

**AUGUST 17, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM #7

PURPOSE

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their August 11, 2010 Variance Hearing regarding Variance Applications:

V-58 WAFFLE HOUSE, INC.

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on September 12, 2000, and amended on July 8, 2003, Section 134-271(8), any use proposed for a parcel or tract of land which does not have the minimum lot size required, approval of a Special Exception by the Board of Commissioners is required after approval by the Board of Zoning Appeals. Attached is the Variance Analysis and recommendation of the Board of Zoning Appeals for the case that was considered at the August 11, 2010 Variance Hearing that required a Special Exception.

FUNDING

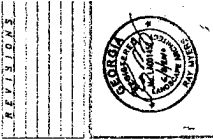
N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction in the required minimum lot size as recommended by the Board of Zoning Appeals for Variance case V-58 WAFFLE HOUSE, INC..

ATTACHMENTS

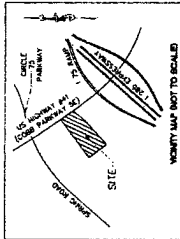
Variance Analysis
Board of Zoning Appeals Recommendation



V-58 (2010)

WAFFLE HOUSE
2754 COBB PARKWAY
ATLANTA, GEORGIA 30339

DATE	11.11.2010
DRAWN	RAA
CHECKED	WH
SCALE	1"=10'
PROJECT NO.	100000000
SHEET NO.	1
TOTAL SHEETS	1
THIS DRAWING IS THE PROPERTY OF RAA DESIGN LLC AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF RAA DESIGN LLC.	



LEGEND

10'	10' BUFFER
15'	15' BUFFER
20'	20' BUFFER
30'	30' BUFFER
40'	40' BUFFER
50'	50' BUFFER
60'	60' BUFFER
75'	75' BUFFER
100'	100' BUFFER
120'	120' BUFFER
150'	150' BUFFER
200'	200' BUFFER
250'	250' BUFFER
300'	300' BUFFER
350'	350' BUFFER
400'	400' BUFFER
450'	450' BUFFER
500'	500' BUFFER
550'	550' BUFFER
600'	600' BUFFER
650'	650' BUFFER
700'	700' BUFFER
750'	750' BUFFER
800'	800' BUFFER
850'	850' BUFFER
900'	900' BUFFER
950'	950' BUFFER
1000'	1000' BUFFER

PARKING INFORMATION

1. MINIMUM SPACES
22 SPACES TOTAL

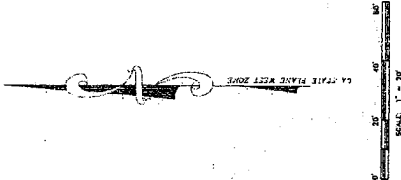
ZONING INFORMATION

ZONING: SC (SPECIAL COMMERCIAL)

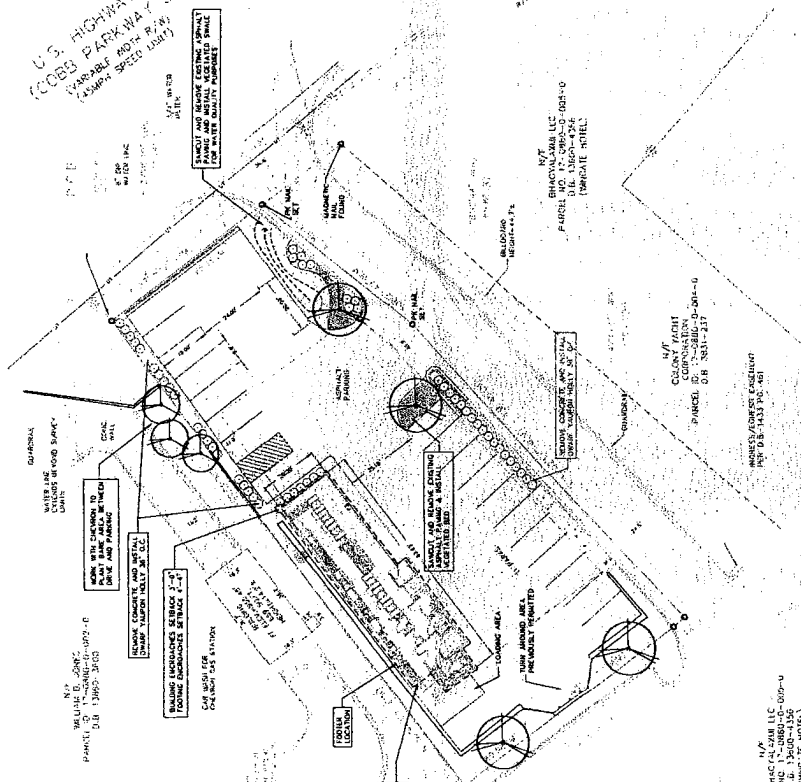
FRONT YARD SETBACK: 25'
SIDE YARD SETBACK: 5'
REAR YARD SETBACK: 5'

FLOOD INFORMATION

THIS PROPERTY IS LOCATED IN FLOOD ZONE (AREA OF SPECIAL FLOODING) WITH AN ELEVATION OF 100.00 FEET.



U.S. HIGHWAY 41
(COBB PARKWAY SE)
VAZARIS BLVD
CARRIAGE DRIVE



VARIANCES REQUESTED:

- LANDSCAPE COVERAGE (IMPERVIOUS AREA)
- LANDSCAPE COVERAGE (PERVIOUS AREA)
- MINIMUM SETBACKS (FRONT AND REAR)
- MINIMUM SETBACKS (SIDE AND REAR)
- MINIMUM SETBACKS (FRONT AND REAR)
- MINIMUM SETBACKS (SIDE AND REAR)
- MINIMUM SETBACKS (FRONT AND REAR)
- MINIMUM SETBACKS (SIDE AND REAR)
- MINIMUM SETBACKS (FRONT AND REAR)
- MINIMUM SETBACKS (SIDE AND REAR)
- MINIMUM SETBACKS (FRONT AND REAR)
- MINIMUM SETBACKS (SIDE AND REAR)

CURRENT IMPERVIOUS AREA: 15,425 SF +/- (92.47%)
PROPOSED IMPERVIOUS AREA: 14,044 SF +/- (84.19%)

RECEIVED
JUN - 8 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Waffle House, Inc. **PETITION NO.:** V-58
PHONE: 770-729-5804 **DATE OF HEARING:** 08-11-10
REPRESENTATIVE: Charles Richardson **PRESENT ZONING:** GC
PHONE: 770-729-5804 **LAND LOT(S):** 880
PROPERTY LOCATION: Located on the southwesterly **DISTRICT:** 17
side of U.S. Highway 41, south of Spring Road **SIZE OF TRACT:** 0.383 acre
(2754 Cobb Parkway). **COMMISSION DISTRICT:** 2

TYPE OF VARIANCE: 1) Waive the maximum impervious surface in a Regional Activity Center from 80% to 84.19%; 2) waive the landscape enhancement strip from 8 feet to zero feet; 3) waive the side setback from the required 10 feet to 5 feet adjacent to the northern property line; 4) waive the rear setback from 30 feet to 29 feet; 5) waive the minimum lot size from 20,000 square feet to 16,681 square feet (existing); and 6) waive the depth of a parking space from 19 feet to 18 feet.

COMMENTS

TRAFFIC: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to the project improvements.

DEVELOPMENT & INSPECTIONS: No comments.

STORMWATER MANAGEMENT: The applicant is working with Community Development as well as the Stormwater Management Division to mitigate drainage concerns on this site. The proposed plan is a significant reduction in impervious coverage over the existing site conditions.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

CEMETERY PRESERVATION: No comment.

WATER: No conflict.

SEWER: No conflict.

OPPOSITION: NO. OPPOSED **PETITION NO.** **SPOKESMAN**

BOARD OF APPEALS DECISION

APPROVED X **MOTION BY** J. Williams

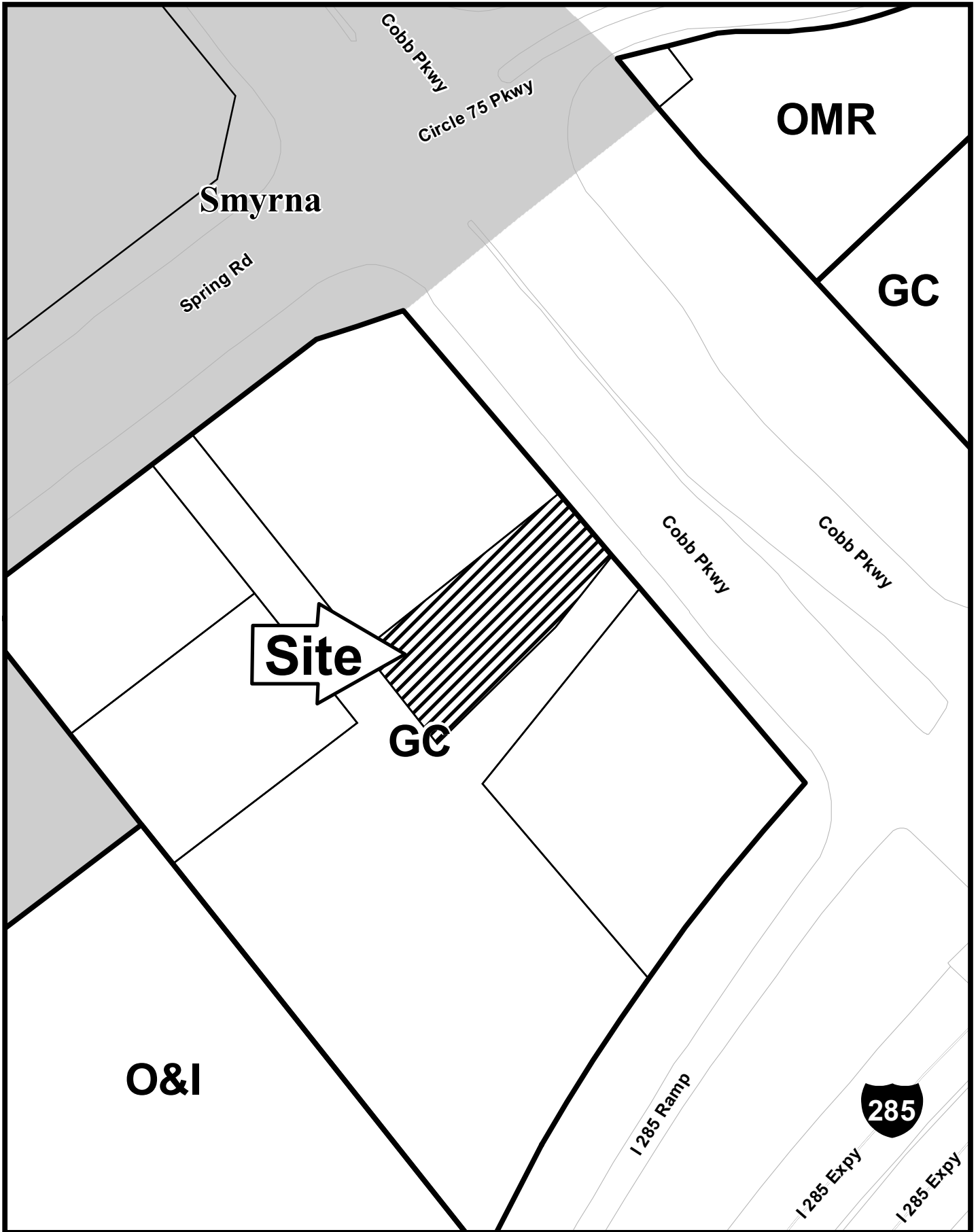
REJECTED **SECONDED** K. Swanson

HELD **CARRIED** 5-0

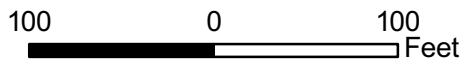
STIPULATIONS: 1. Traffic and Stormwater Management comments; 2) Subject to ratification by the Board of Commissioners for the reduction of the minimum lot size.





V-58



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

(type or print clearly)

Application No. V-58

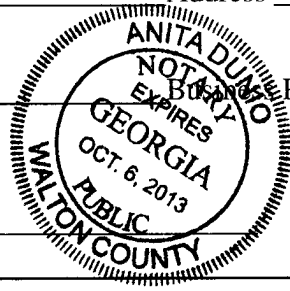
Hearing Date: 8-11-10

Applicant Waffle House, Inc. Business Phone (770) 729-5804 Home Phone (770) 729-5700

Charles Richardson
(representative's name, printed)

Address 5986 Financial Dr. Norcross, GA 30071
(street, city, state and zip code)

[Signature]
(representative's signature)



Phone (770) 729-5804 Cell Phone (706) 284-6611

Signed, sealed and delivered in presence of:

[Signature]

Notary Public

My commission expires: _____

Titleholder WA Capital, LLC Business Phone (770) 729-5700 Home Phone _____

Signature [Signature]
(attach additional signatures, if needed)

Address: 3290 Northside Pkwy Suite 385
(street, city, state and zip code)
Atlanta, GA 30327

Ken Williams

Signed, sealed and delivered in presence of:

[Signature]

Notary Public

My commission expires: _____

Present Zoning of Property IRC - Commercial GC

Location 2754 Cobb Pkwy Atlanta, GA 30339
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 880 District 17 Size of Tract .383 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 .383 ac Shape of Property Rec. Topography of Property sloping Other _____

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 attached narrative (Exhibit "A")

List type of variance requested: Landscaping / Lot Coverage, Drainage, impervious area, storm water

Variance Narrative:

The Cobb County Ordinance Section 124-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without variance would create an unnecessary hardship. In terms of the Waffle House property located at 2754 Cobb Parkway, the strict adherence to the code would create a very real hardship by making redevelopment of the parcel impossible.

Waffle House recently purchased this property from a franchise holder and hopes to improve the business as well as the grounds and facility. Our property is 0.383 acres in size with a portion used as the access drive to our restaurant and the businesses located behind us (to the west). The current property was developed in 1974 in accordance to the development codes of that time. The size and shape of this property would make it impossible to develop/redevelop under the current codes. Without the variances requested, the property would have to remain as is for the duration of its use. If this is the case, we would have no other choice but to continue to operate the restaurant in its current condition.

Although we are requesting multiple variances, we have worked with Mr. Rob Hosack and his team at the Cobb County Community Development Department to design a plan that would improve our property significantly. The current property is 92.47% impervious with very little landscaping and no attempt at water quality controls. Our proposed plan calls for the building to be shifted further away from Cobb Parkway and parking lot landscaping installed, reducing the impervious area to 84.19%. The southeast corner of our parking lot would be removed and a landscape island is proposed with a grassed swale to help aid in increasing the water quality of our run off prior to reaching the storm water system. In addition to added landscaping and water quality, we are proposing to tear down the existing building and replace it with our newest building design. The new design is far superior to the 1974 structure in aesthetics, both inside and out, as well as form and function. We feel that the construction of a new building, along with the improvements proposed would greatly benefit both Waffle House and the Cobb County community. It is our goal to redevelop this site to better serve our clients and the community and improve the look and feel of the property while decreasing the impact of our storm water runoff in the process.

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 11, 2010**

V-58 **WAFFLE HOUSE, INC.** (WH Capital, LLC, owner) requesting a variance to: 1) waive the maximum impervious surface in a Regional Activity Center from 80% to 84.19%; 2) waive the landscape enhancement strip from 8 feet to zero feet; 3) waive the side setback from the required 10 feet to 5 feet adjacent to the northern property line; 4) waive the rear setback from 30 feet to 29 feet; 5) waive the minimum lot size from 20,000 square feet to 16,681 square feet (existing); and 6) waive the depth of a parking space from 19 feet to 18 feet in Land Lot 880 of the 17th District. Located on the southwesterly side of U.S. Highway 41, south of Spring Road (2754 Cobb Parkway).

MOTION: Motion by Williams, second by Swanson, as part of the Consent Agenda, to approve variance request subject to:

- **Traffic and Stormwater Management comments**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on August 17, 2010 at 9:00 a.m.**

VOTE: **ADOPTED** unanimously