



**APPLICANT:** CBC Restaurant Corp.

**PETITION No.:** V-7

**PHONE:** 972-619-4182

**DATE OF HEARING:** 01-09-13

**REPRESENTATIVE:** Grvis L. Sams, Jr.

**PRESENT ZONING:** PSC

**PHONE:** 770-422-7016

**LAND LOT(S):** 979

**TITLEHOLDER:** U.S. 41 & I 285 Company

**DISTRICT:** 17

**PROPERTY LOCATION:** On the north side of Cobb Parkway, between Akers Mill Road and Riverwood Parkway (2973 Cobb Parkway).

**SIZE OF TRACT:** 0.68 acre

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the front setback from the required 100 feet to 70 feet on the southern side (proposed patio and covered seating area); and 2) waive the front setback from the required 100 feet to 49 feet on the southern side (existing building).

**OPPOSITION:** No. OPPOSED \_\_\_\_\_ PETITION No. \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**BOARD OF APPEALS DECISION**

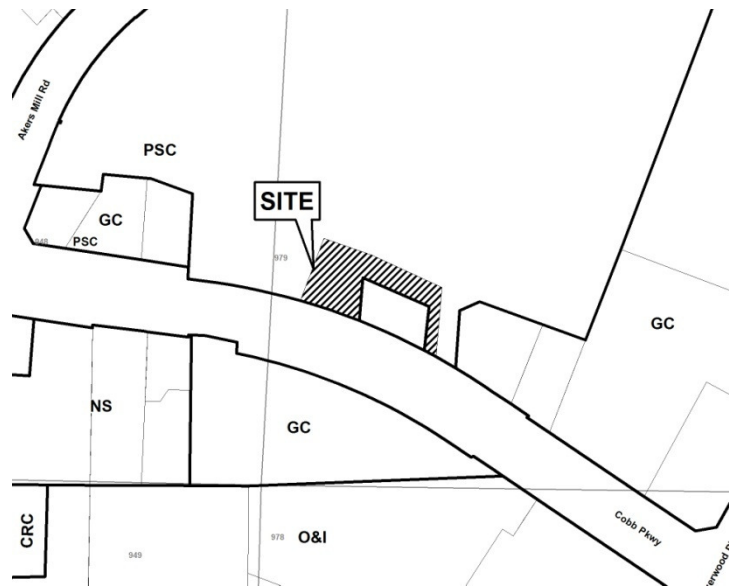
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

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

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

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

\_\_\_\_\_  
\_\_\_\_\_



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**COMMENTS**

**TRAFFIC:** Recommend applicant coordinate with Georgia DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Cobb Parkway.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** If this variance request is approved, a plat must be recorded prior to the issuance of the letter of completion or certificate of occupancy showing all improvements on the lot and referencing the variance case. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

**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.

**DESIGN GUIDELINES:** No comment.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

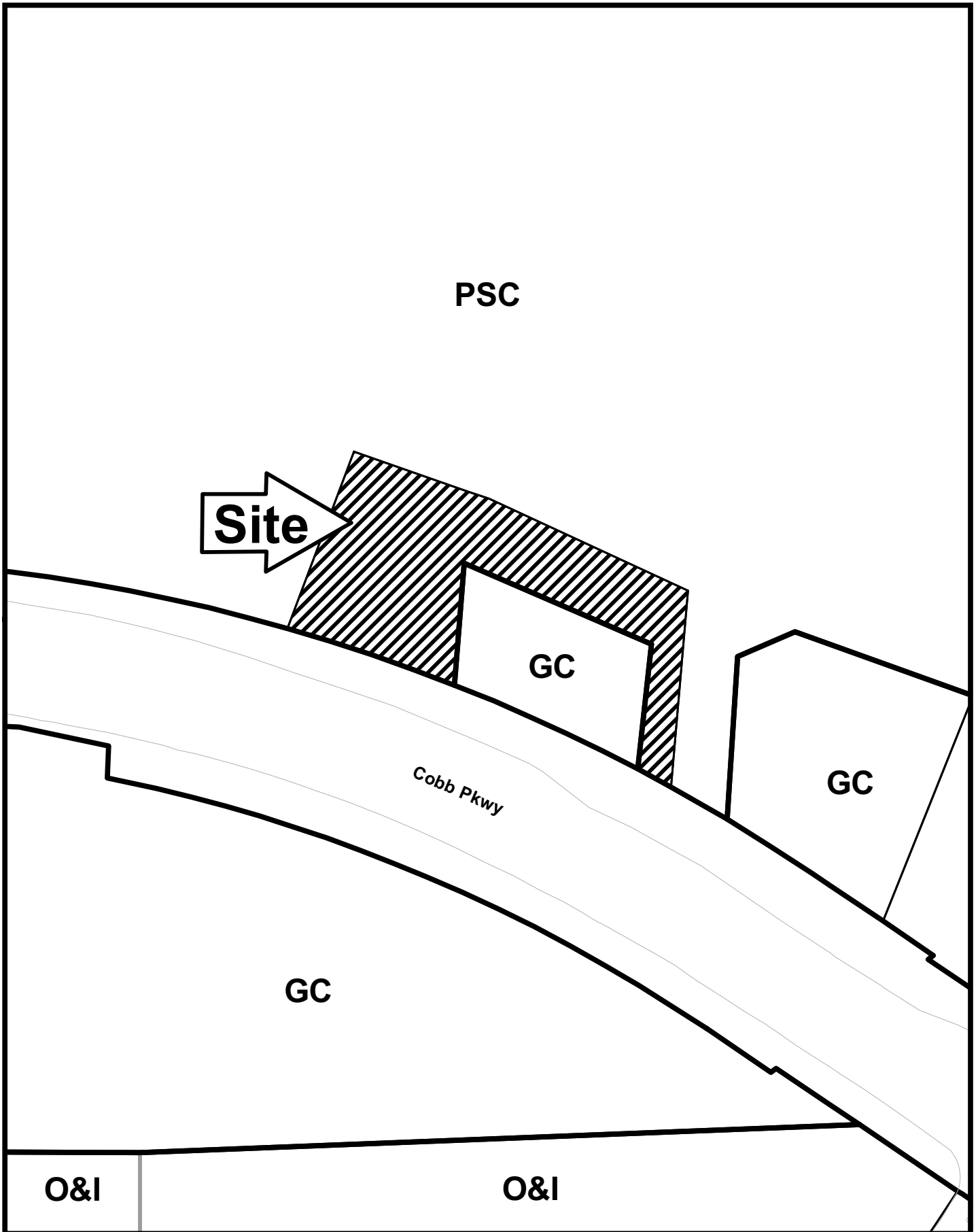
**SEWER:** No conflict.

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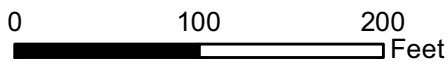
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-7

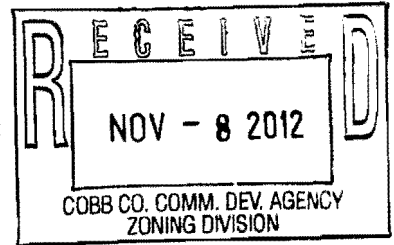


This map is provided for display and planning purposes only. It is not meant to be a legal description.



City Boundary  
Zoning Boundary

# Application for Variance Cobb County

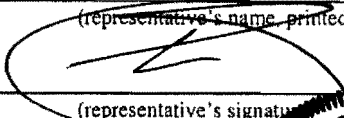


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Hearing Date: 01/09/2013

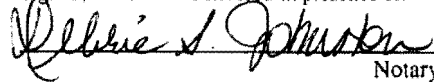
Applicant CBC Restaurant Corp., a Delaware Corp. Phone # (972) 619-4182 E-mail david.lake@cornerbakerycafe.com

Garvis L. Sams, Jr., Sams, Larkin & Huff, LLP Address 376 Powder Springs St., Ste. 100, Marietta, GA 30064  
(representative's name, printed) (street, city, state and zip code)

 Phone # (770) 422-7016 E-mail gsams@samslarkinhuff.com  
(representative's signature)

My commission expires: 4/10/16

Signed, sealed and delivered in presence of:

  
Notary Public

Titleholder U.S. 41 Properties, Corp. c/o Mail Properties, Inc. Phone # (212) 935-1330 E-mail pandresen@mpi-re.com  
c/o Mail Properties, Inc.

Signature X Address: 5500 New Albany Rd., E., 3rd Floor, New Albany, OH 43054  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 4/10/2016

Signed, sealed and delivered in presence of:

  
Notary Public

Present Zoning Planned Shopping Center (PSC)

Location 2973 Cobb Parkway  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 979 District 17th Size of Tract .68 acres out of a total tract of 24.46 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 the property to stricter standards than those required on adjacent properties along this section of the Cobb Parkway Corridor. This hardship would result in poor visibility of the building by approaching vehicular traffic. Unfortunately, building setbacks will also result in the destruction of current traffic circulation patterns within the shopping center which could negatively impact public safety and welfare.

List type of variance requested: Waiver of the front setback from the required 100 feet under PSC to 50 feet as shown on the site plan being filed contemporaneously herewith.

**EXHIBIT**  
**V-7 (2013)**

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

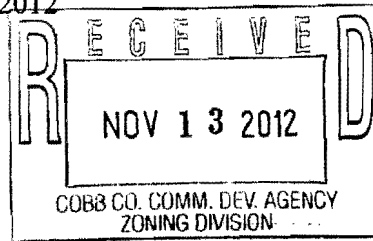
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 13, 2012

**VIA EMAIL**

Ms. Kim Swanson, Member  
Cobb County Board of Zoning Appeals  
4960 Hampton Farm Drive  
Marietta, GA 30068



Re: Variance Application of CBC Restaurant Corp., Application No. V-7

Dear Kim:

This firm has been engaged by and represents CBC Restaurant Corp. concerning the above-captioned Variance Application which is scheduled to be heard and considered by you and the Cobb County Board of Zoning Appeals ("BZA") on January 9, 2013. You are no doubt familiar with the property which constitutes the subject matter of the Variance Application which is the Longhorn's Restaurant site adjacent to the tract which you and I worked on regarding the Pollo Tropical Variance Application last year.

With respect to the foregoing, attached please find a copy of the Variance Application package which was filed last week on November 8, 2012 which includes architectural renderings/elevations depicting the architectural style and composition of the proposed Corner Bakery Café ("CBC"). The Application seeks the following:

1. A waiver of the required front setback under the PSC District from 100 feet to 70 feet for the construction of a new patio and covered seating area.
2. A waiver of the required front setback under the PSC District from 100 feet to 49 feet to accommodate the existing building (as-built).

The Variance Application seeks to pave the way for the construction (rehabbing and retrofitting) of a Corner Bakery Café which has 144 locations throughout the United States, including four (4) locations within the Metropolitan Atlanta area. CBC is utilizing the same engineering firm (Travis Pruitt & Associates) which was selected by Pollo Tropical for its Variance Application. In that regard, David Blumenthal of Travis Pruitt and I would like to meet with you on the site at your convenience after Thanksgiving. More than likely, David Lake, CBC's Construction Project Manager will meet with us as well. Please let me know when it is convenient for you to do so. I look forward to working with you again in connection with this Variance Application.

**SAMS, LARKIN & HUFF**

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL**

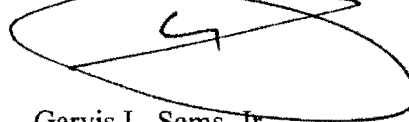
Ms. Kim Swanson, Member  
Cobb County Board of Zoning Appeals  
November 13, 2012  
Page 2

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With kind regards, I am

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~



Garvis L. Sams, Jr.

[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS/dsj

Attachment

cc: Mr. David Lake, Construction Project Manager  
Corner Bakery Café (via email w/attachment)  
Mr. David Blumenthal, PE, LEED AP, Project Manager  
Travis Pruitt & Associates (via email w/attachment)  
Mr. Terry L. Martin, MPA, Planner II  
Cobb County Zoning Division (via email w/attachment)