

DATE	DESCRIPTION
11/15/15	ISSUED FOR PERMIT
08/11/15	REVISED
07/15/15	ISSUED FOR PERMIT

LEGAL DESCRIPTION
 LINCOLN HILLS PHASE II

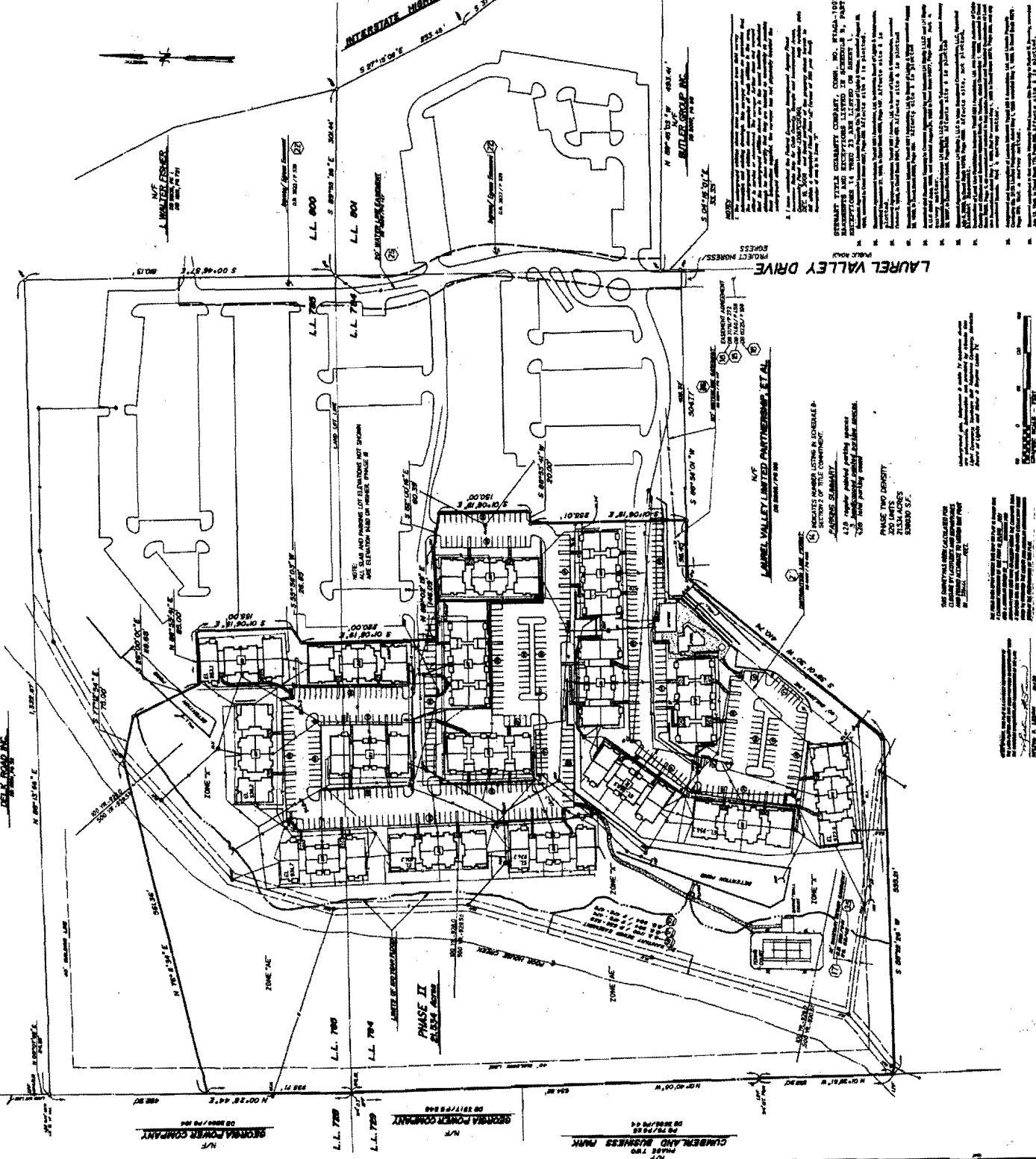
THE PROPERTY SHOWN ON THIS MAP IS THE SAME AS THE PROPERTY SHOWN ON THE MAP OF THE LINCOLN HILLS PHASE II SUBDIVISION, AS SHOWN ON MAP NO. 11-15-15-001, AS FILED IN THE PUBLIC RECORDS OF LINCOLN COUNTY, GEORGIA, ON 11/15/15.

- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.

RAIMARK LP,
 a Georgia limited partnership
NAT CAPITAL, LLC,
 its successors and/or assigns
GOLDENBERG KOHN, LTD.
MADISON TITLE AGENCY, LLC
STEWART TITLE GUARANTY COMPANY

LAND LOTS 794 & 795
PHASE II
CONSTRUCTION ENGINEER
CEA
DATE: MARCH 24, 2015

SHEET 2 OF 2



STEWART TITLE GUARANTY COMPANY, CORP.
 1111 N. W. 10TH AVENUE
 SUITE 1000
 MIAMI, FL 33136
 (305) 571-1111

LAUREL VALLEY DRIVE

PHASE II

LAUREL VALLEY LIMITED PARTNERSHIP, ET AL.

GEORGIA POWER COMPANY

CUMBERLAND BUSINESS PARK

DELTA POWER INC.

LAUREL VALLEY DRIVE

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GEORGIA POWER COMPANY

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GEORGIA POWER COMPANY

CUMBERLAND BUSINESS PARK

DELTA POWER INC.

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APPLICANT: Ralmark, LP

PETITION No.: V-50

PHONE: 718-437-5400

DATE OF HEARING: 04-01-2015

REPRESENTATIVE: Kathryn M. Zickert, Esq.

PRESENT ZONING: RM-16

PHONE: 404-815-3704

LAND LOT(S): 784, 785, 801

TITLEHOLDER: Ralmark, LP

DISTRICT: 17

PROPERTY LOCATION: At the northern terminus of Laurel Valley Drive (Private), north of Terrell Mill Road, west of Interstate 75 (3500 Windcliff Drive).

SIZE OF TRACT: 43 acres

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: Waive the minimum number of parking spaces from the required 1,190 to 1,047.

OPPOSITION: No. OPPOSED PETITION No. SPOKESMAN

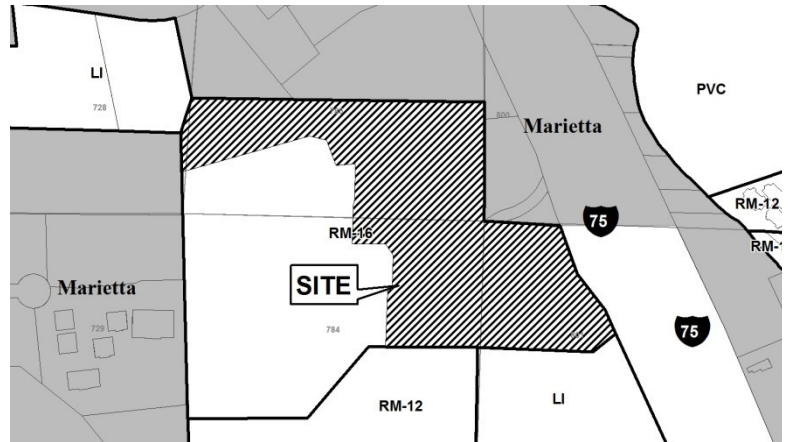
BOARD OF APPEALS DECISION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

STIPULATIONS:



APPLICANT: Ralmark, LP **PETITION No.:** V-50

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: The Stormwater Management Division supports the reduction in required parking spaces.

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.

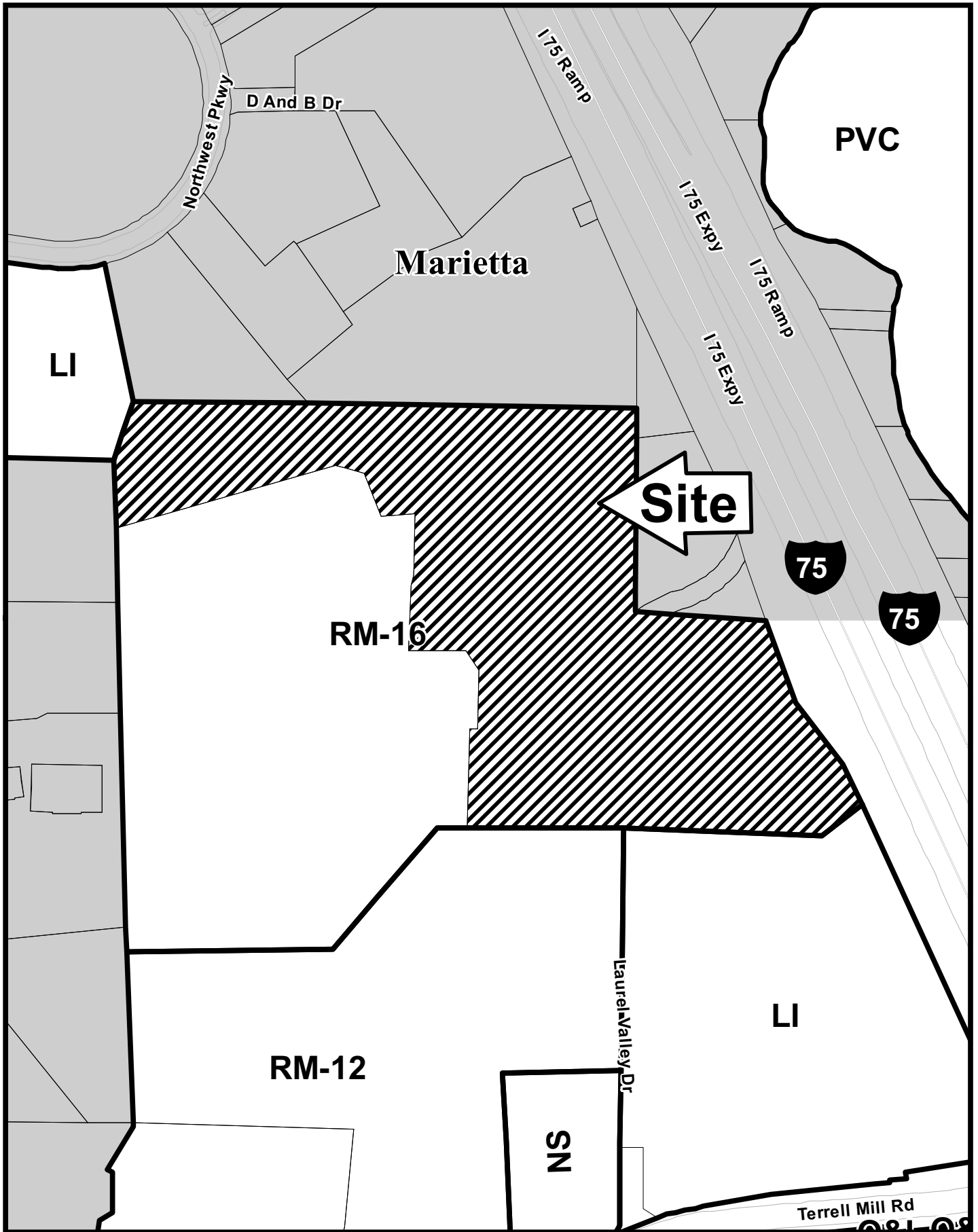
WATER: No conflict.

SEWER: No conflict.

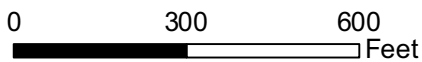
APPLICANT: Ralmark, LP **PETITION No.:** V-50



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-50

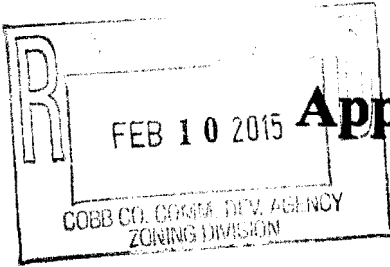


This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

ORIGINAL



Application for Variance Cobb County

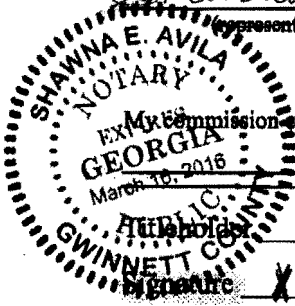
(type or print clearly)

Application No. V-50
Hearing Date: 4-1-15

Applicant Ralmark, LP Phone # (718) 437-5400 E-mail jherman@collinsgroupllc.com

Kathryn M. Zickert, Esq. Address 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309
(representative's name, printed) (street, city, state and zip code)

Shawna E. Avila Phone # 404-815-3704 E-mail kmzickert@sgrlaw.com
(representative's signature) Notary



Signed, sealed and delivered in presence of:
Kathryn M. Zickert
Representative Notary Public

My commission expires: 3-16-16

Ralmark, LP Phone # (718) 437-5400 E-mail jherman@collinsgroupllc.com

[Signature]
(attach additional signatures, if needed)

Address: 1120 East 22nd Street, Brooklyn, NY
(street, city, state and zip code)

Signed, sealed and delivered in presence of:
Chaya Eisenbach
Notary Public

My commission expires: No. 01EI 4616303 Qual. in Kings County
Commission Expires July 31, 2017

Present Zoning of Property RM-16

Location 3500 Windcliff Drive, SE, Marietta, Georgia 30067
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 784, 785 District 17 Size of Tract 43 +/- 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

See attached Letter of Intent

List type of variance requested: See attached Letter of Intent

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Main: 404 815-3500
Fax: 404 815-3509
www.sgrlaw.com

V-50
(2015)
Exhibit

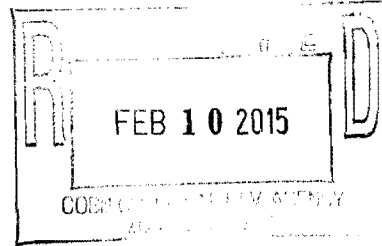
SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Kathryn M. Zickert
Direct Tel: 404-815-3704
Direct Fax: 404-685-7004
kzickert@sgrlaw.com

February 9, 2015

VIA EMAIL

Rob Hosack, AICP
Cobb County Community Development
Planning Division
1150 Powder Springs St., Ste 400
Marietta, GA. 30064



Re: Lincoln Hills Apartment Complex

Dear Rob,

I hope you are well. Please be advised that I represent Ralmark Georgia, LLC in conjunction with a variance request for the Lincoln Hills apartment complex in Cobb County. This letter is being submitted as the legal justification for the variance. My client's checks for the application fee (\$500.00) and sign posting fee (\$100.00) are also included. Also enclosed for the file is a standard Constitutional Objection.

The Lincoln Hills complex contains a total of 680 units and is located on 43.071 acres of land. It is zoned R-16 and was built in the mid 80's. As is the case now, the parking requirement then was 1.75 spaces per unit. However back in the '80's the Cobb Zoning Ordinance also contained a requirement that at least 50% of total units should be efficiency or one bedroom units. For this reason, of the total 680 dwelling units in this complex, 459 (67.5%) are efficiency or one-bedroom units.

The original developer was Lincoln Properties. Its then-Project Manager, Lindsay Freeman, was of the opinion that the one-bedroom and efficiency units did not require 1.75 spaces per unit. He advises that he sought and obtained an administrative variance to reduce the required parking spaces from 1,190 to 1,047. However, efforts to unearth documentation of the administrative variance at the Planning Department have failed.

This project recently was sold. In light of the inability to find documentation of the administrative approval, the lender characterized the parking situation as a nonconforming use. It has required the Applicant to make sure that the property is fully compliant with the code. Additionally, the Applicant does not want to add unnecessary impervious surface given the location on site of the Pool House creek. Therefore this variance request is being pursued.



Mr. Rob Hosack
February 9, 2015
Page 2

The complex has operated successfully, without any shortage of parking spaces, for almost 30 years. The additional spaces clearly have not been needed. The Applicant merely seeks to insure that what is on the ground now is lawful.

For these reasons the Applicant respectfully requests favorable consideration of this variance application. Should you have questions then please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Zickert". The signature is fluid and cursive, with the first name "Kathryn" written in a larger, more prominent script than the last name "Zickert".

Kathryn M. Zickert

KMZ/tnw
Enclosures

cc: Mr. Ari Parnes
Mr. Jay Herman