



**APPLICANT:** Julian H. Falgons **PETITION NO.:** V-78  
**PHONE:** 305-905-6936 **DATE OF HEARING:** 10-12-11  
**REPRESENTATIVE:** Garvis L. Sams, Jr. **PRESENT ZONING:** PSC  
**PHONE:** 770-422-7016 **LAND LOT(S):** 947, 948, 978, 979, 980  
**PROPERTY LOCATION:** On the north side of Highway 41, east of Akers Mill Road (2955 Cobb Parkway). **DISTRICT:** 17  
**SIZE OF TRACT:** 24.46 acres  
**COMMISSION DISTRICT:** 2  
**TYPE OF VARIANCE:** Waive the front setback from the required 100 feet to 50 feet.

**COMMENTS**

**TRAFFIC:** GDOT permits will be required for all work encroaching upon state right-of-way. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed road widening project along Cobb Parkway.

**DEVELOPMENT & INSPECTIONS:** No comments

**STORMWATER MANAGEMENT:** No comment.

**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**

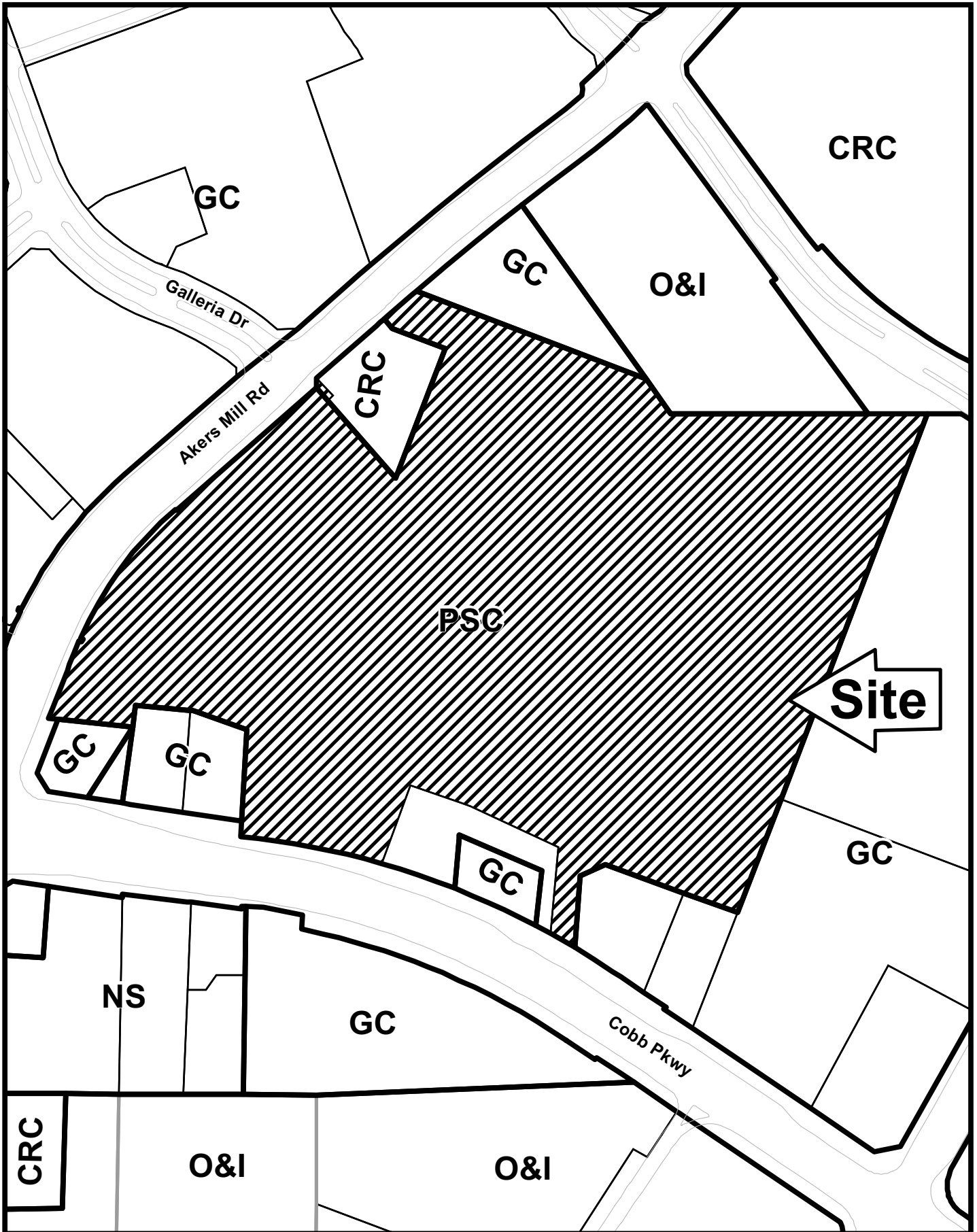
Applicant Name: **Julian H. Falgons**

Petition Number: V-78

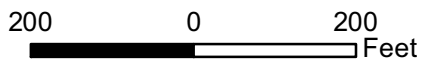
Date: 9/19/2011

**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-78



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)

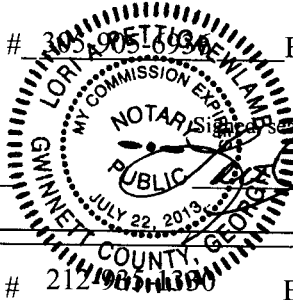
Application No. V-78  
Hearing Date: 10-12-11

Applicant Julian H. Falgons Phone # 305-905-6936 E-mail jfalgons@pollotropical.com

Julian H. Falgons Address 7300 N. Kendall Drive, 8th Floor, Miami, FL 33156  
(representative's name, printed) (street, city, state and zip code)

*Julian H. Falgons* Phone # 305-905-6936 E-mail jfalgons@pollotropical.com  
(representative's signature)

My commission expires: 7/22/2013



Signed, sealed and delivered in presence of:  
*Lori A. Newland*  
Notary Public

Titleholder US 41 & I-285 Company Phone # 212-907-1380 E-mail PAndresen@mallproperties.com

Signature *PAndresen* Address: 684 Madison Ave, 11th Fl, NY, NY 10065  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: Commission Expires May 24, 2014  
**HOSA H. MENDEZ**  
**Notary Public, State of New York**  
**No. 01ME6222473**  
**Qualified in Kings County**

Signed, sealed and delivered in presence of:  
*[Signature]*  
Notary Public

Present Zoning of Property PSC

Location 2955 Cobb Parkway, SE; nearest intersection is Akers Mill Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 979 District 17 Size of Tract 23.67 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.  
Strict application of Section 134-255.(4).d (Minimum Building Setbacks) would cause an undue hardship on this property by holding a new commercial building planned for this property to stricter standards than those required on adjacent properties along Cobb Parkway. This hardship would result in poor visibility of the building by approaching vehicular traffic. Enforcement of building setbacks will also result in the destruction of current traffic circulation patters within the shopping center which could negatively impact public safety and welfare.

List type of variance requested: \_\_\_\_\_  
Relief from the front setback requirements see attached site plan.  
WAIVE THE FRONT SETBACK FROM REQUIRED  
100FT TO 50FT