



BOARD CONSIDERATION - VARIANCE APPLICATION

RECEIVED BY	FOR OFFICE USE ONLY	DATE STAMP
PIN # <u>104 - 517</u> BOC DISTRICT# <u>3</u> ZONING: <u>RES3</u> ZA# <u>ZA3650</u> VA# <u>200016</u>		

This transmittal is required to request a public hearing before the Zoning Board of Appeals for consideration of a variance as outlined in the Unified Development Code. This application is also required to request a public hearing for a variance before the Board of Commissioners for four(4) or more lots within a single subdivision.

This application will apply to # _____ of lots.

Numerical or dimensional variances may be granted to permit construction in a manner that would be prohibited, based on a showing that unique circumstances exist on a property. The variance, if granted, shall have application only to the specific regulation for which the variance was sought and shall not impact or modify any other encumbrance, restriction, easement or interest on the subject property.

A. APPLICANT INFORMATION:				
Name :	Aurelio & Edita Mallamace		Business Tel. :	
Address :	4710 Davis Farms Drive	Cumming	GA	30040
E-mail address:				
Agent's Name:	United Hardscapes Inc.		Business Tel. :	678-333-1869
Agent's Address:	4414 Bethelview Road			

B. PROPERTY DATA / APPLICANT'S NARRATIVE :		
Address of property:	4710 Davis Farms Drive	
Subdivision Name:	Davis Farms	Lot #(s) 62
Affected Applications, if applicable,; (e.g. ZA####, SP####,etc.,)		

1) Describe the reason for the variance(s) request:

The variance is requested due to hardship related to a space issue for a swimming pool.
It is to request to encroach on rear setback to respect to house setback.

2) A separate form (page 2) is required for **each** variance request. The number of this variance is: 1

3) Indicate which section of the UDC is requested to be varied, e.g. Chapter 11, Table 11.2 (a).

Section 11-1.3

4) Describe the dimensional variance requested, e.g. *"a variance of 4 feet to allow front setback to be 21 feet"*

A variance of 21' to allow rear setback to be ~~25'~~ 4 feet

Please check the type of variance being requested:

- ☐ Front yard variance
- ☐ Side yard variance
- ☐ # of lots on an easement
- ☐ Buffer variance
- ☒ Rear yard variance
- ☐ Exterior yard variance
- ☐ Lot width variance
- ☐ Building Separation

C. WRITTEN JUSTIFICATION:

5) Specifically address, for each variance requested, the below criteria:

a) Describe why the variance would not negate the purpose and intent of the Code?

Adequate privacy, open space, and accessibility to said area to be maintained thus would not negate the purpose of the code. The variance will not negate the purpose and intent of the UDC due to the proposed inground swimming pool as it will be placed directly behind the house and not noticeably visible to any neighboring property.

b) Describe why the variance would not cause substantial detriment to the public safety, health, or welfare, or be injurious to other property?

The pool would be fenced with 5' self-latching gated per code. Thus, eliminating about mentioned detriment. Furthermore, all public safety and health requirements will be strictly adhered to.

c) Describe why the conditions of your property are unique only to the property which relief is sought and are not applicable generally to other property?

There is limited space available in rear yard to install pool behind house.

d) Describe how this property's physical surroundings (e.g. shape, size, topography) result in an extraordinary hardship or practical difficulty as opposed to a mere inconvenience?

The shape and depth of rear yard restrict the area where pool could be placed.

e) Describe why the requested variance is the minimum necessary to accomplish your proposal?

Pool is pushed up against house, turned sideways and is reduced to 14' (water-edge) width vs. (a normal pool width of) 18'

f) Describe how granting this variance will result in equal or greater protection to adjacent property or natural resource? This description is required if requesting a variance to a buffer or setback.

There are no other variances necessary to keep pool behind the house, thus a 21' variance would be the minimum to install pool.

D. CORPORATE / COMPANY DISCLOSURES:

Pursuant to UDC 8-2.1(H): If the owner or authorized agent is a corporate entity, provide the names of the officers, directors, and stockholders if controlling 10% or more, unless the corporation has stock that is traded on a national stock exchange. Also identify any parties having a direct financial interest in the zoning application other than the owner and applicant (e.g. developer or anticipated commercial occupant). If such additional parties having a direct financial interest are corporations or companies, then provide the names of officers, directors, company members, stockholders with 10% ownership or greater, unless the corporation has stock that is traded on a national stock exchange. In the event that public disclosure of the developer or commercial occupant may cause such developer or occupant to withdraw from pursuing a project due to competition, trade secret, or proprietary business concerns, then an affidavit affirmatively declaring such shall be tendered with the application and in that event only the owner and or authorized applicant shall be identified:

E. PUBLIC HEARING:

Requests for postponement or withdrawal must be made in writing; application fees are not refundable.

A legal notice shall be published in the Forsyth County newspaper regarding the variance request. The applicant is responsible for the advertisement fee of \$15 if the request is postponed.

The staff will prepare the public hearing sign and contact the applicant when the sign is ready to post on site. The applicant shall place the yellow public hearing sign(s) on the subject property at least 21 days, but not more than 45 days prior to the public hearing. It is the applicant's responsibility to maintain the sign(s).

A signed affidavit with a dated photo of each sign(s) placing said sign(s) against a verifiable property landmark shall be submitted to the department, prior to the public hearing. Failure to post the sign(s) and or failure to submit the affidavit will result in the postponement of the hearing.

Attendance at the 7:00 p.m. public hearing is encouraged.

The variance, if granted, shall have application only to the specific regulation for which the variance was sought and shall not impact or modify any other encumbrance, restriction, easement or interest on the subject property.

F. PROPERTY OWNER AUTHORIZATION:

This application must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. **Only an owner or an authorized agent may speak on behalf of this application at the public hearing.**

Owner's Name

Aurelio and Edita Mallamace

Mailing Address:

4710 Davis Farms Drive
Cumming, GA 30040

Signature of Owner:

Aurelio Mallamace

Date:

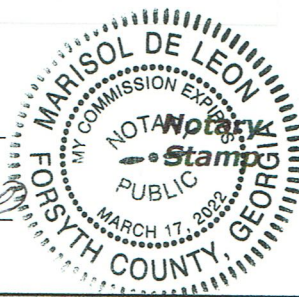
4/20/2020

Signature of Notary:

Marisol de Leon

Date:

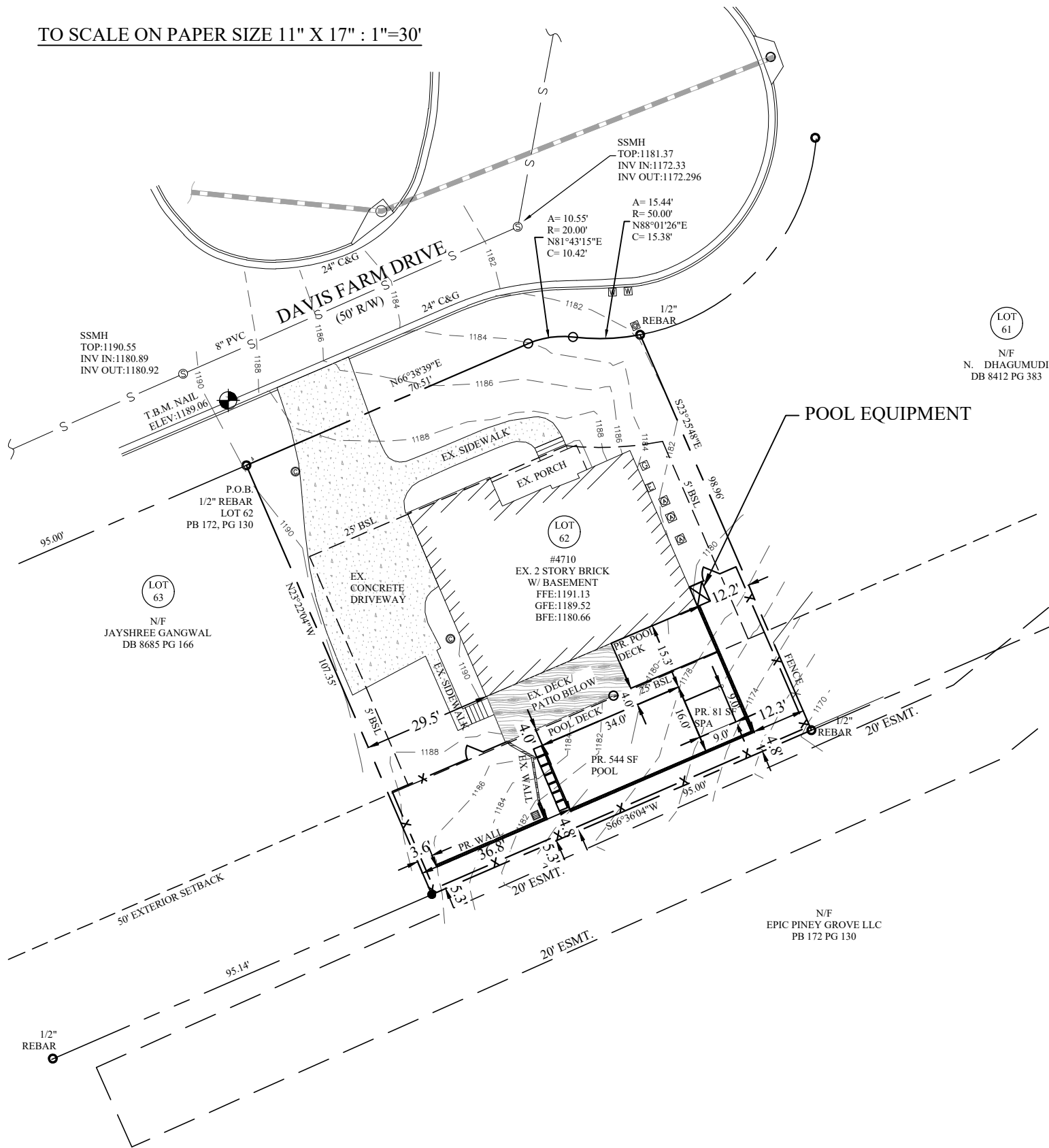
4/20/2020



G. APPLICATION REQUIREMENTS:

- 1. Application:** A completed application form is required. Please do not provide unlisted telephone numbers.
- 2. Fees:** Checks shall be made out to "Forsyth County Board of Commissioners" and shall be processed on the day that an applications is determined complete. Applicant is responsible for re-advertisement fee if postponed. Residential applications are \$250 per Unified Development Code section; Commercial applications are \$350 per UDC section.
- 3. Site Plan:** Provide seven (7) copies to scale and one (1) copy reduced to 8.5"x11". The site plan shall clearly delineate and label the requested variance(s). In the case of an amendment to a buffer or setback required by the Unified Development Code, including those specified in Chapter 21, the variance application must delineate how equal or greater protection will be achieved of the adjacent property or natural resource affected by the proposed development, should the variance be granted. The site plan at a minimum must include: layout of streets, lot dimensions, setbacks, streams, flood prone areas, wetlands, proposed structures with square footages, proposed uses for each structure, right-of-way, driveways, accessory equipment (pool pumps, etc.), and the structure address.
- 4. Written Evaluation:** All variance applications shall include a written justification explaining why the variance should be granted. Completing this application form in its entirety will meet this requirement.
- 5. Legal Description:** Provide a written long form legal description including metes and bounds.
- 6. Boundary survey:** One (1) copy of a boundary survey to scale, and One (1) copy reduced to 8.5"x11".
- 7. Taxes:** Confirmation of paid county taxes.

TO SCALE ON PAPER SIZE 11" X 17" : 1"=30'



DATE	REVISION	NO.
3/16/2020	REVISION PER COUNTY COMMENTS	1

VARIANCE EXHIBIT
PREPARED FOR: MALLAMACE RESIDENCE,
LOT 62, DAVIS FARM S/D
LAND LOT 128, 2ND DISTRICT, 1ST SECTION
4710 DAVIS FARMS DRIVE
CUMMING, GEORGIA 30040
DATE 3/16/2020

NOT VALID WITHOUT
ORIGINAL SIGNATURE



4/7/20
FOR THE FIRM
BOUNDARY ZONE, INC.
LEVEL II DESIGN
7796

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSONS WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

© COPYRIGHT 2020 - BOUNDARY ZONE, INC.
THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

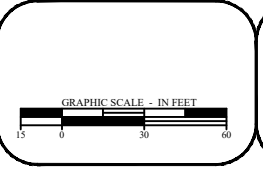
TOTAL AREA: 0.232 ACRES / 10,094 SQUARE FEET

BOUNDARY REFERENCE: DB 8843, PG 551, PB 172, PG 130
FIELDWORK PERFORMED ON 03/04/2020

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 193,283 FEET

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 0.02 FEET



- LEGEND:**
- PROPERTY CORNER FOUND (AS NOTED)
 - 1/2" REBAR WITH CAP SET LSF# 839
 - R/W MONUMENT
 - FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - POWER POLE
 - YARD DRAINS
 - SIGN
 - POWER METER
 - A/C UNIT
 - LIGHT POLE
 - GUY WIRE
 - MANHOLE
 - CLEAN OUT
 - GAS METER
 - GAS VALVE
 - CABLE BOX
 - TELEPHONE BOX
 - W- WATER LINE
 - U- OVERHEAD UTILITY LINE
 - S- SEWER LINE
 - G- GAS LINE
 - C- CABLE LINE
 - T- TELEPHONE LINE
 - X- FENCE LINE
 - S- SILT FENCE
 - U- TREE PROTECTION
 - HB- HAY BALES
 - FW- FLOW WELL LINE
 - N/F- NOW OR FORMERLY
 - RIGHT-OF-WAY
 - BSL- BUILDING SETBACK LINE
 - CNTL- CANTILEVER
 - C.R.Z- CRITICAL ROOT ZONE
 - S.R.P- STRUCTURAL ROOT PLATE (TYP.)
 - L.L- LAND LOT
 - CONC. CONCRETE
 - EOP- EDGE OF PAVEMENT
 - CL- CONTOUR LINE
 - F.F.E- FINISH FLOOR ELEVATION
 - B.F.E- BASEMENT FLOOR ELEVATION
 - G.F.E- GARAGE FLOOR ELEVATION
 - GGE- GROUND ELEVATION
 - SEE SURFACE ELEVATION
 - TW-1000.0 TOP OF WALL ELEVATION
 - BW-1000.0 BOTTOM OF WALL ELEVATION
 - TF-1000.0 TOP OF FOOTER ELEVATION
 - SF- SILT FENCE
 - DR- DRAINAGE ARROW
- TREE LEGEND**
- HARDWOOD TREE
 - PINE TREE
 - X TO BE REMOVED



BOUNDARY zone inc.
LAND SURVEYING SERVICES & LAND PLANNING SERVICES

SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING
WWW.BOUNDARYZONE.COM (770) 271-5772

SUWANEE (770) 271-5772
454 SATELLITE BLVD, SUITE 200
SUWANEE, GEORGIA 30024

ATLANTA (404) 446-6180
1100 PEACHTREE ST, SUITE 200
ATLANTA, GEORGIA 30309

KENNESAW (678) 736-4931
675 CUMMINGS PLACE, SUITE 101
KENNESAW, GEORGIA 30144

PROJECT
21791.02

SHEET
1 OF 1

4710 DAVIS FARM DRIVE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 128, OF THE 2ND DISTRICT, 1ST SECTION, OF FORSYTH COUNTY, GEORGIA AND BEING PARTICULARLY DESCRIBED LOT 62, DAVIS FARM S/D, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR) AT THE INTERSECTION OF THE NORTHWESTERLY CORNER OF LOT 62 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF DAVIS FARM DRIVE; THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID RIGHT-OF-WAY LINE OF DAVIS FARM DRIVE THE FOLLOWING COURSES AND DISTANCES: NORTH 66 DEGREES 38 MINUTES 39 SECONDS EAST A DISTANCE OF 70.51 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 10.55 FEET, HAVING A RADIUS OF 20.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 81 DEGREES 43 MINUTES 15 SECONDS EAST, A DISTANCE OF 10.42 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 15.44 FEET, HAVING A RADIUS OF 50.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 88 DEGREES 01 MINUTES 26 SECONDS EAST, A DISTANCE OF 15.38 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 23 DEGREES 25 MINUTES 48 SECONDS EAST A DISTANCE OF 98.96 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 66 DEGREES 36 MINUTES 04 SECONDS WEST A DISTANCE OF 95.00 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE NORTH 23 DEGREES 22 MINUTES 04 SECONDS WEST A DISTANCE OF 107.35 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING (0.232 ACRES 10,094 SQUARE FEET),

2019 Property Tax Statement

Matthew C. Ledbetter
Forsyth County Tax Commissioner
1092 Tribble Gap Rd
Cumming, GA 30040-2236
tax@forsythco.com

Phone: (770) 781-2110, Fax: (678) 455-1207

MALLAMACE AURELIO &
MALLAMACE EDITA
4710 DAVIS FARMS DR
CUMMING, GA 30040

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2019-224686	11/15/2019	\$0.00	\$1216.78	\$0.00	Paid 10/30/2019

Map: 104 517

Printed: 04/16/2020

Location: 4710 DAVIS FARMS DR

INTEREST, PENALTIES, AND OTHER FEES WILL APPLY AFTER DUE DATE.

If taxes are paid by your mortgage company, send them the top portion only.

Matthew C. Ledbetter
Forsyth County Tax Commissioner
1092 Tribble Gap Rd
Cumming, GA 30040-2236
tax@forsythco.com

Phone: (770) 781-2110, Fax: (678) 455-1207



Tax Payer: MALLAMACE AURELIO &
MALLAMACE EDITA

Map Code: 104 517 Real

Description: 2-1 128 LT 62 DAVIS FARMS

Location: 4710 DAVIS FARMS DR

Bill No: 2019-224686

District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
0.00	110,000.00	0.2300	\$110,000.00	11/15/2019				
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY BOND	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	0.970000	\$42.68	\$0.00	\$42.68
COUNTY M&O	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	7.472000	\$328.77	\$0.00	\$328.77
FIRE DISTRICT	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	2.175000	\$95.70	\$0.00	\$95.70
SALES TAX CREDIT	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	-2.681000	\$0.00	-\$117.96	\$-117.96
SCHOOL BOND	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	2.418000	\$106.39	\$0.00	\$106.39
SCHOOL M&O	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	17.300000	\$761.20	\$0.00	\$761.20
STATE TAX	\$110,000.00	\$44,000.00	\$0.00	\$44,000.00	0.000000	\$0.00	\$0.00	\$0.00
TOTALS					27.654000	\$1,334.74	-\$117.96	\$1,216.78

If receipt is desired, please send a self-addressed, stamped envelope.

*** If taxes are past due, please call us at 770-781-2110 for current amount as interest and other fees continue to accrue.

Current Due	\$1,216.78
Discount	\$0.00
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$1,216.78
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	10/30/2019