

APPLICANT: Merchants Walk (E&A), LLC **PETITION NO.:** V-81
PHONE: 770-429-1499 **DATE OF HEARING:** 11-10-10
REPRESENTATIVE: John H. Moore **PRESENT ZONING:** CRC
PHONE: 770-429-1499 **LAND LOT(S):** 901, 902, 903, 971
PROPERTY LOCATION: Located near the southwest **DISTRICT:** 16
intersection of Johnson Ferry Road and Roswell Road. **SIZE OF TRACT:** 39.41 acres
COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Allow electronic signage to be 120 square-feet per allowable sign area in lieu of 32 square-feet per allowable sign area; and 2) allow freestanding signage on road with less than 200 feet of road frontage.

COMMENTS

TRAFFIC: Recommend applicant verify that signs do not obstruct visibility per Cobb County Development Standard Detail 109. Recommend GDOT permits for all work that encroaches upon State right-of-way.

DEVELOPMENT & INSPECTIONS: No comments.

STORMWATER MANAGEMENT: No comments.

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: 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 land lot.

WATER: No conflict.

SEWER: No conflict.

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

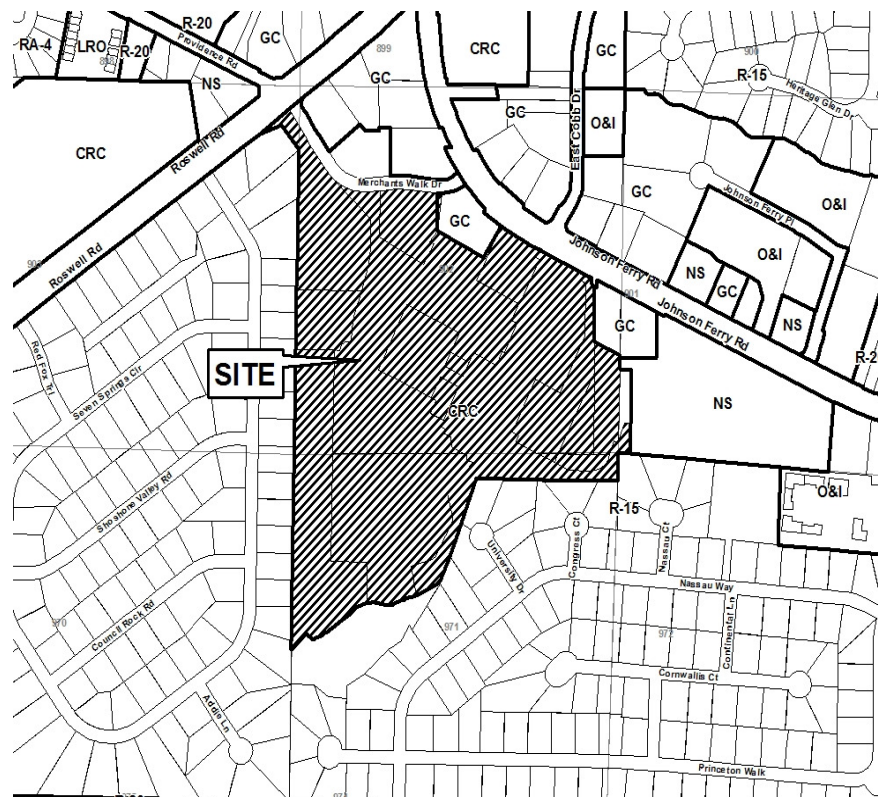
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

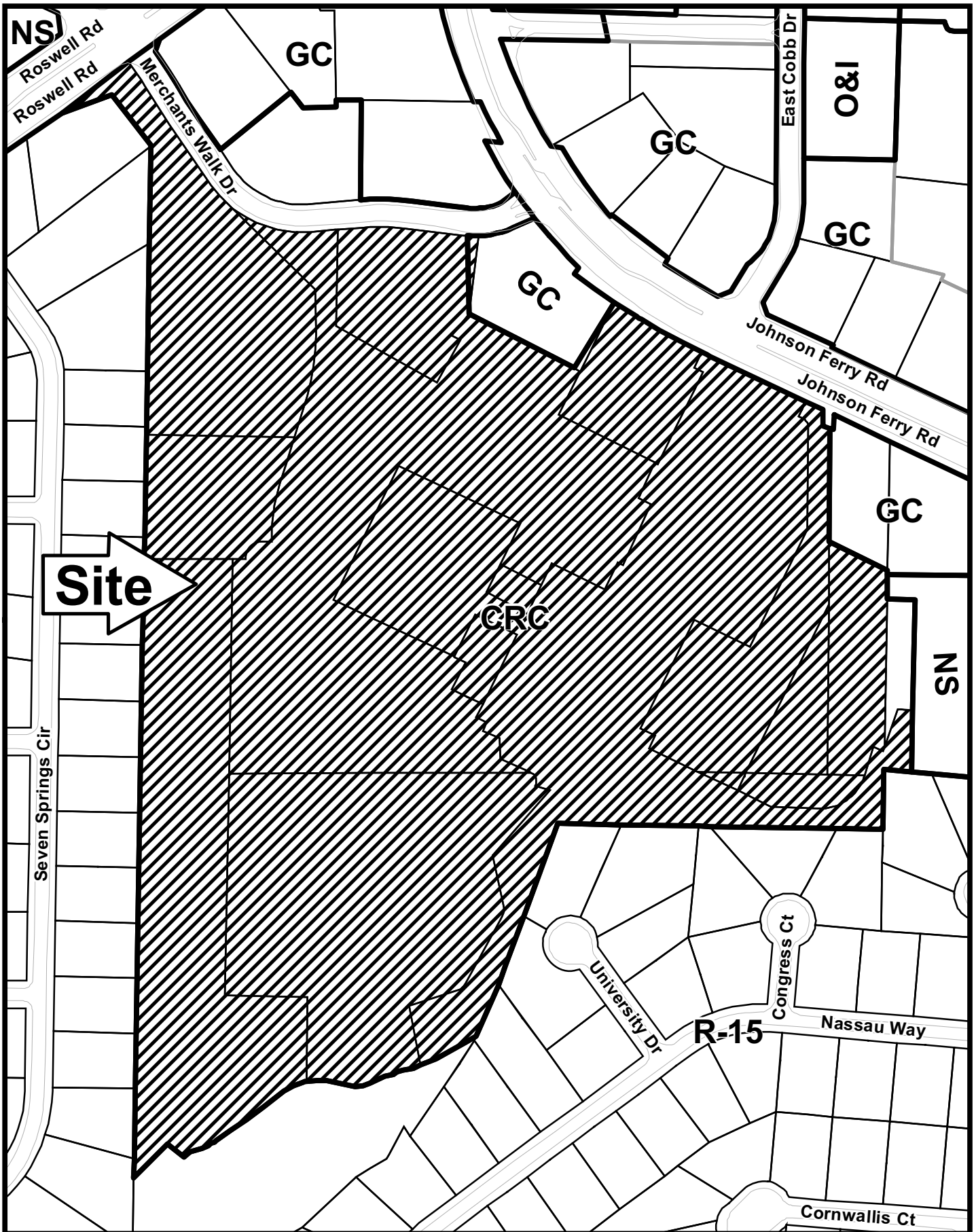
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS: _____



V-81

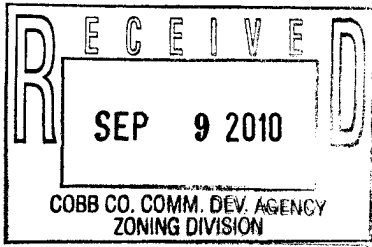


This map is provided for display and planning purposes only. It is not meant to be a legal description.

200 0 200 Feet



City Boundary
Zoning Boundary



Application for Variance Cobb County

(type or print clearly)

Application No. v-81 (2010)
Hearing Date: 11/10/2010

Applicant Merchants Walk (E&A), LLC Business Phone _____ Home Phone Not Applicable
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
John H. Moore Address Marietta, GA 30060
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Business Phone (770) 429-1499 Cell Phone (404) 313-5664
(representative's signature)

My commission expires: January 10, 2011
Signed, sealed and delivered in presence of:
[Signature]
Notary Public

Titleholder Merchants Walk (E&A), LLC and Kohl's Department Stores Inc. Business Phone _____ Home Phone _____
Signature See Exhibit "A" for Signatures Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____
Signed, sealed and delivered in presence of: _____
Notary Public

Present Zoning of Property CRC, with stipulations; GC
Property known as Merchants Walk Shopping Center located on southerly side of
Location Roswell Road and southwesterly side of Johnson Ferry Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 901, 902, 903, 971 District 16th Size of Tract 39.41 Acre(s)

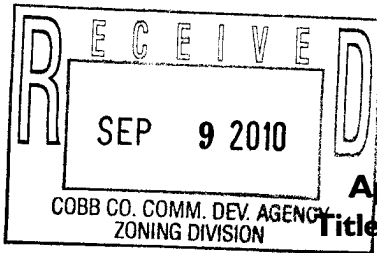
Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other X

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

List type of variance requested: (1) Waiver of § 134-313(o)(2)(b) to allow for the proposed electronic signage to exceed 32 square feet per allowable sign area; and (2) Waiver of § 134-313(o)(2)(a) to allow for the proposed electronic signage to be located on a roadway with less than 200 feet of public road frontage.

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE



Application No.: V- 81 (2010)
Hearing Date: November 10, 2010

Applicant:
Titleholders:

Merchants Walk (E&A), LLC
Merchants Walk (E&A), LLC and
Kohl's Department Stores, Inc.

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant and one of the Property Owners, Merchants Walk (E&A), LLC (hereinafter collectively referred to as "Applicant"), has been involved in the redevelopment of Merchants Walk Shopping Center for approximately five years. The redevelopment project is nearing the final stages; and, as such, Applicant is replacing the existing signage consisting of two signs on Roswell Road and two signs on Johnson Ferry Road with one sign at each location. The total square footage of the proposed, new signage at each location does not exceed the size of the existing signage. As part of the proposed new signage, Applicant has incorporated an electronic reader board component to allow the movie theatre to post titles and times of movies. The reader board signage for this type of use is much neater, cleaner, more attractive, and more efficient than using the traditional letter board signage which is currently in use at the Shopping Center. The newly enacted Sign Ordinance section of the Cobb County Code limits the size of electronic reader board signage. Therefore, Applicant must seek a variance to waive the size requirement for the electronic reader board signs which would show only the titles and times of movies showing at the movie theatre within the Merchants Walk Shopping Center.

List type of variance requested:

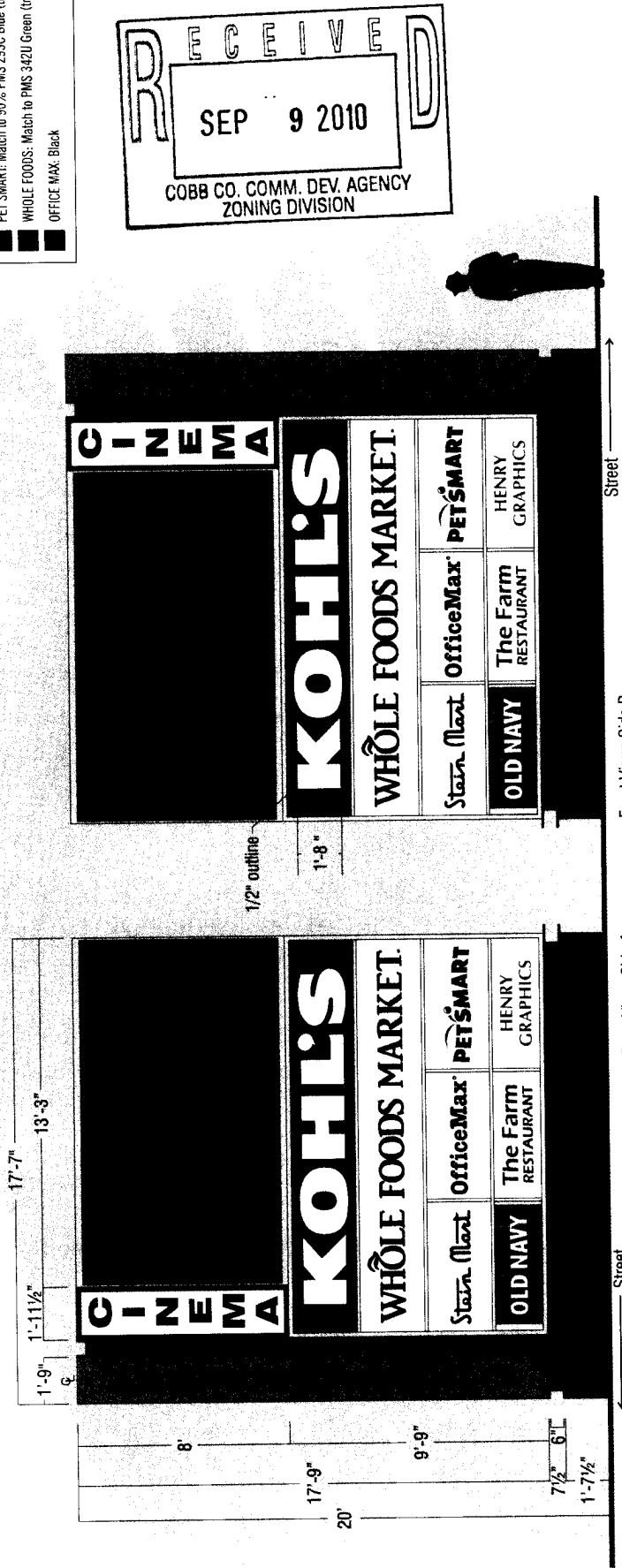
- (1) Waiver of § 134-313(o)(2)(b) to allow for the proposed electronic signage to exceed 32 square feet per allowable sign area to the proposed 120 square foot area; and
- (2) Waiver of § 134-313(o)(2)(a) to allow for the proposed electronic signage to be located on a roadway (Roswell Road) with less than 200 feet of public road frontage.

Merchants Walk
Main ID - Graphics Layout

770-932-3222
fax 770-614-3056
toll free 1-866-744-6999
1030 Parkway Industrial Park Dr.
Buford, GA 30518

TENANT COLORS:

□	FACES: White 7328 acrylic
■	KOHL'S: 3M Burgundy 3630-49 (translucent)
■	KOHL'S: Black HP (outline)
■	STEIN MART: 3M Holly Green 3630-76 (translucent)
■	PET SMART: Match to PMS 186C Red (translucent)
■	PET SMART: Match to 90% PMS 293C Blue (translucent)
■	WHOLE FOODS: Match to PMS 342U Green (translucent)
■	OFFICE MAX: Black



Street

Front View: Side B

Front View: Side A

Street

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Date: _____
Approval: _____

Scale: 1/4" = 1'

Supervisor: Kim Whiting
Project Manager: Tom Whiting
Designer: Tony Mariani
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Issue Date: 08/16/10
Revised: 08/24/10
Revised: 09/08/10