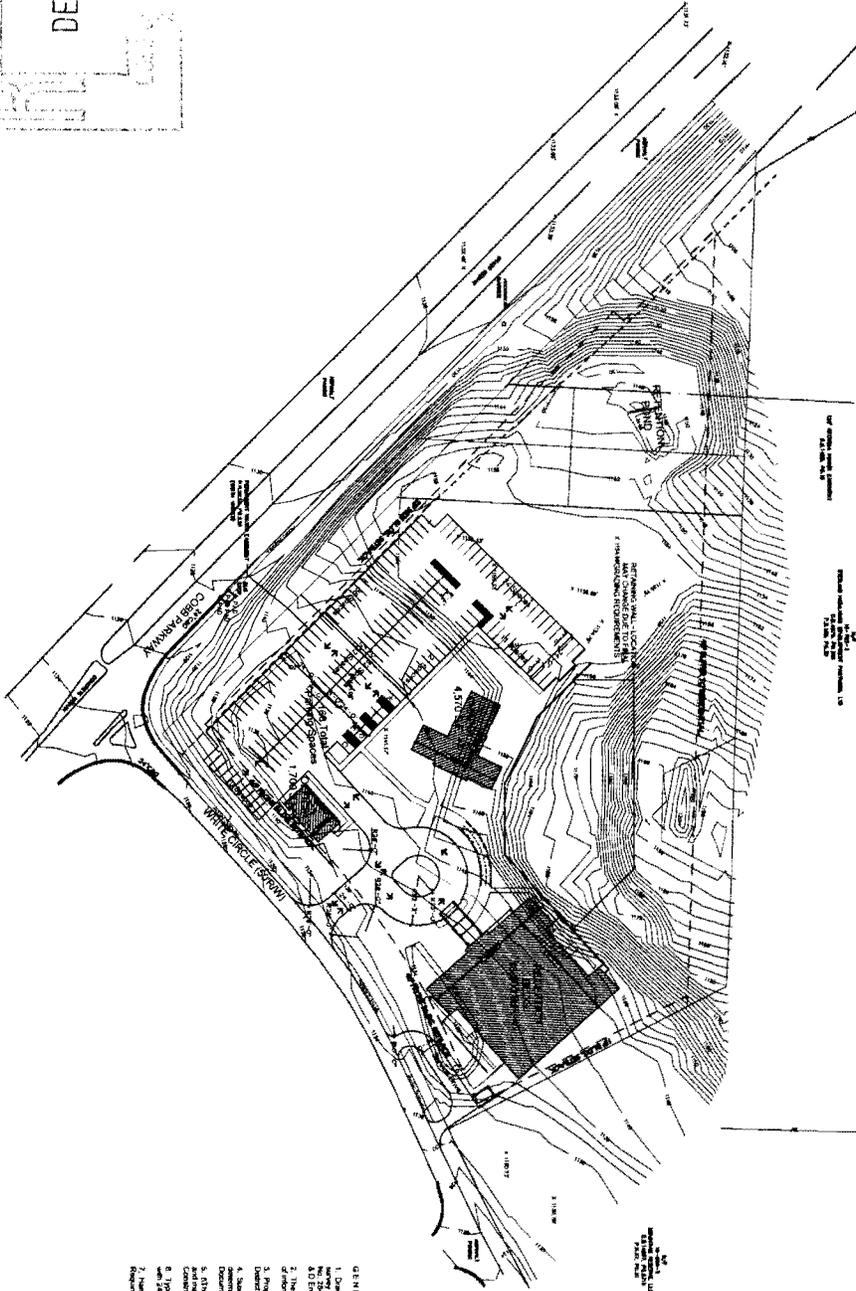


DEC 11 2014



- GENERAL NOTES:**
1. Drawing is based on topographic information from No. 2000 State Survey, 1974 and the Plan by E.I. & O.E. Engineering, Inc. dated 04/19/97.
 2. The proposed features to be added to the existing site are shown in solid black.
 3. Proposed features are shown in dashed black.
 4. Show and locate of easements shall be as shown on the site plan.
 5. The location of easements shall be as shown on the site plan.
 6. All proposed features shall be in accordance with the City of Atlanta's 1997 Ordinance 10-1000000-0000.
 7. All proposed features shall be in accordance with the City of Atlanta's 1997 Ordinance 10-1000000-0000.

① SITE STUDY
SCALE: AS SHOWN
↑

AS1.01
ARCHITECTURAL SITE



AS1.01
Architectural Site
This drawing is based on the information provided by the client and is not a representation of the architect's work. The architect is not responsible for the accuracy of the information provided by the client.

Architectural Site
Ashdon Gardens
Ashdon Gardens Atlanta West
Cobb County, Georgia



APPLICANT: AG-MGP, LLC

PETITION No.: V-27

PHONE: 404-926-4630

DATE OF HEARING: 02-11-2015

REPRESENTATIVE: Julie Sellers, Weissman,
Nowack, Curry and Wilco

PRESENT ZONING: GC, TS

PHONE: 404-926-4630

LAND LOT(S): 864, 210

TITLEHOLDER: AG-MGP, LLC

DISTRICT: 16, 20

PROPERTY LOCATION: On the northwest corner of
White Circle and Cobb Parkway
(1600 North Cobb Parkway).

SIZE OF TRACT: 7.86 acres

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: Waive the minimum number of parking spaces from the required 206 spaces to 168 spaces.

OPPOSITION: No. OPPOSED PETITION No. SPOKESMAN

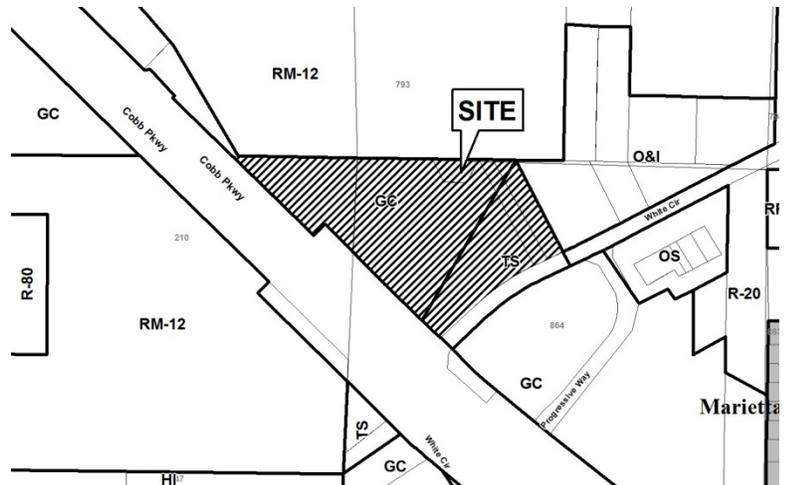
BOARD OF APPEALS DECISION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

STIPULATIONS:



COMMENTS

TRAFFIC:

Recommend no parking on the right-of-way.

This request will not have an adverse impact on the transportation network.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: The plan submitted with this variance application does not meet Cobb County Tree Ordinance requirements. Additional parking spaces will be lost to required tree planting peninsulas. The trees required in parking lots are important components of the air and water quality aspects of the tree ordinance, and are not just required for aesthetic reasons. Compliance with all Tree Ordinance requirements should be a condition of any approval of this variance.

STORMWATER MANAGEMENT: The Stormwater Management Division supports the parking variance and the resulting reduction in impervious coverage.

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: 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.

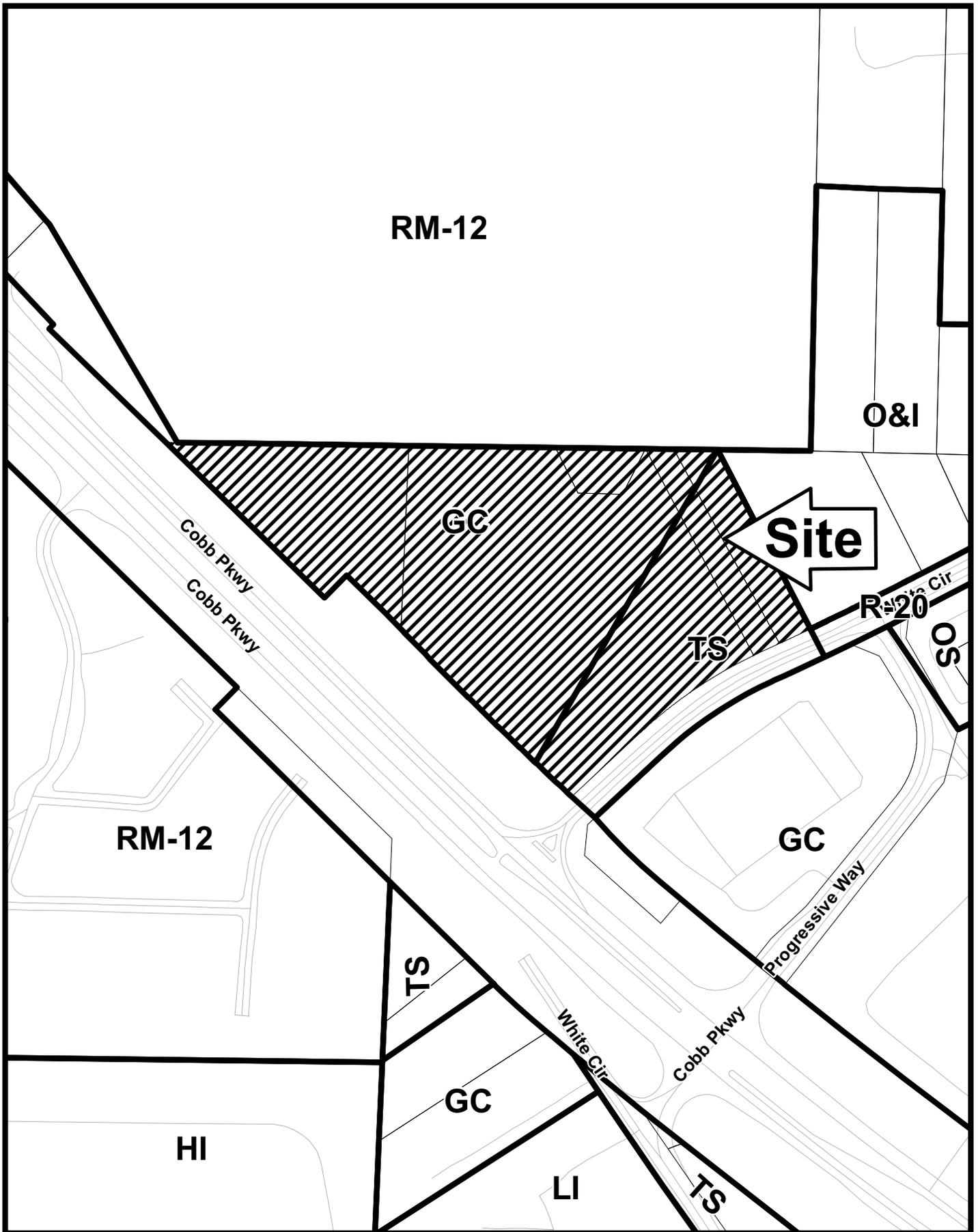
SEWER: No conflict.

APPLICANT: AG-MGP, LLC

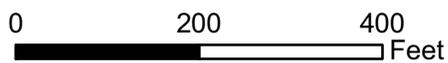
PETITION No.: V-27

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-27



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



-  City Boundary
-  Zoning Boundary

DEC 11 2014

Application for Variance Cobb County

(type or print clearly)

Application No. V-27
Hearing Date: 2-11-15

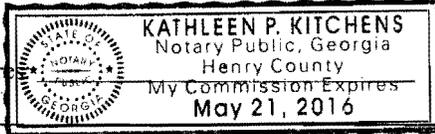
AG-MGP, LLC

Applicant c/o Julie Sellers, Esq. Phone # 404-926-4630 E-mail juliesellers@wncwlaw.com

Julie Sellers, Weissman, Nowack, Address One Alliance Center - 4th Floor
3500 Lenox Rd, Atlanta, Georgia 30326
(representative's name, printed) Curry & Wilco (street, city, state and zip code)

Phone # 404-926-4630 E-mail juliesellers@wncwlaw.com

(representative's signature)



Signed, sealed and delivered in presence of:

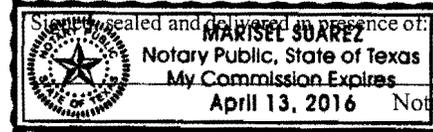
Notary Public

My commission expires:

Titleholder AG-MGP, LLC Phone # 284-445-6935 E-mail _____

Signature [Handwritten Signature] Address: 525 N SAM HOUSTON PKWY East HOUSTON TX 77060
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: April 13, 2016



Present Zoning of Property GC and TS

Location 1600 N. Cobb Parkway; 1601 White Circle; 1611 White Circle
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 864 District 16th Size of Tract 7.86 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

See attached.

List type of variance requested: See attached.

V-27
(2015)
Exhibit

Weissman Nowack
Curry & Wilco
ATTORNEYS AT LAW

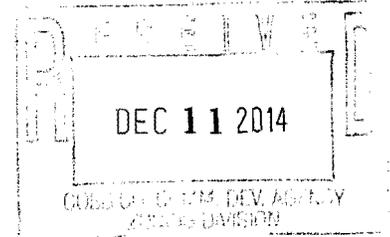
JULIE SELLERS

Direct Dial: (404) 926-4630
Direct Fax: (404) 926-4830
Email: juliesellers@wncwlaw.com

One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30326
Telephone: (404) 926-4500
Fax: (404) 926-4600
www.wncwlaw.com

December 11, 2014

Cobb County Board of Zoning Appeals
Cobb County
Zoning Division
1150 Powder Springs Street, Suite 400
Marietta, Georgia 30064



Re: Variance Application, Letter of Intent, and Constitutional Notice
AG-MGP, LLC

Dear Cobb County Board of Zoning Appeals:

This firm has been retained to represent the Owner/Applicant AG-MGP, LLC in connection with this application requesting a variance from the strict application of Section 134-272. The property at issue is identified in the attached deed and includes the following parcels: 16086400030, 20021000120, 16086400040, 16086400290, 16086400210 (the "Property").

Applicant owns and operates wedding and reception facilities in Texas and Georgia known as Ashton Gardens. Since 2008, Ashton Gardens has been voted the best wedding venue by brides through the Knot and WeddingWire. The Ashton Gardens' existing Atlanta area venue is a beautiful facility located in Sugar Hill, Georgia. Applicant intends to construct and operate a similar wedding and event facility at the Property.

The plans include a small office building for administrative purposes, a chapel (seating for 200) and a reception building (seating for 400). Applicant's site plan reflects 168 total parking spaces which will provide more than enough parking for the facility. However, Applicant has been advised that the Cobb County Zoning Code, Section 134-272 may be interpreted to require Applicant to satisfy the parking for all three buildings. Two factors support this request for a reduction in parking space requirements (1) the office will not be in use during the events at the facility, (2) the chapel and reception hall will not both be occupied at one time. In other words, guests at a wedding in the chapel will go to the reception hall after the ceremony OR a reception may take place without the use of the chapel. However, there would not be a maximum use of both facilities at the same time. Applicant requests a variance to allow for 168 parking spaces which is 34 spaces more than the requirement for the reception hall (largest building).

The following calculations reflect the excessive parking spaces if Section 134-272 is strictly interpreted and enforced for a venue that would at maximum host 400 seated guests.

Building Type	Section 134-272 Requirement	Calculation/Parking Spaces
Office	Offices not elsewhere classified 1 space per 285 square feet (net) of floorspace	1,700 sq. feet/285 sq. feet 6 Parking spaces
Chapel	Assembly hall 1 space per 3 seats for every person lawfully permitted within the assembly hall at 1 time.	200 seats / 3 seats 66 Parking spaces
Reception Facility	Assembly hall 1 space per 3 seats for every person lawfully permitted within the assembly hall at 1 time.	400 seats / 3 seats 134 Parking spaces
		TOTAL 206

The following supporting documents are attached:

1. Limited Warranty Deed, including attached legal description;
2. Letter confirming authority of this firm to act as the Owner/Applicant's representative;
3. Tax payment confirmation; and
4. \$500 application fee.

Applicant satisfies all of the criteria for a variance as set forth in the Cobb County Zoning Code, Section 134-94(3):

1. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.**

The property's topography includes steep grades and limited developable area. This topography creates exceptional conditions on the Property for which a variance should be granted.

2. The application of the Zoning Code to this particular piece of property would create an unnecessary hardship.

As set forth above, the strict application of the parking requirements under Section 134-272 would create an unnecessary hardship by requiring 206 parking spaces. Applicant plans to develop an attractive event facility and the excess parking spaces would detract from the overall aesthetics of the facility while at the same time serving no purpose.

3. Such conditions are peculiar to the particular piece of property involved.

The topography and location creates challenges with development of the Property. The Property is on a corner of two roads and has extreme slopes on the Property. The proposed development for a wedding and event reception facility is an appropriate use of the Property. However, due to the type of use requiring 206 parking spaces is an undue hardship that is also impacted by the location and topography of the Property.

4. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Resolution.

If granted, the variance would not cause substantial detriment to the public good nor impair the purposes or intent of Cobb County's Zoning Code. In fact, the variance would facilitate the development of the Property which was previously cleared (by a prior owner) and in its current condition does not enhance the area. There is no detriment to the public good by the slight reduction in parking spaces at the venue. Similarly, the Zoning Code will not be impaired by this application of the parking requirements.

The hereinafter constitutional notice is now required by Georgia law.

Owner/Applicant respectfully submits that the failure to grant the variance would be unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Cobb County Board of Zoning Appeals without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the

Cobb County Board of Zoning Appeals
AG-MGP, LLC variance
December 11, 2014
Page 4

Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Cobb County Board of Zoning Appeals to approve the variance application for the Property in accordance with the zoning criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the variance application meets the requirements of the Cobb County Zoning Code. This notice is being given to comply with the provisions of O.C.G.A. § 36-11-1 to afford the County an opportunity to grant the requested variance. If action is not taken by the BZA to grant the variance within a reasonable time, a claim will be filed in the Superior Court of Cobb County demanding just and adequate compensation under Georgia law for the taking of the Property, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

We respectfully request that the Application be granted. Should you have any questions or require additional information, please let me know.

Best wishes.

Sincerely,

WEISSMAN, NOWACK, CURRY & WILCO, P.C.



Julie Sellers

JLS/mah
Enclosures