



**APPLICANT:** Realm Realty **PETITION NO.:** V-36  
**PHONE:** 713-465-0001 **DATE OF HEARING:** 05-11-11  
**REPRESENTATIVE:** Steven W. Griggs **PRESENT ZONING:** PSC  
**PHONE:** 713-579-3297 **LAND LOT(S):** 923  
**PROPERTY LOCATION:** At the southwest **DISTRICT:** 17  
Intersection of Powers Ferry Road and Terrell Mill Road. **SIZE OF TRACT:** 7.62 acres  
**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the front setback from the required 100 feet to 28 feet for the existing building, and from 100 feet to 50 feet for the future building; 2) waive the side setback adjacent to the south property line from the required 50 feet to 25 feet (existing); 3) waive the 40 foot buffer to 10 feet at the southwest corner of the property; 4) waive the required number of parking spaces from the required 434 parking spaces to 409 parking spaces; and 5) waive the maximum allowable impervious surface in a Community Activity Center from 70% to 86%.

**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on traffic.

**DEVELOPMENT & INSPECTIONS:** No comments.

**STORMWATER MANAGEMENT:** Applicant must address plan review 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:** No comment.

**WATER:** No Conflict.

**SEWER:** No Conflict.

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

**BOARD OF APPEALS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:** \_\_\_\_\_

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# **Cobb County Fire and Emergency Services**

## **Fire Marshal Comments**

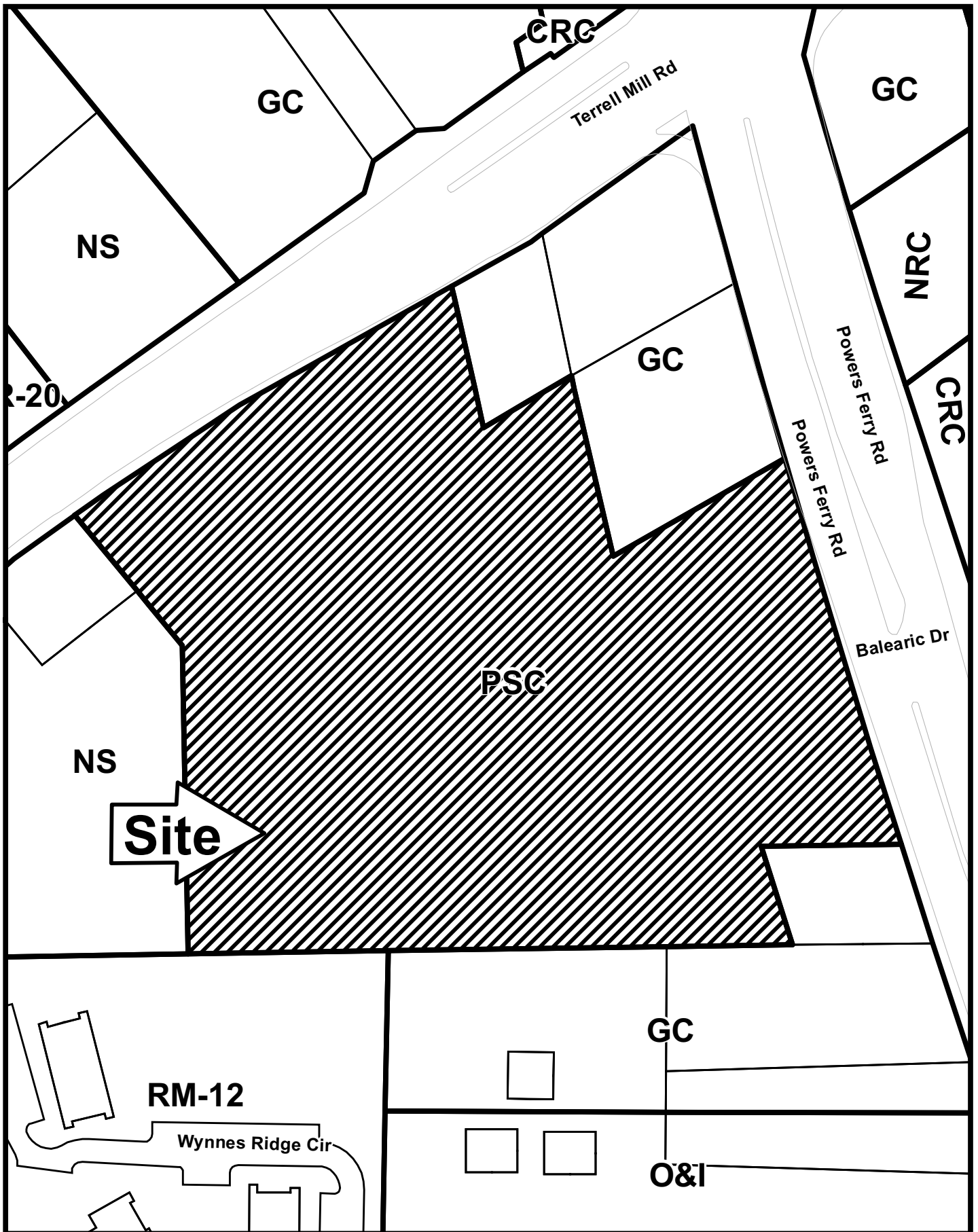
Applicant Name: **Realm Realty**

Petition Number: V-36

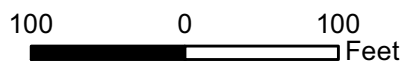
Date: 5/3/2011

**NO COMMENTS:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-36



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)

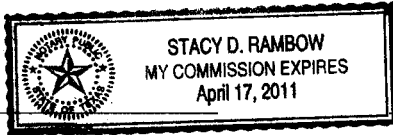
Application No. V-36  
Hearing Date: 5-11-11

Applicant REALM REALTY Phone # 713-465-0001 E-mail dbraband@realmrealty.com

STEVEN W. GRIGGS Address 900 TOWN & COUNTRY LANE, HOUSTON, TX 77024  
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 713-519-3297 E-mail sgriggs@developmentsservices  
(representative's signature) (street, city, state and zip code) inc.com

My commission expires: 04-17-11



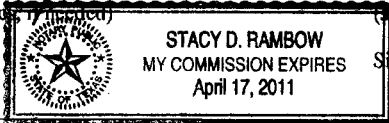
Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

Titleholder AMERICAN NATIONAL INSURANCE COMPANY Phone # 409-763-4666 E-mail \_\_\_\_\_

Signature [Signature] Address: ONE MOODY PLAZA, GALVESTON, TX 77550  
(attach additional signature, if applicable) (street, city, state and zip code)

My commission expires: 04-17-11



Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

Present Zoning of Property PSC (PLANNED SHOPPING CENTER)

Location SOUTHWEST CORNER OF TENNELL MILL RD & POWERS FERRY RD  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 923 District 17 Size of Tract 7.62 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

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 ATTACHED Exhibit A

List type of variance requested: SEE ATTACHED Exhibit A

Exhibit "A"**Variance #1**

We are requesting a variance to "Clean-up" the existing building setbacks and current building encroachments for the existing shopping center (constructed in 1973) within the subject property. This would allow for existing encroachments on ALL setbacks, front, side or rear, for the existing structures. The southeast portion of the property contains buildings that encroach into both front and rear setbacks, by varying distances. Refer to the site plan for encroachment areas.

The hardship in this case is that the existing shopping center was planned and built back in 1973; at that time, it is questionable on the enforcement of any setbacks, buffers, etc. This is a corner lot; therefore subject to greater setback requirements. Additionally, over the years there has been noticeable right-of-way take along the Powers Ferry Road side. This building (or portion of the shopping center buildings) is not altered in our proposed plan, and should be treated as an existing condition.

**Variance #2**

We are requesting a variance to reduce the front setback along Powers Ferry Road from 100-ft to 50-ft. This is for the consideration of constructing a future building/structures, approximately 2,500 SF in size.

The hardship in this case is that the existing shopping center was planned and built back in 1973. This is a corner lot; therefore subject to greater setback requirements. Additionally, over the years there has been noticeable right-of-way take along the Powers Ferry side (approximately 50-ft), which has greatly reduced the separation between the road and buildings.

**Variance #3**

We are requesting a variance to reduce the 40-ft zoning buffer to 10-ft, adjacent to the residentially zoned property (RM-12 - southwest corner of the project area). Currently the existing rear service driveway, curbing and fencing encroach within that buffer.

The hardship in this case is that the existing shopping center was planned and built back in 1973; at that time, it is questionable on the enforcement of any setbacks, buffers, etc. Based on current conditions there is approximately 175-ft of open space or landscape area that separates the existing "impervious" areas (taken from County GIS Mapping) between the parcels. It should be noted that any proposed security lighting behind the building will have shields to prevent "spillage" onto the adjacent property.

**Variance #4**

We are requesting a parking variance to reduce the total number of required stalls from 434 to 409 (25-space reduction). This is an approximate reduction of 5.73% from the total required number.

The hardship in this case is that over the years there has been noticeable right-of-way take along the Powers Ferry side (approximately 50-ft) and Terrell Mill Road side (undetermined); which has greatly reduced the parking for the shopping center. This proposed reduction would help "clean-up" the existing, proposed and future uses as it relates to the shopping center and create a base-line for the applicable parking numbers associated to the use. It should be noted that additional landscaping has been added to help break-up the sea of asphalt within the front of the shopping center.