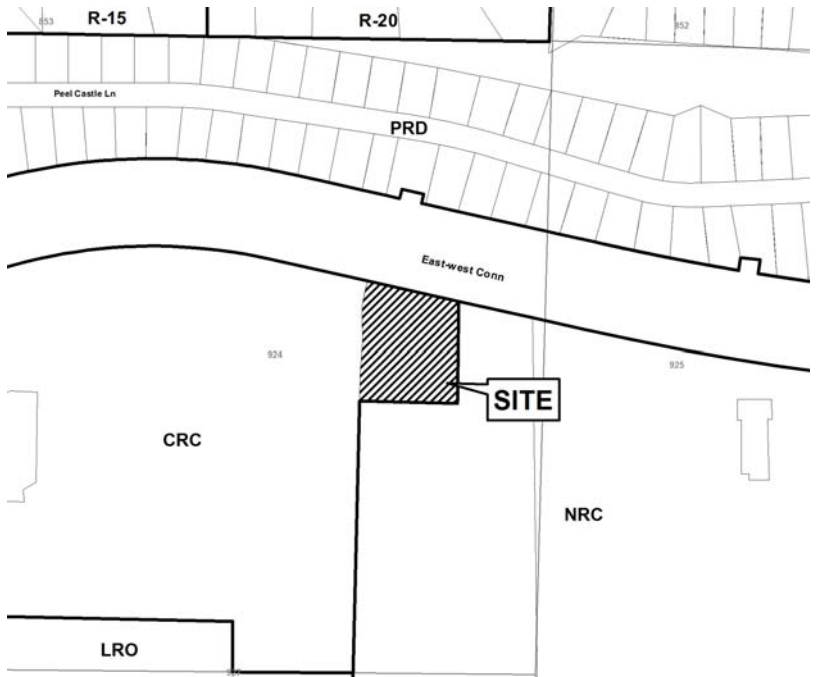


APPLICANT: TPP 19 Austell, LLC **PETITION NO.:** V-25
PHONE: 214-615-3369 **DATE OF HEARING:** 03/14/12
REPRESENTATIVE: John H. Moore **PRESENT ZONING:** CRC
PHONE: 770-429-1499
TITLEHOLDER: TPP 19 Austell, LLC **LAND LOT(S):** 924
PROPERTY LOCATION: At the southeast **DISTRICT:** 19
intersection of East West Connector and Floyd Road **SIZE OF TRACT:** 1.025 acres
COMMISSION DISTRICT: 4
TYPE OF VARIANCE: Waive the rear setback from the required 30 feet to zero feet.

COMMENTS

TRAFFIC: This request will not have an adverse impact on the transportation network.
DEVELOPMENT & INSPECTIONS: No comment.
SITE PLAN REVIEW: 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: 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

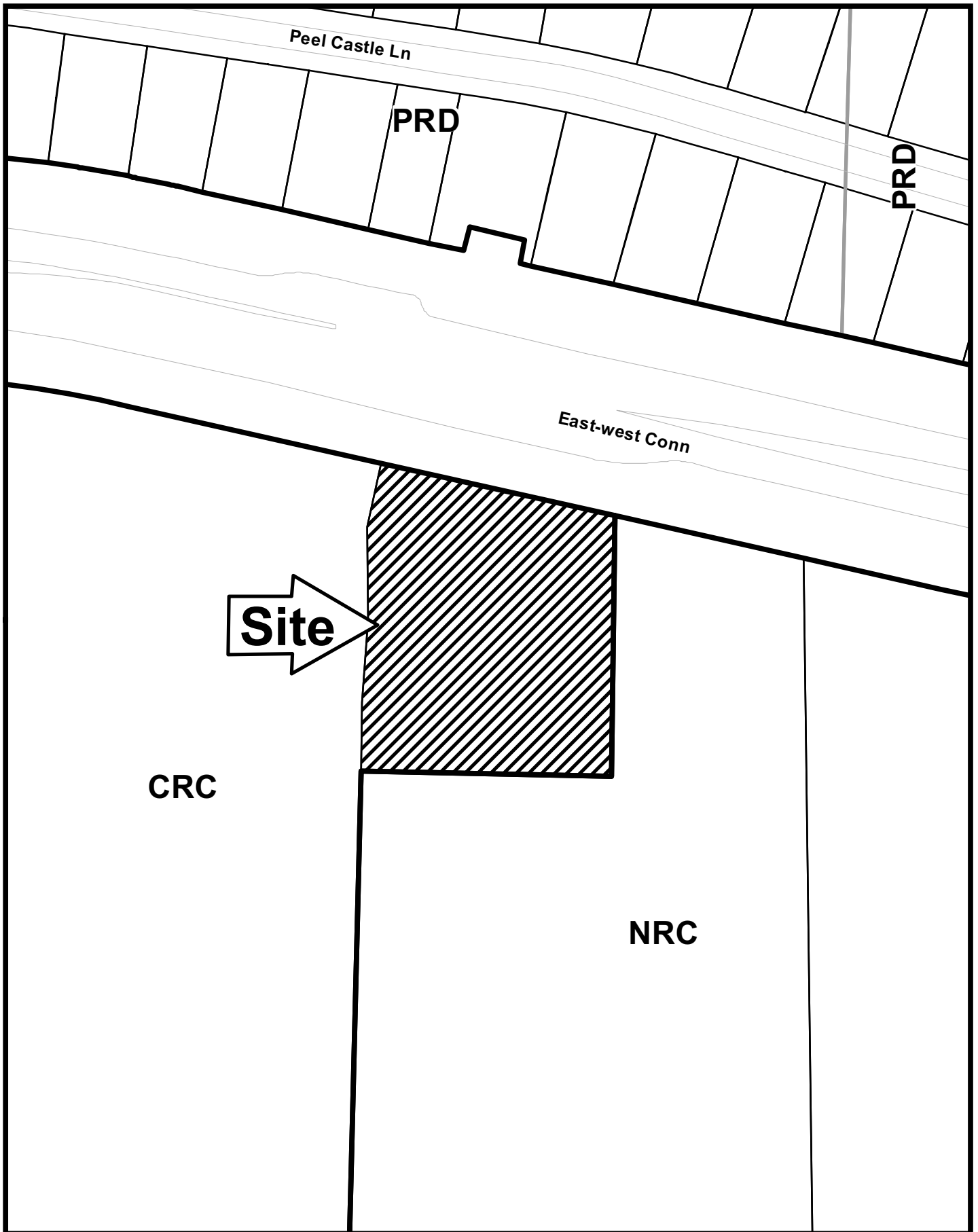
Applicant Name: **TPP 19 Austell, LLC**

Petition Number: V-25

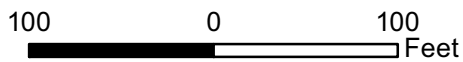
Date: 3/7/2012

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-24



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-25(2012)
Hearing Date: 03/14/2012

Applicant TPP 19 Austell, LLC, A Delaware Limited Liability Company Phone # (214) 615-3369 E-mail kschneider@trigatecapital.com
Moore Ingram Johnson & Steele, LLP Emerson Overlook
John H. Moore Address 326 Roswell Street, Marietta, GA 30060
(street, city, state and zip code)



(representative's name, printed) _____
(representative's signature) _____ Phone # (770) 429-1499 E-mail jmoore@mjs.com
Georgia Bar No. 519800 w7@mjs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public

Titleholder TPP 19 Austell, LLC, A Delaware Limited Liability Company Phone # (214) 615-3369 E-mail kschneider@trigatecapital.com

Signature BY: [Signature] Address: Suite 350, 1601 Elm Street,
(attach additional signatures, if needed) (street, city, state and zip code) Dallas, TX 75201
Jason Obenhaus, Vice President

My commission expires: 9/26/2013



Signed and delivered in presence of:

Judith E. Champion
Notary Public

Present Zoning of Property CRC

Location Southerly side of East-West Connector; Easterly of Floyd Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 924 District 19th Size of Tract 1.025 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 X 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 "A" attached hereto and incorporated herein by reference.

List type of variance requested: Waiver of required minimum rear setback from thirty (30) feet to zero (0) feet. (See § 134-218(4)(d).)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 25 (2012)
Hearing Date: March 14, 2012

BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant/Titleholder: **TPP 19 Austell, LLC,
A Delaware Limited Liability Company**

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

The property is an out parcel tract, consisting of 1.025 acres, which was rezoned and developed as part of the East-West Crossroads Shopping Center, and is located on the southerly side of the East-West Connector, in Land Lot 924, 19th District, 2nd Section (hereinafter "Property" or "Subject Property"). The Subject Property is currently zoned to the Community Retail Commercial ("CRC") zoning category. The building on the Subject Property was constructed at the time of, or shortly thereafter, development of the main shopping center, and has been utilized continually since that time. Applicant/Titleholder has recently purchased the Subject Property and learned, through the survey of the Property obtained for closing, that the building encroached into the rear setback area. Thus, Applicant/Titleholder seeks a waiver of the required thirty (30) foot rear setback variance in order to bring the Subject Property into conformity and to preserve its rights to rebuild and reconstruct the building should any portion be damaged or destroyed; and further to allow for any future renovations, upgrades, or construction to the building.