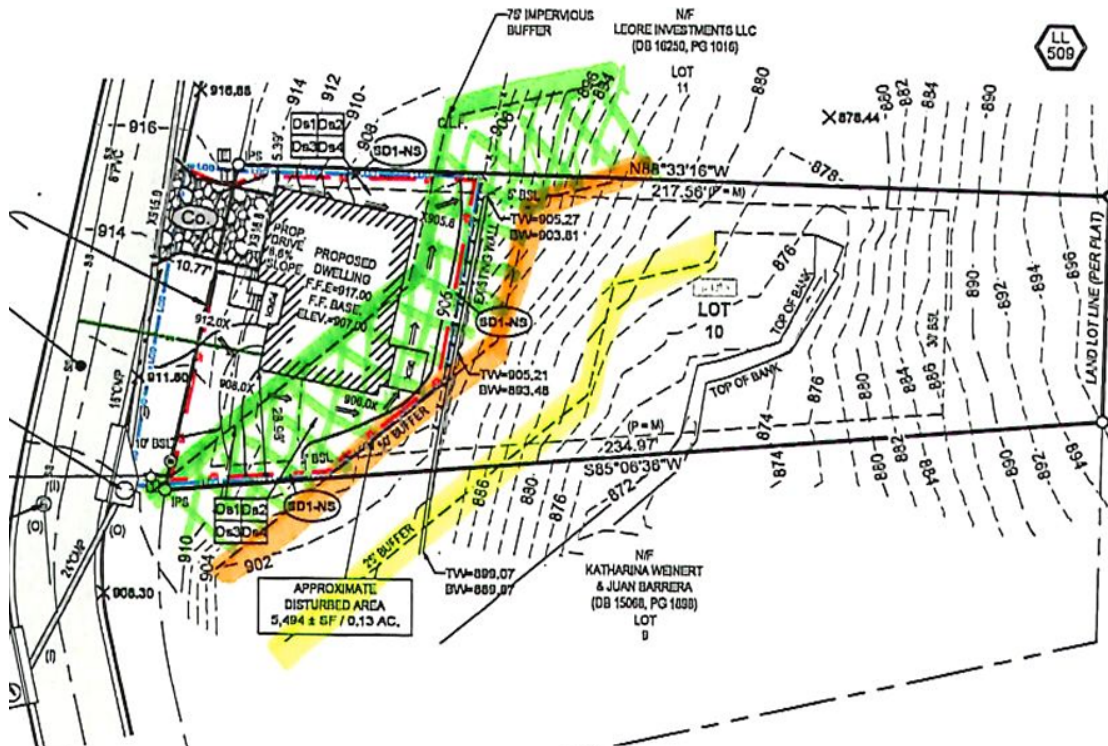




# Proposed Site Plan



Stream Buffer Highlighted in Color



\*Green Hatched area is 75' no impervious setback area

\*Orange Hatched area is 50' undisturbed buffer area

\*Yellowed area is a 25' state undisturbed buffer area

## **II. Code Requirements**

Per Code Sec 50-75(15), a minimum **75-foot impervious surface setback** and **50-foot undisturbed buffer** must be maintained from the top of bank of all state waters. Variances may only be granted upon meeting specific hardship criteria and where impacts can be mitigated.

## **III. Staff Analysis**

### **i) Extraordinary and exceptional conditions pertaining to the particular piece of property due to size, shape, or topography**

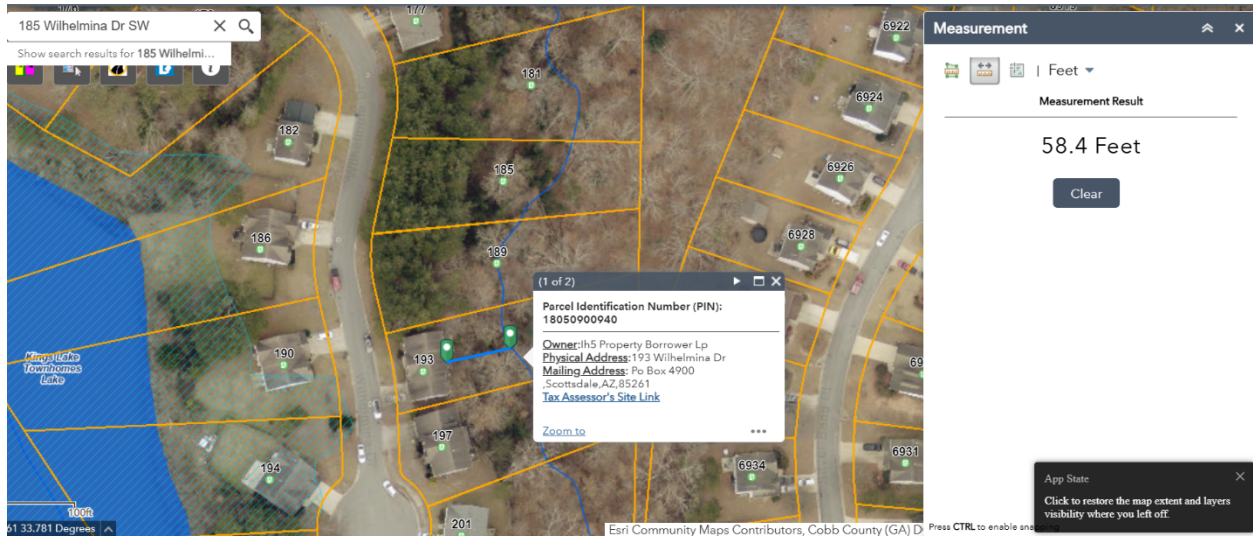
The subject property is uniquely constrained by a perennial stream that runs south to north through the center of the lot. This physical condition significantly limits the available buildable area when the required 25-foot undisturbed, 50-foot undisturbed and 50-foot and 75-foot no-impervious setback buffers are applied. The lot's size and configuration, combined with the stream's location, constitute an extraordinary and exceptional condition not created by the applicant.

### **ii) Application of this chapter to this property would create an unnecessary hardship**

Strict application of the stream buffer requirements would effectively preclude the reasonable use of the property for a permitted single-family residential purpose. Without variance relief, the remaining buildable area outside the buffers is insufficient to accommodate a modest residence and associated site improvements. The requested variance is necessary to allow reasonable use of the property while still maintaining substantial buffer protection.

### **iii) Such conditions are peculiar to the property involved**

The hardship results specifically from the stream bisecting the lot and is not a condition common to other properties throughout the subdivision. The constraints are inherent to the subject parcel's natural features and layout and are not the result of the applicant's actions. Staff notes that properties directly to the south have a similar situation and encroachment into the required impervious setback.



**iv) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter**

The proposed home is limited in size and scale, and the variance request represents the minimum relief necessary. Significant portions of the required stream buffer will remain undisturbed, and no impervious surfaces are proposed within the 75-foot setback beyond what is approved by this variance. Granting the variance will not adversely affect water quality, stream function, or downstream properties and remains consistent with the intent of the stream buffer regulations to protect riparian resources while allowing reasonable property use.

**v) No variance may be granted for a prohibited use or in conflict with stipulations**

The proposed single-family dwelling is a permitted use under the applicable zoning regulations. The requested variance does not authorize a prohibited use and does not conflict with the fundamental stipulations or intent of the stream buffer ordinance.

**Additionally, the model ordinance for the North Metropolitan Georgia Water District requires**

**Variations will be considered only in the following cases:**

- (a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.**
- (b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.**

Variations will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
  - (a) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
  - (b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - (c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
  - (d) Documentation of unusual hardship should the buffer be maintained;
  - (e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
  - (f) A calculation of the total area and length of the proposed intrusion;
  - (g) A stormwater management site plan, if applicable; and,
  - (h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (4) The following factors will be considered in determining whether to issue a variance:
  - (a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - (b) The locations of all streams on the property, including along property boundaries;
  - (c) The location and extent of the proposed buffer or setback intrusion; and,
  - (d) Whether alternative designs are possible which require less intrusion or no intrusion;
  - (e) The long-term and construction water-quality impacts of the proposed variance;
  - (f) Whether issuance of the variance is at least as protective of natural resources and the environment.

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### **Staff Recommendation.**

Staff finds that the variance request does meet the required criteria for approval under the zoning ordinance. Therefore, staff recommends approval of the variance with the following stipulations;

1. All stream buffer areas and an area adjacent to the streambuffer equaling the number to the encroachment be placed in a conservation easement.
2. The site plan for the site be reviewed and approved by Cobb County Stormwater prior to approval of a single family grading permit.

3. That the front setback be reduced to the maximum allowable amount (based on existing zoning or application for administrative variance) to limit the required encroachment into the buffer.