

# Application for "Other Business"

## Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: May 19, 2009

Applicant: JDH Capital, LLC Phone #: (704) 357-1220  
(applicant's name printed)

Address: Suite B, 3735 Beam Road, Charlotte, North Carolina 28219 E-Mail: Not Applicable

Moore Ingram Johnson & Steele, LLP  
J. Kevin Moore Address: Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

 Phone #: (770) 429-1499 E-Mail: jkm@mijs.com; w7@mijs.com  
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

 My commission expires: January 10, 2011  
Notary Public

Commission District: 4 Zoning Case: Z-6 (1997)

Date of Zoning Decision: 02/18/1997 Original Date of Hearing: 02/18/1997

Location: Intersection of the easterly side of Austell Road and the northerly side of  
(street address, if applicable; nearest intersection, etc.) Milford Church Road

Land Lot(s): 631 District(s): 19th

State specifically the need or reason(s) for Other Business: \_\_\_\_\_

See Exhibit "A" attached hereto and made a part hereof by reference.

(List or attach additional information if needed)

**EXHIBIT "A"**  
**ATTACHMENT TO APPLICATION FOR OTHER BUSINESS**  
**(SITE PLAN APPROVAL)**

<b>Application No.:</b>	<b>Z-6 (1997)</b>
<b>Original Hearing Date:</b>	<b>February 18, 1997</b>
<b>Date of Zoning Decision:</b>	<b>February 18, 1997</b>
<b>Current Hearing Date:</b>	<b>May 19, 2009</b>

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant: JDH Capital, LLC**

During the original zoning approval on February 18, 1997, the Cobb County Board of Commissioners reserved final approval of a site plan for any shopping center development on the property located at the intersection of the easterly side of Austell Road and the northerly side of Milford Church Road (hereinafter the "Subject Property"). In accordance with this zoning condition, Applicant seeks approval of the following:

- (1) Preliminary Site Plan dated January 9, 2009, prepared for Applicant by Development Planning and Engineering, Inc.
- (2) Site specific variances per the Preliminary Site Plan as follows:
  - (a) Waiver to allow for the reduction in the required minimum number of parking spaces from five (5) spaces per 1,000 square feet to 4.5 spaces per 1,000 square feet. (See § 134-272(5)(d))
  - (b) Waiver to allow for the reduction of the required thirty-five (35) foot landscape buffer along residentially zoned property to a thirty (30) foot proposed natural gas easement with a ten (10) foot landscaped buffer to allow for the relocation of an existing gas line; however, this request is limited to the specific area shown on the submitted Site Plan and does not seek a general reduction or waiver along the entire shared boundary line. (See § 134-218(5)(b))
- (3) Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes of the Board of Commissioners Zoning Hearing held on February 18, 1997, in Application No. Z-6 (1997), are unaltered or unchanged by this request for site plan approval.